

Maryland State Library Board Meeting Minutes

Anne Arundel County Public Library Headquarters
5 Harry S. Truman Parkway
Annapolis, MD 21401
September 15, 2017

OPENING

Al Martin, Derek Simonsen, Jim Fish, Brian Butler, Denise Davis, Sharan Marshall, Wilson Parran, Robert Windley, Heidi Daniel, Jon Enriquez, Lynn Wheeler, Melissa Daggett, Irene Padilla, Leslie Bowman, Renee Croft, Joseph Thompson (Carroll County visitor).

Call to Order

The meeting was called to order **by** Mr. Al Martin, Chair, at 10:14 a.m. Mr. Martin indicated that the Board will follow the State of Maryland Open Meetings Act.

Approval of Meeting Minutes

The minutes of the Maryland Advisory Council on Libraries of May 23, 2017 were considered. The minutes were amended to add Brian Butler as attendee. Mr. Fish moved to approve the minutes as corrected. Mr. Parran seconded the motion. The motion received unanimous approval.

Library Services and Technology Act (LSTA) 5-Year Plan, 2018-2022

Ms. Padilla explained that her team has spent eighteen months developing the Maryland State Library's (MSL) Library Services and Technology Act (LSTA) 5-Year Plan, 2018-2022 plan, required by the Institute for Museums and Library Services (IMLS). The team looked at the previous plan to help with developing the current plan. MSL staff worked with all Maryland libraries to determine the needs and desires of the library systems. Ms. Padilla guided the Board through the document highlighting important points: vision, mission, goals, project plans, working with State agencies and offices, evaluation, and stakeholder's involvement. This plan is more inclusive than previous plans. Ms. Padilla highlighted MSL's partnerships with the University of Maryland, the University of Baltimore, the Maryland Association of Public Library Administrators (MAPLA), the Citizens for Maryland Libraries (CML), and the Maryland Library Association (MLA). Mr. Parran moved to approve the LSTA 5-Year Plan, FY2018 – FY2022. Ms. Marshall seconded the motion. The motion received unanimous agreement.

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Duties of the Board and the Open Meetings Act

Mr. Derek Simonsen explained and discussed the duties of the Board as well as the Open Meetings Act.

Duties of the Board

One of the most important duties in the future is appointing the State Librarian. As appointees of the Governor, the current members will remain on the Board. New appointments will happen as members vacate their positions. If you are planning to vacate as a member of the Board, please provide as much notice as possible. As the State Library Board, you will have the last say on library matters but you should consider recommendations from the State Librarian. Your duties will also include, establishing policies and awarding capital grants. The Library Board reports to the Governor on the citizen needs of libraries. A quorum is set at seven members. Conference calling into a meeting counts as one of the seven required votes. Mr. Simonsen suggested that the Board may need to move the agenda around so that action items that require a vote should come first in the meeting. Mr. Simonsen also reminded the Board to be cautious when representing the board. We represent as a Board, not individuals and we should speak as one. Mr. Simonsen explained that the Board has a limited quasi-judicial quality. If a local Board of Trustees does not have a unanimous decision on an employee termination, then they can appeal to the State Library Board. The State Library Board becomes an appellate review board. Ms. Marshall inquired about insurance for Directors and Board members. Ms. Padilla is looking into how other State agencies similar to the Library Board provide similar insurance. In the event that the Board is ever sued, the Office of the Attorney General will generally represent the Board. Any errors or omissions are covered. It is the blatant illegal actions that are questionable.

Open Meetings Act

Mr. Simonsen explained that by default, everything that the Board does is open to the public.

- When holding the Board meetings, the location should have the ability to move to another room if more people (public) attend.
- Regarding electronic messages: Be careful when there is a quorum meeting for business purposes. However, you can socialize.
- The board members intent is a big part of the Open Meetings Act. A walking quorum would be having one person rotating out in order to avoid a quorum. What could get the Board in real trouble would be meeting off site in order to come to an agreement before the meeting or even an email discussion after the meeting.
- Publication of Meeting Minutes: an old rule of thumb would be to put them on the Maryland Register. However, Mr. Simonsen shared that posting on the website is the best course of action. The minutes should also be posted after they are approved. As soon as we have meeting accessibility, we could have the meetings by phone.

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- Training: Mr. Martin has completed the first six of the eight chapters of the online training on the Open Meetings Act. The chair and vice-chair need to complete the training. Ms. Padilla has completed the training. The training course can be found at http://www.igsr.umd.edu/VLC/OMA/class_oma_intro1.php.
- Public Ethics Law: Financial Disclosure forms will need to be completed as part of serving on the board. There is a box that you can check to be notified when someone looks up your financial information. If you become part of another board or have any questions, it is recommended to contact the Ethics Commission.
- Approval of Grants: If you are part of the county for which the grant is approved, it is recommended that you recuse yourself. As the board is not doing any of the scoring or making recommendations, it should not be an issue. However, it is best to err on the side of caution.
- Do not use your position for personal gain. While Mr. Simonsen is sure that all board members know this, he must make this statement.
- Adopting Regulations authority: Board members have the ability to create regulations. Regulations will either be proposed by Ms. Padilla and her team or arise out of discussion. Ms. Padilla and her team will propose the language. The board will then discuss and make any changes. The proposed regulation will be posted.
 1. The regulations are published for public comments.
 2. The General Assembly could hold meetings.
 3. The Governor's office will review the proposed regulations. All regulations are looked at for necessity.
 4. The regulations will come back to the board for adoption.
 5. Maryland State Library will collect comments.
 6. If the Board makes changes, other than correcting typos, etc., the regulations will go through the process again.
- Mr. Martin led a discussion about the Board being supportive, not controlling. He stated that Ms. Padilla has always led a very collaborative team, so he expects this to continue. Discussion included the following points: the board may choose to write recommendations of best practices which are written not to control but to guide; with so many new library directors, perhaps MSL should put together a packet or provide training materials for systems to use as guides; the board has the ability to make regulations but does not have the mandate to make regulations. Mr. Simonsen shared that at some time the General Assembly could require the board to create regulations to clarify certification requirements.

Code of Maryland Regulations (COMAR) 13A.05.04.08 County Library Capital Project and Grants Program – Permission to Publish

The Board was presented with the amended 13A.05.04.08 County Library Capital Project Grants Program regulation for review and approval. The State Library is requesting approval of this revised regulation to reflect enactment of the Wealth-Based

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Cost Share for the program. This change ensures greater geographic diversity, consistent with statutory intent, for counties with less wealth. Funding ranges from 50% to 90% for library capital projects. Every library system is required to provide a match of at least 10%, in keeping with the Legislative intent of the program to encourage local support of the development of public library facilities. This formula is based on the Public Library State Aid Formula developed annually by the Budget Office, adjusted for County wealth and based on a per capita distribution. The Maryland Association of Public Library Administrators (MAPLA) has already offered suggested revisions and amendments.

Mr. Windley moved to forward the amended regulation for publication in the Maryland Register and posted on the Division of State Document's website. Ms. Wheeler seconded the motion. The motion received unanimous agreement.

EXECUTIVE SESSION

Pursuant to 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion by Denise Davis, and seconded by James Fish, and with unanimous agreement, the Maryland State Library Board met in closed session on Friday, September 15, 2017 in the conference room of the Anne Arundel County Public Library Headquarters. All State Library Board members were present. Also in attendance were: Ms. Padilla, State Librarian; Renee Croft, Program Manager III, Maryland State Library; Leslie Bowman, Director, Library for the Blind and Physically Handicapped and Assistant Attorney General, Mr. Derek Simmons. The Executive Session commenced at 12:40 pm.

Assistant Attorney General Mr. Simmons provided legal advice related to the proposed budget process discussion. Ms. Padilla and Ms. Croft presented the proposed State and County Library Capital Project Grants Program FY2019 Recommendations and the State Library FY2019 Operating Budget.

First Item: Ms. Wheeler moved. Mr. Fish seconded. Ms. Daniel recused herself.

Second Item: Denise Davis moved. Mr. Parran seconded.

Third Item: Mr. Fish moved. Denise Davis seconded. Ms. Wheeler recused herself.

Fourth Item: Mr. Parran Moved. Ms. Wheeler seconded. Ms. Davis recused herself.

Fifth Item: Ms. Wheeler moved. Mr. Windley seconded.

The Executive Session ended at 1:35 p.m.

Recommendation to adopt FY2019 Operating Budget as discussed in Executive Session:

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Ms. Wheeler motioned to approve. Mr. Parran seconded the motion

Recommendation to adopt the County Library Capital Program/Recommendations:
Mr. Windley motioned to approve. Mr. Parran seconded the motion

RECONVENE

The meeting reconvened in open session at 1:45 p.m.

Appointment of Officers:

The Governor appoints the Chair of the Board. The Board appoints the Vice-Chair. Ms. Wheeler agreed to serve as the Vice-Chair. Mr. Martin asked if there were any other nominations. Ms. Marshall motioned to have Ms. Wheeler serve as Vice-Chair of the State Library Board. Mr. Fish seconded the motion. The motion received unanimous agreement.

State Library FY2019 Operating Budget

The Maryland State Library Operating Budget is submitted annually in accordance with the instructions promulgated by the Maryland Department of Budget and Management (DBM). The Maryland State Library FY 2019 Operating Budget Request was provided to the State Library Board for review and approval.

The State Library Board unanimously approved the Maryland State Library FY 2019 Operating Budget for submission to the Department of Budget and Management.

County Library Capital Project Grants Program FY2019 Recommendations

The Annual Capital Budget and County Library Grant Program are submitted annually in accordance with the instructions promulgated by the Maryland Department of Budget and Management (DBM), Office of Capital Budgeting. The State Library Resource Center (SLRC) - Enoch Pratt Free Library Renovation in the State's FY2019 Capital Budget and the County Library Capital Projects were provided to the State Library Board for review and approval.

The State Library Board unanimously approved the State Library Resource Center (SLRC) - Enoch Pratt Free Library Renovation and the County Library Capital Projects for submission to the Department of Budget and Management.

State Librarian's Update

Ms. Padilla provided an update on the Maryland State Library (MSL). She shared an explanation of MSL's progress with the reclassification of a current position to oversee Finance and Human Resources. Ms. Padilla then guided the Board through the written report of her update. Regarding the Laws Governing Public Libraries, Ms. Padilla stated

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that section numbers in the law are catching up and should extend to the regulations. Once these are completed, new law booklets will be published and distributed.

School Library Media Update

Melissa Daggett shared that Jay Bansbach, retired MSDE School Library Coordinator, will be missed. The Maryland Association of School Librarians' (MASL) Conference will be held on October 20, 2017 with the theme of Future Ready Librarians.

Update on Board Meetings

Citizens for Maryland Libraries (CML)

The Annual Citizens for Maryland Libraries/Library Trustees' meeting will be held on Saturday, October 14, 2017 at the Laurel Branch. This is a free event for Friends, Trustees, and anyone else involved with libraries. Senator Mike Miller will provide the keynote. Ms. Padilla will present the State of the State Report at the meeting. MSL will send out a separate email with registration information.

Maryland Association of Libraries (MLA)

Denise Davis shared that one of the goals of MLA is professional development. The next MLA conference will be held on May 3 – May 4, 2018 in Cambridge, MD. Jim Neal, President of the American Library Association (ALA), will speak at the conference. Michael Dowling of the International Federation of Library Associations is scheduled to talk about how to recognize the difference between real news and fake news infographics. Regarding advocacy in libraries, MLA is a chapter of the ALA. National Legislative Day will be May 7-May 8, 2018. The day to visit Maryland elected officials is May 8, 2018. Maryland Legislative Day is usually in February, but an official date has not yet been set.

Public Comments

No public comments were submitted.

State Library Board Member Update

Mr. Martin asked Board members to review and make note of the 2017-2018 Board Meeting Schedule.

Meeting Adjourned

Mr. Fish motioned to adjourn meeting. Ms. Wheeler seconded. Meeting was adjourned at 2:30 p.m.