

1 **Approved August 22, 2013**

2
3 California Library Services Board Meeting by Teleconference

4 March 1, 2013

5
6 California State Library

7 900 N Street, Room 501

8 Sacramento, CA

9
10 **CALL TO ORDER AND INTRODUCTIONS**

11 President Anne Bernardo called the California Library Services Board teleconference meeting
12 to order on March 1, 2013 at 10:30 a.m. After member roll call, President Bernardo asked for
13 introductions.

14 **Board Members Present:** Conchita Battle, Anne Bernardo, Tyrone Cannon, Victoria Fong,
15 Jane Lowenthal (arrived at 10:50 a.m.), Paymaneh Maghsoudi and Gregory McGinity.

16 **Not Present:** Elizabeth Murguia and Judy Zollman.

17 **California State Library Staff Present:** Acting State Librarian, Gerald Maginnity, Rush Brandis,
18 Suzanne Flint, Darla Gunning, Sandy Habbestad, Susan Hanks, Carla Lehn and Cindy Mediavilla.

19 President Bernardo directed that the meeting proceed with Reports to the Board and
20 information items because the meeting lacked a quorum for any action to be taken. A quorum
21 was reached at 10:50 a.m.

22
23 **REPORTS TO THE BOARD**

24 **Board President's Report**

25 President Bernardo reported that the County Law Librarians have been holding their regular
26 meetings, one of which was held with their trustees in October 2012. Another meeting was
27 scheduled to be held in March for their annual Legislative Day in Sacramento. President
28 Bernardo is still active with the Heartland Regional Library Network, which is meeting today for
29 their annual council meeting. At the local level, she is busy planning a branch law library in

1 partnership with her community's public library and the courts in Porterville, California. She is
2 hoping to participate with her colleagues in the annual meeting of special libraries this year in
3 San Diego.

4 **Board Vice President's Report**

5 Vice-President Maghsoudi reported that the opening of Whittier Public Library's new branch
6 library had been celebrated on December 1, 2012. The library has been doing very well. She
7 would be attending the National Library Legislative Day on behalf of the Southern California
8 Cooperative Library Group on May 7-9.

9 **Acting Chief Executive Officer's (CEO) Report**

10 Gerry Maginnity, Acting CEO, reported that almost four months have gone by since the
11 former State Librarian Stacey Aldrich departed. We are continuing to wait for a new
12 appointment by the Governor.

13 The most important matter in front of the State Library is the move back into the renovated
14 building, Library and Courts I building (LC I), which has been much delayed. The Court of
15 Appeals has been authorized to begin their move back into the building on April 1. CSL has been
16 given permission to install shelving carriages beginning today which will continue throughout
17 March, and begin moving the collections on May 1, following the Courts move. We anticipate
18 that the move will take us four or five months. Originally, CSL was scheduled to be back in the
19 building within this current fiscal year. However, because we have been delayed, necessary
20 steps are being taken to receive funding for the next fiscal year. Unless there are other delays,
21 CSL will hold a grand opening sometime this fall. The Board will be informed about the date of
22 that event.

23 Towards the end of last year, the Sutro Library was successfully moved into a new site
24 located within the University of San Francisco. They will be having their formal grand opening
25 public event, complete with tours, on March 13, 2013. The University is having an entire week
26 of events to celebrate the investiture of its new president. On one of the days, the Sutro Library
27 will be having its own ceremony, with Dr. Kevin Starr giving a lecture on its history. Member
28 Fong asked to be formally notified of the Sutro Library opening. Maginnity responded that he
29 would have the email forwarded to Board members.

1 We have been told that the Federal sequestration will probably affect the amount of LSTA
2 money received by CSL, up to an eight percent reduction. We will keep Board everyone
3 informed as we learn more.

4 We will be awarding LSTA Pitch-An-Idea grant recipients close to \$1 million for FY 2012/13.
5 Award letters are going out at this time. For FY 2013/14, we want to get the award cycle back
6 on track and closer to the state fiscal year, with the ultimate goal of allowing grantees as much
7 time as possible to spend funds.

8 We have been preparing for our Public Library Director Forum to be held in Sacramento next
9 week on March 6 and 7.

10 Last week it was announced that four organizations in California, out of 33 nationally, had
11 been nominated for the 2013 National Medal for Museums and Library Services. They were the
12 California Digital Library, University of California; Rancho Cucamonga Public Library; Santa Ana
13 Public Library; and one museum, The Discovery Science Center in Santa Ana. There will be ten
14 awards given and announced in April, with an awards ceremony in Washington D.C. in May or
15 June. Some libraries and there excellent work came as a result of LSTA projects.

16 In the Governor's proposed budget, the State Library budget is at the same level as last year.
17 With respect to the May Revise, Maginnity stated there is no anticipation that local assistance
18 funding will be reduced. The Library is ready with a good case for harm to LSTA funding should
19 it be further reduced.

20 Member McGinity asked whether the Governor's budget included any full-time employee
21 positions for the State Library, and also whether revenue from California's Proposition 30, the
22 2012 sales and income tax increase on the top 3% of California taxpayers, had affected the
23 State Library. Maginnity responded that no more employee positions were allowed beyond the
24 current 139. He did not believe that Proposition 30 had any impact on the CSL budget, although
25 there had been no further cuts to it. No discussion about Proposition 30 had taken place with
26 the Department of Finance.

27 Member McGinity then referenced a presentation by former State Librarian Aldrich, at the
28 August 2012 Board meeting, in which she spoke of developing a plan for digitizing the collection
29 at the State Library. Had anything been done? Darla Gunning, Acting Library Programs

1 Administrator in Library Development Services, responded that a task force had been formed to
2 discuss statewide digitization and some directions to take for the best use of funding,
3 particularly LSTA funding. The task force met two weeks ago, with representatives from a
4 variety of organizations around the state. Big scale projects were represented, such as the
5 California Newspaper Project, the California Digital Library, the Internet Archives and the
6 California Preservation Project. There have also been some LSTA projects in the past, the Local
7 History Digital Resources Project, and some local library projects, both large and small in scale.
8 Partnerships are being considered for the future, with content from smaller institutions of
9 lesser means being considered. Recommendations about how to use available funding were
10 being considered, whether for proposed projects that come in or targeted, statewide grants to
11 address specific needs.

12

13 **RESOURCE SHARING**

14 **Interlibrary Loan and Direct Loan Programs**

15 Habbestad reported that CSL is continuing to collect quarterly data for CLSA Interlibrary Loan
16 and Direct Loan programs throughout the current fiscal year. The TBR Program will be facing
17 the third consecutive year without state funding. There has been a decrease in projected
18 interlibrary loans of about 11% since 2010/11. A small percentage of the decrease is the result
19 of some libraries not providing interlibrary loans through OCLC because of the high cost to do
20 so. With the state not having the leverage of reimbursements to entice participation, some
21 libraries don't feel the need to submit reports. Many of the non-public library participants are
22 not submitting quarterly reports, as well.

23 In the last two years, the Direct Loan Program has shown a decrease of over 25%. One
24 reason is the loss of approximately four to five million transactions annually from Santa Clara
25 County Library, which no longer qualifies to participate because of its decision to charge non-
26 resident borrowers for a library card.

27 For fiscal year 2013/14, we are not going to request that libraries submit quarterly reporting
28 statistics. Just this week we found out that our current database software is no longer
29 compatible with the upgraded platforms that we are using here at the State Library. By using an

1 older operating system, we are hoping to complete the data collection for this fiscal year. We
2 will be looking at other ways to collect the data from libraries for next year and beyond.

3 President Bernardo asked whether reports would continue on an annual basis. Habbestad
4 responded that it had not been discussed, but some reporting would be done annually. This will
5 be considered at the August Board meeting with discussion about how to proceed with data
6 collection.

7 Member Fong asked whether it is possible to get some idea how continuing to collect data,
8 when there is no money, is affecting California libraries. Member Cannon asked whether there
9 was ever a correlation between funding and data recording. Habbestad answered that data
10 collection is a requirement to participate in any of the programs. Maginnity added that in his
11 discussions around the state, librarians are asking why they are still submitting TBR statistics.
12 His response to them is that the data are needed to attempt to re-establish funding. We may
13 end the quarterly collection of data and try to get it annually.

14 President Bernardo asked whether data collection might need to be adjusted in the
15 proposed regulations. Habbestad replied not until a decision is made about what to do, as the
16 language in the regulations is not very specific about what data needs to be collected. It leaves
17 that up to the Board to decide. Bernardo continued that we would be looking for a
18 recommendation about this in the next Board meeting.

19

20 **LEGISLATIVE UPDATE**

21 President Bernardo reminded the Board that she continues to serve on the CLA Legislative
22 and Advocacy Committee as the liaison to the State Board. In their meeting in February, they
23 discussed various pieces of legislation, including the CLA-sponsored legislation for California
24 Library Week. Language has been proposed, but a resolution number has not been assigned to
25 it. Maginnity stated that legislation is going to be carried by Senator Wolk. CLA Legislative Day
26 will not be held in Sacramento this year, but people are encouraged to contact their local
27 legislators to express the importance of libraries in their districts.

28 Maginnity reported on pending legislation, Senator Wolk's SCA-7, designed specifically to
29 lower the percentage of votes needed to pass a local tax initiative for public libraries. Since she

1 introduced the bill, many other groups, such as law enforcement, education, and districts have
2 come forth. This bill would amend the constitution and would have to go on the ballot for
3 voters. But, in his opinion, voters faced with several of these initiatives tend not to vote for any
4 of them, which would be catastrophic for the legislation. There is a move to consolidate all of
5 this for local government, SCA-11, sponsored by Hancock. We will be monitoring these bills
6 closely.

7 Maginnity also reported that last year, through a variety of means, such as the Idea Scale
8 survey, we learned that California libraries wanted help increasing their broadband Internet
9 connectivity. The State Library was able to get Recovery Act money for the Central Valley
10 project to connect to the “backbone,” called CENIC, the Corporation for Education Network
11 Initiatives in California. CENIC operates the Research and Education Network and is now
12 interested in connecting all public libraries in California to their high-speed Internet backbone.
13 The State Library is in initial discussions on this matter; as things now stand, the State Librarian
14 would support amending CLSA to allow funding for this project. The Board will continue to be
15 informed as things develop in what appears to be very promising technology for all public
16 libraries in the state.

17 Rosario Garza, representing CLA, added that she thought this was a very exciting proposition,
18 with a lot of forward moving energy. CENIC was an organization with extensive experience
19 working with primary and secondary schools, as well as institutions of higher education. If
20 things worked out well, CENIC could get the job done within two to three years, at a very
21 affordable cost. Linda Crowe, PLP, interjected that if the partnership between CENIC and the
22 State Library was successful, it would be a game-changer for California public libraries.

23 Member McGinity having just heard of the possibility that CLSA may be amended again,
24 raised a concern that he had about an earlier amendment. He was surprised to learn that a
25 change in the name of the LOC Board had occurred with the passage of SB 1044. Maginnity
26 responded that the Board had indeed reverted to its original name. Member McGinity did not
27 remember hearing about this issue in former meetings. With respect of recruiting future Board
28 members, he asked for information on why the name was changed, and further, could it be
29 changed back.

1 Maginnity responded that the background began with the passage of the California Library
2 Services Act (CLSA) in 1977. At that time the name of the Board was listed in the Act as the
3 California Library Services Board (CLSB). When the Library of California (LOC) Act was passed in
4 1998, the Library of California Board took over the functions of the CLSB. Part of SB 1044 was to
5 repeal the LOC Act, which led to a reversion to the CLSA and as a further consequence, a return
6 to the original Board name, CLSB. Member Lowenthal proposed that all of the changes specified
7 in SB 1044 could have been made, while retaining the LOC Board name, instead of reverting to
8 the old name. She found many negatives in the change, including how the Board is perceived by
9 the Legislature and in turn, how to continue to get funding.

10 Member Fong agreed with members McGinity and Lowenthal. The Board was not included in
11 many of meetings that brought about these changes. At one of the meetings that she had
12 attended, she had expressed a similar caution that the LOC Board name did not need to be
13 changed, since it did not need fixing. Member Lowenthal added that she too was concerned
14 that the Board had not been invited to the meetings, had not been called or kept informed, and
15 that the earliest they had ever heard of the name change was after SB 1044 had been passed.
16 Member Fong replied that in fact it had been stated in the CEO's Report at some of the
17 meetings, but she had thought it was a work in progress. The next thing she knew was that
18 Senator Liu was carrying it through.

19 Maginnity presented the history that led to SB 1044, stating that when Governor Brown
20 announced his first budget in January 2011, he zeroed out all the funding for CLSA, and LOC had
21 not been funded in several years. A Sustainability Conference was held, with California Public
22 Library Directors invited to address how they would deal with zero funding, and what ways to
23 approach the Legislature to put money back into CLSA. Out of this meeting came a CLSA
24 planning group, which met last June to present their findings, with recommendations of how to
25 amend and streamline CLSA and to repeal the Library of California Act.

26 Member McGinity responded that he understood the history, but he had not understood the
27 implication of the name change. A small amendment to SB 1044 easily could have been added
28 to retain the LOC Board name, had the Board only known.

1 Maginnity further explained that he perceived there was a very negative feeling among
2 California library directors towards the Library of California. It had not been funded and it was
3 not seen as something they wanted to do. To retain the LOC name for this Board, without the
4 Act, could shine a negative light in the eyes of library directors, in his opinion. Member
5 McGinity answered that it was not the directors' view, but this Board's that was important to
6 consider. Two important issues have occurred accompanying the name change. The first issue is
7 communication with the Board, as he would like to have known about this change. And second,
8 the recruitment of future Board members. Member Lowenthal interjected that the funding is
9 also important. She feels the name, "Library of California," has gravitas.

10 Member Cannon expressed that he was more interested in what the implications would be
11 going forward. Member McGinity understood that it was still possible to amend the CLSA, so he
12 requested that review of the Board's name be placed on the next Board meeting agenda. His
13 preference was to return to the LOC Board name. Since "LOC" was not liked by library directors,
14 Member Lowenthal requested that staff suggest alternate names stronger than California
15 Library Services Board.

16 Member Maghsoudi proposed that legal counsel be consulted as to whether a name change
17 was even possible. Maginnity responded that it could be changed without changing anything
18 else. Member Cannon stated that it was all about impact and functioning. President Bernardo
19 added that the composition of the Board was affected by the reversion from LOC Board to
20 CLSB, as there were differences. Member McGinity wondered what the implications of that
21 would be. Member Lowenthal responded that it was very minor, as it was about what group
22 was represented by a Board appointment. President Bernardo concluded, recognizing that a
23 verbal consensus had been reached, that the matter of the Board name would be researched
24 and then discussed at the next Board meeting in August.

25 With a quorum now present, President Bernardo turned to the action items. Because the
26 agenda was taken out of order until a quorum was present, Bernardo requested a motion to
27 adopt the agenda as amended.

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31

1 **ADOPTION OF AGENDA**

2 *It was moved, seconded (Fong/Maghsoudi) and carried unanimously that*
3 *the California Library Services Board adopts the agenda of the March 1, 2013*
4 *meeting as amended.*

5
6 **BOARD RESOLUTION**

7 Member Battle read the Board resolution for former State Librarian Stacey Aldrich.

8
9 *It was moved, seconded (Fong/Cannon) and carried unanimously that the*
10 *California Library Services Board adopts CLSB Resolution 2013-01 for Stacey*
11 *A. Aldrich. (See Attachment A)*

12
13 **APPROVAL OF MINUTES**

14 *It was moved, seconded (Lowenthal/Fong) and carried unanimously that*
15 *the California Library Services Board approves the draft minutes of the*
16 *August 16, 2012 meeting as presented.*

17
18 With respect to the minutes, Member McGinity asked whether Dr. Starr had been contacted
19 by former State Librarian Stacey Aldrich about writing an Op-Ed piece on the importance of
20 libraries. Maginnity replied that she had tried twice without a response from him.

21
22 **BUDGET AND PLANNING**

23 **CLSA Regulations**

24 President Bernardo directed members' attention to CLSA regulations, for which there were
25 actions to be taken. Member Lowenthal questioned whether members could proceed, as the
26 agreement to consider a name change in August precluded a decision on regulatory
27 amendments authorized by SB 1044. Maginnity responded that in order for the State Library to
28 move forward, the Board needed to take action. The name of the Board, which is now the
29 California Library Services Board, is a separate issue, which may be addressed later. Member
30 Cannon agreed with Maginnity, that the Board must move forward.

31 A motion to recognize the amendments to the CLSA law and regulations as authorized by SB
32 1044 was forwarded.

33
34 *It was moved, seconded (Fong/Cannon) that the California Library Services*
35 *Board recognize the amendments to the CLSA law and regulations as*

1 ***authorized by the SB 1044 and documented in Exhibit A, and that the***
2 ***amendments be included in the minutes of this meeting.***
3

4 President Bernardo next invited discussion on the motion. Member Lowenthal declared that
5 she was unclear why the Board was recognizing or accepting the amendments. Habbestad
6 answered that according to legal counsel, members' approval was not required, but it has been
7 included as an action to publicly record that the Board was recognizing these changes in law.
8 Member Lowenthal continued that since members clearly indicated disappointment not only
9 with the Board name, but also with the manner in which it was changed, they should not move
10 to recognize the changes. However, if legal counsel stated that Board approval was
11 unnecessary, then the Board should not even bother trying to change it. Member McGinity
12 agreed with Member Lowenthal that if Board approval is unnecessary to pass the regulation,
13 then there was no need to take action. Member Cannon asked whether the motion could be
14 withdrawn. Member Fong withdrew her original motion to recognize the amendments to the
15 CLSA law. Member Cannon removed his second to the motion. President Bernardo then
16 concluded that there was no motion on the floor.

17 Discussion was then invited for another recommended motion on the agenda. Member
18 McGinity asked whether the regulations could be amended to allow for non-contiguous
19 consolidation. He was concerned about the relevance of contiguous border language in a 21st
20 century economy. Maginnity responded with some background information. The topic of
21 changing the "contiguous" requirement was discussed at one of the Public Library Directors'
22 meetings, after which they decided not to proceed with changes at that time. The Act would
23 have to be amended if the Board decided to effect this change. One of the biggest worries was
24 from isolated, rural libraries, who were concerned that libraries would leave and join any
25 System they liked, but that the smaller, rural libraries that might be unable to do so, would be
26 left with nothing. In order to be better informed and so that the Board could have greater
27 impact, Member McGinity requested that information about the topic be prepared and
28 presented for discussion at the next Board meeting in August.

29 Member Cannon asked whether one of the changes in the regulations indicated that the
30 meetings no longer needed to be open to the public. Habbestad responded that no, the change

1 was simply the removal of a redundancy, an attempt to clean up verbiage and condense the
2 regulations. The CLSB operates under the Bagley-Keene Open Meeting Act, which requires that
3 all state boards and commissions conduct their meetings in public, unless specifically
4 authorized by the Act to meet in closed session. Member Cannon affirmed that he was happy
5 about these changes.

6 Member Lowenthal asked whether counsel, other than CSL's legal counsel, had reviewed the
7 aforementioned portion of the regulations. Maginnity responded that the regulations were
8 reviewed by CSL's legal counsel, Paul Smith, who is considered the expert on California library
9 laws. He had worked for CSL for many years, but is now retired. CSL will be working with the
10 Attorney General of California for its legal matters until someone is found to take over.

11
12 ***It was moved, seconded (McGinity/Fong) and carried unanimously that the***
13 ***California Library Services Board directs its Chief Executive Officer to submit***
14 ***the proposed amendments to CLSA regulations, as outlined in Exhibit B, to***
15 ***the Office of Administrative Law, and that the amendments be included in***
16 ***the minutes of this meeting. (See Attachment B)***

17
18 ***It was moved, seconded (McGinity/Fong) and carried unanimously that the***
19 ***California Library Services Board adopts the Robert's Rules of Order, Newly***
20 ***Revised (2011) as its reference when conducting State Board meetings.***

21
22 **CLSA Proposed Budget 2013/14**

23 Habbestad reported that on January 10, 2013, the Governor released his 2013/14 proposed
24 budget, providing \$1.88 million to the State Library for CLSA Cooperative Library Systems. We
25 are recommending that the Board approve the preliminary budget for dispersing the funds to
26 Systems, providing half of their budget upon passage of the state budget act, and the
27 remainder of their budgets after the plans of service have been approved, and after it has been
28 determined that funds from the prior fiscal year have been reported as expended.

29
30 ***It was moved, seconded (Lowenthal/Battle) and carried unanimously that the***
31 ***California Library Services Board adopts, contingent upon the passage of the***
32 ***State Budget Act, the 2013/14 CLSA Budget, as directed in the Governor's***
33 ***Proposed 2013/14 Budget, totaling \$1,880,000 for allocation to Cooperative***
34 ***Library Systems.***
35

1 **RESOURCE SHARING**

2 **Consolidations and Affiliations**

3 Habbestad reported that the former Santiago Library System has requested to be reinstated
4 as a separate entity from that of the Southern California Library Cooperative. The three systems
5 of MCLS, Santiago, and South State merged to form one mega-System in 2009. The Santiago
6 System members have tried to make the merger work for their libraries, but feel that the
7 network of libraries in SCLC is too large and not as conducive to discussion of the issues for their
8 nine public library jurisdictions in Orange County. Membership fees were another factor in the
9 decision to withdraw its membership in SCLC. Exhibits A through C in the packet document the
10 required paper trail needed for the Board's consideration.

11
12 ***It was moved, seconded (Lowenthal/Cannon) and carried unanimously that***
13 ***the California Library Services Board waives the filing date requirement and***
14 ***approves the request from the Santiago Library System to withdraw***
15 ***membership of its nine public library jurisdictions from the Southern***
16 ***California Library Cooperative, effective June 30, 2013; and further approves***
17 ***to reinstate the Santiago Library System as the ninth CLSA Cooperative***
18 ***Library System and include them in the funding formula for FY 2013/14.***
19

20 Member Lowenthal asked what would be the impact on the entire state of California.
21 Habbestad answered that there would be an additional plan of service to review, additional
22 System administration costs, and the \$1.88 million budget would be divided among nine
23 systems instead of eight. When asked whether each System would then receive approximately
24 \$200,000, Maginnity responded that the funding formulas would remain in place, which
25 includes consideration of population, number of members and round-trip mileage between
26 each jurisdiction. Basically SCLC's funding would shrink, due to Orange County libraries
27 withdrawal from that System, with a formula-determined amount of money going to the
28 Santiago Library System.

29 Member Lowenthal then asked whether there was any adverse impact resulting from this
30 change. Maginnity suggested that the question be directed to representatives of SCLC and
31 Santiago present at the meeting. Helen Fried, a representative of Orange County libraries and
32 the Santiago Library System, stated that there was no clear adverse impact of their request to

1 be reinstated as the Santiago Library System. Rosario Garza, on behalf of SCLC, reported that
2 the administrative council had discussed the matter and concluded they had no problem with
3 the departure of the Orange County libraries.

4 Fried thanked the Board and everyone involved, especially Habbestad, for all their help in re-
5 establishing the Santiago Library System.

6
7 **PUBLIC COMMENT**

8 There were none.
9

10 **COMMENTS FROM BOARD MEMBERS/OFFICERS**

11 Member Battle expressed that she was glad to be at the Board meeting to serve the public.
12 Member Lowenthal thanked staff for their work. She was frustrated that there were so few
13 meetings and recommended more teleconferences to keep in touch and aware of what is
14 happening. She was very pleased in a positive change in Congress, now more amenable to LSTA.
15 Member Fong thanked staff and Acting State Librarian Maginnity for carrying on the work with
16 the departure of Aldrich. She appreciated the comments of the Board members and she looks
17 forward to a period of change and hopefully more opportunities. Members McGinity, Cannon
18 and Maghsoudi had no further comment. President Bernardo thanked staff for all their work
19 and staying on top of things.

20
21 **AGENDA BUILDING**

22 President Bernardo stated that the next meeting is scheduled for August 22 in Sacramento.
23 On the agenda is a discussion on the Board's name and the issue of contiguous borders for
24 library membership in cooperative systems.

25 Habbestad added that System Plans of Service and Budget would be considered for approval.
26 President Bernardo asked if there would be a review of the revised formula for System
27 allocations, since System Reference and SAB had been repealed. Habbestad answered in the
28 affirmative. The challenge in changing a formula is to achieve consensus with everyone. Two
29 years ago, the decision was made to keep the same formula. Because libraries in northern

1 California have large geographic distances between members, the round trip mileage factor in
2 the communication and delivery formula provides a greater advantage in the allocation.
3 However, for libraries in southern California systems with large populations and low geographic
4 distance, the population factor yields a greater allocation. We would like to propose a formula
5 that would take into account both factors and not alter any system's total allocation too
6 drastically from its current amount.

7

8 **ADJOURNMENT**

9 President Bernardo adjourned the meeting by consensus at 12:05 p.m.

10