

MINUTES
THE LIBRARY BOARD MEETING

The Library of Virginia

June 13, 2016

The Library Board met on Monday, June 13, 2016, in the Board Meeting Room of the Library of Virginia located at 800 East Broad Street, Richmond, Virginia.

I. CALL TO ORDER/QUORUM

Mr. R. Chambliss Light, Jr., *Chair* called the meeting to order at 10:07 a.m., welcomed the Board and announced a quorum present.

The following members were in attendance:

R. Chambliss Light, Jr., *Chair*

Kristin Cabral
Mark Emblidge
Mohammed Esslami
Patricia Thomas Evans
Barbara Vines Little

Su Yong Min
Christopher Oprison
Emily O'Quinn
Carole Weinstein

Members Jon Bowerbank, Marcy Sims, and David Skiles were absent. Pursuant to the Board's Policy on Electronic Participation in Library Board Meetings; K. Johnson Bowles participated via conference call at her North Carolina office and Carol Hampton participated via conference call from Virginia Beach.

II. APPROVAL OF AGENDA

Mr. Christopher Oprison moved that the Board accept the agenda as proposed and Ms. Carole Weinstein seconded. The Board approved the agenda by unanimous vote.

III. WELCOME TO VISITORS AND STAFF

Mr. Light extended a warm welcome to Mr. Peter Broadbent and thanked him for his continuing participation with the Library of Virginia.

IV. ANNOUNCEMENTS AND PUBLIC COMMENT

None

V. CONSENT AGENDA

• **Approval of the Library Board Minutes**

The Board unanimously approved the minutes of the April 11, 2016, meeting upon a motion made by Dr. Mark Emblidge and seconded by Ms. Weinstein.

VI. INFORMATION ITEMS

A. Reports of Other Organizations

Mr. Broadbent reported that the Friends of the Virginia State Archives and the Virginia Genealogical Society had a successful joint conference on April 29-30, 2016. There were more than 150 attendees on both days. He also reported that the Friends has secured genealogical materials from nearby states, valued at approximately \$2,000, for the Library as part of a 2015 grant to augment the genealogical collection. The Friends have approved \$3,000 to fund similar purchases for the collection in 2016. Since the Library has limited funds for acquisitions, the Friends believe this annual grant program will make a significant contribution toward keeping Library's genealogical holdings current. He also announced that the Friends are adopting the Richard Young 1817 Map of the City of Richmond for conservation. The map was recently found in a Richmond city office behind a filing cabinet and had not been known to exist. The Genealogical Research Institute of Virginia (GRIVA) contributed \$300 to the restoration, and the Friends are happy to contribute the remaining \$1,500 to complete the project.

Mr. Light commented on how much outside groups promote and stimulate the work of the Library – not only by adding to and conserving the collection, but by utilizing and applying the information. The Library cannot thank them enough for their ongoing work.

B. Committee & Division Reports

- **Archival, Collections and Records Management Services Committee**

In the absence of committee chair David Skiles, Dr. John Metz, deputy for collections and programs, reported on the Archival, Collections, and Records Management Services Committee meeting.

The Library has been in discussions with Ancestry regarding their interest in digitizing approximately 80,000 pages of vital records dating from 1853-1913 held by the Library of Virginia. Ancestry asked the Library to determine whether it would be possible to do the work under a sole-source agreement given the fact that Ancestry had already digitized a large collection of more recent records held by the Virginia Division of Vital Records. The Library spoke with representatives from the Division of Purchases and Supply and the Attorney General's office, who independently determined that digitization and access services could be performed by a number of other companies and that a competitive bid process was necessary to secure the most favorable arrangement possible for the commonwealth. Given this, the Library is developing a Request for Proposals for the vital records project, which it hopes to issue later this summer.

Staff from the Library, the Virginia Information Technologies Agency (VITA), and the Governor's Office met to discuss the storage and preservation of electronic records of staff who leave a governor's administration before the end of the governor's term. Currently, VITA staff

copy the data from a departing employee's laptop and network folders to an external hard drive, which is then locked in a secure room until transfer to the Library at the end of the administration. With the encouragement of the Governor's legal counsel, VITA will begin transferring those electronic records to the Library on a monthly basis. LVA will store them in a dark archive, in what will essentially be a Virtual Records Center. This will allow the Library to take physical custody of the electronic records of outgoing officials, while leaving legal responsibility for the records with the Governor's Office until the end of the administration. This will make it easier to track and accession the appropriate records into the Library's permanent collection. At the end of each administration, the records will be transferred to the state archives.

The Circuit Court Records Preservation (CCRP) Grants Review Board met on Monday, May 23, 2016 to consider 79 grant applications submitted from 70 localities, making it the most competitive grant cycle in recent memory. A total of \$899,508.10 was awarded in 73 grants. Sixty-six of the approved applications were for funding to perform professional conservation treatment on more than 230 volumes housed in circuit court clerks' offices. These volumes have been damaged by use, age, or previous non-professional repairs. The remaining seven grants were for security systems, reformatting projects, and a plat cabinet. Several localities that have not submitted grant applications during recent years participated in this cycle, as well as several localities with newly-elected circuit court clerks. The Library thanks the entire Circuit Court Records Preservation staff and particularly Greg Crawford, Leslie Courtois, Tracy Harter, and Eddie Woodward for their efforts in contributing to the CCRP Grants Program.

Mr. Light recognized Dr. Metz, Mr. Paul Casalaspi, Ms. Barbara Teague and the Library staff for their ongoing diligence in maintaining the Library's records by reminding the Board that what takes five minutes to report actually reflects three or four months of staff work.

- **Education, Outreach, and Research Services Committee**

Mr. Light called on Ms. Kristin Cabral, vice chair of the Education, Outreach, and Research Services Committee to give a brief report. Ms. Cabral announced that the Library is hosting a program on Religious Diversity and Immigration in Virginia on June 21, 2016, in connection with the current First Freedom exhibition. The program, funded by the Virginia Foundation for the Humanities, will feature a panel discussion moderated by Professor Aprilfaye Manalang of Norfolk State University, who will be talking with panelists representing the Asian Indian, Muslim, and Latino communities about their experiences with religious freedom and how it impacts their perceptions of citizenship.

Ms. Cabral asked Dr. Gregg Kimball, director of public services and outreach, to provide additional information about the Library's outreach activities. Dr. Kimball reported on the book talk given by Ross Howell, Jr. on his debut novel *Forsaken*, which tells the story of an uneducated African American servant, Virginia Christian, who was tried and convicted for killing her white employer in 1912. Since Howell used the Library of Virginia's collections to research the case, staff members Roger Christman and Sonya Coleman created a digital concordance to the novel that highlights the documents and images from the Library

collections pertaining to the story. This provided an innovative way for the Library to engage with a work of historical fiction. The Library is working on a similar concordance of the Nat Turner documents to prepare for an upcoming movie release on the 1831 rebellion, which is expected in the fall.

The Anne and Ryland Brown Teacher Enrichment Fund enhances knowledge and offers training in history and social sciences for teachers in Virginia. The program includes a Teacher Fellowship and an annual Teachers' Institute. Dr. Kimball announced that Teresa Muse, who teaches in Orange County, is the 2016 recipient of the Brown Teacher Fellowship. Ms. Muse holds a B.S. in social studies education from Brigham Young University and a M.S. Ed. in curriculum and instruction from Averett University. Ms. Muse was a researcher for the "America on the World Stage" project, where she contributed to a field study in Barbados on the Trans-Atlantic Slave Trade. Preparations are also underway for the Brown Teacher Institute, which this year will focus on the Library's collections relating to religious freedom. The institute is scheduled for August 1-2, 2016, and will feature Thomas E. Buckley, author of *Establishing Religious Freedom, Thomas Jefferson's Statue in Virginia*. The Library is providing a limited number of hotel rooms to teachers from remote areas of the state and thanks Ellen and Orran Brown for their continued support of the program.

Ms. Carol Hampton reminded the Board that in addition to the panel on religious freedom, the Library will be hosting James "Plunky" Branch in an evening program on June 23, 2016. She also thanked the Library staff for the excellent concordance to *Forsaken* and stated that she has recommended the book to a book club in order to increase awareness of the Library's resources.

- **Legislative and Finance Committee**

Mr. Light reminded Board members that the Library is committed to the highest level of financial transparency and encouraged them to ask questions if there was information presented that they did not understand. Fiduciary accountability is one of the responsibilities that Board members take very seriously.

He then called on Ms. Connie Warne, deputy of administration, to report on the agency's financial condition. Ms. Warne stated that as of April 30, 88 percent of the Library budget has been spent, and that we were on track with where we normally were at this point in the year. She also noted that the balance in the CCRP fund was higher than one might wish to see, but that this was because funds that have been awarded to localities in grants will not be distributed until the conservation work and quality control have both been completed. Since the Library's new quality control process was begun, there has been a lag time between the award of funding and the actual expenditure.

In response to a question from Ms. K. Johnson Bowles, regarding year-to-date comparison data, Ms. Warne stated that she has developed a more detailed fiscal chart for the Board to review in future. She explained that she did not wish to introduce it to the full Board before giving the Legislative and Finance Committee a chance to review it. Since the Legislative and

Finance committee was unable to meet earlier in the day, the new format will be presented at the fall meeting.

In response to a question from Mr. Oprison regarding the special funds budget, Ms. Warne explained that most of the special funds are grants, which are funded at either the beginning or the end of the year. The special fund carries over and does not have to be paid out by the end of the fiscal year.

Ms. Warne also reported that the Library was recently audited and while the report found that the Library complied with proper recording and reporting of all transactions, in all material respects, there were three comments relating to internal controls, specifically risk assessment, control of access to financial systems, and the Virginia Retirement System (VRS) Navigator reconciliation process. Ms. Warne described the steps that have already been put in place, or in the case of the hiring of an information security officer soon will be, to address these comments. A copy of the full audit will be sent to the members of the Board soon. Mr. Light encouraged the Board to examine the report and bring any questions they might have to the next meeting.

- **Public Library Development Committee**

Dr. Emblidge called on Ms. Carol Adams to summarize the 2016 State Aid Waivers and 2016 State Aid Awards as discussed by the Public Library Development Committee.

Ms. Adams gave a brief overview of the technical and fiscal waivers sought by localities in reference to their state aid awards. Technical waivers are requested when a locality has a fluctuation in library expenditures due to staff vacancies, maintenance, or one-time equipment costs. Fiscal waivers are sought by localities when they do not meet the 66.6 percent income from taxation or endowment requirement or fail to meet the 50 percent of the median local expenditure per capita. The Library works very hard with localities to ensure that each system understands the importance of meeting the requirements for state aid. This year, all the proposed waivers reviewed by the Public Library Development Committee were within the normal parameters of technical and fiscal waivers.

On behalf of the Public Library Development Committee, Dr. Emblidge recommended that the Board approve the requested waivers and the 2016 State Aid Awards as proposed. The Board voted unanimously in favor to approve both action items as presented by the committee (see Appendix A.)

Ms. Adams made one informational note in reference to the Richmond City library system. She explained that although the city's state aid was approved by the Board, monies will not be distributed until the locality submits its annual audit information. Once the audit is received, the allocated funds will be released.

- **Library of Virginia Foundation**

Dawn Gregg, development manager of the Library of Virginia Foundation, provided several

updates regarding giving levels and sponsorship opportunities. She reported that the Foundation has been reviewing its development plan for the new fiscal year and exploring ways to increase donations and memberships by revising the membership and giving structure, which will hopefully be finalized by the fall. In the meantime, the Foundation is happy to report that the Foundation Board and Foundation staff have 100 percent participation for the 2016 fiscal year. Library Board members are encouraged to give at any level by June 30, 2016, in order to raise their current participation rate from 53 percent to 100 percent.

Ms. Gregg also distributed a folder regarding sponsorship opportunities for the 19th annual Literary Awards on October 15, 2016. The Foundation is seeking sponsors for tables at both the literary luncheon and the evening celebration.

- **Nominating Committee**

Dr. Emblidge read the slate of officers proposed by the Nominating Committee at the April meeting and moved that the Board approve the election of the proposed slate. Ms. Weinstein seconded the motion and the Board approved the slate by unanimous vote. The 2016-2017 Library Board officers and Executive Committee members are:

Chair: R. Chambliss Light, Jr.

Vice-Chair: Marcy Sims

Executive Committee: Christopher Oprison
Emily O'Quinn
M. David Skiles

C. Report of the Chair

Mr. Light advised the Board that it is possible for Board members to set up direct deposit accounts for travel reimbursements. Board members who are interested in doing this can make arrangements through Jean Strohm in the Office of the Librarian.

Mr. Light reported that the Executive Committee of the Library Board had met with Dr. Treadway for her annual performance review, which was extremely positive. While a formal review is part of the Board's due diligence in providing support and oversight to Dr. Treadway's management of operations, in Mr. Light's estimation there has been successful dialogue throughout the year. Mr. Light and Ms. Su Yong Min had an excellent discussion with Dr. Treadway regarding the state of the Library as well as the challenges and opportunities ahead in the upcoming year. Mr. Light thanked Dr. Treadway for her expertise and admirable leadership of the organization. Dr. Treadway expressed appreciation to Mr. Light and the Board, adding that the success of the Library also depended on the work done by the Executive Management Team and the dedicated staff of the Library who, day in and day out give their best to ensure that the Library's collections are properly cared for and made accessible to the public.

Mr. Light then read the following resolution for departing Board member Patricia Thomas Evans and moved that the board accept the resolution as proposed. Carol Weinstein seconded the motion and the Board voted unanimously to approve the following resolution.

THE COMMONWEALTH OF VIRGINIA
A Resolution of The Library Board

WHEREAS Patricia Thomas Evans was appointed to the Library Board in 2011 by Governor Robert F. McDonnell; and

WHEREAS during her tenure she served on the Board's Archival Collections and Records Management Committee and Public Library Development Committee and chaired the Education, Outreach, and Research Services Committee; and

WHEREAS she gave generously of her time, talent, and expertise to the Library of Virginia; and

WHEREAS she was an avid supporter of the Library of Virginia and its programs and services; and

WHEREAS her background in the financial services and information technology arenas helped the Library Board move the Library of Virginia forward; and now therefore

BE IT RESOLVED by the Library Board on this the 13th day of June 2016 that we recognize Patricia Thomas Evans for her service and advocacy on the Library's behalf; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of this meeting, and that a copy of it be given to Patricia Thomas Evans as a token of the Board's gratitude for her service to the Library Board and to the Commonwealth of Virginia.

Ms. Evans thanked the Library Board and staff for making her tenure such a wonderful experience. Since becoming a member of the Board, she had become aware of Library resources and programs across the state and promised to continue to advocate for the Library. Several board members personally thanked Ms. Evans for her service and leadership over the past five years.

Mr. Light read the following resolution for Ms. Carole M. Weinstein and moved that the Board adopt the resolution as proposed, with Dr. Emblidge seconding the motion. The Library Board voted unanimously in favor of the following resolution.

THE COMMONWEALTH OF VIRGINIA
A Resolution of The Library Board

WHEREAS Carole M. Weinstein was appointed to the Library Board by Governor Tim Kaine in 2006; and

WHEREAS she was reappointed to the Library Board by Governor Robert F. McDonnell in 2011 and served on the Board through June 2016; and

WHEREAS she served with distinction as a member of the Library of Virginia Foundation Committee and as a Library Board representative on the Library of Virginia Foundation Board; and

WHEREAS her passion for writers, books, poets, education, and the Library of Virginia was evident to all; and

WHEREAS her expertise with many other organizations and on many other boards has helped the Library improve its programs, activities, outreach, and communications; and

WHEREAS Carole M. Weinstein's generosity of time, talent, and giving has enabled the Library to strengthen its commitment to bringing authors; historians, and poets before the citizens of the Commonwealth of Virginia; and now therefore

BE IT RESOLVED by the Library Board on this the 13th day of June 2016 that we recognize Carole M. Weinstein for her unwavering service to the Library of Virginia Board and the Commonwealth; and

BE IT FURTHER RESOLVED that this Resolution be spread upon the minutes of this meeting, and that a copy of it be given to Carole M. Weinstein, as a token of the Board's gratitude for her service to the Library Board and to the Commonwealth of Virginia.

Mr. Light thanked Ms. Weinstein for the thoughtful going away gifts that she presented to the other Board members and Ms. Weinstein explained that she couldn't leave without giving the Board members something to remember her. She suggested that the other Board members use the coin purses to store spare change as a reminder to give to the Library of Virginia Foundation regularly.

Mr. Light read the proposed schedule of Board meeting dates for 2016-2017:

October 3, 2016

November 17, 2016 (*Joint retreat with Foundation Board, 12:30-4:00 p.m.*)

January 9, 2017

April 3, 2017

June 19, 2017

Ms. Emily O'Quinn moved that the Board adopt the dates as proposed with Mr. Oprison seconding. The motion passed by unanimous vote.

D. Report of the Librarian of Virginia

Dr. Treadway remarked how quickly the time has gone by since the last annual meeting and reflected on how much the staff is able to accomplish given the large number of vacancies and shortage of funds. The Library is continuing to use existing resources in as creative and innovative a way as possible to maximize our efforts.

She also reported that in September 2014 Governor McAuliffe signed an executive agreement with each agency head to outline several agency-specific goals through which the agency could contribute to moving the Governor's strategic priorities forward. Since many of the priorities do not fit within the purview of the Library, the Library's agreement focused on three goals relating to our work with public libraries and children that did fit within the priorities he set for K-12 education. Recently, in reviewing progress on these agency goals and looking toward the final year and a half of the administration, agency heads were asked to outline challenges that their agencies faced and to suggest ways in which the Governor's Office might assist in overcoming them. At an upcoming meeting with the Governor's Chief of Staff, Dr. Treadway plans to mention the space planning work we would like to accomplish, the age of our information technology infrastructure and the need to replace it in the near future, and our challenge in taking Library programs and services out beyond the greater Richmond area. She expressed the hope that the challenges raised by agencies during this executive agreement review process might be the foundation for future budget conversations.

Dr. Treadway sought counsel from the Board regarding an outstanding issue with the transfer of former Governor McDonnell's public records. She reminded the Board that the former Governor had preferred to use his personal Gmail account instead of his state-issued e-mail account when in office and that despite repeated communications with the Governor and his legal advisors over the past two years, these records had not yet been transferred to the Library although all parties agree that they should be. The Library has offered staff support and expertise to facilitate the transfer to the state archives. She expressed a desire to address with the Library Board possible next steps.

CLOSED MEETING

Mr. Light moved that under the *Code of Virginia* § 2.2-3711 (A), the Board hold a closed meeting on this subject for the following purpose: "consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in a public meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with the legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by counsel."

Dr. Emblidge seconded the motion and the Board voted unanimously to enter into closed session. Mr. Light requested that the staff and visitors step out of the room with the exception of Dr. John Metz and Ms. Barbara Teague as the discussion would directly pertain to their areas of oversight.

CERTIFICATION OF THE CLOSED MEETING

Because the Library Board convened in a Closed Meeting today pursuant to an affirmative-recorded vote to be included in the minutes and in accordance with the Virginia Freedom of Information Act, and because *Code of Virginia* § 2.2-3712(D) requires that we certify that such a closed meeting was conducted in conformity with Virginia law, Mr. Light moved that the Library Board certify by roll call vote that, to the best of each member's knowledge:

- (i) Only public business matters lawfully exempted from open meeting requirements under this chapter, and
- (ii) Only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting by the public body.

Dr. Emblidge seconded the motion to take a roll call vote and the Board members voted as follows:

K. Johnson Bowles.....aye
Kristin Cabral.....aye
Mark Emblidge.....aye
Mohammed Esslami.....aye
Patricia Thomas Evans.....aye
Carol Hampton.....aye

R. Chambliss Light.....aye
Barbara Vines Little.....aye
Su Yong Min.....aye
Christopher Oprison.....aye
Emily O'Quinn.....aye
Carole Weinstein.....aye

Mr. Light then read the following motion:

"Having exhausted all other administrative options, the Board of the Library of Virginia directs the Librarian of Virginia, working through the Office of the Attorney General, to write a formal demand letter to former Governor Robert F. McDonnell to provide the electronic records required under the Virginia Public Records Act, and, if such records are not forthcoming, then the Librarian is directed to ask the Attorney General's Office to pursue all appropriate legal action."

Ms. Min seconded the motion and the Board voted to approve, with eleven members voting in favor and Patricia Thomas Evans abstaining.

VIII. OLD OR NEW BUSINESS

Due to the need to adjourn and join the Library's guests at the annual luncheon scheduled to begin at 12:30 p.m., it was decided that the presentation on the Library's strategic plan would be postponed until the fall meeting.

X. ADJOURNMENT

There being no further business, Mr. Light adjourned the meeting at 12:23 p.m.