

LIBRARY BOARD
The Library of Virginia
800 East Broad Street
Richmond, Virginia 23219-8000

SUMMARY OF BOARD MINUTES
Library Board Meeting of June 21, 2010
Meeting Room 2M.020 (Floor 2M)

I. Call to Order/Quorum

John S. DiYorio

John S. DiYorio, chair, called the meeting to order at 10:35 a.m. and announced the presence of a quorum.

The following members were in attendance:

Cynthia V. Bailey

Ronald S. Kozlowski, vice chair

Jon Bowerbank

Meyera E. Oberndorf

Christopher R. Clarke

Mark D. Romer

John S. DiYorio, chair

Charles W. Sydnor, Jr.

Mark E. Emblidge

Carole M. Weinstein

Marc Leepson

Clifton A. Woodrum III

Valerie Jean Mayo and David Poyer were absent and one of the Board seats remains vacant.

II. Approval of Agenda

The Board

There were no changes to the agenda

III. Welcome to Visitors and Staff

John S. DiYorio

Mr. DiYorio welcomed former Library Board members Peter E. Broadbent, Jr. and G. William Thomas, and Roger Oberndorf. (Clay Dishon, representing the Virginia Library Association, arrived after the Welcome.)

IV. Announcements

There were no announcements.

V. Public Comment

There were no public comments.

VI. Consent Agenda

• ***Approval of the Library Board Minutes of March 22, 2010***

A motion to accept the Consent Agenda, consisting of the minutes of the Library Board meeting on March 22, 2010, was made by Charles W. Sydnor, Jr., seconded by Meyera E. Oberndorf. Marc Leepson asked that a change be made on page four of the minutes, under the Library of Virginia Foundation Committee report, adding the date (November 16) that the Virginia Shop reopened under the Foundation's oversight and the exact amount of gross sales (\$85,000) from the opening through the May Foundation Board meeting. Clifton A. Woodrum III moved that the Board approve the minutes with these changes and Mr. Sydnor seconded the motion. The minutes as amended were unanimously approved by the Board.

VII. Information Items

A. Reports of other Organizations

Mr. Thomas reported that the March 26 Straight to the Source program sponsored by the Friends of the Virginia State Archives was a success, and he thanked the Library's staff for their efforts on behalf of the program. He announced that the Friends' annual Richard Slatten Lecture would be held this year on Saturday, September 11. Mr. Broadbent announced that the Virginia Genealogical Society's 50th Anniversary Spring Conference held at the Library on April 17 and the celebration banquet the evening before were successful events and noted that former State Archivist Conley Edwards and Librarian of Virginia Sandra Treadway were in attendance. He announced that the VGS spring conference would be back at the Library in 2011.

Mr. Broadbent also mentioned that he was pleased to see the Library's Rules of Conduct on the Board's agenda, as the genealogical community was very concerned about the noticeable decline in security in the Library building and hoped that the Library Board would take action to address this situation.

B. Committee/Division Reports

- **Attorney General's Office Review of the Rules for Conduct in the Library of Virginia** **Alison P. Landry**

At the request of the Librarian of Virginia, Senior Assistant Attorney General Alison P. Landry appeared before the Board to report on the review by the Attorney General's Office of the Library of Virginia Rules of Conduct for patrons and visitors to the Library. Ms. Landry passed out copies of a letter that she had hand-delivered to the Librarian of Virginia an hour before the Board meeting, which she asked Board members to return to her at the end of the discussion to protect attorney-client privilege.

Ms. Landry stated that the Rules of Conduct as they currently existed were perfectly fine and enforceable as far as her office was concerned, and she focused the discussion on three revisions to the rules that the Library had proposed: a ban on the playing of games in the Library, a ban of persons with offensive bodily hygiene, and an anti-loitering statement. Ms. Landry reviewed case law on all three points and summarized her recommendations. She recommended that the Library steer away from a ban on games, as that could be construed as a content-based prohibition rather than a behavioral one. She stated that the hygiene ban is a reasonable one as long as it is not arbitrarily enforced, and she recommended that if the Library kept this provision among its rules that enforcement be premised on a complaint by another patron. With regard to the anti-loitering clause, which is controversial because of the vagueness of the term, she suggested changing the language to more proactive wording. She advocated addressing the purposes for which the Library exists and stating that anyone not using the Library for these purposes would be asked to leave the premises. This "use or leave" approach would narrow the list of activities permitted in the Library and would prohibit dawdlers or others who wish merely to sit inside the Library's space. Should the Library opt to take this approach, she recommended that visitors be allowed to remain for three hours without visibly using Library services before being asked to leave.

After lengthy Board discussion, it was decided that the Library will revise the proposed Rules of Conduct to reflect the Attorney General Office's recommendations and then will

share the revised rules with the Chief of the Capitol Police to ascertain whether the Chief is willing to have the security guards who work in the Library building enforce the revised rules. Clifton A. Woodrum moved that the Library amend the Rules of Conduct based on the recommendations contained in the Assistant Attorney General's letter. Mr. Leepson seconded the motion, and the Board voted unanimously to do so.

- **Overview of Organizational Changes in Response to the Budget Reduction**

Suzy Szasz Palmer

Deputy Librarian Suzy Szasz Palmer provided the Board with an overview of the staffing and organizational changes necessitated by the latest round of state budget cuts. She reminded the Board that the \$537,000 reduction for fiscal year 2011 would all have to come from staffing as there was no other place in the budget for cuts to be taken. The staffing changes, which will take effect over the course of the summer and early fall, will result in the net loss of fourteen full-time classified staff, five of whom are at the managerial level. Ms. Palmer explained that for the time being, the Financial Services Office, Human Resource Office, and Information Technology Division staff were exempt from staff reductions due to the nature of their work, but that the Library would look at these areas in the fall.

Ms. Palmer announced that three full-time classified and one full-time wage employee would be leaving the Education and Outreach Division. Due to a major down sizing and reorganization that occurred in the Collection Management Division last year, CMS will be losing only one full-time staff member in this round of cuts. The Archives and Records Management Services group, the largest division in the Library, will lose five full-time employees, although two of the staff would still be employed by transitioning to grant-funded positions working on the Civil War Legacy Digitization Project. The Research and Information Services Division, which manages the public service areas in the reading room, will lose five full-time staff members, three of these coming from the Interlibrary Loan Department. At the moment, the Library has 156 of its 204 general fund positions filled, with a fill rate of 76 percent and a vacancy rate of 24 percent. By fall, the vacancy rate will be up to 29 percent.

- **Legislative and Finance Committee**

Clifford A. Woodrum III

Mr. Woodrum, committee chair, called the Board's attention to the financial information provided to the Board behind Tab 2 in their packets and asked the Board members to note the sobering gap between actual budget dollars and constant dollars over the past twelve years. Mr. Woodrum reported that the committee had discussed the situation the Library faced in not being able to pay its VITA bill in full due to the reduction in reimbursement to state agencies for VITA costs as enacted by the General Assembly. The Library still owes approximately \$160,000 to VITA but a substantial proportion of that amount is also in dispute since VITA has not properly adjusted invoices to reflect reductions the Library has made in its inventory and services. Mr. Woodrum called on Finance and Administrative Services Director Connie Warne, who reported that the Library had already spent about 99 percent of its FY 2010 general fund budget and that the remaining funds would be fully spent before the end of the fiscal year.

Mr. Woodrum reminded the Board that at the March meeting the committee had recommended the Board consider amending the By-Laws to require four rather than five Board meetings a year. The committee had proposed changing Article V, number 1, of

the By-Laws to read “There shall be no fewer than four, nor more than twelve, regular meetings of the Board held each operating year, with the number, date, place and time to be fixed by the Board.” Mr. DiYorio called for a vote on the committee recommendation, which the Board unanimously approved.

● **Nominating Committee**

Charles W. Sydnor, Jr.

Mr. Sydnor, committee chair, reviewed the list of proposed officers of the Library Board for the July 1, 2010 – June 30, 2011 period, which the committee had presented to the Board at the March meeting: Mr. Kozlowski to serve as chair; Mr. Woodrum as vice-chair; Mr. Kozlowski, Mr. Woodrum, Mr. DiYorio, Mr. Leepson, Valerie Jean Mayo, Mark D. Romer, and Cynthia V. Bailey as members of the executive committee. Carole M. Weinstein was nominated as the Library Board’s representative to the Library of Virginia Foundation Board. Mr. DiYorio called for a vote on the committee’s recommendations, and the slate of officers was approved unanimously.

● **Public Library Development Committee**

Ronald S. Kozlowski

In the absence of the committee chair and vice chair, committee member Ronald S. Kozlowski reported on the committee meeting held earlier in the morning. He reported that the committee had discussed the annual review of state aid as prepared by the staff. The only unusual situation was the change in the status of the Halifax-South Boston Library, which had gone from a regional library to a regular county library system, a result of South Boston’s reverting from city to town status. This change would cost the library about \$11,000 in state aid, but since this is required by the formula in the Code, there was nothing the Library Board could do to prevent this from happening. The committee had no concerns about waivers described by the staff, though the Board did encourage staff to write letters reminding libraries who repeatedly fell short on local spending of the need to show improvement in the future. Mr. DiYorio called for a vote on the committees recommendations to approve the state aid waivers and grants as submitted by the staff. The Board voted unanimously to approve the waivers and grants.

Mr. Kozlowski asked Carol Adams to review the status of the two Gates Foundation grants, and she provided updated information about both the hardware and broadband grants.

● **The Library of Virginia Foundation Committee**

Marc Leepson

Committee chair Marc Leepson announced that the Foundation had contracted with Positive Vibe Café, a successful local not-for-profit restaurant that trains disabled citizens for careers in the food industry, to operate the café space in the Library under the name Positive Vibe II at the Library of Virginia. He predicted that this would be a wonderful partnership for both the Foundation and the Library. The soft opening will be on July 12, with a more celebratory opening with special guests shortly afterward. Mr. Leepson also announced that the new website for the Shop was up and running, after a major redesign.

He then called on Development Director Dan Stackhouse, who reported that the annual fund/Semper Virginia Society was running about 7 percent short of where it was at this time last year, with unrestricted giving close to \$160,000. He said that he was pleased with the support this year for the Adopt Virginia’s History Program and the Virginia Authors Circle, and also the endowment fund in honor of former Foundation Board member Emyl Jenkins. He commented that giving by both boards was very close to where

he hoped it would be, with 25 of the 30 members having made an annual gift. He pledged to continue working through June 30 to bring that number to 100 percent, which was important for the message it sent to other foundations from which the Library's Foundation seeks grant funding. He thanked Board members for their assistance this year with sponsorships and introductions to new funding prospects, and reminded the Board of important upcoming Foundation events (such as the Literary Awards luncheon on October 15 and the Literary Awards Celebration on October 16).

D. Report of the Librarian of Virginia

Sandra G. Treadway

Librarian of Virginia Sandra Treadway commented that the past year had been extremely challenging given the state's budget realities, but that she was proud of the way that the Library's staff had handled the difficult situation. She emphasized that all were committed to putting the best public face on the Library's difficulties and to keeping the doors open to researchers, attempting despite the shortage of staff to meet as many of our patrons' needs as possible. She reflected on the great strides that the Library had made in its visibility within the community and the need to keep that momentum going as a platform on which to build in the future. She thanked the members of the Library Board as well as the Foundation Board for their efforts on behalf of the Library and stated her conviction that we would emerge successfully from this difficult time and would be better in the end for having to make significant adjustments.

E. Report of the Chair

John S. DiYorio

Mr. DiYorio thanked his colleagues on the Board and the Library's staff for their support during the past year, especially during his recent illness. He also expressed his appreciation to the Librarian of Virginia and her staff for handling the difficult situation they have been in with considerable grace.

He then moved that Board go into closed session under Section 2.2-3711 (A) of the Code of Virginia for the purpose of the annual evaluation of the Librarian of Virginia. Mr. Woodrum seconded the motion, and the Board approved entering into executive session. At the end of the closed session, Mr. DiYorio asked that the Board certify by roll call vote that to the best of each member's knowledge "only public business matters lawfully exempted from open meeting requirements under this chapter and 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." Mr. Kozlowski seconded the motion and a roll call vote was taken with all members present voting in the affirmative.

Mr. DiYorio announced that during the closed session, the Board approved putting forward a motion and a statement that it wished to have recorded in the minutes. Mr. DiYorio read the following motion adopted during closed session: "The Library Board feels fortunate that Sandra Treadway serves as director in a position that seems designed for her talents and enthusiastically recommends the extension of her contract for another year." Mr. Woodrum moved that the Board approve this extension for the record, and Mr. Sydnor seconded the motion. The Board voted unanimously to extend the Librarian's contract for an additional year. Mr. DiYorio then read the following statement from the Library Board: "This Board is in hopes that future boards will grant Sandra Treadway a salary supplement and bonuses as allowed by law."

VIII. Old or New Business

There was no old or new business.

IX. Action Items

- Approval of the Public Library Development Committee's Recommendations on State Aid Grants and Waivers

(This item was approved during the committee report.)

- Approval of the Nominating Committee's Proposed Slate of Officers for 2010-2011

(This item was approved during the committee report.)

- Approval of By-Laws Change Reducing the Number of Standing Board Meetings

(This item was approved during the committee report.)

- Approval of Proposed Schedule of Library Board Meetings for 2010-2011

Mr. Woodrum moved to approve the proposed meeting schedule as included in the Board packet. Mr. Kozlowski seconded the motion. There was no discussion and all voted in the affirmative.

Mr. Woodrum moved that the Board approve (without formal reading) the resolution included in the Board packet thanking Mrs. Diane Brownstone for her generous contribution of children's books to Virginia public libraries. Mr. Sydnor seconded the motion. There was no discussion and the resolution was approved.

X. Comments by the Incoming Board Chair

Ronald S. Kozlowski

Mr. Kozlowski stated that he was honored to have been chosen to serve as Library Board chair, and that he looked forward to working with the staff and the members of the Board in the coming year. He expressed his appreciation for the Board's confidence in his ability and his hope that the Library would have a good year despite the budgetary challenges.

XI. Adjournment

John S. DiYorio

There being no further business, the meeting was adjourned at 12:30 pm.