

# LAKELAND LIBRARY COOPERATIVE

## BASIC PLAN OF SERVICE

Approved by Lakeland Members in May, 2002

Approved by the Library of Michigan in July, 2002

### I. NAME

The name of this library cooperative shall be the Lakeland Library Cooperative.

### II. AUTHORITY

The authority for the Lakeland Library Cooperative and this Basic Plan of Service is Michigan Public Act 89 of 1977. The requirements, definitions, specifications, and conditions of said Act as most recently amended are assumed by implication in this Plan, even if they are not generally repeated by specific reference within the Plan document. This Plan supercedes the previous LLC Basic Plan of Service.

### III. COOPERATIVE BOARD

#### A. REPRESENTATION

The Cooperative Board shall be representative of the participating libraries and shall consist of nine (9) members as provided in Public Act 89, 1977, Section 7. The Cooperative Board shall include one (1) member from libraries serving populations of 9,999 and under (Group A); one (1) member from libraries serving populations of 10,000 - 19,999 (Group B); one (1) member to alternate between Group A and Group B; one (1) member from libraries serving populations of 20,000 - 99,999 (Group C); one (1) member from each library serving a population of 100,000 - 249,999 (Group D); and two (2) members from each library serving a population of more than 250,000 (Group E). Cooperative Board members from libraries in Groups D and E will be selected by the Boards of those libraries. Cooperative Board members representing Groups A, B, and C will be selected in alphabetical rotation based upon each library's three-letter Lakeland code. Any library may choose to pass on the opportunity to serve on the Cooperative Board. (Their

place within the rotation remains the same, and another chance to serve will not occur until the rotation comes back around to that library.) All Cooperative Board terms shall be two (2) years. A vacancy on the Cooperative Board will be filled by the next library in the rotation. A library filling a term of less than one year will be eligible for a full term of its own; a library filling a term of one year or more will not be eligible for an additional term.

**B. MEETINGS**

1. The Cooperative Board shall meet at least 10 times per year, on a monthly basis.
2. The annual meeting of the Cooperative Board shall be held in October.
3. Representatives from all member libraries may attend all meetings.

**C. RESPONSIBILITIES OF THE COOPERATIVE BOARD**

1. The Cooperative Board as defined in Public Act 89, 1977, Section 8, as amended, shall be a body corporate and may sue and be sued.
2. The Cooperative Board shall do all of the following:
  - a. Operate the cooperative library and manage and control the cooperative library's funds and property.
  - b. Select a President.
  - c. Establish, maintain, and operate cooperative services for public libraries in the cooperative library's area.
  - d. Appoint a director or coordinator to administer the cooperative library, fix that person's compensation, and delegate to that person those powers the delegation of which is in the best interest of the cooperative library, including the power to hire necessary employees.
  - e. Acquire books, periodicals, library materials, equipment, supplies, or other personal property by purchase, installment purchase contract, or lease with or without an option to purchase or enter into a loan agreement and borrow money for that purpose.
  - f. Erect buildings or acquire real property, including buildings and fixtures, by purchase, land contract, installment purchase contract, or lease with or without an option to purchase, or enter into a loan agreement and borrow money for that purpose.
  - g. Enter into contracts to receive service from or give service to libraries in the state, including public, school, academic, cooperative, or special libraries, and political subdivisions of the state.

- h. Exclusively control expenditures for the cooperative library.
  - i. Accept gifts and donations of property for the benefit of the cooperative library and for the purposes for which donated.
  - j. Adopt bylaws and rules not inconsistent with this act for its own government and do those things necessary to carry out the purposes of this act.
3. All of the following shall apply to an installment purchase contract, land contract, loan agreement, or lease purchase contract entered into pursuant to subsection 2:
- a. The contract shall not constitute an indebtedness of any member of the cooperative library within any constitutional, charter, or statutory limitation.
  - b. Principal and interest are payable solely from the revenues of the cooperative library,
  - c. No member of the cooperative library shall pledge its full faith and credit to the payment of principal and interest on the contract.
  - d. Interest on the unpaid principal amount of the contract shall not be treated as excluded from gross income under the internal revenue code.
4. An installment purchase contract, land contract, lease purchase contract, or loan agreement entered into pursuant to subsection (2) shall contain a statement setting forth the provisions of subsection (3).
5. An installment purchase contract, land contract, lease purchase agreement, or loan agreement entered into by the cooperative board for a purpose discussed in subsection (2) that occurred prior to the effective date of the 1995 amendatory act that added this subsection is validated and made legal for all purposes.
6. It is expressly understood that the Cooperative Board has no jurisdiction over the property and management of the member libraries.

#### **IV. ADVISORY COUNCIL**

##### **A. REPRESENTATION**

The Advisory Council shall be composed of a Library Director or Director's designee from each member library. Representatives on the Advisory Council shall each be entitled to one vote.

**B. MEETINGS**

1. The Advisory Council shall meet at least four times per year on a quarterly basis.
2. The annual meeting of the Advisory Council shall be held in September.
3. Representatives from all member libraries may attend all meetings.

**C. RESPONSIBILITIES OF THE ADVISORY COUNCIL**

1. The role of the Advisory Council shall be to identify, define, discuss, and prepare recommendations for solutions to problems of the Lakeland Library Cooperative. The Advisory Council's recommendations will be presented to the Planning, Policy, and Services Committee for discussion and possible action by the Cooperative Board.
2. The Advisory Council shall review the annual budget and recommend any changes for possible action by the Cooperative Board.
3. The Advisory Council shall elect a chairperson.
4. It is expressly understood that the Advisory Council has no jurisdiction over the property and management of the member libraries.

**V. COOPERATIVE LIBRARY**

**A. ELIGIBILITY TO BE A COOPERATIVE LIBRARY**

1. The area to be included in the Lakeland Library Cooperative consists of portions of two or more counties with a population of at least 350,000. The area recognizes the geosocioeconomic conditions within the area and regions established for governmental purposes throughout the state.
2. The legal address of the Lakeland Library Cooperative is 4138 3-Mile Road NW, Grand Rapids, Michigan 49544.

**B. MEMBERSHIP IN LAKELAND LIBRARY COOPERATIVE**

1. Requirements
  - a) Membership in the Lakeland Library Cooperative may be available to any public library in or adjacent to Allegan, Barry, Ionia, Kent, Montcalm, Muskegon, Newaygo and Ottawa counties meeting the following requirements:

- i. Maintain a minimum local support of 3/10 of a mill on taxable value, as taxable value is calculated under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a, in the fiscal year before October 1 of the year before distribution.
  - ii. Participate in the development of cooperative library plans.
  - iii. Loan materials to other libraries participating in the Lakeland Library Cooperative. The Cooperative may make agreements with other cooperatives or with other libraries for intercooperative lending. Each individual member library has the option of participating.
  - iv. Member libraries will maintain an open door policy to other residents of the state, as provided by Section 9 of Article 8 of the State Constitution of 1963.
- b) Other libraries in the area may become affiliated with the Lakeland Library Cooperative. Such affiliates may attend meetings, but will not be given voting privileges. Affiliates may be public libraries not meeting the membership requirements or such libraries as academic, special, or school libraries.
  - c) Prospective members may apply at any time during the fiscal year. Membership is subject to the approval of the Cooperative Board and the State of Michigan, Department of History, Arts, and Libraries (hereafter, the Department). (NOTE: All references to the State of Michigan and/or the Department in this document refer to the Library of Michigan, the Department of History, Arts, and Libraries, or any other agency officially designated by the State of Michigan.)
  - d) The Cooperative encourages reciprocal borrowing among its member libraries and encourages its members to consider any resident of all other member libraries' service areas as a resident of its own service area and as eligible to use the facilities and resources of the library.
  - e) New members will be allowed only if they agree to immediately become a full participant in the shared online system.

## 2. Resolution

- a) The board of a local library shall adopt a resolution requesting the local library become a member of the Lakeland Library Cooperative. Duplicate copies of the resolution, certified by the clerk of the local board, shall be filed with Cooperative Board. The Cooperative Board shall accept or show reason for denial of request for membership within sixty (60) days after filing. When the Cooperative Board has accepted the resolution, the resolution and acceptance shall be endorsed by the President and Secretary and a copy filed with the Department.

- b) A local member must adopt a resolution in order to withdraw from membership in the Lakeland Library Cooperative. All contractual agreements entered into between the member library and the cooperative must be fulfilled. Duplicate copies, certified by the clerk of the local board, shall be filed with the Cooperative Board and the Department six (6) months prior to October 1. The Cooperative Board may waive the six-month notice requirement at its discretion.

### **C. STANDARDS**

1. Member libraries shall conform to certification requirements for personnel, library hours, and material collections as required by Public Act 89, 1977, Section 17 and as specified in the Rules and Regulations promulgated by the Department.
  - a) Member libraries that fail to meet such standards and are hence refused state aid shall no longer be eligible for membership in the Lakeland Library Cooperative. These libraries will be given one year in which to reach the standards before any further action is taken by the Cooperative Board.
  - b) After one year's probation, a member library failing to meet such standards may continue to receive minimal service, at the discretion of the Cooperative Board, but will be denied representation on the Cooperative Board and voting rights on the Advisory Council.
2. The Lakeland Library Cooperative shall meet such standards in the Rules and Regulations promulgated by the State of Michigan as are required.

### **D. FUNDING**

1. The fiscal year of the Lakeland Library Cooperative shall be October 1 to September 30.
2. Cooperative State Aid
  - a) Continuing State Aid, granted by the State of Michigan for cooperative libraries as authorized by Public Act 89, 1977, Section 13, and paid to Lakeland Library Cooperative will be used for any library purpose approved by the Cooperative Board.
  - b) Member libraries may contract with the Lakeland Library Cooperative for services.
  - c) Cooperative library service charges and charges for contracted services may be paid from funds coming to the member library from the State of Michigan as authorized by Public Act 89, 1977, Section 16 (4). Any portion of the State Aid grant remaining after the charges have been paid, may be applied by the member library to local services.

3. Additional Fees

- a) When the State Aid grant is insufficient to provide all services, the member libraries may be required to pay for services.
  - b) Non-member libraries and affiliates receiving services from the Lakeland Library Cooperative will pay charges to be determined on an individual basis by the Cooperative Board.
4. The Lakeland Library Cooperative shall apply before February 1 of each year for State Aid. The Cooperative Director shall certify to the Library of Michigan the amount of money received from each source during the last completed fiscal year before October 1.
  5. Continuing State Aid granted by the State of Michigan for cooperative libraries under Public Act 89, 1977, Section 13, will be paid to the Lakeland Library Cooperative. Cooperative library service charges are to be determined on a yearly basis. All payments shall be made to the Lakeland Library Cooperative.
  6. All funds received by the Lakeland Library Cooperative will be deposited in a separate fund and will be used only for expenses authorized by the Cooperative Board. Separate accounts will be maintained for funds received from state, federal, and other sources.

***E. DEPARTMENT OF HISTORY, ARTS, AND LIBRARIES***

1. This PLAN and any substantial modifications shall be approved by the Department of History, Arts, and Libraries.
2. Modifications to the Basic Plan of Service shall be presented to the Cooperative Board for authorization to send written notice of the proposed modifications out to the full membership and to set the deadline date for receipt of the votes. Written notice of the proposed modification will be distributed to all member libraries 60 days prior to the deadline date set for receipt of vote. Each cooperative member library will cast one written vote. A majority of libraries must approve the modification. The proposed modification will be placed on the Cooperative Board Agenda as a discussion item after such distribution but prior to the deadline for receipt of the votes. All member libraries will be notified of the results of the vote within 30 days. The approved modification will be submitted to the Library of Michigan within 60 days. If the Department holds a hearing on the modifications, the Cooperative Board shall inform all member libraries about the hearings within 30 days after receiving notice from the Department.
3. When there is a dispute concerning: (a) the Cooperative to which a public library shall belong, (b) the services rendered to member libraries by the Lakeland Library Cooperative, or (c) the operation of the Lakeland Library Cooperative, which cannot be resolved within the Lakeland

Library Cooperative, application will be made to the Department according to the Appeal Process prescribed by the Department.

**F. ACCESSIBILITY**

Services of the Lakeland Library Cooperative, including those of participating libraries, are to be available at reasonable times and on an equal basis within the areas served as stated in Public Act 89, 1977.

**G. SERVICES**

1. The Lakeland Library Cooperative will provide services to member libraries directly or through written contract. The following are Core (basic) Services, for which there may or may not be fees levied to member libraries:
  - a) Union catalog and automated circulation
  - b) Delivery
  - c) Interlibrary Loan between public libraries
2. The Lakeland Library Cooperative may provide the following services as discretionary services to be selected by the member libraries or as funds permit:
  - a) Interlibrary loan outside the cooperative
  - b) Continuing Education
  - c) Centralized cataloging for creation of MARC bibliographic information
  - d) Consultant services and professional collection.
  - e) Coordination and consultation for adult and children's programming
  - f) Centralized purchasing operation
  - g) Reference assistance
  - h) Rotating collections
  - i) Technology services
3. Other services may be added as deemed necessary by the Cooperative Board.

**H. APPEALS**

Section 22 of Public Act 89 of 1977 states:

"When there is a dispute concerning the cooperative library to which a public library shall belong, services rendered to member libraries, or the operations of a cooperative system

which cannot be resolved on the local level, the Department may hear the case. The decision of the Department shall be final."

When it has been established that a dispute, as defined under section 22 of Public Act 89 of 1977, which has not been resolved exists between libraries at the local level (cooperative versus a member local library), the following procedure shall be initiated:

- Step 1: All parties involved in a dispute shall submit in writing to the Department, in care of the state librarian, a summary of the points in conflict. The written statement shall include all of the following:
- i. A definition of the problem and reasons for a change.
  - ii. Identification of parties involved.
  - iii. A list of the advantages and disadvantages involved in retaining the current situation.
  - iv. A recommendation to solve the dispute.
- Step 2: The state librarian or his/her designee shall review the areas of concern and within 10 days shall respond. The response may include the following:
- i. An acceptance of the recommendation.
  - ii. An alternate recommendation.
- Step 3: If the negotiations between the parties in dispute and the state librarian or his/her designee cannot reach an acceptable solution, the matter may be appealed by filing a petition with the Department or its designee. This matter shall then be heard by the Department or its designee. The state librarian or his/her designee shall submit to the hearing panel all the written documents concerning the matter in dispute in advance of the hearing. Within 60 days after its hearing, the hearing panel shall submit to the Department or its designee a transcript of the hearing, all written documents concerning the matter in dispute, and a proposal to resolve the dispute. A copy of the transcript and proposal shall be supplied to the disputing parties. The Department or its designee shall consider the dispute and the proposal for a decision at its next meeting and shall render its decision thereon, in writing to the disputing parties. All parties in dispute shall be given reasonable notice of any hearing conducted under this part, including a statement of the date, hour, place and nature of the hearing. Upon good cause shown, a scheduled step 3 hearing may be adjourned or continued at a later date. The decision of the Department or its designee is final.

The exclusion of a member library by a cooperative library is a dispute for the purpose of these guidelines. No member library may be excluded from cooperative membership while pursuing an appeal under these guidelines. A cooperative library intending to exclude a member library must notify that library and the Department in writing. The member library has 45 days from the receipt of the exclusion notice to initiate the appeal process. If the member library fails to appeal within 45 days, it forfeits its right to appeal the exclusion.