

## Board Responsibilities, Powers and Duties -PERS

### Initial question from library

Our library board asked our town council to change the wages of our Library Director to better reflect her supervisory duties. We had tried to get them (town council) to adopt a wage scale for our library director and include it in the town's salary resolution. What we ended up with was a directive to just let our town clerk know when we wanted to make a change.

Well, just last month our board tried to give our staff an increase, but our clerk said that it had to be in the form of a resolution and go before the council. To make a long story short, we finally got them to pass a wage scale for both our employees. But they are now threatening to make us pay for our directors PERS, which is the only thing that doesn't come out of our budget at this point. Now, we don't necessarily have a problem with that, but my question is, "Is it legal for them to turn that payment over to our budget?" As I understand the town has a fund for paying PERS, which is separate from the general fund.

### Response from Bob Cooper, March 18, 2010

If something is not specifically prohibited or allowed by law then we move into that gray shady area. In these cases we must pay close attention to what is clearly mentioned in the law and be consistent in our interpretations of the law as we understand it. What is most clear in this instance is that public library boards have the authority and responsibility for the hiring and management of library personnel and total control over the expenditure of the library fund. As in the Butte Supreme Court case, we library types are pretty insistent in taking these particular laws as far down the road as possible to insure that the independence of public libraries from local government political influence is preserved. Thus, lacking awareness of a definitive law to the contrary, I see no choice but to tell Kathy that the PERS responsibility rests with her board. If the city is no longer willing to assist the library with PERS obligations then the ball is back in the Board's court.