

1 **Approved October 4, 2018**

2 California Library Services Act Regulatory Hearing

3 April 17, 2018

4 Stanley Mosk Library and Courts Building

5 914 Capitol Mall, Room 500

6 Sacramento, CA 95814

7
8 **A. CALL TO ORDER**

9 President Bernardo convened the regulatory hearing for the California Library
10 Services Act regulations on April 17, 2018 at 2:05PM.

11 **B. INTRODUCTIONS**

12 **Board Members Present:** President Anne Bernardo, Gary Christmas, Aleita
13 Huguenin, Florante Ibanez, Vice-President Paymaneh Maghsoudi, Adriana Martinez,
14 Elizabeth Murguia, Sandra Tauler, and Connie Williams.

15 **California State Library Staff Present:** State Librarian Greg Lucas, Deputy State
16 Librarian Narinder Sufi, Carolyn Brooks, Natalie Cole, Janet Coles, Susan Hanks, Monica
17 Rivas, Annly Roman, and Mark Webster.

18 **Public Present:** Jacquie Brinkley, NorthNet Library System; Todd Deck, Tehama
19 County Library and NorthNet Library System; John Alita, Community Services Director
20 for City of Stockton and Director of San Joaquin County Library; Suzy Daveluy Executive
21 Director at Stockton-San Joaquin County; Heidi Murphy, Pacific Library Partnership; Brad
22 McCulley, Pacific Library Partnership; Mila Alvarez, Pacific Library Partnership; Carol
23 Frost, Pacific Library Partnership and NorthNet Library System; Diane Satchwell,
24 Southern California Library Cooperative, Serra Library Cooperative, Inland Library
25 System, 44-99 Cooperative Library System, and Santiago Library System.; Carol Denuzo,
26 Southern California Library Cooperative; Hilary Thayer, Torrance Library and Southern
27 California Library Cooperative; Joyce Ryden Southern California Library Cooperative;
28 Nancy Schramm, Director Ventura County Library and Southern California Library
29 Cooperative; Donna Ohr, Chair, Serra Cooperative Library System and Deputy Director

1 of San Diego County Library System; Erin Christmas, Interim Library Director of Riverside
2 Public Library; and Michelle Perera, Pasadena Public Library.

3 **C. REGULATORY HEARING**

4 Annly Roman stated that the California Library Services Board had received public
5 comment submitted as letters from the Southern California Library Cooperative, Pacific
6 Library Partnership, and NorthNet Library System which had been included in the hearing
7 packet.

8 Roman stated that the hearing had been structured to go through the regulations by
9 sections. As each section was brought up, people could bring forward their comments or
10 questions at that time.

11 **General Provisions** (§ 20101, 20105, 20107)

12 Annly Roman stated that the proposed changes to the General Provisions section
13 included changes in sections 20101, 20105, and 20107. President Bernardo called for
14 comments from those in the audience, those participating remotely, and Board members.
15 There were no comments on the changes proposed in sections 20101, 20105, and 20107.

16 **California Library Services Board Procedures** (§ 20116, 20118, 20119, 20122, 20123,
17 20124, 20125, 20127, 20130, 20134)

18 Annly Roman stated that the proposed changes in Article 2. California Library Services
19 Board Procedures included changes in sections 20116, 20118, 20119, 20122, 20123,
20 20124, 20125, 20127, 20130, 20134. State Librarian Lucas stated that the submitted
21 written comments centered around sections 20118 and 20125.

22 John Alita commented that he wished to echo the requests from the written public
23 comment. He stated that the Board should meet at least twice a year to conduct business.
24 For example, if libraries were planning to leave a System or there were other issues that
25 need to be addressed by the Board. Alita said that in section 20125, the provision that
26 was most important was to make sure that there was ample time and opportunity for the
27 public to speak. By changing the language to say that the public may be recognized took
28 away from the value they provided. Aleita recommended that the language stay that the
29 public comment will be recognized.

1 John Alita also brought up an earlier discussion, held during the regular California
2 Library Services Board meeting, regarding the regulatory requirement that Plans of
3 Service be submitted by June 1st. He recommended that the language be changed to give
4 systems a certain number of days, like 60, after receiving their letters to submit the Plans
5 of Service. President Bernardo asked Annly Roman to look for the code that contained
6 the June 1st requirement.

7 Hilary Theyer echoed support for the submitted letters. Theyer stated that she did not
8 think the Board could get their work done in less than two meetings. She also addressed
9 proposed changes to public speaking at meetings, stating that public libraries were
10 educators in their communities that informed citizens of their right to speak to their
11 government and explained the processes. Libraries were leaders of democracy and the
12 right of people to speak and Theyer felt the board's practice should not reflect the change.

13 Heide Murphy echoed what was already said and asserted that twice a year meetings
14 are crucial for Systems to be able to come to the Board and for the work to get done.
15 Libraries served the entire population of California and their constituents were the Board's
16 constituents. Murphy stated that libraries wanted to keep the wheel open for public
17 comment and meet twice a year.

18 Donna Ohr, Chair of Serra Cooperative Library System, stated that on behalf of the
19 Serra Cooperative she wanted to submit public comments on the proposed updates to
20 the California Library Services Board regulations implementing the California Library
21 Services Act and the procedures of the California Library Services Board.

22 In the initial statement of reasons, provided by the Board, regarding the purpose of
23 the changes to various Article 2 sections that included sections 20118 and 20125 it was
24 stated that the proposed changes were to ensure that the business of the Board was
25 "carried out in an organized, timely, transparent manner with ample opportunity for public
26 participation." Ohr stated those she represented believed that the following proposed
27 changes were not in keeping with the Board's own words. Firstly, they agreed with the
28 elimination of the language for the CLSB to meet at least bi-monthly as proposed for
29 Article 2, section 20118, regular meetings. However, in order for the Board to meet in an
30 organized and timely manner, meeting at least once a year is not enough. The California
31 Library Services Board carried out important work, such as the approval of Plans of

1 Service. As it was, cooperatives struggled to meet state timelines and align their meetings
2 with the Board's schedule. Therefore, Serra Cooperative respectfully request that the
3 language be changed for CLSB to meet at least twice a year.

4 Secondly, Ohr stated there was an issue with the proposed change to subsection a of
5 article 2, section 20125, speakers. She respectfully requested that the CLSB not change
6 the word "will" to "may" in the phrase "member of the public or the state library staff may
7 be recognized by the President." Referring to the initial statement of reasons, changing
8 the word "will" to "may" seemed to contradict the Statement of Reasons language to
9 assure that the business of the Board was "carried out in a transparent manner with ample
10 opportunity for public participation." She stated that Serra Cooperative wanted the CLSB
11 to continue to hear all public comment at the Board meetings which would ensure that the
12 Board was in compliance with the letter and spirit of the Bagley-Keene Open Meeting Act.

13 Nancy Schram, the director of the Ventura County Library System, commented that
14 she echoed the statements of the other library directors and the Cooperative Library
15 Systems. Schram stated that librarians were in the field delivering services and working
16 with the public, and, forming collaborative partnerships with schools and the law libraries,
17 so it was critical to be able to communicate as much as possible. She suggested that
18 meetings should be held four times a year. Schram also stated that she felt it was
19 important to change the word in section 20125 back to "will" from "may" because hearing
20 comment from the public was important.

21 Joyce Ryan, Chair of Southern California Library Cooperative, said that she would
22 also like to echo what others before her had said regarding the meetings. Ryan felt that
23 meeting once a year was not sufficient, and while meeting twice a year was acceptable
24 she felt the Board might want to consider holding more meetings to address Board and
25 System business. Additionally, Ryan felt that one of the purposes of the Bagley-Keene
26 Act was to protect and serve the interest of the general public to monitor and participate
27 in state bodies. She felt changing a word from "will" to "may" was not compatible with that
28 purpose.

29 President Bernardo had questions on some of the regulatory sections. She stated that
30 the Board had previously requested the definition of a "home library" be included but she
31 did not see it under section 20107. Annly Roman stated that it should have been included

1 in the proposed language but was inadvertently left out. Roman said that a definition was
2 not in the publicly noticed version but could be added to the language and the changes
3 could be re-noticed.

4 Member Christmas asked what regulatory section contained the deadline for
5 submitting Plans of Service. Annly Roman stated that deadline was in section 20135 but
6 was not included in the official regulatory notice because no changes had been proposed.
7 That section read

8 "Each System participating in the programs of the Act shall adopt a Plan of Service
9 and prepare a budget for carrying out the objectives of the Plan. After approval by the
10 Administrative Council, the System budget request and Plan of Service shall be
11 annually submitted to the State Board by June 1 of the fiscal year immediately
12 preceding the fiscal year for which funds are requested."

13 Member Christmas suggested changing the submittal date requirement to within 30-
14 days of notice from the State Library. Annly Roman stated that timeframe would be sooner
15 than the current June 1st deadline. Christmas suggested a change to June 30th or 60
16 days. John Alita stated that he would recommend 60 days after the Systems received
17 their notice letter from the State Library.

18 Carol Frost, speaking on behalf of the Pacific Library Partnership and the NorthNet
19 Library System, clarified that system Executive Committees met four times a year and the
20 whole council met once or twice a year. At the Pacific Library Partnership, for example,
21 the Council met in January, would not meet again until May 4th and would meet briefly in
22 early June to approve the budgets. Frost stated that 60 days would probably not be
23 enough time depending on when the package was released. Frost supported going to the
24 end of June to give the Systems flexibility.

25 Frost stated that PLP had always been granted extensions when needed but the
26 regulations did not contain language on flexibility to extend that date. She felt if the Board
27 wanted to change to a set date she would recommend June 30th or they could continue
28 on with the practice of the State Library interpreting the law that they are able to extend it
29 on a case-by-case basis.

30 Diane Satchwell and Maureen Theobald stated that they would support the June 30th
31 date because it would give them an opportunity to go back in June and re-write any
32 corrections to the Plans of Service.

1 Monica Rivas stated that part of the reason for the June 1st date was the beginning of
2 a new fiscal year in July. Rivas stated that she would also need to check with accounting
3 to see how a change would impact their process. If deadlines were moved it would impact
4 when the Systems got their checks. Rivas also stated that if deadlines were moved the
5 Board needed to be aware that their meetings would have to coincide with giving staff
6 enough time to produce the meeting documents such as meeting later in fall and earlier
7 in spring.

8 President Bernardo and Member Christmas asked if there was language in the
9 regulations regarding extensions and Monica Rivas stated there was not. Christmas
10 suggested extending the deadline to June 30th and adding language allowing the State
11 Library to provide extensions. Monica Rivas clarified that he was suggesting extending
12 the deadline and providing extensions.

13 Member Martinez said that she supported State Library staff's preference for keeping
14 the June 1st deadline because she felt if the date was moved to June 30th people would
15 just ask for extensions beyond that date. However, she thought that language should be
16 added about flexibility or extensions to address the Systems' concerns.

17 Monica Rivas pointed out that the Systems' annual reports were due in September so
18 extending the deadline to June 30th limited the time between reports. She stated that staff
19 were aware of the systems' timelines and Board meetings and had been flexible with the
20 Plans of Service and reports.

21 Member Williams stated if the regulations required something to be due on a certain
22 date, that should be the date. Current State Library staff may grant extensions but
23 successors may not. Williams suggested adding flexibility extension language or moving
24 the deadline to June 15th. Monica Rivas stated that when she took over the position there
25 were guidelines about when to give extensions and Systems requesting one were
26 required to provide a reason for the extension.

27 Member Christmas stated that there should be language in the regulations that
28 allowed State Library staff the discretion to grant extensions. He felt without that language
29 there could be a situation where System that did not get the Plan of Service in on time
30 was denied funding.

1 John Aleita stated that if Systems were requesting regular extensions the deadline
2 was not working. He thought there should be a more nuanced discussion of a logical
3 timeline based on the time it took for System creation of a Plan of Service and State
4 Library staff review of a Plan of Service as the System and State Library timeframes were
5 equally important. He felt there should be some set date or rule that made everyone
6 happy.

7 Nancy Schram commented that she felt if the Systems were rushed in providing the
8 Board information what they provided could be inaccurate so she would suggest
9 extending the deadline to ensure accurate information. Diane Satchwell stated that she
10 wrote five Plans of Service and was wondering if the Systems could meet with Monica
11 Rivas and Annly Roman to look at calendars and look at adjusting or adding a meeting to
12 their cooperatives. Monica Rivas stated that State Library staff usually liked to share
13 funding information with the Board before sending the packets to the Systems which was
14 what was behind the timeline for sending the packets. Rivas stated that if the Board was
15 comfortable with staff notifying the Systems ahead of time that could be done. Member
16 Tauler stated that the Board could meet earlier and Rivas confirmed that was an option.

17 Member Ibanez moved that the Board add flexibility language to the regulations.
18 Member Murguia stated that she felt the Board would need to see the exact language to
19 make a determination and they did not have it in their packet. Annly Roman read the
20 sentence in section 20135 that referred to the Plan of Service deadline.

21 “After approval of the Administrative Council, the System Budget request and Plan of
22 Service shall be annually submitted to the State Board by June 1st of the fiscal year
23 immediately preceding the fiscal year for which funds are requested.”

24 Member Murguia asked for specific language that would be added by the motion and
25 Annly Roman stated that she did not have specific language prepared. President
26 Bernardo stated that because it was a code section that was not part of the discussion
27 she did not think the Board could take action on it at that time. Member Ibanez withdrew
28 his motion.

29 Member Martinez asked for that issue to be on the agenda for the next meeting
30 because there were enough suggestions and comments to merit further discussion. She
31 agreed that there should be a meeting with those involved in the Plans of Service to come
32 up with a suggestion for the Board’s meeting in October, including specific language.

1 President Bernardo asked if they wanted to proceed or deal with any actions on other
2 proposed changes. Annly Roman recommended addressing any changes the Board
3 wanted to adopt when those particular sections were being discussed. President
4 Bernardo stated that in the current section they were discussing, which was Article II,
5 there were proposed changes from those who commented to section 20118 and 20125.
6 Bernardo asked if they Board would like to discuss or take action on those change
7 requests.

8 ***It was moved, seconded (Murguia/Christmas) and carried***
9 ***unanimously that the California Library Services Board adopts the***
10 ***proposed changes to the regulatory language filed with the Office of***
11 ***Administrative Law changing section 20118(a) to state that the State***
12 ***Board will meet at least twice each year instead of once, (Date. Regular***
13 ***meetings of the State Board shall take place at least ~~bi-monthly on the~~***
14 ***~~third Thursday of the months of February, April, June, August,~~***
15 ***~~October; the December meeting shall be held in conjunction with the~~***
16 ***~~California Library Association conference twice each year.) and~~***
17 ***retaining the word “will” in section 20125(a) instead of the word “may”***
18 ***(Recognition of Speakers. Members of the public or the State Library***
19 ***staff will be recognized by the President of the State Board to speak***
20 ***at any State Board meeting.) 35:12***

21 **General Provisions from Systems** (§ 20135, 20136, 20140)

22 President Bernardo called for discussion from those in the audience, those
23 participating remotely, and Board members. Member Murguia stated that in section 20135
24 under 4 that there was a comma at the end of the sentence in addition to a period so that
25 should be fixed. No other comments were presented from the public attending or Board
26 members on sections 20135, 20136, and 20140.

27 **System Reference** (§ 20158)

28 President Bernardo called for comments from those in the audience, those
29 participating remotely, and the Board. There were no comments on the changes proposed
30 in section 20158.

31 **Consolidations and Affiliations** (§ 20180, 20185, 20190)

32 President Bernardo called for comments from those in the audience, those
33 participating remotely, and members of the Board. President Bernardo brought up that
34 there was a small typo in section 20185(a) next to the word contiguous where the spaces

1 were struck through. Annly Roman stated that it was accidentally left there from when the
2 Board was considering removing the word contiguous and would be fixed. There were
3 no other comments on the changes proposed in sections 20180, 20185, or 20190.

4 **Direct Loan** (§ 20203, 20205, 20215, 20216, 20217)

5 President Bernardo called for comments from those in the audience, those
6 participating remotely, and members of the Board. President Bernardo stated that in
7 section 20203 where it talked about the following rules as "...excepted from Government
8 Code section 244...", it was part of the existing regulations but seemed like a typo. She
9 suggested that the language should read "...as provided in..." instead Member Christmas
10 asked if that could be discussed in October.

11 There were no other comments on the changes proposed in sections 20203, 20205,
12 20215, 20216 and 20217.

13 **Communication and Delivery** (§ 20235, 20236)

14 President Bernardo called for comments from those in the audience, those
15 participating remotely, and members of the Board. There were no comments on the
16 changes proposed in sections 20235 and 20236.

17 **Interlibrary Loan** (§ 20251, 20252, 20255, 20257, 20260, 20265))

18 President Bernardo called for comments from those in the audience, those
19 participating remotely, and members of the Board. There were no comments on the
20 changes proposed in sections 20251, 20252, 20255, 20257, 20260, and 20265.

21 Annly Roman stated that all sections had been discussed and clarified that the Board
22 had made one motion for changes and had sections 20135 and 20203 for additional
23 discussion in October. President Bernardo asked if the timeframe would change and
24 Roman confirmed it would extend out past October, probably closer to the end of the year.
25 Any regulatory changes would need to be publically noticed for 15 days and if there were
26 any comments or a request for an additional public hearing the timeframe could extend
27 out further. If there was no comment the regulations would move forward.

28 State Librarian Lucas asked if it would be possible to have the discussion on those
29 sections, determine an acceptable outcome and hold a teleconference meeting between

1 April and October to approve the changes without extending the timeline. Roman stated
2 that could be done provided she was given adequate time to prepare for and notice the
3 teleconference meeting. Roman said a month was probably the soonest they could have
4 the meeting and still not extend the regulatory process.

5 Lucas asked why the Board couldn't change those sections at the current meeting.
6 Annly Roman stated that she thought the Board could recommend changes to section
7 20135 and 20203 at the current meeting because they were part of the regulations being
8 addressed. Roman asked to go print the language for the Board.

9 Carol Frost stated that part of the proposed regulatory language included changes to
10 how Systems could spend CLSA funds and the Systems were waiting for the language
11 to be adopted to institute those changes. She felt holding a phone meeting before October
12 would be to the benefit of the Systems. State Librarian Lucas stated that the Board could
13 also choose to leave the June 1st date.

14 Carol Frost stated that the regulatory language was strict but there was the ability to
15 interpret that language. She felt that the State Library had demonstrated great ability to
16 interpret in granting extensions. If the Board did not change the Plan of Service due date
17 but continued to allow the State Library to interpret the regulations, perhaps no change
18 was needed.

19 Vice-President Maghsoudi suggested leaving the code section with the understanding
20 that the State Library had the ability to grant extensions. Several other Board members
21 agreed since that system has been working. Monica Rivas confirmed that it had never
22 been a problem for the State Library.

23 ***It was moved, seconded (Maghsoudi/Christmas) and carried***
24 ***unanimously that that California Library Services Board will not make***
25 ***any changes to the language in section 20135 pertaining to the June 1***
26 ***deadline for Cooperative Library Systems to submit their budget***
27 ***requests and Plans of Service to the Board but will leave it up to State***
28 ***Library staff's discretion to grant extensions to that deadline as***
29 ***necessary.***

30 ***It was moved, seconded (Huguenin/Ibanez) and carried unanimously***
31 ***that the California Library Services Board adopts the language change***
32 ***in the last sentence of the first paragraph in section 20203 replacing***
33 ***the word "excepted" with "provided in" (In determining the places of***

1 *residency, the following rules as ~~excepted~~ provided in Government*
2 *Code Section 244 shall be observed:).*

3 **D. ADJOURNMENT**

4 President Bernardo called for adjournment of the California Library Services Board
5 regulatory hearing at 3:08PM.