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I. LIBRARY MISSION AND OBJECTIVES

MISSION

The Brown Deer Public Library, established and supported by the citizens of Brown Deer, provides access to the facilities, resources and services necessary to meet the informational, educational and recreational needs of all people in the community. It assembles preserves and administers an organized collection of print and non-print materials to fill these needs.

OBJECTIVES (adopted 1979):

1. To assemble, preserve and administer in an organized manner, books and related educational, recreational and cultural material for the use of the community.
2. To serve the community as a center of reliable information by providing opportunity and encouragement for all citizens in the community to educate themselves continuously.
3. To provide a place where inquiring minds may encounter the original, sometimes unorthodox and critical, ideas so necessary as correctives and stimulants in a society that depends for its survival on free competition of ideas.
4. To seek continuously to identify and meet community needs by critical selection from the mass of available material those which best meet those needs.

II. MATERIAL SELECTION

The Library Board and library staff firmly believe that the freedom to read is one of the basic freedoms in our American democracy. With this philosophy in mind, the Library Board endorses the American Library Association's *Library Bill of Rights and Freedom to Read Statement*.

The Library Board delegates to the Library Director the responsibility to select and purchase material within the limitations of the budget and this policy. The final authority for the determination of policy in the selection and acquisition of materials is vested in the Library Board.

The collection development policy encompasses primary objectives in material selection, areas of collection development, principles of materials selection, guidelines for materials selection, selection criteria, aids, and procedures, accepting and receiving of gifts, evaluation, withdrawal, or replacement of materials, and procedures for reconsideration of materials.

a. PRIMARY OBJECTIVES IN MATERIAL SELECTION

The primary objectives in selecting materials shall be to provide materials to meet a wide range of interests on all levels, with diversity of appeal, and to provide for presentation of different points of view. To accomplish this, the Library Board and the Library Director assert that the following objectives should be followed in the selection of all materials.

1. To assemble, preserve and administer, in organized collections, print and non-print educational and recreational material in order to promote, through guidance and stimulation, the communication of ideas, an enlightened citizenship, and enriched personal lives.
2. To serve the community as a center of reliable information.
3. To provide a place where inquiring minds may encounter the original, sometimes unorthodox and critical ideas so necessary as correctives and stimulants in a society that depends for its survival on free competition in ideas.
4. To support educational, civic, and cultural activities or groups and organizations.
5. To provide opportunity and encouragement for children, young people, men, and women to educate themselves continuously.
6. To seek continually to identify community needs, to provide programs of service to meet such needs, and to cooperate with other organizations, agencies, and institutions which can provide programs or services to meet community needs.

b. AREAS OF COLLECTION DEVELOPMENT:

1. The library will purchase materials in every subject area.
2. Another area of collection development will be the addition of materials appropriate for the services the library provides in the community.

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- a. The library will purchase materials to meet the demand for current, high-interest materials in both fiction and nonfiction. Multiple copies may be purchased to meet demand. Material will include a variety of formats such as audiocassette, compact discs, videocassettes, and CD Roms.
- b. The library will purchase materials for children in a variety of formats which will help foster reading readiness, encourage use of the imagination, and satisfy curiosity.
- c. The library will purchase material to provide basic reference service for all ages in areas of interest to local residents and business. Encyclopedias, handbooks, directories, and indexes will be included as part of the non-circulating reference collection. Local history materials will be collected as available and appropriate for this collection.

c. PRINCIPLES OF MATERIALS SELECTION:

1. Materials selected for the library collection are intended to meet the needs of Brown Deer residents. These include recreational, cultural, informational, and educational materials.

The scope of materials to be selected is intended to offer a choice of format, treatment, and level of difficulty which will meet most library needs of individuals of all ages.

The depth of the collection will reflect recognition of resources available at other area/MCFLS libraries.

In order to withstand repeated long term use, materials selected should have suitable physical characteristics such as sturdy binding, high quality printing, general durability, and adequate packaging. Exceptions may be made if in the judgment of professional staff materials which do not meet these standards are of such value that they should be included in the collection.

The library's collection is intended to be current rather than archival, and will be reviewed and evaluated on an ongoing basis to be sure that it is still meeting the needs of its clients and the community.

2. The purpose of a materials selection policy is to guide librarians and to inform the public about the library's criteria for selection. A policy cannot replace the judgment of librarians, but stating goals and indicating boundaries will assist them in choosing from the array of available materials.

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The Library affirms the rights of all individuals to have free and open access to ideas and information through its materials collection and services. The Library Board of Trustees has adopted the *Library Bill of Rights* as a basic tenet governing the selection of materials.

3. The primary objectives of the Library in selection are to provide materials of contemporary significance and of long term value which serve the interests and needs of its patrons. The Library recognizes an immediate obligation to provide materials for enlightenment and recreation, even though such materials may not have enduring interest or value. The Library also has an ongoing responsibility to both present and future generations in adding materials which will enrich the collection and maintain an overall balance.
4. The authority and responsibility for the selection of library materials is delegated to the Library Director and, under his/her direction, to the professional staff who are qualified for this activity by reason of education, training, and experience. Suggestions from staff members and from library users are encouraged and seriously considered in the selection process.

d. GUIDELINES FOR MATERIALS SELECTION

1. The selection of any material for the Library's collection does not constitute an endorsement of its contents. The Library recognizes that many materials are controversial and that any given item may offend some clients. Decisions are not made on the basis of any anticipated approval or disapproval, but on the merits of the work in relation to the building of the collection and to serving the interests of clients.
2. Responsibility for children's use of library materials rests with their parents or legal guardians. Selection decisions are not influenced by the possibility that material may be accessible to use by children.
3. The Library recognizes the purposes and resources of other libraries in Milwaukee County and will not needlessly duplicate materials.
4. The Library will not acquire textbooks and/or other curricular-related materials unless such materials also serve the general public or unless the information in such materials is not otherwise available.
5. The Library always seeks to select materials of varying complexity and format because it has a potential public embracing a wide range of ages, educational backgrounds, interests, sensory preferences, and reading skills.

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6. The Library will purchase a video collection for children which will include videos of an informational or educational nature and videos based on popular or classic children's books and music.
7. Library materials are not marked or identified to show approval or disapproval of the contents and materials are not sequestered except for the purpose of protecting them from damage or theft.
8. Procedures have been developed for the reconsideration of materials to assure that objections or complaints are handled in an attentive and consistent manner. Once an item has been accepted for purchase, based on the Collection Development Policy, it will not be automatically removed upon request.

e. SELECTION CRITERIA:

Although final decisions for all purchases will be made by professional library staff, recommendations and requests made by patrons will be given consideration.

Selection will be made using the following criteria:

1. Overall purchases and relation to existing collection.
2. Social significance.
3. Importance of the subject matter.
4. Quality of writing/production.
5. Readability and popular appeal.
6. Authoritativeness.
7. Reputation of the publisher/producer.
8. Reputation and significance of the author, artist, composer, producer, etc.
9. Quality of physical characteristics and price.

f. SELECTION AIDS:

In selecting materials for purchase, staff shall evaluate materials and consult reputable, unbiased, professionally prepared selection aids including, but not limited to: major newspaper columns, Booklist, Library Journal, School Library Journal, Publisher's weekly, VOYA, CCBC Reading Choices, Children's Catalog, Fiction Catalog, and scholarly journals in specialized topic areas. Major crowdsourced popular review platforms may be consulted, including Amazon.com, Goodreads, and others. Bibliographies of recommended reading and patron requests are sometimes considered.

g. SELECTION PROCEDURE:

In making specific selections, library staff will use the following procedures:

1. All library materials shall be purchased, processed and catalogued by librarians and other trained staff members.

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2. Jobbers for books, periodicals, and other library materials will be chosen at the discretion of the Library Director.
3. Sets of materials, subscription materials, or materials received through standing order agreements shall be selected by the same criteria as other materials.

h. GIFTS:

Within the provisions of Laws set forth in Wisconsin Statutes 43.58(7), the Library Board adopts the following policies:

1. Gifts of money, real estate, and/or stock will be accepted if conditions attached thereto are acceptable to the Library Board. Gifts given as memorials are subject to the same criteria regarding selection and withdrawal as non-memorials. Those wishing to donate memorial funds are encouraged not to earmark the money for specific items so that the Library may make the most flexible use of each donation.
2. The acceptance of personal property will be subject to discretion of the Library Board.
3. The Library will not accept for deposit materials which are not outright gifts.

i. BOOK AND MATERIAL DONATIONS:

Books and other materials will be accepted on the condition that the Library reserves the right to evaluate and to dispose of gifts in accordance with the criteria applied to purchased materials. The Library Director has the authority to make whatever disposition of the materials deemed necessary.

Gift materials which are not added to the collection become the property of the Library and will not be returned to the donor. The appraisal of gifts to the library for tax purposes is the responsibility of the donor.

Donated materials benefit the Library by allowing us to replace worn copies with fresh ones, supplement our collection with additional materials, or raise money for us as book sale items at the Friends of the Brown Deer Library Annual Book Sale in August.

We appreciate receiving the following types of materials in clean and new condition for possible addition to our collection:

- Fiction in hardcover and paperback
- Current non-fiction within 5 years of the copyright date
- Textbooks within 2 years of the copyright date
- DVDs in their original packaging and in excellent condition
- Music CDs and audiobook CDs in their original packaging and in excellent condition
- Brown Deer-related materials of historical importance, like business pamphlets, historical documents, photographs of area people and places, etc

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The following donations will not be added to the collection:

- Textbooks more than 2 years from the copyright date
- Magazines
- Non-fiction older than five years from the copyright date
- Books that have been written in, underlined or highlighted
- Books that smell of mildew or smoke or those with yellowed and dusty pages
- Books with broken spines, loose pages, water warping or other cosmetic damage
- CDs and DVDs that are heavily scratched, missing original packaging, or copies

The Brown Deer Public Library is a popular materials collection that appeals to many users with a wide range of current, attractive, accurate and relevant materials. We collect broadly rather than deeply in nonfiction areas. Textbook editions change frequently and are very expensive. Our magazine collection represents titles we subscribe to, thereby ensuring that complete runs are available. Our materials are heavily used and well loved, making some paperback formats too flimsy for loan. And some items simply won't be borrowed because of poor physical appearance, no matter how wonderful the content is.

j. EVALUATION, WITHDRAWAL OR REPLACEMENT OF MATERIALS:

As material selection is continuous, so is the evaluation, withdrawal or replacement of materials. Materials may be discarded regularly from the Library collection according to the following guidelines:

1. Material in poor physical condition, lack of use, and/or outdated or inaccurate information shall be withdrawn.
2. Staff will consider space, cost of replacement and appearance of the collection when making decisions to withdraw materials.
3. Every effort will be made to replace needed materials which are withdrawn; however, the Library takes the position that it is better to have no information on a subject than to have materials which are inaccurate or in poor physical condition.

k. RECONSIDERATION OF LIBRARY MATERIALS:

1. The Request for Reconsideration of a Book (Exhibit A) form has been printed for use in obtaining information from library users who wish to file an official request for the library to reconsider a book or other item of material in the collection about which the user may have some objection.
2. All complaints about library acquisitions shall be filed in writing using the "Request for Reconsideration of a Book" form (Appendix A)
3. These requests shall be given to the Library Director, who will discuss the request for reconsideration with the user, using reviews and other information to justify the current status of the material under consideration.
4. Should the user not be satisfied with the answer received through the discussion with the Library Director and the follow-up personal letter from the Director, the user will be referred to the Library Board.

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5. Those desiring to be heard on a specific issue shall notify the Library Director, who will notify the person when the next regularly scheduled meeting of the Library Board is, so they may attend if desired.
6. Those appearing shall observe Roberts Rules of Order Revised, the parliamentary authority of the Board, as well as any other rules or regulations adopted by the Board.
7. If there are three or more complainants appearing on the same book or other item before the Library Board, one shall be designated as the spokesperson of the group.
8. At the discretion of the Chair and in the interest of efficiency, a time limit can be placed on all discussion, if necessary.
9. The Library Board shall not take action on any matter so presented until the next regular meeting of the Board.
10. If at any time there are two or more complaints on file about different titles, the Library Board will review them in the chronological order in which they are received, completing one before beginning another.
11. The Library Board shall not review the same book or item once it has formally determined its position about that particular item.
12. The decision of the Library Board shall be final.
13. The users shall be given a copy of this procedure so as to be aware of their rights and obligations.

IIIa. Confidentiality of Library Records

Pursuant to Wisconsin Statutes 43.30(1m), Brown Deer Public Library circulation records and other records identifying the name of the library users are considered to be confidential in nature and will not be disclosed except under specific conditions outlined herein. This includes surveillance system video recording and playback.

Subpoena:

1. Such records shall not be made available to any agency of state, federal, or local government except pursuant to such process, order, or subpoena as may be authorized under the authority of, and pursuant to, federal, state, or local law relating to civil, criminal, or administrative discovery procedures or legislative investigative power.
2. Employees of the Brown Deer Public Library shall resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order, or subpoena, the library's officers shall consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they shall insist that such defects be cured.

III. LIBRARY CARDS

1. **Valid Card:** A valid library card allows patrons to make full use of Library resources. A valid library card is any library card issued by a MCFLS library, presented by the person to whom it was issued, unexpired, without fines over \$5.00, without blocks, and without other internal notes restricting full use.
2. **Eligibility:** Any resident of Milwaukee County, at least 6 years of age or in the First grade, and able to write their own name, may be issued a library card free of charge. The Milwaukee County address must be verified using two forms of ID, one with a legal name and address, one with a legal name. Refer to MCFLS FL-37 for examples of acceptable ID.
 - a. **Juvenile, eligibility:** The signature of a parent or legal guardian is required for issuance of a card to persons between the ages of 6 and 14, who will receive Juvenile cards. Youth age 15 and over must apply for their own cards using approved name and address ID.
3. **MCFLS:** The Brown Deer Library is a member of the Milwaukee County Federated Library System (MCFLS). Brown Deer residents may use computers or borrow materials from any library in this system either in person or by request.
4. **Special Use Card:** A Special Use card (fka 'Deposit Card') may be issued by the Brown Deer Library. Cards are valid for 1 year unless stated otherwise. Registration for a Special Use card must occur at the library of the community in which the facility is physically located. Use of the card is restricted to the municipal library of the community in which the facility is located, to materials owned by that library, and to selected electronic resources.

Special Use card categories include:

- Computer use: Guest/Visitor/Day Pass
 - Fee-based pass to one-time computer use available to a nonresident of Milwaukee County.
 - See BDPL Procedure Manual
- Temporary Resident card
 - Must show current non-Milwaukee County address, to be used as Address 1
 - Must be accompanied at time of application by Milwaukee County resident with whom applicant resides and for whom address ID is shown, to be used as Address 2
 - Valid for 3 months, non-renewable
 - Maximum 5 item checkout from any MCFLS library, maximum 5 item holds, no media
 - Allows internet access
- Brown Deer Village Employees
 - Village of Brown Deer municipal employees who are not Milwaukee County residents may request a Deposit Card free of charge. A fee will be charged for the replacement of lost cards, as described in the Fines and Charges section of this annual.

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- Business card
 - See MCFLS CountyCat Manual Insert #C-11
 - School/Nursing Home/Daycare card
 - See MCFLS CountyCat Manual Insert #C-12
 - Nonresident Fee card
 - See MCFLS CountyCat Manual Insert #C-13
 - Includes Zinio access
5. **Use:** A library card or photo ID must be presented for computer use and at time of checkout. Cards may only be used by the patron to whom they are issued, by a person picking up items reserved by another individual with a permission form on file, or by the parent listed on a child's card with the child present.
- a. **Juvenile use restrictions:** MPAA R-rated or RIAA Restricted media from the Brown Deer Library's collection may be borrowed by children under 17 years of age with parental permission, either in person at the time of checkout or with an R-rating/Restricted Media Checkout Permission form on file.
 - b. **Permission for pickup of materials on hold:** the Library wishes to safeguard its patron's privacy and strives to guard against unauthorized use of library cards. As such, all MCFLS member libraries issue library cards for a patron's personal use only. Normally, patrons who place library items on hold must pick up the held materials themselves. However, specific permission can be granted to make arrangements for another person to pick up materials using MCFLS Permission form FL-40. The permission form must be filled out and presented by the cardholder in person at any MCFLS member library.
6. **User Agreement:** By signing a library card application, the user agrees to the following terms and conditions, shared at the time of application:
- I agree to be responsible for the loss or damage to materials and overdue charges on materials borrowed on my library card, including materials borrowed on it by others with our without my consent. I agree to pay all overdue charges, damage and replacement costs promptly. I will observe the rules of the library and will give immediate notice of change of street address, email address or telephone numbers. I also agree to report loss of my card immediately and know that I am held responsible for materials borrowed on my card up to the time it is reported lost to the library. I understand this card is for my own use and is not transferable. I certify that all of the information on this application is true, current and correct. [Responsibility for young people's use of library materials rests with the parent/guardian (in the case of applicants under the age of 15 cosigned by an adult)].*

Approved: March 1999

Revised: 2/14/14; 4/25/14; 6/24/14; 8/18/14; 10/18/14; 4/22/15; 6/8/15; 4/11/16

IV. CONFIDENTIALITY OF LIBRARY RECORDS

Pursuant to Wisconsin Statutes 43.30 and the Wisconsin Personal Information Practices Act 19.62-80, Brown Deer Public Library records that identify library users are considered to be private/confidential/personal in nature and will not be disclosed except under specific conditions outlined herein. Furthermore, the Library adheres to the American Library Association's Code of Ethics which specifically calls for the protection of each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.

Confidential records, Personally identifiable information

For the purposes of library use, confidential records are any records indicating the identity of library users. Personally identifiable information can include a library user's name, physical image or likeness including that found on surveillance device recording, library card number, date of birth, telephone number, email address, street address, post-office box number, zip code, computer use records or circulation records.

Though not expressly protected as 'records', the Brown Deer Public Library Board requests that library staff maintain a similar level of discretion as it regards library user preferences and patterns. These can include a patron's physical presence in the library, reading/viewing interests, verbal exchanges with staff, and facility or equipment use.

Disclosure of confidential records

Section 43.30 allows for disclosure under the following circumstances:

1. By court order
 - a. see below for handling of different types of court orders
2. To persons authorized by the individual to inspect such records (including to oneself)
3. To custodial parents or guardians of children under the age of 16 under 43.30 sub. (4)
 - a. see below for handling of requests from custodial parents or guardians
4. To other libraries under 43.30 subs. (2) and (3)
5. To law enforcement officers under 43.30 sub. (5)
6. If a person's life or safety is at risk¹

Disclosure of confidential records (for public records requests)

Personally identifiable information about library users must be redacted from any records that are publicly disclosed.

Library employee and volunteer obligation

All Library employees, staff and affected volunteers are required to review this Policy and make written agreement to abide by it as a condition of employment.

¹ The Attorney General's office opined, in a response dated November 27, 2006 to questions submitted by State Superintendent Elizabeth Burmaster, that "...if someone's life or safety is at risk, for example, if there was a child abduction at the library, the law would not require the police to obtain a court order before being allowed to view any relevant [surveillance] tapes."

DISCLOSURE PROCEDURES

Not all disclosure need be immediate. The Library Director or designee will exert primary authority over the disclosure request and will use professional judgment in determining the timeline and method for disclosure. All efforts will be made to cooperate in a reasonable timeframe while first deferring to the confidentiality of patrons. Disclosure under non-routine circumstances will typically involve the Library Director in communication with MCFLS staff and the municipal attorney.

In all cases, Library staff will use their professional judgment to mediate records requests to provide only the information most relevant to the inquiry. Library staff will not customarily allow law enforcement to review surveillance footage or library records without library supervision and a specific suspect/activity/time/location identified to library staff beforehand. Normally staff will request this information from law enforcement and review surveillance footage or library records independently in order to confirm if the requested information is available. If available, staff will disclose the relevant information according to this Policy.

1. By court order

Per the Milwaukee County Federated Library System Member Agreement (MCFLS Administrative Manual insert A-10), “..the System shall be the sole point of contact for any court-ordered or subpoenaed compilation and/or surrender of user information or borrowing data.”

If a law enforcement officer (or anyone else) brings a **subpoena**¹ directing library staff to produce library records, employees of the Brown Deer Public Library and MCFLS shall resist the issuance or enforcement of any such process, order, or subpoena until such time as a proper showing of good cause has been made in a court of competent jurisdiction. Upon receipt of such process, order, or subpoena, the library’s officers shall consult with their legal counsel to determine if such process, order, or subpoena is in proper form and if there is a showing of good cause for its issuance; if the process, order, or subpoena is not in proper form or if good cause has not been shown, they shall insist that such defects be cured.

If law enforcement officers bring a court order in the form of a **search warrant**²:

- (1) A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
- (2) Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are *not* required to accede to your request to delay the search.)

¹ A subpoena is a call to come before a court, and may include a direction to bring specified records. Not all subpoenas are court orders. The municipal attorney can determine if a particular subpoena is a court order. A subpoena normally indicates that a response is required within a certain number of days. Library staff may not disclose library records in response to a subpoena that is not a court order if those records indicate the identity of library users.

² A search warrant is a is an order signed by a judge directing a law enforcement officer to conduct a search of a designated person, a designated object or a designated place for the purpose of seizing designated property or kinds of property.

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- (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.

If **FBI agents** bring a court order in the form of a **search warrant** issued under the Foreign Intelligence Surveillance Act (FISA)³:

- (1) A search warrant is executable immediately, unlike a subpoena. The law enforcement officers may begin a search of library records as soon as they enter the library.
- (2) Request that the law enforcement officers wait until the municipal attorney (or library counsel) is present before the search begins in order to allow counsel an opportunity to examine the search warrant and to assure that the search conforms to the terms of the search warrant. (The law enforcement officials are *not* required to accede to your request.)
- (3) Cooperate with the search to ensure that only the records identified in the warrant are produced and that no other users' records are disclosed.
- (4) It is illegal to disclose to any other person (other than those persons necessary to produce the tangible things sought in the warrant such as the Library Director, MCFLS Director and legal counsel) that the Federal Bureau of Investigation has sought or obtained records or other items under the Foreign Intelligence Surveillance Act (FISA).

2. To persons authorized by the individual (including oneself):

After staff have sufficiently verified the identity of the patron, he/she may provide verbal or written authorization to another party to view his/her library records on a single or repeat basis. Most commonly this authorization comes in the form of permission for another individual to pick up items on hold for the protected person. Other situations may also pertain, such as questions about the status of held items.

3. To Custodial Parents or guardians of children under the age of 16:

Requestor must be the child's "custodial parent," defined as any parent other than a parent who has been denied periods of physical placement with a child under Wisconsin Statutes sub 767.24(4). The Library staff will:

- (1) request identification
- (2) if the requestor is the parent or guardian listed on the child's library record and the requestor resides at the same address, the staff may provide the requested information; otherwise the staff will
- (3) obtain a completed and signed "Request for Access to Child's Library Record" form to help ensure that the requestor is indeed the child's custodial parent or guardian and that the requestor has not been denied periods of physical placement with the child.
- (4) The staff may then grant the request, or refer the request to the Library Director or designee.

³ The USA Patriot Act amended the Foreign Intelligence Surveillance Act (FISA) to allow the FBI to apply for a court order requiring the "production of any tangible things (including books, records, papers, documents and other items) for an investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of a United States person is not conducted solely upon the basis of activities protected by the first amendment..."

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The Library staff will attempt to satisfy the request as soon as practicable and without unreasonable delay. In most cases this will be at the time of the request. If there is a question of the requester's guardianship, the staff person may delay the request until review by the Library Director and / or Library Board. If a request is denied by the Library staff, the requester can appeal in writing to the Library Board.

4. To other libraries

The cross-jurisdictional nature of the Milwaukee County Federated Library system and its patron database requires that library materials and patron information be routinely shared among members for the purpose of borrowing materials for individuals. Information is shared primarily through secure, password protected databases with rigorous confidentiality and security policies.

5. To Law Enforcement

Without a court order, **surveillance device** records may be disclosed to law enforcement under certain conditions, below. In all cases the library will make every attempt to mediate the request to provide only the most relevant information to respond the inquiry.

1. Request for law enforcement action originated from library staff.
2. Criminal conduct occurred, or is to believe to have occurred, on library property.

Limited non-surveillance personally identifiable patron information may be disclosed for the return of library materials (see IVb below).

6. Life or safety risk

In all cases of possible life or safety risk, Library staff will use their professional judgment to mediate the request to provide only the information most relevant to the inquiry.

A-10: Court-Ordered Data Surrender Policy

The following policy was approved by the MCFLS Board at its meeting held August 19, 2002:
2001–2004 Member Agreement:

(I, 2 ,e.) Court-ordered or Subpoenaed Data.

"Because of the cross-jurisdictional nature of library use in Milwaukee County and because of the proprietary role that MCFLS has traditionally played in the retention and custody of borrower records and commitment to database integrity, the System shall be the sole point of contact for any court-ordered or subpoenaed compilation and/or surrender of user information or borrowing data. Such single point of contact shall ensure consistency in the collection, preparation, and packaging of said information and data. In fulfilling this obligation, the System shall provide a mutually agreeable procedure that ensures that the retention and custody of all borrower records and system collection database integrity is maintained, and that statutory confidentiality requirements are observed."

Compliance with this stipulation shall include direct notification of the MCFLS Director, or his/her designee, on an as soon as practicable basis, concerning any compilation and/or surrender of borrower data in response to a court order served on any of the MCFLS member libraries. This notification is expected to occur prior to the surrender of data. However, in those cases where data surrender cannot legally be deferred to allow for prior MCFLS notification, MCFLS shall be notified as soon as possible thereafter. In all such surrenders (either prior or post MCFLS notification), compliance with this stipulation shall also include the placement in a confidential and secured file, at the MCFLS office, of the court order (or a copy thereof) along with a copy of the surrendered data.

Notwithstanding the aforementioned procedure, the requirements of the law shall take precedence.*

*If the court order is a search warrant issued under the Foreign Intelligence Surveillance Act (FISA - USA Patriot Act amendment) or other specified Act, it may also contain a "gag order." That means that no person or institution served with the warrant can disclose that the warrant has been served or that records have been produced pursuant to the warrant. The library and its staff must comply with this order. No information can be disclosed to any other party, including the patron whose records are the subject of the search warrant. The gag order does not change a library's right to legal representation during the search. The library can still seek legal advice concerning the warrant and request that the library's legal counsel be present during the actual search and execution of the warrant. (American Library Association.)

Last Modified By: Steve Hesel, 3/9/2012

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Practical examples and scripts

EXAMPLE:	Police visit, saying a person reported their phone was stolen yesterday while at the library computers. Staff did not contact Police and had not heard of the incident. Police ask to use the library's surveillance video system to view the recording.
DON'T:	Staff will not allow Police to browse through video recordings independently. Why? Many individuals unrelated to the investigation are captured on video. Over the course of video review Police may see some other unrelated activity or person they would like to have more information about.
DO:	Staff will ask for a description of the patron and a date and time the theft is reported as occurring. Staff will review the video without Police observation to see if a patron and incident matching the description occurs. If it does, staff will allow police to see a clip of the incident on video. Staff will also provide the name and contact information for the suspected thief if it can be obtained through library records. If video does not clearly corroborate the Police report, staff will inform Police of this fact. No video will be supplied.

EXAMPLE:	Parent phones to inquire if child matching description is in library.
DON'T:	Staff will not confirm or deny if any person 16+ matching a description is, or was, in library. Why? The Library Board requests that a patron's use of the library be confidential, to be treated in the same manner as library 'records'. Sample script: <i>I understand your concern about your child's/friend's/etc whereabouts. It's important for us to ensure her use of the library is confidential, which means we are unable to confirm or deny if this person is, or was, in the library.</i>
DO:	Staff will ask parent for the age of the child. If 15 or under. Staff will use standard identity verification techniques to verify the requestor's status as guardian (knowledge of address, D.O.B, middle initial, phone number, etc). If staff are reasonably sure of the guardianship status they will confirm or deny the child's presence.

EXAMPLE:	A patron reports two individuals physically fighting in the parking lot. Staff visually confirm the report and call the Police for assistance. The individuals have fled before Police arrive.
DON'T:	Staff will not allow Police to browse through video recordings independently. Why? Many individuals unrelated to the investigation are captured on video. Over the course of video review Police may see some other unrelated activity or person they would like to have more information about.
DO:	Staff will review the video without Police observation to see if a patron and incident matching the description occurs. If it does, staff will allow police to see a clip of the incident on video. Staff will also provide the name and contact information for the suspected thief if it can be obtained through library records. If video does not clearly corroborate the Police report, staff will inform Police of this fact. No video will be supplied.

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EXAMPLE:	A patron calls to inquire about the status of held items. Or, calls to inquire about the due dates of items checked out.
DON'T:	<p>Staff will not simply look up patron by name and provide information about items without first gathering further personally identifying details.</p> <p>Why? Staff must be sure that they are only providing protected confidential information to a person authorized by the individual or to the individual himself. Verification of identity is more difficult without an in-person interaction allowing for presentation of a library card or ID.</p>
DO:	<p>Staff will use standard verification techniques to verify the requestor's identity (knowledge of address, library card number, D.O.B, middle initial, phone number, etc). If staff are reasonably sure of the caller's identity they may provide the requested information.</p> <p>Sample script: <i>I'd be happy to provide that information to you sir. Since I don't have you here in person, can you verify either your library card number or date of birth and address so we may ensure protection of your privacy?</i></p>
EXAMPLE:	Staff are prompted to renew a patron's library account when she tries to check out, but patron does not have card in hand.
DON'T:	<p>Staff will not voluntarily offer personally identifiable information in an effort to receive yes/no confirmation by the patron.</p> <p>Why? The patron must be able to independently provide an address matching that in the library's records. In cases of a stated address that does not match the library's records, an acceptable name/address ID must be shown. Without a matching stated and recorded address, it is too easy for a patron to fall back on an old/invalid address or for staff to provide personally identifiable information to the wrong individual.</p>
DO:	<p>Staff will use standard verification techniques to verify the requestor's identity by requesting to see some alternate form of name and address ID to look up the card.</p> <p>Sample script: <i>Library cards expire every two years, it looks like we're due to renew yours. Can you confirm your current address and contact information for me?</i></p> <p>If address patron provides does not match the library's records: <i>It looks like your address has changed since you last updated your card. I'll need to see an ID with your current address in order to renew. Do you have that with you?</i></p>

IVa. USE OF PATRON DATA FOR COMMUNICATION AND MARKETING

The Brown Deer Library has adopted the *MCFLS Guidelines for Use of Patron Data* (MCFLS Admin Manual Insert #A-11) with the further restriction that contact information not be used for direct solicitation for monetary donations.

The *MCFLS Guidelines for Use of Patron Data* is reproduced as Appendix K in this document.

IVb. USE OF PATRON DATA FOR THE RETURN OF LIBRARY MATERIALS

Pursuant to Wisconsin State Statutes 43.30 (b) the Brown Deer Library will exercise its right to share limited patron information with local law enforcement or contracted collection agencies to encourage the return of library materials. Though specific fee thresholds for pursuit of materials return or fee payment are at the discretion of the Library Director, action will likely be taken when unreturned Brown Deer Library material replacement costs exceed \$50 and are more than 60 days overdue.

Approved: 4/11/16; Revised Approved: 5/9/17

IV. PATRON RULES OF CONDUCT

To provide an atmosphere that will support the Library's mission statement and to recognize the patron's First Amendment rights, the following rules shall be observed by all library patrons. The safety of patrons and staff is a major concern. Any behavior that disrupts the orderly use of the library by patrons or that affects the staff's ability to provide services is prohibited. Staff members are authorized to bring to an individual's attention any act or behavior which detracts from proper behavior in the library. Any misconduct that disturbs other patrons or employees, or, that hinders use of the library or library materials is prohibited. Misconduct might include, but is not limited to:

1. Loud or boisterous behavior.
2. Conversation that is above normally acceptable noise levels or is disturbing to other individuals.
3. Cell phone use is allowed under the following restrictions:
 - a) When you enter the library, your ringtone must be set to silent or vibrate.
 - b) Be considerate of those around you and limit your calls to brief, quiet conversations.
 - c) If you need to have an extended conversation, please exit the building to do so.
 - d) Refrain from using your cell phone at the service desks.
4. Abusing and/or misusing library furniture, equipment, materials or causing damage to the library building, equipment or furnishings.
5. Harassing others, either verbally or through actions. Harassment may include unwanted conversations with other individuals or employees, impeding access to the building or an area of the building, sexual harassment as defined by WI State Statutes and U.S. Federal law, etc.
6. Running in the library.
7. Tables: the library reserves the right to limit the number of individuals who sit together. There is a limit of one person per chair and chairs may only be used for their intended purpose.
8. No bicycles are allowed in the library including the lobby. Bicycles should be left in the bike rack outside.
9. No skateboards, roller skates, roller blades or similar toy/sport articles are to be used in the library or on property surrounding the library.
10. Eating is prohibited in the library. Drinking of liquids in a secure, leakproof container is allowed.
11. Smoking is prohibited in the library including entryways, meeting rooms, restrooms and staff areas.
12. Consumption of alcohol or the use of illegal drugs is not allowed on library property.

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13. Pets, except for service animals, are not allowed in the library.
14. Restrooms are for use by library patrons only.
15. Shoes must be worn at all times in the library.
16. Sleeping is prohibited in the library.
17. An acceptable standard of personal hygiene is expected of all individuals.
Unpleasant body odor, which may offend other individuals in the library, thereby causing a disruption of service, is considered unacceptable. An individual with an unacceptable standard of personal hygiene will be advised of the rule.
18. Solicitation, in the form of placement of containers or other receptacles by non-Brown Deer Library affiliated groups for the purpose of receiving donations of money or goods, or the distribution of literature or information in exchange for patron name and/or contact information.

-
- A. Persons violating the above rules will, in each case, receive one (1) warning and at the second offense must leave the library for the rest of the day. If the individual responds negatively to the first warning, they will be asked to leave immediately.
 - B. If a patron's behavior is extremely disruptive, dangerous, or illegal, the police shall be called immediately.
Included in disruptive behavior is abusive or threatening language, actions or behavior.
 - C. Library patrons who repeatedly violate the library rules of behavior will have their library privileges revoked or restricted. In all of the above cases, staff should document time, date, person's name and description of the incident. Under Chapter 43.52 of WI State Statutes, the Library Board does have the right to revoke a person's rights to access to the library if the person has a history of disruptive behavior.
 1. Access to the library may be limited for an adult who has caused repeated disruption in the library or has been warned that his/her library privileges may be withheld and that his/her use of the library may not be permitted if such behavior continues. Documentation of incidents is mandatory in order for the Library Board to bar an individual.
 2. A minor who has caused repeated disruption in the library will be warned that library privileges will be restricted if such behavior continues and a letter will be sent to the parent(s) or guardian(s) describing the misconduct and warning them of the consequences. A minor who becomes a continuous disturbance in the library will not be permitted to use the library unless a parent or guardian accompanies and supervises the minor while s/he is in the library.

Approved: 3/14/11; Revised: 6/8/2015

IVa. SAFE CHILDREN

The Brown Deer Public Library welcomes children of all ages to use its facilities and services. In an effort to ensure the safety and well-being of children and maintain an atmosphere of constructive library use, the following policy regarding appropriate use of the library by children and their caregivers is adopted.

Responsibility for the welfare and behavior of children using the library rests with the parent/guardian or a responsible caregiver. Though staff will always respond with care and concern, they cannot assume responsibility for children's safety and comfort when they are unattended.

Young children should be attended and adequately supervised by a parent/guardian or responsible caregiver. In particular, all preschool age children must be accompanied and adequately supervised by a parent/guardian, or responsible caregiver at all times while in the library or on library property. Older children may use the library unattended provided they are able to maintain appropriate behavior within the guidelines of the Library's Patron Rules of Conduct Policy.

If it is determined that a child is lost or potentially unsafe, a staff member will attempt to identify and locate the parent or the responsible caregiver. If the parent is not found in the building, a staff member will stay with the child until the parent can be located. If the parent has not been located or if the library is closing, the staff member will call the police who will assume responsibility for the child. Staff will document the incident and a letter will be sent to the parent with the details of the incident. Under no circumstances will the child be taken out of the building by a staff person.

Approved by Library Board 8/14/00

IVb. THEFT OF LIBRARY MATERIALS

The Library takes theft of materials very seriously. Using Wisconsin Statutes 939.49 (Defense of property and protection against retail theft) and 943.61 (Theft of Library Materials) as guidelines, the following policy is established.

Failure to Return Library Materials

Brown Deer Village Municipal Code Sec. 34-61. - Failure to return library books and property.

No person shall fail to return any book, periodical, pamphlet, audiovisual materials or other property belonging to or in charge of the village library. Any person who borrows or takes such property from the village library shall be deemed to have violated this section when he fails to return such property on or before the due date, as shown on the borrowing card, and after the village library or its agent shall have sent, by ordinary mail, to the person at the address at which he is registered with the library, a notice indicating that such failure constitutes a violation of this article. The penalty for violation of this section shall be in addition to any fines or charges imposed under any rules and policies established by the village library board.

Removing Library Materials from Last Point of Checkout without Library Staff Permission

Taking library materials past the last point of checkout without library Staff permission and/or activation of the security device is considered theft. When the security gate alarm sounds, Staff will ask Patron to come back inside the security gates. If Patron refuses, or claims not to have any library materials, the Patron is suspected of theft and Law Enforcement will be notified.

Approved: 4/11/16; Revised:

V. CIRCULATION / LOAN

Circulation/loan periods and other policies exist to allow the patron sufficient time to fully use the item on loan. Circulation periods also exist to provide for the timely sharing of items in demand from other Library patrons, either by limiting the amount of items loaned or by limiting the period of time for which they may be loaned. In order to encourage timely return of library materials, reasonable fines may be charged for not returning an item within the circulation period.

Summary Table

Material type	Loan Period	Grace Period for Brown Deer items	Renewal	Maximum checked out per card	Overdue Fine for Brown Deer items
Books	3 weeks	3 days	Yes, two, if not on hold	100	15¢ per item per day
New Books	7 days		Yes, two, if not on hold	100	15¢ per item per day
Friend's Books	7 days		Yes, two	20	15¢ per item per day
DVDs - Entertainment	7 days		No	20	\$1 per item per day
DVDs – Educational and Children's	7 days		Yes, two, if not on hold	20	15¢ per item per day
Periodicals	7 days		No	100	15¢ per item per day
Music CDs	7 days		No	20	15¢ per item per day
Audiobooks	3 weeks		Yes, two, if not on hold	20	15¢ per item per day
Reference Materials	Not Loanable without special approval from Library Director		n/a	n/a	n/a

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Due Dates / Loan Period

The due date for each item loaned is printed on the checkout receipt provided to each patron at the completion of the circulation transaction. Due dates are not printed, stamped, or written on the items. Items returned on or before the due date printed on the checkout receipt will not be subject to overdue fees. Multi-part items (media, kits, etc) must have all parts returned on or before the due date to avoid overdue charges.

Staff are not responsible for informing patrons of due dates at the time of checkout beyond provision of the checkout receipt. Awareness of loan periods and due dates is the sole responsibility of the patron.

An item's due date is determined by the library that owns the item, not the library from where it is checked out. Therefore, similar items may have different due dates. The 'Loan Rule' associated with the owning library's item takes precedent over other criteria, including the open/closed hours or backdating policy of the library where the item is returned. For example, an item that is owned by a library that is open on Sundays might be scheduled to come due on a Sunday. The item could be considered overdue if returned to Brown Deer Library on Monday morning before opening, even though the Brown Deer Library is closed on Sundays.

6-week 'Vacation Loan'

A 6-week 'vacation loan' is available to patrons who specifically request it. This loan period is only available for adult fiction and audio over 1 year old. 6-week loans will renew at the default 3 week renewal length if no holds or blocks prevent it.

Grace Period

The Brown Deer library has a grace period of 3 days for all of its items. No overdue fine will be charged during the 3 day grace period. Once past the grace period, however, overdue fines are calculated from the original due date printed on the checkout receipt.

Items borrowed from another library are subject to the owning libraries' policies.

Renewals

Loan periods are carefully considered to balance patron demand for, and availability of, library materials. For this reason MCFLS libraries have designed loan and renewal policies that limit an items' period of consecutive exclusive use by the same patron. Materials that have reached their maximum renewals, or cannot be renewed, must be returned to the collection of the owning library before being re-loaned to the patron who most recently borrowed them.

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Interlibrary Loan for non-MCFLS Materials

In order to provide for convenient access to local patrons, no items shall be loaned to any Library outside of the MCFLS which have loan periods less than 21 days, and in respect of the reciprocal nature of providing Interlibrary Loan shall any of these items be requested for patrons from other Libraries outside of the MCFLS. Items which are included currently are: New fiction, periodicals, educational or entertainment dvds. Other items may be added to this list as new forms of media arise. A limit of 5 interlibrary loan requests may be submitted by one patron on one business day. Due to special circumstances the Library Director may grant one time exceptions to the daily limits due to a special need on the part of the patron.

Approved 3/1999

Revised 11/2013, 8/2014, 4/2015, 1/2017

Via. OTHER FEES & CHARGES

Restriction of Borrowing Privileges

The maximum overdue fine is \$5 per item. A patron's use of library services will be restricted when fees exceed \$5. In order to renew a library card, all fines must be paid in full.

Library Material Replacement Charges

If an item is lost or damaged beyond repair, the replacement charge shall be the actual cost of the item plus a processing fee as reflected on the item record. If the cost is not present in the item record, a cost from Books-In-Print, Baker & Taylor, or Ingram will be used plus the processing fee. If an item is out of print, a default cost will be used.

Library staff will accept a replacement purchased by the patron in lieu of the default cost at the discretion of the Library Director. A patron-purchased replacement must be an exact match to the item being replaced as shown by the ISBN, and if it is in new or like-new condition free of markings or damage. The replacement default cost billed to the patron will then be reduced to the standard processing fee.

The following table indicates default costs and processing fees:

Item	Default Cost	Processing Fee
Books, hardcover, Adult	\$30	\$5
Books, hardcover, Children's	\$17	\$5
Books, softcover, Adult	\$20	\$5
Books, softcover, Children's	\$8	\$5
Board Books	\$9	\$5
DVD	\$20 (+\$5 for each additional disc in a set)	\$5
Audiobooks	\$45	\$5
Music CDs	\$12 (single), \$20 (double)	\$5
Magazine	\$5	\$2
Laptop	\$1000	\$0

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The following table indicates costs for replacement of missing/damaged processing items:

ITEM	COST
DVD case	\$5
CD case	\$2
DVD / CD Pamphlet (liner notes)	\$5
Barcode missing	\$1
Audiobook cases	\$5
Kit bag	\$3
Minor repairs	The library charges a fee for damaged Brown Deer materials requiring minor repair which can be performed by staff. The exact amount of the fee depends on staff time needed to repair the materials; cost of supplies needed to complete the repair; and length of time the materials will be out of circulation.

Refunds

There are no refunds on lost & paid items.

Miscellaneous Fines & Charges

Replacement for lost/missing library card	\$1
Failure to pick up, or cancellation, of hold/reserve	\$1
Special Use Card (fka Deposit card)	\$75
Visitor Pass (internet use)	\$1
Photocopies	15¢ b&w / 50¢ color
Computer generated printing	15¢ b&w / 50¢ color
Rental Videos	\$2 per circulation, per item
Meeting Room Use by For-profits and Individuals	\$15 per hour

*Approved by Library Board December 13, 2010;
Rev 11.23.13, 4/22/15*

Appendix A: REQUEST FOR RECONSIDERATION OF A BOOK

Date of request _____ Author of Book _____

Title of Book _____ Publisher of Book _____

Request made by _____

Address _____ Telephone No. _____

Requester represents: _____ Himself / Herself
_____ Group or Organization _____

1. Why do you object to this book?
2. To what specifically in the book do you object?
3. What do you feel might be the result of reading this book?
4. For what age group would you recommend this book?
5. Is there anything good about this book?
6. Did you read the entire book? _____. If not, what parts?
7. What do you think the author is trying to say?
8. What review of this book have you seen?
9. What would you like your library to do about this book?

Signature of Requester

Appendix B: Library Bill of Rights - ALA

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939.

Amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; and January 23, 1980;
inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

Appendix C: The Freedom to Read Statement-ALA

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose

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widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the

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inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

[American Library Association](#)
[Association of American Publishers](#)

Subsequently endorsed by:

[American Booksellers Foundation for Free Expression](#)
[The Association of American University Presses, Inc.](#)
[The Children's Book Council](#)
[Freedom to Read Foundation](#)
[National Association of College Stores](#)
[National Coalition Against Censorship](#)
[National Council of Teachers of English](#)
[The Thomas Jefferson Center for the Protection of Free Expression](#)

Appendix D: Internet Use Policy

The Brown Deer Public Library makes the Internet available to the users of the library as part of its efforts to provide all members of our community with access to library services to meet their informational, educational, and leisure needs and as part of its continuing effort to ensure that all members of the community have free and open access to ideas and information regardless of format.

Responsibilities of Library Users: The Brown Deer Public Library does not monitor and has no control over the information accessed through the Internet and cannot be held responsible for its content or accuracy.

Parents or guardians of minor children must assume the same responsibility for their children's use of the Internet as with their use of other library materials. Children who use the Internet unsupervised may be exposed to inappropriate or disturbing information and images. Parents are encouraged to discuss the use of the Internet in relation to family values with their children and to monitor their children's use of the Internet. Parents or guardians who wish to prohibit their child's use of the Internet may ask library staff to place a note to that effect on their child's computer record. We cannot guarantee, however, that other libraries will have a similar policy.

Eligibility: Users must have a valid Milwaukee County Federated Library System Card/Fee Card and be age 10 or older. They will not be allowed to use the Internet station if there is an outstanding balance (over \$5.00) or if the card is not valid for any other reason. Children under age 10 must be accompanied by an adult parent or adult guardian. Library cards are not transferable.

Staff Assistance: Librarians are available for basic assistance only. Users are encouraged to investigate programs available elsewhere for computer use and Internet searching training.

Acceptable Uses: The Internet resources may not be used for illegal purposes. As with all formats of information, users must respect copyright laws and licensing agreements. Unacceptable uses include, but are not limited to: harassment of other users and staff, tampering with computer files, damage of equipment or software, unauthorized copying of materials, personal misrepresentation, using the workstation to operate a business, unacceptable behavior, displaying text or graphics that may be construed as obscene or violent. These actions may result in the loss of the privilege to use the Internet station and fines for damages. Library staff has the right to cancel or interrupt the use of the Internet station at any time.

Approved by the Brown Deer Public Library Board, June 14, 2010.

Appendix E: Class Visits and Tours

Groups or class visits are welcome at the Brown Deer library. The library is always eager to provide tours of the facilities and/or special programming to suit the needs of individual groups. These tours and programs fulfill several purposes: 1) helping children become familiar with the library environment and feel comfortable in it; 2) sharing literature and information with children from materials owned in the collection; 3) allowing children the experience of finding a book and checking it out at the library.

Group or class visits are welcome whenever the Youth Services Librarian is available, in order that the group may be accommodated without disruption of normal public service. Children's groups and classes, 6th grade and lower must schedule their visits with the Youth Services Librarian.

Reservations for visits should be made at least two weeks before the date that the group would like to come. Visits will be booked on a first-come, first-served basis and are subject to the availability of the librarian. Requests for reservations may be made either by e-mail or telephone directly with the Youth Services Librarian. Requests for visits from groups based outside the Village of Brown Deer will be considered on an individual basis.

In order to accommodate as many groups as possible, the library requests that individual groups or classes schedule no more than one visit per month.

Even if your group or class does not wish a special story hour or tour, it is important to call the library to make sure your visit does not coincide with another group visit or library program. **Library policy requires that all groups (5 or more people) must call in advance.**

Group leaders and/or teachers may make special requests as to the type of information that they would like presented to their group. Most visits will consist of some of the following:

- Library Instruction
- Stories and/or booktalks
- Tour of the library, with heavy emphasis on the Children's Dept.

If a group or class will be using a library card(s) to borrow library materials, the Supervisor/Chaperone scheduling the group must notify the Youth Services Librarian that there is a wish to borrow items at the time of making the request for a visit. The Supervisor/Chaperone should determine if an institutional card is to be used or if each child has a library card and will bring it with them to the library. If the Supervisor/Chaperone has determined that a child wants a library card they must arrange for the parent or legal guardian of the child to obtain a library card prior to the visit. Library cards are not issued to children under 6 years of age or not yet in First Grade. Children between the ages of 6 and 14 must have their parent or legal guardian sign their library card application before a library card will be issued. **No Library card applications will be taken at the time of the planned group visit to the library.**

Specific Class Visit Guidelines

- Class/group visits and library tours must be scheduled at least two weeks in advance with the Youth Services Librarian.
- Visits will be booked on a first-come, first-served basis and will be subject to the availability of the Youth Services Librarian.
- Public and Private schools in the Village of Brown Deer are encouraged to tour or visit the Library.

- Tours and visits of non-school groups, such as preschools, daycare facilities, scouts etc. will be limited to groups from the Village of Brown Deer and/or the immediate vicinity. Discretion as to requests from these groups rests with the Youth Services Librarian.
- Group Supervisors/Chaperones should remind their group to respect other library users by behaving in a generally quiet manner before entering the library and should remember to keep track of any clothing or personal belongings from their group.
- Size of group is limited to 30 children. (Preschool groups are requested to have fewer than 30). Length of visit is limited to 30-45 minutes unless otherwise agreed upon by the YS Librarian.
- A minimum of 1 adult chaperone is required for every 10 children. Chaperones are to remain with the children at all times and to escort them to the restroom, if necessary.

The Library Staff appreciates your following these guidelines in order to ensure a positive library visit for all children involved, and to assure no disruption to normal public library service to all library users.

The following information will be required from all groups at the time the reservation is made:

- Date of visit
- Time of visit
- School of Group Name
- Location (Address)
- Phone Number
- Supervisor/Leader/Teacher's Name
- Age or Grade
- Number in the Group
- Will Group be checking out books? Yes or No
- Type of program requested...Specific Theme or Topic

To arrange for a group visit please e-mail or call Dana Andersen-Kopczyk, Youth Services Librarian:

Brown Deer Public Library
 5600 W. Bradley Rd.
 Brown Deer, WI 53223
 (414) 357-0106
 dana.andersen@mcfls.org

Brown Deer Public Library
Class Visits & Tour Registration Sheet

REGISTRATION MUST BE MADE WITH THE YOUTH SERVICES LIBRARIAN ONLY

Date requested for visit: _____

Time requested for visit: _____

School or group name: _____

Location (address): _____

Phone number: _____

Supervisor's name: _____

Age/Grade of children: _____

Number in the group: _____

Will group be checking out books? YES _____ NO _____

Type of program requested (theme, topics, etc.): _____

CHAPTER 43

LIBRARIES

43.001	Legislative findings and declaration of policy.	43.21	Consolidated public library systems.
43.01	Definitions.	43.24	State aid.
43.03	General duties of state superintendent.	43.27	Distribution of materials from resources for libraries and lifelong learning collection to public library systems.
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43.001 Legislative findings and declaration of policy.**(1)** The legislature recognizes:

(a) The importance of free access to knowledge, information and diversity of ideas by all residents of this state;

(b) The critical role played by public, school, special and academic libraries in providing that access;

(c) The major educational, cultural and economic asset that is represented in the collective knowledge and information resources of the state's libraries;

(d) The importance of public libraries to the democratic process; and

(e) That the most effective use of library resources in this state can occur only through interlibrary cooperation among all types of libraries and the effective use of technology.

(2) The legislature declares that it is the policy of this state to provide laws for the development and improvement of public libraries, school libraries and interlibrary cooperation among all types of libraries.

History: 1985 a. 177; 1997 a. 150.

43.01 Definitions. In this chapter:

(1) "Department" means the department of public instruction.

(2) "Division" means the division for libraries and technology in the department.

(3) "Municipality" means a city, village, town, tribal government or tribal association, or a school district that maintained and operated a public library facility prior to December 17, 1971.

(4) "Network" means a formal arrangement between libraries or other informational service organizations whereby materials, information and services are exchanged and made available to potential users.

(5) "Public library system" means a system established as either a federated public library system under s. 43.19 or a consolidated public library system under s. 43.21.

(6) "State superintendent" means the state superintendent of public instruction.

History: 1971 c. 152; 1977 c. 418; 1979 c. 347; 1983 a. 189; 1985 a. 177 ss. 4, 5; 1993 a. 335; 1995 a. 27 ss. 1967, 9145 (1); 1997 a. 27; 2001 a. 48; 2011 a. 158.

43.03 General duties of state superintendent. The state superintendent shall:

(1) Promote, assist and plan the organization, development and improvement of school library media services to provide the resources needed for teaching and learning in the schools.

(2) Promote, assist, plan and coordinate the organization, development and improvement of public library services and public library systems to serve the needs of all citizens in the state.

(3) (a) Promote cooperation and resource sharing among public libraries, school libraries, other types of libraries and related agencies.

(b) Plan, coordinate, evaluate and set statewide priorities for the development of networks to enable library cooperation and resource sharing within this state and between this state and resource providers in other states.

(d) Submit to the council on library and network development a biennial report which describes the programs and policies carried out under pars. (a) and (b) in the preceding biennium and the programs and policies to be carried out under pars. (a) and (b) in the succeeding biennium.

(4) Plan and coordinate the provision of library services to groups with special needs, including institutional residents, the physically and mentally handicapped, the socially and economically disadvantaged and racial and ethnic minorities.

(5) Accept, on behalf of the state, grants from the federal government or any federal agency or gifts or grants from any other source to be used for the purposes designated under this chapter.

(6) Enter into an annual contract with the public library in a 1st class city for the provision of library services to physically handicapped persons, including the blind and visually handicapped, certified by competent authority as unable to read or use conventional printed materials as a result of physical limitations. For the purpose of this subsection, "competent authority" means any member of the medical or allied professions, and professional persons in the fields of public health, education, library service, rehabilitation, social work and public welfare.

(7) Contract for service with libraries and other resource providers in and outside of this state to serve as resources of specialized library materials and information not available from the resources for libraries and lifelong learning service under s. 43.05 (11).

(8) Establish procedures necessary for the internal administrative operation of the division.

(9) Develop and maintain a computer database containing bibliographic and library holding information for all types of library materials owned by libraries throughout the state to serve as a resource sharing tool and assist libraries in developing computerized bibliographic databases.

(10) Disseminate information regarding appropriate continuing education activities available to librarians, library board members, library support staff and other related professionals.

History: 1979 c. 347; 1985 a. 177; 1995 a. 27; 1997 a. 27; 1999 a. 185; 2011 a. 158.

43.05 General duties of the division. The division shall:

(1) Coordinate and conduct continuing education programs for librarians of school library media programs, public libraries, public library systems and institutional library programs.

(2) As it deems appropriate, assist libraries in the identification and recruitment of qualified personnel.

(3) Provide professional and technical advisory, consulting and informational services to assist:

(a) School districts establishing, maintaining or expanding school library media programs and facilities;

(b) Public libraries, municipalities establishing, maintaining or expanding public libraries, counties establishing, maintaining or expanding public library services, public library systems and their governing bodies;

(c) State agencies and officers; and

(d) Institutional library programs.

(4) Collect library statistics and conduct studies and surveys of library needs throughout the state and report and publish the findings. The research shall be coordinated with statewide library planning.

(5) Designate a librarian to serve as a coordinator of activities for state document depository libraries under ss. 35.81 to 35.835 and to fulfill its responsibilities under ss. 35.81 to 35.835.

(6) Recommend and distribute standards for school library programs and facilities to school library media programs, standards for public libraries to public library governing bodies and standards for institutional library programs to governing bodies and administrators of institutional library programs and to heads of departments, as defined under s. 15.01 (8), which administer institutional libraries.

(7) Establish standards for public library systems under s. 43.09 (2).

(8) Establish standards for and issue certificates to public librarians under s. 43.09 (1).

(9) Approve the establishment of public library systems under s. 43.13.

(10) Administer aids to public library systems under s. 43.24.

(11) Maintain a resources for libraries and lifelong learning service to supplement the collections of all types of libraries in this state by providing specialized materials not appropriately held and information sources not provided by local libraries or readily available from other area or state-level resource providers. The service shall provide specialized library and information services to state agency libraries and state employees, institution libraries, public library systems, public libraries, school libraries, and other types of libraries according to policies developed by the division. Library and information services may include development of collections of specialized materials, interlibrary loan services, reference services, provision of database search services, and maintenance of a statewide database of library materials. The service may contract with state agencies and libraries to provide library material cataloging and processing services.

(12) Assist the council on library and network development in the preparation of the descriptive and statistical report to be prepared by the council under s. 43.07 (5).

(13) Carry out such other programs and policies as directed by the state superintendent.

(14) (a) In this subsection, “participating municipality” has the meaning given in s. 43.18 (1) (ag).

(b) Conduct a review of a public library system if at least 30% of the libraries in participating municipalities that include at least 30% of the population of all participating municipalities state in the report under s. 43.58 (6) (c) that the public library system did not adequately meet the needs of the library. If the division determines that the public library system did not adequately meet the needs of libraries participating in the system, it shall prepare an advisory plan suggesting how the public library system can so do

in the future, including suggestions designed to foster intrasystem communications and local dispute resolution. The advisory plan shall be distributed to the public library system board, the boards of all libraries participating in the system and the county boards of all counties participating in the system.

History: 1979 c. 347; 1983 a. 189 s. 329 (27); 1985 a. 29, 177, 332; 1991 a. 285; 1995 a. 27; 1997 a. 27, 150; 1999 a. 83, 185; 2011 a. 158.

43.07 Council on library and network development.

The state superintendent and the division shall seek the advice of and consult with the council on library and network development in performing their duties in regard to library service. The state superintendent or the administrator of the division shall attend every meeting of the council. The council may initiate consultations with the department and the division. The council shall:

(1) Make recommendations to the division in regard to the development of standards for the certification of public librarians and standards for public library systems under s. 43.09.

(2) Advise the state superintendent in regard to the general policies and activities of the state’s program for library development, interlibrary cooperation and network development.

(3) Advise the state superintendent in regard to the general policies and activities of the state’s program for the development of school library media programs and facilities and the coordination of these programs with other library services.

(4) Hold a biennial meeting for the purpose of discussing the report submitted by the state superintendent under s. 43.03 (3) (d). Notice of the meeting shall be sent to public libraries, public library systems, school libraries and other types of libraries and related agencies. After the meeting, the council shall make recommendations to the state superintendent regarding the report and any other matter the council deems appropriate.

(5) On or before July 1 of every odd-numbered year, transmit to the state superintendent a descriptive and statistical report on the condition and progress of library services in the state and recommendations on how library services in the state may be improved. The state superintendent shall include the report as an addendum to the department’s biennial report under s. 15.04 (1) (d).

(6) Review that portion of the budget of the department relating to library service. Recommendations of the council in regard to the budget shall accompany the department’s budget request to the governor.

(7) Receive complaints, suggestions and inquiries regarding the programs and policies of the department relating to library and network development, inquire into such complaints, suggestions and inquiries, and advise the state superintendent and the division on any action to be taken.

History: 1979 c. 347; 1983 a. 524; 1985 a. 177; 1995 a. 27; 1997 a. 27.

43.09 Certificates and standards. (1) PUBLIC LIBRARIANS.

The division shall issue certificates to public librarians and promulgate, under ch. 227, necessary standards for public librarians. The qualifications for public librarians shall be based on education, professional training and experience. Any relevant instruction, as defined in s. 101.02 (24) (a) 1., that an applicant for a certificate has obtained in connection with any military service, as defined in s. 111.32 (12g), counts toward satisfying any requirement for instruction for a certificate under this subsection if the applicant demonstrates to the satisfaction of the division that the instruction obtained by the applicant is substantially equivalent to the instruction required for the certificate. Certificates already granted prior to December 17, 1971, shall remain in effect.

(2) PUBLIC LIBRARY SYSTEMS. The division, by rule, may promulgate necessary standards for public library systems. If promulgated, such rules shall be consistent with s. 43.15 and shall be established in accordance with ch. 227, except that the division shall hold a public hearing prior to adoption of any proposed rule. In addition to the notice required under s. 227.17, the division

shall endeavor to notify each public library of such public hearings.

History: 1971 c. 152; 1979 c. 347; 1985 a. 177; 1985 a. 182 s. 57; 1997 a. 150; 2011 a. 120.

Cross-reference: See also ch. PI 6, Wis. adm. code.

43.11 County library planning committees. (1) CREATION. Any county board may appoint a county library planning committee under this section. If a county board, in a county where all public library service is administered or coordinated by an existing county library board or where there is a single-county public library system board, determines to appoint a committee under this section, the existing library board may serve as the county library planning committee. The county board shall notify the division immediately upon appointment of the committee.

(3) DUTIES AND POWERS. (a) The committee may prepare a new plan for the organization of a county or multicounty system, revise an existing plan or change the boundaries of a public library system. It shall conduct public hearings concerning these plans, revisions and changes to which representatives of all libraries in the county shall be invited.

(b) The committee's final report, including a new plan, revisions to an existing plan or changes to the boundaries of a public library system and copies of any written agreements necessary to implement the proposal, shall be filed with the county board and submitted to the division. Plans for multicounty systems shall include a method for allocating system board membership among the member counties.

(c) The plan of library service for a county, whether for a single county or a multicounty system, shall provide for library services to residents of those municipalities in the county not maintaining a public library under this chapter. The services shall include full access to public libraries participating in the public library system and the plan shall provide for reimbursement for that access. Services may include books-by-mail service, bookmobile service, the establishment of additional libraries or other services deemed appropriate by the committee. Services may be provided by contracting with existing public libraries in the county or in adjacent counties or with the public library system or by creating a county library organization under this chapter. The plan of library service for a county may provide for improving public library service countywide and in municipalities that have libraries. The plan shall specify the method and level of funding to be provided by the county to implement the services described in the plan, including the reimbursement of public libraries for access by residents of those municipalities in the county not maintaining a public library.

(d) The plan of library services for a county may include minimum standards of operation for public libraries in the county. The county shall hold a public hearing on any standards proposed under this paragraph. The standards shall take effect if they are approved by the county and the public library boards of at least 50% of the participating municipalities in the county that contain, according to the most recent estimate prepared under s. 16.96, at least 80% of the population of participating municipalities in the county.

(e) The plan of library services for a county may require that a municipality located in whole or in part within the county that operates a public library compensate another municipality located in whole or in part within the county that operates a public library whenever the latter public library provides library services to residents of the municipality that operates the former public library. The plan's compensation for each loan may not exceed the actual cost of the loan, as defined by the department by rule.

History: 1971 c. 152; 1981 c. 20; 1985 a. 29, 177; 1993 a. 184; 1997 a. 150; 2005 a. 420.

43.12 County payment for library services. (1) By March 1 of each year, a county that does not maintain a consolidated public library for the county under s. 43.57 and that contains residents who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53 shall pay to each public

library in the county and to each public library in an adjacent county, other than a county with a population of at least 500,000, an amount that is equal to at least 70% of the amount computed by multiplying the number of loans reported under sub. (2) by the amount that results from dividing the total operational expenditures of the library during the calendar year for which the number of loans are reported, not including capital expenditures or expenditures of federal funds, by the total number of loans of material made by the public library during the calendar year for which the loans are reported. The library board of the public library entitled to a payment under this subsection may direct the county to credit all or a portion of the payment to a county library service or library system for shared services.

(2) By July 1 of each year, each public library lying in whole or in part in a county shall provide a statement to the county clerk of that county and to the county clerk of each adjacent county, other than a county with a population of at least 500,000, that reports the number of loans of material made by that library during the prior calendar year to residents of the county, or adjacent county, who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53 and the total number of loans of material made by that library during the previous calendar year.

(3) A county may enter into an agreement with its participating municipalities or with a public library system to pay no less than the amounts determined under sub. (1) to the public library system for distribution to the public libraries that participate in that system.

(4) Upon request of a county clerk, a public library shall provide access to all books and records used to determine the amount computed under sub. (2).

(5m) Nothing in this section prohibits a county from providing funding for capital expenditures.

(6) The county library board or, if no county library board exists, the county itself, shall either distribute the aid provided by the county to the public libraries, as provided in the plan prepared under s. 43.11, or shall transfer the aid for distribution to the public library system in which it participates.

(7) This section does not apply to a county having a population of 500,000 or more.

History: 1997 a. 150; 2005 a. 226, 420; 2007 a. 97.

43.13 Division review. (1) (a) No public library system may be established without the approval of the division. In reviewing final reports submitted by county library planning committees, the division shall consider, in addition to the standards set forth in s. 43.15, the proposed system territory, organization and financing, initial and long-range plans for library services, the role of existing multi-jurisdictional service programs in the territory and plans for cooperation with adjoining systems and with other kinds of libraries in the territory.

(b) If the division approves a final report, it shall report such approval to the appropriate county boards and county library planning committees. Upon acceptance by the county boards, the division shall certify to the appropriate county boards the establishment of the public library system proposed by the report, specifying the effective date of the establishment of the system.

(2) A public library system board may submit to the division a plan for the alteration in the territory included within the system or for a change in system organization from a federated to a consolidated system or vice versa. If the change proposed by the plan is approved, the division shall certify such fact to the system board, specifying the effective date of the change.

(3) The effective date of the establishment of a system under sub. (1) or of a change under sub. (2) shall be January 1 of the year specified by the division.

(4) Any decision by the division under this section may be appealed to the state superintendent.

History: 1971 c. 152; 1995 a. 27; 1997 a. 27; 2005 a. 226.

43.15 Standards for public library systems. A public library system shall not be established unless it meets the requirements under this section.

(1) POPULATION. The territory within the system shall:

(a) Have a population of 100,000 or more. If, because of the withdrawal or realignment of participating counties, a public library system has fewer than 3 participating counties and a population under 200,000, the remaining parts of the system shall realign with an existing system within 2 years after the date on which the population falls below 200,000.

(b) After July 1, 1998, no new system may be established unless it serves a population of at least 200,000.

(2) FINANCIAL SUPPORT. Each county proposed to be included within a system shall demonstrate, to the satisfaction of the division, its ability to provide adequate funding to implement the plan submitted under s. 43.11 (3) and the report submitted under s. 43.13 (1).

(3) TERRITORY INCLUDED. (a) A consolidated system shall consist of one county only. A federated system shall consist of one or more counties.

(b) No more than one system may be established within a single county. If the territory of a municipality lies in 2 or more counties which are not in the same public library system, the municipal library board or, if no such board exists, the municipal governing body shall determine the system in which the municipality will participate.

(c) If the territory of a joint library lies in 2 or more counties that are not in the same public library system, the joint library board or, if no such board exists, the governing bodies of the municipalities and counties that created the joint library shall determine the system in which the joint library will participate.

(4) METHOD OF ORGANIZATION. (a) A public library system may be organized as a single-county federated public library system, a multicounty federated public library system, or a single-county consolidated public library system. Two public library systems may merge with the approval of each public library system board and the county boards of the participating counties.

(b) A county may participate in a federated public library system if it does all of the following:

1. Adopts and maintains the plan of library service submitted and approved under ss. 43.11 (3) and 43.13 (1).
2. Provides the financial support for library services required under sub. (2).
3. Enters into a written agreement with the public library system board to participate in the system and its activities and to furnish library services to residents of those municipalities in the county not maintaining a public library.

(c) A municipal, county or joint public library may participate in a public library system if it meets all of the following requirements:

1. Is established under this chapter.
2. Is located in a county that participates in a public library system.
3. Is authorized by its municipal governing body or county board to participate in the public library system.
4. Enters into a written agreement with the public library system board to participate in the system and its activities, to participate in interlibrary loan of materials with other system libraries and to provide, to any resident of the system area, the same library services, on the same terms, that are provided to the residents of the municipality or county that established the member library. This subdivision does not prohibit a municipal, county or joint public library from giving preference to its residents in library group programs held for children or adults if the library limits the number of persons who may participate in the group program, or from providing remote access to a library's electronic database only to its residents.

6. Employs a head librarian who is certified as a public librarian by the department and whose employment requires that he or she be present in the library for at least 10 hours of each week that the library is open to the public, less leave time.

7. Beginning in 2008, annually is open to the public an average of at least 20 hours each week except that for a library in existence on June 3, 2006, annually is open to the public an average of at least 20 hours or the number of hours each week that the library was open to the public in 2005, whichever is fewer.

8. Beginning in 2008, annually spends at least \$2,500 on library materials.

(d) A county may establish a consolidated public library system in which the included county and its underlying communities form a single system. The county may, for such purposes, take over and acquire any library property by consent of the authority controlling that property.

(5) CAPITAL COSTS EXCLUDED. For the purpose of determining the amount of financial support required under sub. (4) (b) 2., amounts spent for capital projects shall be excluded.

(5m) LIMIT. A public library system may not be established if its establishment would cause the number of public library systems to exceed the number in existence on June 3, 2006.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29, 177; 1987 a. 399; 1989 a. 286; 1991 a. 269; 1995 a. 27 s. 9145 (1); 1995 a. 270; 1997 a. 27, 150; 2005 a. 226, 420; 2007 a. 97; 2011 a. 32.

Cross-reference: See also s. PI 6.06, Wis. adm. code.

43.16 Resource libraries. (1) (a) Each public library system shall have at least one system resource library. Annually, prior to the expiration of its agreement with its existing system resource library, the public library system board shall negotiate with the member public library with the largest annual operating budget of all member libraries to serve as a system resource library in the following year. If the board and the proposed resource library are unable to reach an agreement for the following year before the expiration date of any existing agreements with resource libraries, the existing agreements shall be extended for one year or until an agreement is reached with that proposed resource library, whichever occurs earlier. The division shall notify the public library system board, the existing resource libraries and the proposed resource library of the extension and, during the period of extension, shall attempt to mediate an agreement between the public library system board and the proposed resource library. If the division determines that the public library system board and the proposed system resource library are unable to reach an agreement before the end of the one-year period, the division shall propose an alternative agreement, which shall be binding if it is acceptable to the proposed system resource library. If the alternative agreement is unacceptable to the proposed system resource library, the board shall negotiate with the member public library with the next largest annual operating budget of all member public libraries to serve as a system resource library in the following year.

(am) An existing contract may be extended under par. (a) only if it was entered into on or after May 8, 1990.

(b) The procedure under par. (a) shall be repeated with member public libraries in decreasing order of the size of their annual operating budgets until an agreement is reached with a member public library to serve as a system resource library. Except as provided in par. (a), no agreement may extend beyond December 31 of any year.

(2) If the member public library selected to serve as a system resource library under sub. (1) fails to meet all of the following requirements, the system board shall enter into a supplementary contract with the academic library with the largest operating budget of all academic libraries in the system area, or with a resource library in an adjacent system, that meets all of the following requirements:

- (a) The library has a collection of at least 100,000 volumes.

(b) The library is open to the public at least 50 hours each week.

(c) The library employs at least one full-time, permanent reference librarian with a master's degree in library science.

History: 1989 a. 286.

43.17 Public library systems; general provisions.

(1) BOARD TERMS. Every public library system shall be governed by a board appointed under s. 43.19 or 43.21. No person employed by a public library that is a member of a public library system may be appointed to the public library system board. Upon the initial establishment of a board, the members shall be divided as nearly as possible into 3 equal groups to serve for terms expiring on January 1 of the 2nd, 3rd and 4th years, respectively, following their appointment. Thereafter, regular terms shall be for 3 years and shall commence on January 1. Vacancies shall be filled for the unexpired term in the same manner as regular appointments are made.

(2) BOARD ORGANIZATION AND MEETINGS. As soon as practicable after the initial establishment of a system, and thereafter in January of each year, the board shall organize by the election, from among its members, of a president and such other officers as it deems necessary. The board shall meet at least once every 2 months.

(2m) ADVISORY COMMITTEE. Every public library system may appoint a public library advisory committee to, among other things, advise the system board about the status and needs of libraries in the system, serve as a conduit of information between the system board and individual libraries in the system and make recommendations to the system board relating to libraries in the system.

(3) FISCAL YEAR. The fiscal year of each federated public library system whose territory lies within 2 or more counties shall be the calendar year.

(4) SYSTEM ADMINISTRATION. Notwithstanding ss. 59.17 (2) (br) and 59.18 (2) (b), responsibility for administration of a public library system shall vest in a head librarian who shall be appointed by and directly responsible to the public library system board.

(5) ANNUAL REPORT. Annually, at the time required by the division, each public library system shall report to the division on its operations, expenditures and territory served during the preceding year, shall submit a plan describing the program for library service to be carried out in the subsequent year and shall furnish such other information as the division requires.

(6) COOPERATIVE SERVICES. A public library system may contract with another such system, or with other libraries, library organizations or resource centers within this state or in adjacent states, to provide or receive library services.

(7) EXISTING EMPLOYEES. No person employed by a participating public library at the time of the establishment of a public library system shall lose, because of such establishment, any salary, fringe benefit or other employment rights in existence at that time.

(8) RETIREMENT. If any employee of a participating employer under the Wisconsin retirement system becomes, by virtue of the establishment of a public library system, an employee of that library system, the library system shall become a participating employer under the Wisconsin retirement system.

(9) CONTRACTS, BIDDING AND BORROWING. (a) All contracts for public construction made by a federated public library system whose territory lies within 2 or more counties or by a federated public library system whose territory lies within a single county with a population of at least 500,000 shall be let by the public library system board to the lowest responsible bidder in accordance with s. 62.15 (1) to (11) and (14). For purposes of this section, the system board possesses the powers conferred by s. 62.15 on the board of public works and the common council. All contracts made under this section shall be made in the name of the federated public library system and shall be executed by the system

board president and such other board officer as the system board designates.

(b) A public library system board of a multicounty library system may borrow money to accomplish any of its purposes, but the outstanding amount of such loans at any time may not exceed an amount equal to the system board's receipts for the prior fiscal year. A federated public library system whose territory lies within 2 or more counties may obtain a state trust fund loan to accomplish any of its purposes, but the outstanding amount of a federated public library system's state trust fund loans, together with all other indebtedness of the system, may not exceed an amount equal to the system's receipts for the prior fiscal year.

(10) BORROWERS' CARDS. Except as provided in sub. (11), all public libraries in a public library system shall honor the valid borrowers' cards of a public library in an adjacent public library system, other than the Milwaukee County Federated Library System. The requirement under this subsection does not apply to the Milwaukee County Federated Library System.

(11) COST OF LENDING SERVICES. (a) In this subsection, "loan" means a unit of service that involves the checking out of a single item from a library to an individual for use outside the library for a specific period of time.

(b) A public library in a public library system may refuse to honor valid borrowers' cards of a public library in an adjacent public library system if, in the most recent year in which the public library honored such cards, the total amount of the reimbursement received by the public library from that adjacent public library system, and from counties and municipalities that are located in that adjacent public library system, is less than the adjusted cost incurred for that year by the public library in honoring the cards.

(c) For purposes of par. (b), the adjusted cost shall be calculated by determining the actual cost for each loan incurred by the public library honoring the cards for a given year in the manner provided by the rules promulgated by the department under s. 43.24 (2) (n) and multiplying that amount by the remainder calculated by subtracting 500 from the total number of loans made in that year by the public library to borrowers from the adjacent public library system. For purposes of this paragraph, a renewal of a loan constitutes a separate loan.

(d) Any reimbursement made by a county under par. (b) may not result in a reduction in the level of support for public library services provided by that county to residents of that county.

(e) If a public library in a given public library system refuses to honor the valid borrowers' cards from an adjacent public library system, annual meetings shall be held between representatives of the affected public library systems to discuss the resulting lack of services to the affected borrowers and the costs of providing such services. The affected public library systems shall provide the division with written minutes of these meetings.

History: 1971 c. 152; 1981 c. 96; 1985 a. 29, 176, 177; 1985 a. 332 s. 253; 1989 a. 286; 1991 a. 272; 1993 a. 383; 1995 a. 201; 1997 a. 150; 1999 a. 9; 2001 a. 16, 103; 2005 a. 226.

43.18 Withdrawal, abolition and expulsion. **(1) WITHDRAWAL.** (ag) In this subsection, "participating municipality" means a municipality that operates a public library and is a member of a public library system.

(am) Not less than 3 years after affiliating with a public library system, a participating municipality or a county may withdraw from the system by adoption of a resolution by a two-thirds vote of its governing body under pars. (ar) and (b), if the resolution is adopted at least 6 months prior to the close of the system's fiscal year. The resolution shall become effective at the close of the system's fiscal year.

(ar) With the approval of the governing bodies of participating municipalities that contain, according to the most recent estimate prepared under s. 16.96, at least 80% of the population of participating municipalities in the county, a county may withdraw from

a federated public library system whose territory lies within 2 or more counties.

(b) A participating municipality may withdraw from a federated public library system.

(2) ABOLITION. A county may abolish a public library system whose territory lies only within that county, except that a county containing a 1st class city may abolish such a public library system only with the consent of the municipalities within the system.

(2m) EXPULSION. With the approval of the division, a public library system may expel, or reduce aids or services to, a municipality or county that fails to meet the requirements under s. 43.15 (2) or (4).

(3) PROCEDURE. (a) Prior to taking any action to abolish or withdraw under this section, the county board or other municipal governing body shall hold a public hearing on the proposed action and shall publish a class 1 notice, under ch. 985, of the hearing. Notice of the hearing also shall be given by registered mail not less than 30 days prior to the hearing to the governing body of every other municipality and county participating in the public library system, to the public library system board and to the division.

(b) A municipality or county withdrawing or expelled under this section from a public library system is responsible for its allocated share of the outstanding liabilities of the system on the effective date of its withdrawal or expulsion.

(c) Upon taking final action under this section to withdraw from or abolish a public library system, the county board or other municipal governing body shall give notice, by registered mail, of the action taken to the governing body of every other municipality and county participating in the public library system, to the public library system board and to the division.

(d) Prior to expelling a municipality or county from a public library system, the system board shall notify the municipality or county and the division, by registered mail, of the reason for the action under consideration and shall hold a public hearing concerning the action. The system board shall file a plan for alteration of the system territory under s. 43.13 (2) by November 15 of the year preceding the year in which the expulsion will take effect under s. 43.13 (3) and the division shall adjust state aid under s. 43.24 accordingly.

(e) A municipality or county that has withdrawn or that has been expelled from a public library system may participate in a public library system only by fulfilling the requirements for initial participation under s. 43.15 (4) (b) or (c) and by adopting a new plan of library service for the county.

History: 1971 c. 152; 1981 c. 197; 1985 a. 29; 1997 a. 150; 1999 a. 83.

43.19 Federated public library systems. (1) (a) In a federated public library system whose territory lies within a single county, the system board shall consist of 7 members nominated by the county executive, or by the county board chairperson in a county without a county executive, and approved by the county board. At least 3 members of the system board, at the time of their appointment, shall be active voting members of library boards governing public libraries of participating municipalities, and at least one of these shall be a member of the library board governing the resource library. At least one but not more than 2 members of the county board shall be members of the system board at any one time.

(b) 1. Except as provided in subd. 2., in a federated public library system whose territory lies within 2 or more counties, the system board shall consist of at least 15 and not more than 20 members nominated by the county executive in each county in the system, or by the county board chairperson in a county without a county executive, and approved by each county board in the system. Appointments shall be in proportion to population as nearly as practical, but, except as provided in subd. 2., each county shall be represented by at least one member on the system board. Each county board may appoint one county board member to the system board. The public library board governing the designated resource library shall have at least one member on the system

board. The remaining system board members shall include such representatives of the library boards governing public libraries of participating municipalities and counties and public members appointed from the counties at large as the county board determines.

2. A system board appointed under subd. 1. may consist of more than 20 members if the county boards, acting jointly, determine that each county in the system shall be represented by at least 2 members on the system board.

(2) (a) Except as otherwise provided in this paragraph, a federated public library system whose territory lies within a single county shall be deemed an agency of the county and a federated public library system whose territory lies within 2 or more counties shall be deemed a joint agency of those counties. A federated public library system whose territory lies within 2 or more counties constitutes a separate legal entity for the purposes of having the exclusive custody and control of all system funds, holding title to and disposing of property, constructing, enlarging and improving buildings, making contracts and suing and being sued. A federated public library system whose territory lies within a single county with a population of 500,000 or more constitutes a separate legal entity solely for the purposes of having the exclusive custody and control of all system funds, making contracts and providing benefits to its employees under ch. 40.

(b) A federated public library system board shall have the powers of a public library board under s. 43.58 with respect to system-wide functions and services. The local library boards shall retain responsibility for their public libraries in all other areas.

History: 1971 c. 152; 1985 a. 177; 1993 a. 383; 1997 a. 150.

43.21 Consolidated public library systems. (1) In a consolidated public library system, the system board shall consist of 7 or 9 members appointed by the county board. In the initial appointment of a system board, at least 3 members of the system board, at the time of their appointment, shall be active voting members of library boards governing public libraries consolidated into the system. At least one but not more than 2 members of the county board shall be members of the system board at any one time.

(2) (a) A consolidated public library system shall be deemed an agency of the county by which created.

(b) A consolidated public library system board shall have the powers of a library board under ss. 43.58 and 43.60 and shall be responsible for the total program of public library service for the system territory.

(3) If it is consistent with the terms thereof, a gift, bequest or endowment to a public library becoming part of a consolidated public library system may be taken over by the system board. The system board shall maintain the gift, bequest or endowment for the benefit of the library to which it was given.

History: 1971 c. 152; 1985 a. 177 ss. 23, 71; 1993 a. 241.

43.24 State aid. (1) Each public library system shall be paid state aid for the operation and maintenance of the system. Except as provided in pars. (b) and (c), the amount paid to each system shall be determined as follows:

(a) 1. Determine the percentage change in the total amount appropriated under s. 20.255 (3) (qm) between the previous fiscal year and the current fiscal year, except that for the 2009–10 fiscal year, determine the percentage change in the total amount appropriated under s. 20.255 (3) (e), 2007 stats., and s. 20.255 (3) (qm) in the previous fiscal year, and s. 20.255 (3) (qm) in the current fiscal year.

2. Multiply the amount of state aid received by the system in the previous fiscal year by the sum of 1.0 and the result under subd. 1. expressed as a decimal.

(b) If the territory of a public library system is altered, the department shall adjust the aid paid to that system under par. (a). The department shall promulgate rules establishing the method the department will use to make the adjustment.

(c) Beginning in the fiscal year in which the total amount of state aid appropriated for public library systems under s. 20.255 (3) (qm), as determined by the department, equals at least 11.25% of the total operating expenditures for public library services from local and county sources in the calendar year ending in that fiscal year, the amount paid to each system shall be determined by adding the result of each of the following calculations:

1. Multiply the system's percentage of the state's population by the product of the amount appropriated under s. 20.255 (3) (qm) and 0.85.

2. Multiply the system's percentage of the state's geographical area by the product of the amount appropriated under s. 20.255 (3) (qm) and 0.075.

3. Divide the sum of the payments to the municipalities and counties in the system under subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated payments under s. 79.015, by the total of all payments under subch. I of ch. 79 for the current fiscal year, as reflected in the statement of estimated payments under s. 79.015, and multiply the result by the product of the amount appropriated under s. 20.255 (3) (qm) and 0.075.

(2) For a public library system to qualify for and maintain its eligibility for state aid under this section it shall ensure that all of the following are provided:

(a) Written agreements that comply with s. 43.15 (4) (c) 4, with all member libraries.

(b) Backup reference, information and interlibrary loan services from the system resource library, including the development of and access to specialized collections, as evidenced by a written agreement with that library.

(d) Referral or routing of reference and interlibrary loan requests from libraries within the system to libraries within and outside the system.

(e) In-service training for participating public library personnel and trustees.

(fm) Electronic delivery of information and physical delivery of library materials to participating libraries.

(g) Service agreements with all adjacent library systems.

(h) Professional consultant services to participating public libraries.

(i) Any other service programs designed to meet the needs of participating public libraries and the residents of the system area, as determined by the public library system board after consultation with participating public libraries.

(k) Promotion and facilitation of library service to users with special needs.

(L) Cooperation and continuous planning with other types of libraries in the system area, which results in agreements with those libraries for the appropriate sharing of library resources to benefit the clientele of all libraries in the system area.

(m) Planning with the division and with participating public libraries and other types of libraries in the area in regard to library technology and the sharing of resources. By January 1, 2000, and by every 5th January 1 thereafter, the public library system shall submit to the division a written plan for library technology and the sharing of resources.

(n) That, if the system reimburses a participating public library for the costs of providing interlibrary borrowing services to an individual who holds a valid borrower's card of another participating public library, the reimbursement shall not exceed the actual costs incurred by the public library in providing such services. The department shall promulgate rules for determining actual costs for the purposes of this paragraph.

(3) Annually, the division shall review the reports and proposed service plans submitted by the public library systems under s. 43.17 (5) for conformity with this chapter and such rules and standards as are applicable. Upon approval, the division shall certify to the department of administration an estimated amount to which each system is entitled under this section. Annually on or

before December 1 of the year immediately preceding the year for which aids are to be paid, the department of administration shall pay each system 75% of the certified estimated amount from the appropriation under s. 20.255 (3) (qm). The division shall, on or before the following April 30, certify to the department of administration the actual amount to which the system is entitled under this section. On or before July 1, the department of administration shall pay each system the difference between the amount paid on December 1 of the prior year and the certified actual amount of aid to which the system is entitled from the appropriation under s. 20.255 (3) (qm). The division may reduce state aid payments when any system or any participant thereof fails to meet the requirements of sub. (2). Beginning September 1, 1991, the division may reduce state aid payments to any system if the system or any participant in the system fails to meet the requirements of s. 43.15 (4).

(3m) If the appropriation under s. 20.255 (3) (qm) in any one year is insufficient to pay the full amount under sub. (1), state aid payments shall be prorated among the library systems entitled to such aid.

(4) The division shall assure through an annual audit and adjustment of aids, as necessary, that no more than 20% of the funds received by systems are used for administrative purposes.

(5) Any interest earned from the investment of state aid paid to each public library system under sub. (3) shall be allocated to the library system receiving the aid payments.

(6) In submitting information under s. 16.42 for purposes of the biennial budget bill, the department shall include an amount for public library services for each fiscal year of the fiscal biennium equal to 13% of the total operating expenditures for public library services, in territories anticipated to be within all systems in the state, from local and county sources in the calendar year immediately preceding the calendar year for which aid under this section is to be paid. The amount shall include a recommendation for the appropriation under s. 20.255 (3) (qm) and recommendations for the funding of other public library services, as determined by the department in conjunction with public libraries and public library systems.

History: 1971 c. 152; 1971 c. 211 s. 126; 1971 c. 336; 1973 c. 243 s. 82; 1977 c. 29; 1979 c. 34, 347; 1981 c. 20; 1983 a. 27 s. 2202 (42); 1985 a. 29, 177; 1989 a. 21, 286; 1991 a. 272; 1993 a. 16, 490; 1995 a. 27, 225; 1997 a. 150; 1999 a. 9, 99; 2003 a. 33; 2005 a. 420; 2009 a. 28; 2011 a. 158; s. 35.17 correction in (1) (a) 1.

Cross-reference: See also ss. PI 6.07 and 6.11, Wis. adm. code.

43.27 Distribution of materials from resources for libraries and lifelong learning collection to public library systems. The division may disperse to public library systems, without charge, materials from the collection of the resources for libraries and lifelong learning service that the division determines are not appropriately held in the collection of the resources for libraries and lifelong learning service.

History: 1979 c. 347; 1993 a. 335; 2011 a. 158.

43.30 Public library records. (1b) In this section:

(a) "Custodial parent" includes any parent other than a parent who has been denied periods of physical placement with a child under s. 767.41 (4).

(b) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

(1m) Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 under sub. (4), to libraries under subs. (2) and (3), or to law enforcement officers under sub. (5).

(2) A library supported in whole or in part by public funds may disclose an individual's identity to another library for the purpose

of borrowing materials for the individual only if the library to which the individual's identity is being disclosed meets at least one of the following requirements:

- (a) The library is supported in whole or in part by public funds.
- (b) The library has a written policy prohibiting the disclosure of the identity of the individual except as authorized under sub. (3).
- (c) The library agrees not to disclose the identity of the individual except as authorized under sub. (3).

(3) A library to which an individual's identity is disclosed under sub. (2) and that is not supported in whole or in part by public funds may disclose that individual's identity to another library for the purpose of borrowing materials for that individual only if the library to which the identity is being disclosed meets at least one of the requirements specified under sub. (2) (a) to (c).

(4) Upon the request of a custodial parent or guardian of a child who is under the age of 16, a library supported in whole or in part by public funds shall disclose to the custodial parent or guardian all library records relating to the use of the library's documents or other materials, resources, or services by that child.

(5) (a) Upon the request of a law enforcement officer who is investigating criminal conduct alleged to have occurred at a library supported in whole or in part by public funds, the library shall disclose to the law enforcement officer all records pertinent to the alleged criminal conduct that were produced by a surveillance device under the control of the library.

(b) If a library requests the assistance of a law enforcement officer, and the director of the library determines that records produced by a surveillance device under the control of the library may assist the law enforcement officer to render the requested assistance, the library may disclose the records to the law enforcement officer.

History: 1981 c. 335; 1991 a. 269; 2003 a. 207; 2007 a. 34, 96; 2009 a. 180.

43.52 Municipal libraries. (1) Any municipality may establish, equip and maintain a public library, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain the public library. The municipality may enact and enforce police regulations to govern the use, management and preservation of the public library. Any municipality desiring to establish a new public library shall obtain a written opinion by the division regarding the feasibility and desirability of establishing the public library before final action is taken. The division shall render its opinion within 30 days of the time the request is received.

(1m) (a) Any town desiring to establish a new public library or participate in a joint library under s. 43.53 shall in addition to the requirement under sub. (1) obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors shall render decisions within 90 days of the request being received. A town may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the participation by the town in a joint library with a municipality located in another county. The state superintendent shall hold a public hearing on the appeal within 60 days after receiving notice of the appeal. The state superintendent shall publish a class 1 notice under ch. 985 of the hearing and shall also provide notice of the hearing to the town board, the county board of supervisors and the county library board. The state superintendent shall decide the appeal within 30 days after the adjournment of the public hearing.

(b) Any city or village that is entirely located in a county that operates and maintains a consolidated public library for the county under s. 43.57, and that desires to establish a new public library or participate in a joint library under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and

the county board of supervisors shall render decisions within 90 days of the request being received. The common council or village board may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the participation by the city or village in a joint library with a municipality located in another county. The state superintendent shall hold a public hearing on the appeal within 60 days after receiving notice of the appeal. The state superintendent shall publish a class 1 notice under ch. 985 of the hearing and shall also provide notice of the hearing to the common council or village board, the county board of supervisors, and the county library board. The state superintendent shall decide the appeal within 30 days after the adjournment of the public hearing.

(2) Every public library shall be free for the use of the inhabitants of the municipality by which it is established and maintained, subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number. The library board may exclude from the use of the public library all persons who willfully violate such regulations.

(3) Any municipality may purchase or acquire one or more sites, erect one or more buildings and equip the same for a public library or any library already established; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.

(4) A municipal library may contract with library organizations within this state or in adjacent states to provide or receive library services.

History: 1971 c. 152 s. 16; 1977 c. 418; 1985 a. 177 ss. 26 to 28, 47; 1989 a. 286; 1997 a. 150; 2005 a. 226, 420.

A library can charge user fees for any services that fall outside of a library's inherent information-providing functions; core "library services" must be provided free of charge to the inhabitants of the municipality. 73 Atty. Gen. 86.

Municipal libraries may not charge a fee for lending video cassettes that are part of a reasonable permanent collection, but may charge for lending additional copies. Municipal libraries may not charge a fee for online searching of bibliographic or informational databases. 78 Atty. Gen. 163.

43.53 Joint libraries. (1) Joint libraries may be created by any 2 or more municipalities or by a county and one or more municipalities located in whole or in part in the county, by appropriate agreement of their governing bodies. Section 43.52 applies to joint libraries.

(2) Joint library agreements under sub. (1) shall contain provisions necessary to establish a library board under s. 43.54, including a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities, as shown by the most recent federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s. 43.58; and own and operate the physical facilities. A joint library agreement shall also do all of the following:

(a) Name one of the participants as the library's fiscal agent, who is responsible for the payroll, benefit administration, insurance, and financial record keeping and auditing for the library. The participant's costs of providing the services under this paragraph count toward the financial support required of the participant under s. 43.15 (4) (b) 2.

(b) Include a procedure for the distribution of a joint library's assets and liabilities if the joint library is dissolved.

(3) A joint library may not be established unless it includes at least one municipality with a public library established before May 8, 1990.

History: 1971 c. 152 s. 19; Stats. 1971 s. 43.56; 1985 a. 177 ss. 33, 34; Stats. 1985 s. 43.53; 1989 a. 286; 1995 a. 270; 2005 a. 420; 2011 a. 32.

43.54 Municipal library board composition. (1) (a) Each public library established under s. 43.52 shall be administered by a library board composed in each city of the 2nd or 3rd class or school district of 9 members, in each city of the 4th class of 7 members and in each village, town, tribal government or tribal association of 5 members. Two additional members may be appointed to a library board for a village, town, tribal government or tribal association so that the board has 7 members. Members

shall be residents of the municipality, except that not more than 2 members may be residents of other municipalities. Members shall be appointed by the mayor, village president, town chairperson, tribal chairperson or school board chairperson, respectively, with the approval of the municipal governing body. Up to 5 additional members may be appointed under s. 43.60 (3).

(am) Each public library established in a 1st class city shall be administered by a library board consisting of the president of the board of school directors or his or her designee, the superintendent of schools or his or her designee, a member of the county board of supervisors who resides in the county, 3 alderpersons and 6 public members. The county board member shall be appointed by the county executive or county administrator and confirmed by the county board for a 4-year term commencing on May 1. The 3 alderpersons shall be appointed by the mayor on the 3rd Tuesday in April from among those alderpersons serving 4-year terms and shall serve on the library board during their aldermanic terms. The 6 public members shall be residents of the city. Five of the public members shall be appointed by the mayor on the 3rd Tuesday in April to staggered 4-year terms. One of the public members appointed by the mayor under this paragraph shall be designated by the mayor as his or her representative on the board. One public member shall be appointed by the president of the common council on the 3rd Tuesday in April for a 4-year term. The public member appointed by the president of the common council under this paragraph shall be designated by the president of the common council as his or her representative on the board.

(b) Upon their first appointment, the members shall be divided as nearly as practicable into 3 equal groups to serve for 2-, 3- and 4-year terms, respectively. Thereafter, each regular appointment shall be for a term of 3 years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made.

(c) The appointing authority shall appoint as one of the members a school district administrator, or the administrator's representative, to represent the public school district or districts in which the public library is located. Not more than one member of the municipal governing body shall at any one time be a member of the library board.

(d) No compensation shall be paid to the members of a library board for their services, except as follows:

1. Members may be reimbursed for their actual and necessary expenses incurred in performing duties outside the municipality if so authorized by the library board.

2. Members may receive per diem, mileage and other necessary expenses incurred in performing their duties if so authorized by the library board and the municipal governing body.

(e) A majority of the membership of a library board constitutes a quorum, but any such board may, by regulation, provide that 3 or more members thereof shall constitute a quorum. For library boards organized under par. (am), a majority of those seats on the board that are currently filled constitutes a quorum.

(1m) (a) Boards appointed for joint libraries under s. 43.53 shall:

1. Consist of 7 to 11 members and be representative of the populations of the participating municipalities.

2. Be appointed by the head of the municipal governing body of each participating municipality and county board chairperson of the participating county.

(b) Subsections (1) (b) to (e) and (2) apply to joint library boards.

(2) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within 60 days after the beginning of terms, the members of the library board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(3) In any city of the 2nd or 3rd class, the common council may, by a two-thirds vote, provide for the reduction of the number

of appointive members of the library board to 7. Thereupon, whenever a term expires or a vacancy occurs, no appointment shall be made until the number of such members has been so reduced, whereupon the remaining members shall be by lot divided by the common council into 3 classes, 3 to serve for 3 years, 2 to serve for 2 years and 2 to serve for one year, respectively, from the date of such completed reduction, and thereafter each regular appointment shall be for a term of 3 years.

History: 1971 c. 152 ss. 19, 20; 1977 c. 418; 1981 c. 197; 1983 a. 27, 192, 214, 538; 1985 a. 177; 1987 a. 286; 1991 a. 269, 316; 1993 a. 184; 1997 a. 150; 2005 a. 226; 2009 a. 207.

43.57 Consolidated county libraries and county library services. (1) CONSOLIDATED COUNTY LIBRARIES. (a) A county board may establish and maintain a consolidated public library for the county, and may for such purpose adopt, take over and acquire any libraries already established, by consent of the authorities controlling those libraries.

(b) If it is consistent with the terms thereof, a gift, bequest or endowment to a public library becoming a part of a consolidated county library may be taken over by the county library board. The county library board shall maintain the gift, bequest or endowment for the benefit of the library to which it was given.

(c) A consolidated county library may become part of a federated multicounty system organized under s. 43.19.

(d) A consolidated county library may contract with library organizations within this state or in adjacent states to provide or receive library services.

(2) JOINT LIBRARIES. A county board may authorize the formation of a joint library under s. 43.53 and may participate in a joint library board under s. 43.54.

(3) COUNTY LIBRARY SERVICES. A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities that have established libraries under s. 43.52 or 43.53 or to improve the library services of municipal libraries established under s. 43.52 or 43.53. The county library service may operate a library or library service program or may contract with library organizations within this state or in adjacent states for services.

(4) BOARD APPOINTMENT. (a) In a county with a consolidated county library under sub. (1), the county board chairperson shall, with the approval of the county board, appoint a 7-member or 9-member county library board.

(b) In a county operating a county library service under sub. (3), the county board chairperson shall, with the approval of the county board, appoint a 7-member library board.

(c) Boards appointed under pars. (a) and (b) shall include at least one school district administrator of a school district located in whole or in part in the county, or that school district administrator's designee, and one or 2 county board supervisors. Boards appointed under par. (b) shall include, in addition, representatives of existing library boards under s. 43.54 and persons residing in municipalities not served by libraries.

(d) Boards appointed under pars. (a) and (b) have the powers and duties of a library board under s. 43.58.

(5) TERMS OF OFFICE, COMPENSATION, OFFICERS, DUTIES. (a) Upon the initial establishment of a board under sub. (4) (a) or (b), the members shall be divided as nearly as practicable in 3 equal groups to serve for 2-, 3- and 4-year terms, respectively, following their appointment. Thereafter, terms shall be for 3 years. Vacancies shall be filled for unexpired terms in the same manner as regular appointments are made.

(b) No compensation shall be paid to the members of a board under sub. (4) (a) or (b) for their services, except as follows:

1. Members may be reimbursed for their actual and necessary expenses incurred in performing their duties if so authorized by the board.

2. Members may receive per diem, mileage and other necessary expenses incurred in performing their duties if so authorized by the board and the county board.

(c) A majority of the membership of a board under sub. (4) (a) or (b) constitutes a quorum, but any such board may, by resolution, provide that 3 or more members constitute a quorum.

(d) As soon as practicable after the first appointments, at a date and place fixed by the appointing officer, and annually thereafter within 30 days after the beginning of terms, the members of the board shall organize by the election, from among their number, of a president and such other officers as they deem necessary.

(e) Section 43.52 (2) applies to consolidated county libraries and county library services.

(f) A library organized under this section may participate in a public library system subject to s. 43.15.

(6) GIFTS AND GRANTS. Any county may receive, by bequest or gift, property for the purpose of establishing a public library for the county and may enter into an agreement to maintain a public library in consideration thereof, and shall be bound to faithfully perform such agreement. In such case the library board appointed under s. 43.57 (4) or, in the absence of a library board, the county board may properly administer the same.

History: 1971 c. 152 s. 25; Stats. 1971 s. 43.57; 1981 c. 282 s. 47; 1985 a. 177 ss. 35 to 41, 51; 1989 a. 286; 1993 a. 241; 1995 a. 354.

43.58 Powers and duties. (1) The library board shall have exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund, and of the purchase of a site and the erection of the library building whenever authorized. The library board also shall have exclusive charge, control and custody of all lands, buildings, money or other property devised, bequeathed, given or granted to, or otherwise acquired or leased by, the municipality for library purposes.

(2) (a) The library board shall audit and approve all expenditures of the public library and forward the bills or vouchers covering the expenditures, setting forth the name of each claimant or payee, the amount of each expenditure, and the purpose for which it was expended, to the appropriate municipal or county financial officer or, in the case of a school district, the school district clerk. The library board shall include a statement, signed by the library board secretary or other designee of the library board, that the expenditure has been incurred and that the library board has audited and approved the expenditure. The appropriate municipal, county, or school district official shall then pay the bill as others are paid.

(b) Notwithstanding par. (a), regular wages or salary or other recurring payments, authorized by the library board and verified by the appropriate library official, may be paid by the appropriate municipal, county, or school district official by the date due or, in the case of salaries, by the regular pay day. The library board shall audit and approve any such payment at its next regular meeting.

(3) Any person having a claim or demand against the municipality or county growing out of any act or omission of the library board shall file with the library board a written statement thereof. If the claim or demand or any part thereof is disallowed, the claimant may bring an action against the municipality or county.

(4) Notwithstanding ss. 59.17 (2) (br) and 59.18 (2) (b), 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.

(5) The library board may employ competent persons to deliver lectures upon scientific, literary, historical or educational subjects; and may cooperate with the University of Wisconsin System, technical college district boards, the historical society, the department, cooperative educational service agencies, school boards and other educational institutions to secure such lectures or to foster and encourage by other means the wider use of books and other resource, reference and educational materials upon

scientific, historical, economic, literary, educational and other useful subjects.

(6) (a) Within 60 days after the conclusion of the fiscal year of the municipality or county in which the public library is located, the library board shall make a report to the division and to its governing body. The report shall state the condition of the library board's trust and the various sums of money received for the use of the public library during the year, specifying separately the amounts received from appropriations, from the income of trust funds, from rentals and other revenues of the public library and from other sources. The report shall state the condition of all funds in the library board's control and shall state in detail the disbursements on account of the public library during that fiscal year.

(b) The report to the division shall include data concerning library materials, facilities, personnel, operations and such other information as the division requests.

(c) The report to the division shall contain a statement by the library board indicating whether the public library system in which the library participated during the year of the report did or did not provide effective leadership and adequately meet the needs of the library and an explanation of why the library board believes so. The division shall design the form of the statement so that it may be removed from the report and forwarded to the division before it is sent to the public library system.

(7) The library board may receive, manage and dispose of gifts and donations as follows:

(a) All persons wishing to make donations of property for the benefit of a public library may vest the title thereto in the library board, to be held and controlled by the board, when accepted, according to the terms of the deed of gift, devise or bequest. As to such property the board shall be deemed special trustees.

(b) 1. In this paragraph, "community foundation" means a charitable organization, described in section 501 (c) (3) of the Internal Revenue Code and exempt from federal income tax under section 501 (a) of the Internal Revenue Code, dedicated to encouraging and assisting charitable activities and enterprises in a designated community in this state and having expertise in finance, fund development, and grantmaking.

2. If a gift, bequest, or endowment is made to any public library, the library board may pay or transfer the gift, bequest, or endowment, or its proceeds, to the treasurer of the municipality or county in which the public library is situated; may entrust the gift, bequest, or endowment to a public depository under ch. 34; may pay or transfer the gift, bequest, or endowment to the library board's financial secretary; or may, subject to subd. 3., pay or transfer the gift, bequest, or endowment to a charitable organization, described in section 501 (c) (3) of the Internal Revenue Code and exempt from federal income tax under section 501 (a) of the Internal Revenue Code, the purpose of which is providing financial or material support to the public library or to a community foundation. A payment or transfer of a gift, bequest, or endowment by a library board to a charitable organization described in this paragraph made prior to March 19, 2008, is not invalid as lacking statutory authority to make the payment or transfer. If the library board pays or transfers the gift, bequest, or endowment to the financial secretary, the financial secretary may invest the gift, bequest, or endowment as permitted under s. 66.0603 (1m) or 112.11 (3); or may delegate investment authority for the gift, bequest, or endowment as permitted under s. 66.0603 (2) or 112.11 (5). The financial secretary shall hold office only during membership on the library board and shall be elected annually at the same time and in the same manner as the other officers of the library board.

3. A library board may pay or transfer a gift, bequest, or endowment to a charitable organization described in subd. 2. or to a community foundation only if the library board and the charitable organization or the community foundation agree, in writing and at the time of the payment or transfer of the gift, bequest, or endowment, to each of the following:

a. The charitable organization or the community foundation agrees to make disbursements from and of the gift, bequest, or endowment to the library board upon the written request of the library board.

b. Subject to subd. 3. **bm.**, the library board retains control over the manner in which any disbursement made under subd. 3. **a.** is used.

bm. The library board's use of any disbursement made under subd. 3. **a.** shall be consistent with the intent of the donor of the gift, bequest, or endowment and with the agreement between the library board and the charitable organization or community foundation.

c. The library board exercises its rights over the use of each disbursement made under subd. 3. **a.** in accordance with the law applicable to trust investments and the provisions of this chapter.

(c) If any such treasurer or financial secretary holds any property belonging to the public library, the library board shall require a bond from the treasurer or financial secretary to the library board in such sum, not less than the amount of such property so held by him or her, and with such sureties as the library board requires. The bond shall be conditioned in substantially the same form as the ordinary bond required from the treasurer of the municipality or county, with the necessary changes.

(d) The treasurer or financial secretary shall make an annual report to the library board showing in detail the amount, investment, income and disbursements from the trust funds in his or her charge. Such report shall also be appended to the annual report of the library board under s. 43.58 (6).

(e) In the case of a gift for a library building, the library board of the municipality shall have the exclusive right to select and contract for the purchase of a site.

History: 1971 c. 152 ss. 10, 20; 1977 c. 26, 418; 1985 a. 176; 1985 a. 177 ss. 42, 43, 48 to 50, 52; 1985 a. 225, 332; 1987 a. 252; 1993 a. 399; 1995 a. 201, 264; 1997 a. 150; 2005 a. 226; 2007 a. 61; 2009 a. 33; 2011 a. 163.

Municipal libraries are a matter of statewide concern. Accordingly, home rule provisions will not justify local departures from the provisions of ch. 43. 76 Atty. Gen. 203.

43.60 County appointments to municipal and joint public library boards. (3)

(a) A county chairperson, with the approval of the county board, may appoint from among the residents of the county additional members to the library board of a public library of a municipality located in whole or in part in the county, for a term of 3 years from the May 1 following the appointment, and thereafter for a term of 3 years, as follows:

1. If the annual sum appropriated by the county to the public library is equal to at least one–sixth, but less than one–third, of the annual sum appropriated to the public library by any municipality in which the public library is located during the preceding fiscal year, one additional member.

2. If the annual sum appropriated by the county to the public library is equal to at least one–third, but less than one–half, of the annual sum appropriated to the public library by any municipality in which the public library is located, 2 additional members.

3. If the annual sum appropriated by the county to the public library is equal to at least one–half, but less than two–thirds, of the annual sum appropriated to the public library by any municipality in which the public library is located, 3 additional members.

4. If the annual sum appropriated by the county to the public library is equal to at least two–thirds, but less than the annual sum appropriated to the public library by any municipality in which the public library is located, 4 additional members.

5. If the annual sum appropriated by the county to the public library is equal to at least the annual sum appropriated to the public library by any municipality in which the public library is located, 5 additional members.

(b) For a joint public library of 2 or more municipalities, the “annual sum appropriated to the public library by any municipality in which the public library is located” under par. (a) is the total

sum appropriated by all of the municipalities participating in the joint library.

(c) A county chairperson may appoint a county supervisor to serve as a member of a library board of a public library of a municipality under par. (a), but no more than one county supervisor so appointed may serve on the library board at the same time.

(4) If an additional member appointed to a library board under sub. (3) (a) loses the status upon which the appointment was based, he or she ceases to be a member of the library board effective on the following May 1.

History: 1971 c. 152 s. 23; Stats. 1971 s. 43.60; 1981 c. 197; 1985 a. 177; 1989 a. 56; 1991 a. 269; 2005 a. 226.

43.64 County tax. (1) The county board of a county expending money for public library service to its inhabitants may levy a tax to provide funds for such service and shall include any amount of tax under this subsection in the amount of taxes determined to be levied under s. 70.62 (1).

(2) (a) In this subsection, “library fund” means the funds raised by the city, village, town or school district by tax levy or appropriation under s. 43.52 (1).

(b) Except as provided in sub. (2m), any city, town, village or school district in a county levying a tax for public library service under sub. (1) shall, upon written application to the county board of the county, be exempted from the tax levy, if the city, town, village or school district making the application levies a tax for public library service and appropriates and expends for a library fund during the year for which the county tax levy is made a sum at least equal to an amount calculated as follows:

1. Divide the amount of tax levied by the county for public library service under sub. (1) in the prior year, less the amount levied for public library capital expenditures, by the equalized valuation of property in that area of the county that was subject to the county property tax levy for public library services in the prior year.

2. Multiply the amount determined under subd. 1. by the equalized valuation of property in the city, village, town or school district for the current year.

(2m) No city, village, town or school district is exempt from the tax levy under sub. (2) for any year if, by September 1 of the year preceding the year for which the tax is levied, the county board determines that the public library of the city, village, town or school district that is a member of the public library system has not complied with standards approved under s. 43.11 (3) (d) and (e).

(3) Each city, town, village or school district participating in a joint library under s. 43.53 shall be treated individually in determining its eligibility for tax exemption under sub. (2).

History: 1971 c. 152 s. 16; 1977 c. 418; 1981 c. 20; 1983 a. 27; 1985 a. 177; 1997 a. 150; 2005 a. 226, 420.

A municipality having a traveling library service within its municipal limits could raise a library fund for that service and be exempted from the county tax by meeting the requirement of sub. (4). 60 Atty. Gen. 389.

A town, city, or village that does not maintain a public library, but makes contributions to a nearby public library, cannot be exempted from the county library tax levy under sub. (2). 65 Atty. Gen. 182.

A municipality, otherwise qualified, is entitled to an exemption under sub. (2) when the county has not acted to levy a tax specifically designated as a county library tax but does finance money expended for public library services to its inhabitants by a general tax levy. 72 Atty. Gen. 190.

43.70 Common school fund. (1) No later than October 15 of each year, each school district administrator shall certify to the state superintendent, on forms provided by the state superintendent, a report of the number of persons residing in the school district on the preceding June 30, as reported under s. 120.18 (1) (a).

(2) Annually by January 10, the state superintendent shall apportion the amount that is estimated to be appropriated under s. 20.255 (2) (s) in the current school year to the school districts in proportion to the number of persons resident therein, as shown by the report certified under sub. (1).

(3) Immediately upon making such apportionment, the state superintendent shall certify to the department of administration the estimated amount that each school district is entitled to receive under this section and shall notify each school district administrator of the estimated amount so certified for his or her school district. The department of administration shall distribute each school district's aid entitlement in one payment on or before May 1. The amount paid to each school district shall be based upon the amount in the appropriation account under s. 20.255 (2) (s) on April 15. Moneys distributed under this section may be expended only for the purchase of instructional materials from the state historical society for use in teaching Wisconsin history and for the purchase of library books and other instructional materials for school libraries, but not for public library facilities operated by school districts under s. 43.52, in accordance with rules promulgated by the state superintendent. In addition, a school district may use the moneys received under this section to purchase school library computers and related software if the school board consults with the person who supervises the school district's libraries and the computers and software are housed in the school

library. Appropriate records of all purchases under this section shall be kept and necessary reports thereon shall be made to the state superintendent.

History: 1971 c. 152 s. 12; 1977 c. 418; 1985 a. 332 s. 251 (6); 1989 a. 31, 359; 1995 a. 27; 1997 a. 27, 87; 2001 a. 16; 2003 a. 33; 2007 a. 20; 2011 a. 105.

43.72 Library exchanges. (1) School library books and other instructional material belonging to one school district may be loaned to another school district for use in any school library of that school district.

(2) Any public library board and school board may make such exchanges and loans of books and other instructional material as are agreed upon for the purpose of increasing the efficiency of both libraries and ensuring the best service to the schools and all citizens.

(3) Any school district that borrows materials through a public library system shall reciprocate by sharing with other participating libraries materials that are not in immediate or constant demand by the school library's primary clientele, as determined by the school district.

History: 1971 c. 152 s. 14; Stats. 1971 s. 43.72; 1985 a. 177.

tion of s. 943.50 may bring a civil action against any individual who caused the loss for all of the following:

(a) The retail value of the merchandise unless it is returned undamaged and unused. A person may recover under this paragraph only if he or she exercises due diligence in demanding the return of the merchandise immediately after he or she discovers the loss and the identity of the person who has the merchandise.

(am) The retail value of the service provided by a service provider, as defined in s. 943.50 (1) (am). A person may recover under this paragraph only if he or she exercises due diligence in demanding payment for the service.

(b) Any actual damages not covered under par. (a).

(2) In addition to sub. (1), if the person who incurs the loss prevails, the judgment in the action may grant any of the following:

(a) 1. Except as provided in subd. 1m., exemplary damages of not more than 3 times the amount under sub. (1).

1m. If the action is brought against a minor or against the parent who has custody of their minor child for the loss caused by the minor, the exemplary damages may not exceed 2 times the amount under sub. (1).

2. No additional proof is required for an award of exemplary damages under this paragraph.

(b) Notwithstanding the limitations of s. 799.25 or 814.04, all actual costs of the action, including reasonable attorney fees.

(3) Notwithstanding sub. (2) and except as provided in sub. (3m), the total amount awarded for exemplary damages and reasonable attorney fees may not exceed \$500 for each violation.

(3m) Notwithstanding sub. (2), the total amount awarded for exemplary damages and reasonable attorney fees may not exceed \$300 for each violation if the action is brought against a minor or against the parent who has custody of their minor child for the loss caused by the minor.

(3r) Any recovery under this section shall be reduced by the amount recovered as restitution for the same act under ss. 800.093 and 973.20 or as recompense under s. 969.13 (5) (a) for the same act.

(4) The plaintiff has the burden of proving by a preponderance of the evidence that a violation occurred under s. 943.50. A conviction under s. 943.50 is not a condition precedent to bringing an action, obtaining a judgment or collecting that judgment under this section.

(5) A person is not criminally liable under s. 943.30 for any civil action brought in good faith under this section.

(6) Nothing in this section precludes a plaintiff from bringing the action under ch. 799 if the amount claimed is within the jurisdictional limits of s. 799.01 (1) (d).

History: 1985 a. 179; 1989 a. 31; 1993 a. 71; 1995 a. 77; 2003 a. 138; 2005 a. 447; 2011 a. 110.

Employee salary for time spent processing retail theft is compensable as “actual damages” under sub. (1) (b). *Shopko Stores, Inc. v. Kujak*, 147 Wis. 2d 589, 433 N.W.2d 618 (Ct. App. 1988).

943.55 Removal of shopping cart. Whoever intentionally removes a shopping cart or stroller from either the shopping area or a parking area adjacent to the shopping area to another place without authorization of the owner or person in charge and with the intent to deprive the owner permanently of possession of such property shall forfeit an amount not to exceed \$500 for each shopping cart or stroller so removed.

History: 1977 c. 99; 2003 a. 159.

943.60 Criminal slander of title. (1) Any person who submits for filing, entering or recording any lien, claim of lien, lis pendens, writ of attachment, financing statement or any other instrument relating to a security interest in or title to real or personal property, and who knows or should have known that the contents or any part of the contents of the instrument are false, a sham or frivolous, is guilty of a Class H felony.

(2) This section applies to any person who causes another person to act in the manner specified in sub. (1).

(3) This section does not apply to a register of deeds or other government employee who acts in the course of his or her official duties and files, enters or records any instrument relating to title on behalf of another person.

History: 1979 c. 221; 1995 a. 224; 1997 a. 27; 2001 a. 109.

Whether a document is frivolous was for the jury to answer. *State v. Leist*, 141 Wis. 2d 34, 414 N.W.2d 45 (Ct. App. 1987).

943.61 Theft of library material. (1) In this section:

(a) “Archives” means a place in which public or institutional records are systematically preserved.

(b) “Library” means any public library; library of an educational, historical or eleemosynary institution, organization or society; archives; or museum.

(c) “Library material” includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of a library.

(2) Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be penalized as provided in sub. (5).

(3) The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library’s procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of the person or concealed by a person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

(4) An official or adult employee or agent of a library who has probable cause for believing that a person has violated this section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer, or to the person’s parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose for the detention and be permitted to make phone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this subsection entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

(5) Whoever violates this section is guilty of:

(a) A Class A misdemeanor, if the value of the library materials does not exceed \$2,500.

(c) A Class H felony, if the value of the library materials exceeds \$2,500.

History: 1979 c. 245; Stats. 1979 s. 943.60; 1979 c. 355 s. 232; Stats. 1979 s. 943.61; 1991 a. 39; 2001 a. 16, 109.

943.62 Unlawful receipt of payments to obtain loan for another. (1) In this section, “escrow agent” means a state or federally chartered bank, savings bank, savings and loan association or credit union located in this state.

(2) Except as provided in sub. (2m), no person may receive a payment from a customer as an advance fee, salary, deposit or money for the purpose of obtaining a loan or a lease of personal property for the customer unless the payment is immediately placed in escrow subject to the condition that the escrow agent shall deliver the payment to the person only upon satisfactory proof of the closing of the loan or execution of the lease within a period of time agreed upon in writing between the person and the

Appendix H: Community Room Policy

The Library Community Room may be used by the following groups and in this order of priority:

- The Library Board
- The Library for library-sponsored activities (including the Friends of the Library volunteer organization)
- Village Committees and Departments to carry on functions relating to government and/or the health, education, safety, culture and general welfare of the citizens of the Village of Brown Deer
- Brown Deer community and school groups
- Local non-profit groups, with provision of tax-exemption documentation
- For-profit groups, and Individuals for personal use

The Library reserves the right to adjust and to rearrange Community Room schedules and assignments as the Library/Village requirements demand. The Library reserves the right to refuse a request when submitted less than 48 hours before its start time.

Groups permitted to use the room will be subject to the following rules:

- A completed reservation request form must be on file at the library.
- No admission fee may be charged nor may a collection be taken. Exceptions must be approved by the Library Director.
- For-profit groups, and Individuals using the room for personal use, will be charged a fee according to the Library's Fines and Charges schedule in this Manual.
- Fund raising events are not allowed unless they are co-sponsored by the Library or the Village.
- Groups of young people under eighteen years of age must have the meeting room application completed by an adult, and two (2) adults must be present at the meeting.
- A responsible person from the group will alert the library staff to open the room and must notify the library staff when the event is over so the room can be locked.
- Groups are financially responsible for any damage, missing items, or cleaning beyond what is normally done.

Granting permission to use the Community Room does not constitute endorsement by the Library or Village of the group or its activities.

In order to establish the fact that the Village and the Library are not sponsoring the event, all publicity must include the following statement:

"Sponsored by the (insert name of organization booking the room)"

Groups will be allowed a maximum of 12 uses per year in order to maintain equity of access among current and future requestors. No-shows will be counted as uses for this purpose.

Reservations are accepted using the following schedule

Reservation requests will be accepted...	...for the following date ranges:
December-June	January-June
May-December	July-December

Set-up & Equipment

- Chairs and tables are available for groups to set up themselves to meet their needs. The furniture is to be returned to the position in which it was found (see Reservation Request form and/or posted notice in Community Room). The room will be inspected by Library staff at the close of the meeting.
- Television, DVD player, microphones and amplification, and a projection screen are available for group use. A video/computer projector is not available.
- Food and beverages may be served with advance permission of the Library Director. Alcoholic beverages or smoking are not permitted. Kitchen facilities are not available.
- The Library cannot be responsible for equipment, materials or property brought to the room by the group or its members.
- Library staff should be notified of any emergency, accident or unusual occurrence during the meeting.
- All meetings must take place during the Library's normal hours of operation.
- The Library Director is authorized to deny permission to any group that is disruptive to library services or deemed an inappropriate use of library facilities.

Amended by Library Board: April 20, 2009; Rev. 12/2013

Appendix J: USE OF LIBRARY DISPLAY CASE, STREET SIGN ELECTRONIC MESSAGE BOARD, BULLETIN BOARDS

Display case:

The Library's display case is primarily designated for the promotion of Brown Deer Library and Brown Deer Village government programs and activities. However, when the case is not reserved or in use it may be used by members of the community for the following non-commercial purposes:

- Sharing of community members' talents and hobbies
- Advertising of community clubs and societies
- Promotion of community events

The user must supply all stands, mounts, holders, Velcro, etc. for items on display. Materials may only be attached to the case back, and only using Velcro-type hook and loop material. Tapes and pins may not be used.

Displays must be installed and removed promptly on dates agreed-upon by the exhibitor and Library Director, not to exceed 4 weeks. Displays that are not removed by those dates may be removed by Library staff. Any display materials left for more than 30 days after the display end date becomes property of the Brown Deer Public Library.

Display materials must be approved by the Library Director before they are installed, and must conform to the requirements of the *Patron Rules of Conduct*. The Library Director reserves the right to refuse display requests for any reason he/she deems appropriate.

Street sign electronic message board

The Brown Deer Library's street sign electronic message board is designated expressly and solely for the use of the Library to advertise and promote Brown Deer Library-sponsored programs, activities, services and collections. It may not be used by outside groups or individuals.

Bulletin boards and Literature distribution

The Library Board endorses the Library Bill of Rights, Article VI which states:

Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Non-library notices and literature may only be posted or distributed on library-supplied racks and bulletin boards in the library lobby. All literature rack and bulletin board space is primarily designated to provide information about, and foster effective use of, the library's own materials and services, and disseminate information about government sponsored programs or services.

When the library's own needs have been satisfied, remaining space may be curated by library staff to purposefully convey educational, cultural, intellectual or charitable information.

All items for posting must be given to the Library Director for approval, in physical form ready for posting. The size of any single or related multiple-item posting may not exceed 11"x17". Acceptable material will be dated prior to posting and shall not remain posted longer than four weeks for the same group in any 6 month period unless the material is time-bound in nature, such as newspapers or monthly magazines.

Appendix K: MCFLS Admin Manual Insert A-11, Guidelines for Use of Patron Data

A-11: MCFLS Guidelines for Use of Patron Data

Legal background:

Wisconsin Statutes, s. 43.30 (1m):

Records of any library which is in whole or in part supported by public funds, including the records of a public library system, indicating the identity of any individual who borrows or uses the library's documents or other materials, resources, or services may not be disclosed except by court order or to persons acting within the scope of their duties in the administration of the library or library system, to persons authorized by the individual to inspect such records, to custodial parents or guardians of children under the age of 16 under sub. (4), to libraries under subs. (2) and (3), or to law enforcement officers under sub. (5).

These guidelines do not focus on the use of patron information for inter-library borrowing, the rights of custodial parents for patrons under 16, or the use of patron information by law enforcement officials.

The Wisconsin Department of Public Instruction has further stated that:

“(N)othing in state law prohibits library staff from using the library's patron database as part of a Library fund-raising effort. Wisconsin Statutes Section 43.30 allows the use of patron records to persons acting within the scope of their duties in the administration of the library or library system. Therefore, use of patron library records may be allowable by library staff who have been authorized by the library board to conduct fund-raising for the library. However, we would recommend that fund-raising use of patron records occur only after explicit library board approval of a policy allowing that type of use.” (http://pld.dpi.wi.gov/pld_trusteefaq4#patron-info)

Guidelines for use of patron information:

Since the use of patron registration information is allowable by state statute, MCFLS recommends that libraries use this information granted that:

- the library receives library board approval of a policy allowing the use;
- the library only uses contact information for residents of the library's municipality; and
- the library offers an easy "opt out" procedure in the messages.

MCFLS staff will extract the data from the ILS upon request, but using this data within a software program is the responsibility of the library. In addition, MCFLS recommends the following guidelines to ensure the best use of the data in a way that is sensitive to patron privacy and leaves as much control as possible in the hands of the patron.

- Use a method of communication (such as a newsletter or similar format) that allows patrons the choice to opt-in.
- At a minimum, the patron should be given the choice to opt-out of the communication at any time, preferably by an “unsubscribe” link or something similar that would take effect immediately.
- Only retrieve as much information from the Sierra ILS as is necessary for the communication to take place.
- Include a privacy policy within your communication clearly identifying your organization and the purpose of sending the message.

Approved by Board of Trustees, February 2015

Last Modified By: Steve Heser, Today @ 2:53 PM

<http://www.mcfls.org/kb/KnowledgebaseArticle51430.aspx>

4/27/2015

Appendix L: Volunteers

Offering volunteer opportunities is one part of how the Brown Deer Public Library achieves its mission.

Volunteers approach the library for a variety of reasons: for the love of books, to meet school service learning requirements, to boost a resume or college admission profile, or simply to give back to the community. Volunteer opportunities also vary greatly: doing special light cleaning tasks to keep the building clean and attractive for the community, assisting with program preparation and activities, shelf-reading to ensure the collection stays organized, special collections projects to preserve resources for future users, data entry, or assisting with Friends of Brown Deer Library events. Library employees are responsible for shelving books.

Those interested in volunteering should call or visit the library, or check the library webpage for a list of current volunteer opportunities. Applications must be picked up at the library. Applications will be accepted at any time. The library will contact applicants when an appropriate opportunity match becomes available. Applicants should expect to have a public record background check and brief informal interview with senior Library staff before being offered a match with an available opportunity. Volunteers for court-ordered community service cannot be accepted.

A volunteer opportunity match or denial is at the discretion of the Library Director. Applicants may or may not be matched depending on available projects at the time of application, the level of commitment s/he can make, the applicant's skill set and/or interests, the nature of an applicant's criminal history, and/or the library staff required or available to administer volunteer training and activities. Preference will be given to applicants who are over 18 years old, are committed to volunteering on a weekly basis for a minimum of 6 months, are willing to do a variety of tasks, and are Brown Deer residents. Short-term assignments, youth applicants and non-residents will be considered if an available opportunity is appropriate.

Volunteers are representatives of the Brown Deer Public Library and Village of Brown Deer. They are expected to be courteous and polite to public and staff. They will be honest in reporting volunteer hours and will earn the credit they receive through diligent work. They will report any concerns immediately to library staff, will follow through on their commitment, and will follow the Library's Rules of Conduct. Volunteers may be dismissed from an assignment by any library staff member if their contributions do not meet agreed-upon expectations.

Revised & Approved 9/14/15