



**Notice and Agenda of Regulatory Hearing
California Library Services Act**

**Tuesday, April 17, 2018
Immediately following the California Library Services Board
Meeting beginning at 9:30am**

**Stanley Mosk Library & Courts Building
914 Capitol Mall, Room 500
Sacramento, CA 95814**

Annly Roman
California State Library
P.O. Box 942837, Sacramento, CA 94237-0001
(916) 323-0057 or annly.roman@library.ca.gov
<http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>

A. CALL TO ORDER

Regulatory hearing opened by the California Library Services Board President

B. INTRODUCTIONS

Introduction of Board members, staff, and any public participants

C. REGULATION HEARING

Receipt and consideration of public comments concerning amendments to the California Library Services Act regulations. (Proposed amendments of Title 5, California Code of Regulations, sections 20101, 20105, 20107, 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20158, 20180, 20185, 20190, 20203, 20205, 20215, 20216, 20217, 20235, 20236, 20251, 20252, 20255, 20257, 20260, 20265)

- General Provisions (§ 20101, 20105, 20107)
- California Library Services Board Procedures (§ 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134)
- General Provisions for Systems (§ 20135, 20136, 20140)
- System Reference (§ 20158)
- Consolidations and Affiliations (§ 20180, 20185, 20190)
- Direct Loan (§ 20203, 20205, 20215, 20216, 10217)
- Communication and Delivery (§ 20235, 20236)
- Interlibrary Loan (§ 20251, 20252, 20255, 20257, 20260, 20265)

D. ADJOURNMENT

Adjourn the meeting

TITLE 5. CALIFORNIA STATE LIBRARY/CALIFORNIA LIBRARY SERVICES ACT

Update to Regulations Implementing the Library Services Act; Procedures of the California Library Services Board

NOTICE OF CONSIDERATION OF PROPOSED AMENDMENTS TO THE CALIFORNIA LIBRARY SERVICES ACT REGULATIONS

The California Library Services Board (CLSB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to the California Library Services Act Regulations.

DATE: April 17, 2018

TIME: At the conclusion of the California Library Services Board meeting beginning at 9:30 a.m.

LOCATION: Stanley Mosk Library and Courts Building, 914 Capitol Mall, Room 500, Sacramento, CA 95814.

This item will be considered after a meeting of the Board, which will commence at 9:30 a.m., April 17, 2018. Any additional meeting information, including the agenda, will be posted at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/> under "Board Meetings". Please consult the agenda for the meeting, which will be available at least ten days before April 17, 2018, to determine when this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS:

Interested members of the public may present comments orally or in writing at the hearing and may provide written comments by physical mail or electronic submittal before the hearing. The public comment period for this regulatory action will begin on the date this notice is published, March 2, 2018. Written comments not physically submitted at the hearing must be received no later than 5:00 p.m. on April 20, 2018. Comments submitted prior to the hearing must be addressed to one of the following: Physical mail: Annly Roman, California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237 or Electronic submittal: annly.roman@library.ca.gov. Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE:

This regulatory action is proposed under that authority granted in California Education Code, sections 18724 and 18725. The changes are proposed to conform, update, and delete provisions related to sections 18702, 18703, 18710, 18720, 18724, 18726, 18731, 18740, 18741 (repealed, 2016), 18743, 18745, 18746, 18747, 18765 (repealed, 2016) of the Education Code.

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW:

Sections Affected: Proposed amendment to California Code of Regulations, title 5, sections 20101, 20105, 20107, 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136,

20140, 20158, 20180, 20185, 20190, 20203, 20205, 20215, 20216, 20217, 20235, 20236, 20251, 20252, 20255, 20257, 20260, and 20265.

Background and Effect of the Proposed Regulatory Action:

Section 18700-18767 of the California Education Code creates the California Library Services Act (Act) to facilitate greater equality of access to library services and resources regardless of location, income, or education level, especially in communities where people lack or have barriers to information and library services.

Sections 18720-18726 detail the administration of the California Library Services Act, which is done by an appointed Board of 13 representatives of various section of the library community as well as the California State Librarian who serves as the chief executive officer of the Board.

Section 18731 and 18743 of the Education Code encourage equal access by allowing libraries to participate in universal borrowing, allowing anyone to check out items from their library regardless of residence, and requiring all member libraries of a Cooperative Library System to provide equal access to all residents of the system, not just those in an the library's immediate area.

As originally enacted in 1977, the Act authorized various programs to help libraries share resources and opportunities for public libraries to seek grant funds allocated under the Act. These programs included the application of public libraries to the California Library Services Board for grant funds to create targeted programs, reimbursements for costs associated with the loaning of physical materials, statewide coordinated reference centers, funding for program assessment, and grants to facilitate the communication and delivery of information and materials within and between Cooperative Library Systems. These programs were funded, at varying levels, with state funding. Due to budget constraints funding for the California Library Services Act was gradually reduced until 2010 when it was eliminated altogether. A small amount of funding was later restored only to the communication and delivery program established in section 18745 of the Education Code.

In 2016 the California Library Services Act was amended to remove references to the obsolete programs which no longer received funding; including references to the Interlibrary Loan Program, reimbursements for costs associated with loaning physical materials, and grant programs supporting changes in Cooperative Library System membership. Additionally, changes were made to modernize the Act. Originally the act was written to facilitate the sharing of print materials. Changes were made to the act to include digital materials and resource sharing in the services that could receive funding under the Act and under the communication and delivery program.

The California Library Services Act has existing regulations in place which give policies and procedures for the running of the Board, notice and posting requirements for meetings, and designated meeting processes that must be followed. The current regulations also address the administration of the Cooperative Library Systems (Systems) in California, clarify reporting requirements, and requirements for consolidations of Systems or process for libraries wishing to join or change Systems. Finally, the regulations provide guidance on the library eligibility to participate in grant programs and

reimbursements for programs set forth in the related statute, the related reporting requirements, and general administration of the programs.

The proposed action will conform the regulations to changes which have been made to the related statute under the Education Code. These changes include removing obsolete reimbursement and grant program provisions that are no longer supported by state funds or statute. Additionally, the proposed action will change the meeting requirements to conform to current Bagley-Keen (Bagley-Keen Act) Open Meeting Act (Government Code, sections 11120-11131) requirements. The California Library Services Board is required, under the government code to abide by notice and meeting procedure requirements dictated under the Bagley-Keen Act but the California Library Services Act regulations, as currently written, do not reflect these requirements and often list posting and procedural requirements which contradict current required practices. These changes will clean-up the regulatory language and do away with the confusion caused by conflicting regulatory and statutory requirements.

The proposed amendments to the California Library Services Act regulations also update the regulations to reflect the ability, added to statute in 2016, of Cooperative Library Systems to use remaining Communication and Delivery program grant funds for resource sharing and delivery of digital materials. The amendments also clarify the use of funds for technology supporting shared resources or digital resources to ensure that, on a go forward basis, there is a uniform interpretation of what is allowed under the corresponding statute.

CONSISTENCY EVALUATION:

No additional federal, state, or local regulations dealing with this or similar program were discovered that proved inconsistent or incompatible with the proposed regulatory action.

LOCAL MANDATE:

The California State Library has determined that there is no mandate imposed on local agencies or school districts by these regulations.

FISCAL IMPACT/COST IMPACTS:

The California State Library has determined that the changes to these regulations will result in: no cost to any local agency or school district requiring reimbursement pursuant to Government Code sections 17500 through 17630; no cost or savings to any state agency; no other discretionary cost or savings imposed upon local agencies; and no cost or savings in federal funding to the state. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The California State Library has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT:

The California State Library has concluded that it is: unlikely that the proposal will eliminate or create any jobs and/or eliminate or have any impact on existing business; and unlikely that this proposal may lead to the creation of new business or expand business currently operating in California. The proposed

regulatory changes will be unlikely to have any impact to the health or welfare of California residents, worker safety, or the states environment.

BUSINESS/SMALL BUSINESS: The existing California Library Services Act regulations already contain a reporting requirement for California Cooperative Library Systems and no new reporting requirements are added in the proposed changes to the regulations. The current reporting requirement only applies to the California Cooperative Library Systems and does not apply to outside business. The California State Library has also determined that the proposed action does not affect small business.

CONSIDERATION OF ALTERNATIVES In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The California State Library invites interested persons to present statements or arguments putting forward alternatives to the proposed regulations, at the scheduled hearing or during the written comment period.

CONTACT PERSON:

Inquiries concerning the proposed administrative action may be directed to: Annly Roman by mail at: California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237; by email: annly.roman@library.ca.gov; or telephone: (916) 323-0057. The alternative contact person to obtain information concerning the proposed administrative action is: Monica Rivas, reachable by mail at Library Development Services Bureau, California State Library, P.O. Box 942837, Sacramento, CA 94237; or by phone at (916) 653-5471. Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Annly Roman at the above contact information.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS:

The California State Library will have the rulemaking file available for inspection and copying throughout the rulemaking process at the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Suite 220, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; California Library Services Board Actions to approve initial language; and any petitions received from industry. Copies may be obtained by contacting Annly Roman at the address, email address, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT:

After considering all timely and relevant comments, the California State Library in conjunction with the California Library Services Board may amend the proposed regulations. Any modified text will be made available to the public at least 15 days before the California Library Services Board adopts the regulations as revised. Written comments will be accepted on the modified regulations for 15 days after

they are made available Please send requests for copies of any modified regulations to the attention of Annly Roman at the address, or email address listed above.

AVAILABILITY OF FINAL STATEMENT OF REASONS:

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Annly Roman at the address or email address listed above. Additionally, the Final Statement of Reasons will be available through the California State Libraries website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.

AVAILABILITY OF DOCUMENTS ON THE INTERNET:

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed changes to the regulations can be accessed through the California State Libraries website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.

CALIFORNIA LIBRARY SERVICES REGULATIONS

(Code of California Regulations, Title 5, Division 2, Chapter 1, Subchapter 2,
Articles 1-8, Sec. 20101-20265)

SUBCHAPTER 2. CALIFORNIA LIBRARY SERVICES

ARTICLE 1. GENERAL PROVISIONS

§ 20101. General Provisions.

(b) Any public library participating in programs of the Act shall, under section 18724~~(g)~~(e) of the Act, provide access to the library's bibliographic and location data upon request from the State Board for inclusion in the appropriate database established by the State Board in implementation of the Act. The access shall be provided in such form, manner, and frequency as are agreed upon between the State Board and the library.

Authority: Section 18724 and 18725, Education Code, Reference: Sections 18724, Education Code

§ 20105. General Requirements for Participation.

(b) Public Library Certification. Upon the authorization by the jurisdictional governing body, the head librarian of each public library wishing to participate in the programs of the Act must file a certification of compliance with provisions of the Act. This certification shall remain in effect until the library jurisdiction no longer complies with the stated provisions. The certification shall specifically include compliance with Education Code Sections 18703(c) and 18724~~(e)~~(d). If the library or jurisdiction is no longer in compliance, the head librarian shall notify the Board no later than thirty days following such a change in compliance status.

Authority: Section 18724 and 18725, Education Code, Reference: Sections 18703 and 18724, Education Code

§ 20107. Definitions.

(a) The definitions concerning California Library Services Act components set forth in Education Code Section 18710 are hereby incorporated by reference, with additions as noted in subsection (b) of this section. ~~The definitions incorporated by reference are accurate to California Statutes 1979~~2016.

(b) Additions to the regulations hereby incorporated are as follows:

(1) "Board Assistant" means the Administrative Assistant II position designated to the Board

~~(1)(2) "Chief Executive Officer" means the State Librarian.~~

~~(2)(2) "President" means the elected President of the Board.~~

~~(3)(3) "Public library affiliation" means the formal and legal joining to a System (i.e. the obtaining of full System membership status) by a public library not previously a member of any System. A Public Library Affiliation is not considered complete until all necessary local System and jurisdictional agreements have been approved and are in force, and the State Board has approved the affiliation.~~

~~(4)~~(4) "Public library consolidation" means the formal and legal joining of the functions, services, operations, etc. of two or more formerly independent public libraries into a single public library, as defined in Education Code Section 18710 (f). A Public Library Consolidation is not considered complete until all necessary local jurisdictional agreements have been approved and are in force, and the State Board has approved the consolidation (see Administrative Code Section 20180, below).

(5) "Resource Sharing" refers to the allowed use or application of a resource created, purchased, or leased by one (1) or more participating libraries' with three (3) or more participating libraries.

~~(5) Reference collection. Reference collection means a collection of materials, both print and non-print, designed primarily for use in answering requests for information.~~

~~(6) Reference specialist. Reference specialist means a trained and experienced librarian who can provide reference referral services and who can also understand how to approach the community in general and the underserved in particular, together with appropriate skills in analysis of information needs and design and implementation of reference programs responsive to those needs. A reference specialist may be employed in providing any of the services for which he/she is qualified.~~

~~(7) "Secretary" means the Executive Secretary of the Board.~~

~~(8) "State Board" means the California Library Services Board.~~

~~(9)~~(6) "System consolidation" means the formal and legal joining of geographic service areas, functions, operations, etc. of two or more formerly separate Systems into a single Cooperative Library System, as defined in Education Code Section 18710 (c). A System Consolidation is not considered complete until all necessary local System consolidation agreements have been approved and are in force, and until the State Board has approved the consolidation (see Administrative Code Section 20185, below).

~~(40)~~(7) "Valid non-resident borrowers card" means a card that is issued free of charge by a public library to a resident of another jurisdiction which maintains a public library, as long as such card meets all of the legal requirements of the issuing library.

~~(44)~~(8) "Vice-President" means the elected Vice-President of the Board.

Authority: Section 18724, Education Code, Reference: Sections 18700-18767, Education Code

ARTICLE 2. CALIFORNIA LIBRARY SERVICES BOARD PROCEDURES

§ 20116. Officers of the State Board.

(a) The State Board shall ~~annually~~ biennially elect a President and Vice-President at the ~~first~~ last regular meeting of ~~each~~ every odd numbered calendar year.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20118. Regular Meetings.

(a) Date. Regular meetings of the State Board shall take place at least ~~bi-monthly~~ on the third Thursday of the months of February, April, June, August, October; the

~~December meeting shall be held in conjunction with the California Library Association conference once each year.~~

~~(b) Place. The tentative time of year and locations for the regular meetings ~~of~~ in the following forthcoming calendar year shall be determined annually, at the last regular meeting of the calendar year.~~

~~(c) Change of date or place. Nothing in this regulation shall be construed to prevent the State Board from altering its regular meeting dates or places of meeting location.~~

~~(d) Meeting notice. A notice of regular meetings shall be provided at least seven days prior to the meeting date to any person annually requesting such notice under section 20119 below. Such notice shall include the time, date, and place of the regular meeting and a copy of the agenda therefor. Notices of regular meetings shall comply with all requirements laid out in Government Code sections 11120-11131.~~

~~(e) Any person or organization desiring to receive notice(s) of State Board meetings may email the current Board Assistant or direct the request to: California Library Services Board, State Librarian's Office, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.~~

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

~~§ 20119. Notices.~~

~~(a) Eligibility. Notice of any regular or special public meeting of the State Board shall be given to any person annually requesting under section 20119(b).~~

~~(b) Procedure. Individuals and organizations wishing to receive notice of regular and special meetings of the State Board and copies of the agenda may annually request the Secretary to include their names on the mailing list. Inclusion on the mailing list will result in notification to the addressee of all regular and special meetings of the State Board. The Secretary shall annually notify interested agencies and organizations that, upon request, they are entitled to be placed on the mailing list.~~

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

~~§ 20122. Special Meetings.~~

~~Special meetings may be called by the President of the State Board or a majority of the members thereof for any stated purpose. Notice of such meetings shall be provided at least 24 hours in advance to those persons so requesting under section 20119(b).~~

~~Special meetings shall comply with all special meeting provisions in Government Code sections 11120-11131.~~

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20123. Emergency Meetings and Agenda Items.

(a) Power. An emergency meeting may be called by the President of the State Board or a majority of the members thereof without providing the notice required by ~~section 20119~~ section 20118(d) if there is an unforeseen emergency condition in existence.

(b) Definition. An unforeseen emergency condition exists when there is an immediate threat of adverse effects on the program authorized by the Act of such scope that requires action of the State Board to avert such effects.

(c) Agenda Items. An item may be included on the agenda of any regular meeting if an unforeseen emergency condition exists without the notice required by ~~section 20119~~ section 20118(d).

(d) Certification. Concurrence of 7 of the members is required to certify that an emergency condition exists in order to take any action at an emergency meeting or regarding an emergency item.

(e) Notice. If reasonably possible, notice of the emergency item or meeting shall be provided to those so requesting under ~~section 20119(b)~~ 20118(e). Lack of such notice shall not invalidate any action taken on said item or at said meeting.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20124. Agenda.

(a) All matters to be submitted for consideration of the State Board shall be sent ~~to the Secretary to the Board Assistant~~ at least ~~40~~ 15 business days preceding a regular meeting of the State Board, by email or by mail at California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.

(b) Setting of Agenda. The agenda for regular meetings of the State Board shall be set by the Chief Executive Officer at least ~~8~~ 12 business days prior to the meeting.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20125. Speakers.

(a) Recognition of Speakers. Members of the public or the State Library staff ~~will~~ may be recognized by the President ~~of the State Board~~ to speak at any State Board meeting. All remarks made shall be germane to the business at hand and shall be addressed to the President. ~~No person other than the person having the floor and members of the State Board shall be permitted to enter the discussion.~~

(b) Subject of Remarks. All speakers before the State Board shall confine their remarks to the subject ~~indicated in their written request, or indicated in the recognition by~~ for which they were recognized by the President.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20127. Robert's Rules of Order.

Except where the provisions of the California Library Services Act of ~~1977~~ 2016 or of

these regulations provide to the contrary, or when the State Board determines otherwise, the State Board shall operate under the latest edition of Robert's Rules of Order.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20130. Public Hearings.

(c) Speakers.

(1) Notice. Persons wishing to address the State Board on a subject to be considered at a public hearing, should present a request to the ~~Secretary~~ Board Assistant four (4) working days in advance of the meeting ~~at the office of the Secretary by email, or in person at the Board Assistant's Office, at the Stanley Mosk Library-Courts Building, 914 Capitol Mall, Sacramento California 95814,~~ stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony. Persons wishing to address the Board, who have not presented a request four days in advance, may be heard at the discretion of the presiding officer.

(2) Copies of Statement. The speaker may provide a written copy of his statement to the ~~Secretary~~ Board Assistant 24 hours in advance of the hearing.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

§ 20134. Public Records.

(a) Inspection of Public Records.

(1) Inspection of the original copy of any public record of the State Board (as defined in Government Code section 6252(d) and 6254) will be permitted during regular office hours of the State Library, Stanley Mosk Library-Courts Building, 914 Capitol Mall, Sacramento California 95814.

(2) Requests to inspect such records should be filed with the ~~Secretary~~ Board Assistant at least five working days prior to the requested date in order to insure availability.

(3) Requests for inspection should be as specific as possible in identifying the records desired.

(4) Original copies of public records shall not be removed from the ~~office the Secretary~~ Stanley Mosk Library-Courts Building.

(b) Obtaining Copies of Public Records.

(1) Requests to obtain copies of public records may be made in person or by mail to the ~~office of the Secretary~~ Board Assistant at California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237-0001.

(2) Such requests should be as specific as possible in identifying the records desired.

(3) Certification of the authenticity of copies may be obtained from the ~~Secretary~~ Board Assistant.

Authority: Section 18724, Education Code. Reference: Section 18720 and 18724, Education Code.

ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS

§ 20135. System Budget Request and Plan of Service.

- (1) A population profile. This shall be no more than ~~five~~ three years old, and shall use the most current data available.
- (2) A description of the users ~~and the non-users~~ of the services of the members of the System.
- (3) A description of the services provided by the System.
- ~~(4) A list of the major unmet information needs of the population of the System area.~~
- ~~(5) (4) A plan for the use of CLSA funds, listing each of the services(s) in (3) above which the System plans to maintain or improve, and each of the unmet needs in (4) above which the System plans to address.~~ Under each such service to be provided, the plan shall include:
 - (b) Budget. The System budget shall document in the form and manner prescribed by the State Board the dollar amounts to be expended for providing each System service ~~or addressing each unmet need.~~
 - (d) Membership and Population Figures. The State Board shall periodically, and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: Section 18724(d), 18710(c), 18710(o), 18740, 18746, and 18747, Education Code.

§ 20136. System Administrative Policy Manual.

Each System participating in programs of the Act must develop ~~by July 1, 1979,~~ a System Administrative Policy Manual which shall include along with any other items the System finds useful, its policies for:

Authority: Section 18724, Education Code. Reference: Section 18710(c), 18710(o), 18740, 18746, and 18747, Education Code.

§ 20140. System Administration.

(a) Cooperative Library Systems. The System Administrative Council shall consist of the head librarian of each jurisdiction in the system. In case of the head librarian's absence, an official delegate or alternate may vote in place of the head librarian. It shall have regular meetings, open and accessible to the public as required in the Ralph M. Brown Act (Govt. Code Section 54950-54964~~3~~). Information about the meetings of the Council shall be disseminated in such a way and in such languages as the Council determines will most effectively inform the public of the Council's activities. The Council shall provide for the position of a Council Chair-person, and for rotation of that position among the Council members.

Authority: Section 18724, Education Code. Reference: Section 18710(c), 18710(o), 18740, and 18747, Education Code.

ARTICLE 4. SYSTEM REFERENCE

§ 20158. Allowance.

~~Each System shall receive an annual allowance based on the number of member libraries of the System and on the total population served by that System. The State Board shall periodically, and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.~~

Authority: Section 18724, Education Code. Reference: Section 18724 and 18741(repealed 2016), Education Code.

ARTICLE 5: CONSOLIDATIONS AND AFFILIATIONS

§ 20180. Public Library Consolidations.

(a) ~~If any two or more contiguous jurisdictions operating public libraries wish to consolidate their libraries into a single library agency and receive establishment grants under Education Code Section 18732, a joint notice of intent signed by the head librarians of the consolidating jurisdictions must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date for consolidation. Authorizations to consolidate, approved by the governing body of each consolidating jurisdiction, and a joint plan for provision of consolidated services, signed by the head librarians, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of the consolidation.~~

(b) ~~The State Board's approval of requests for library consolidation funds under Education Code Section 18732 shall be based on its determination that the consolidation provides a more effective means of carrying out the purposes of the Act than would be the case if the consolidation did not occur.~~

(c) ~~For purposes of determining the eligibility of the consolidating jurisdictions to receive funds under other provisions of the Act, a~~ A ~~public library consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.~~

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

§ 20185. System Consolidations.

(a) ~~If any two or more Systems whose borders are contiguous-wish to consolidate and receive a consolidation grant under Education Code Section 18751, a joint notice of intent, approved by the Administrative Councils of the consolidating systems, must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date of consolidation. System participation authorizations approved by the jurisdictional governing body of each of the System's member libraries, and a new system plan of Service and budget, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of consolidation. If the State Board approves the consolidation funding request, a grant~~

shall be awarded for each of the two fiscal years following the fiscal year in which the filing is made.

(b) The State Board's approval of requests for System consolidation funds under ~~Education Code Section 19851~~ shall be based on its determination that the consolidation provides a more effective way of carrying out the purposes of the Act than would be the case if the consolidation did not occur.

(c) ~~For purposes of determining the eligibility of the consolidating systems to receive funds under other provisions of the Act, a~~ A system consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

§ 20190. Public Library Affiliation with an Existing System.

(a) If any jurisdiction, not previously a member of any System, joins a System with borders contiguous to the jurisdiction, ~~and the System wishes to receive an affiliation grant under Education Code Section 18752~~, the administrative body of the System shall file a notice of intent and the jurisdictional governing body of the affiliating library shall file an affiliation authorization with the State Board.

(c) ~~For purposes of determining the eligibility of the affiliating public library or system to receive funds under other provisions of the Act, a~~ An affiliation will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the affiliation authorization is filed.

Authority: Section 18724, Education Code. Reference: Section 18724 and 18726c, Education Code.

ARTICLE 6. DIRECT LOAN

§ 20203. Residency.

For purposes of this Article, each resident of the State shall be deemed to have a single legal residency, which shall entitle ~~him/her~~ them to resident library services of the jurisdiction in which ~~he/she~~ they resides, and such services shall not be reimbursable under this Article. In determining the places of residency, the following rules as excepted from Government Code section 244 shall be observed:

(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which ~~he or she~~ one returns in seasons of repose.

(b) There can be only one residence.

(c) A residence cannot be lost until another is gained.

(d) The residence of the parent with whom an unmarried minor child maintains ~~his or her~~ their place of abode is the residence of such unmarried minor child.

(e) A married person shall have the right to retain ~~his or her~~ their legal residence in the State notwithstanding the legal residence or domicile of ~~his or her~~ their spouse.

Authority: Section 18724, Education Code. Reference: Section 18702, 18710(e), 18724, and 18731, Education Code.

§ 20205. Non-Resident Borrower Eligibility.

(a) Hold a valid borrowers card issued by ~~his/her~~ their home library, or

Authority: Section 18724, Education Code. Reference: Section 18702, 18710(e), 18724, and 18731, Education Code.

~~§ 20215. Reimbursement for Net Direct Loans.~~

~~Loan of a library material of any type by a participating public library to an eligible nonresident borrower shall result in reimbursement from the state under Education Code Sections 18731 and 18743 to the extent that the number of such loans exceeds the number of items borrowed by that library jurisdiction's residents from other participating public libraries, during a specific reporting period.~~

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

~~§ 20216. Reporting Requirements.~~

~~To obtain reimbursement, participating public libraries shall provide reports in the form and manner, and for the period required. Reports must be submitted by established deadlines. Records in support of claims for state funds must be maintained for four years.~~

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

~~§ 20217. Reimbursable Costs.~~

~~Reimbursable costs, expressed on a unit basis, are those handling costs incurred by the lending library in processing a direct loan to a non-resident. The State Board shall periodically review, at least once a year, and approve such cost data, but the reimbursement rate, as adopted, shall be uniform statewide.~~

Authority: Section 18724, Education Code. Reference: Section 18731 (repealed 2016) and 18743 (repealed 2016), Education Code

ARTICLE 7. COMMUNICATION AND DELIVERY

§ 20235. Definition of Reporting Terms.

In complying with the reporting requirements of Section 20135 each system shall report the following items using the following definitions with respect to the communication, and delivery, and resource sharing programs:

(b) "Item delivered" means the physical-removal of a discrete item from one library to another by means of a delivery van, U.S. Mail, courier service, or other delivery system or the delivery of digital materials. Reasonable judgement shall be exercised in

determining particular “items” status (e.g., a carton containing 10,000 brochures is one - not 10,000 items).

(d) “Other” means that when a system employs communications, or delivery methods, or shared resources, other than those specifically cited on the standard reporting forms, the system must specify the method(s) employed and separately account for the message or delivery volume for each such method. The System must describe the communication, delivery method, or shared resource and the outcome of providing it.

Authority: Section 18724, Education Code. Reference: 18724(d) and 18745, Education Code.

§20236. Inclusion

Unless otherwise prohibited by Education Codes 18745-18746, intra-system communication, delivery and resource sharing includes the acquisition or maintenance of technology or digital transmission products required to locate, create, or make accessible digital, virtual, or electronic material, which may also include telecommunication equipment and its installation along with service fees.

Authority: Section 18724, Education Code. Reference: 18724, 18745 and 18746, Education Code.

ARTICLE 8. INTERLIBRARY LOANS

§ 20251. Scope.

~~The regulations in this article refer to interlibrary loan activity covered under the provisions of Education Code section 18744 (i.e. System interlibrary loan) and 18765 (i.e. Statewide loan).~~

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20252. Intent.

~~It is the intent of this program of the Act to support the sharing of library resources through interlibrary loan. Library materials needed by a library user and not available in that user's library will be made available to the user via interlibrary loan.~~

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20255. Eligibility.

~~(a) Public Libraries. Any public library as defined in Education Code section 18710(lj), which has been authorized by its jurisdiction to participate in programs of the Act must participate in the interlibrary loan programs of the Act.~~

~~(b) Libraries Other Than Public Libraries. To be eligible to participate these libraries must be authorized by their own administrative authorities to do so and must file the proper notice with the State Board as outlined in section 20105(c). Further, a library, other than a public library, may be eligible for a reimbursement only for a loan to an~~

eligible public library. Libraries, other than public libraries, which can become eligible for participation in the interlibrary loan reimbursement programs of the Act include only the following:

(1) Libraries operated by public schools or school districts. These libraries include only those defined in Education Code section 18710(m).

(2) Libraries operated by public colleges or universities. These include those academic libraries (Education Code section 18710(a)) which are funded primarily with public funds. Academic libraries potentially eligible for these programs include the libraries of the University of California, of the State University and College System, and of the California Community Colleges.

(3) Libraries operated by public agencies for institutionalized persons. Libraries for the institutionalized include hospital, correctional, and residential treatment facility libraries which are funded primarily with public funds (i.e. local, state, or federal tax monies).

(4) Libraries operated by nonprofit private educational or research institutions. These libraries include those operated by private colleges and universities which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. These libraries also include those operated by private companies which are primarily devoted to educational or research purposes and which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. Such libraries may be required by the State Board to furnish proof of their nonprofit status in addition to any other required notices and forms.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20257. Reimbursable Transaction.

An interlibrary transaction can result in reimbursement under Education Code sections 18744 and 18765 if it consists of the loan of a library material of any type which is collected by a library or if it consists of the provision of a copy in lieu of loan of a library material, from any eligible, participating lending library to any eligible public library as defined in section 20255 and in Education Code sections 18744 and 18765.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20260. Reimbursable Costs.

Reimbursable costs are only those handling costs which a lending library incurs in filling a successfully completed interlibrary loan transaction. The State Board shall periodically, and at least annually, review and approve the cost data and determine an appropriate funding formula which shall be uniform statewide.

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

§ 20265. Participation Requirements.

Participating libraries, both public and nonpublic, shall conform to the following requirements:

- (a) ~~Reporting. To obtain reimbursement a library shall provide by the deadline reporting date, all required reports of its interlibrary loan transactions in an established form and manner determined by the Board for the period required.~~
- (b) ~~Audit. For audit purposes, a record of the interlibrary loan transactions must be maintained for four years.~~
- (c) ~~Fees. A library providing an item for interlibrary loan may not collect a handling fee on a transaction for which that library claims an interlibrary loan reimbursement under provisions of this article. A photocopy fee, exclusive of photocopy handling charge, may be collected.~~
- (d) ~~Direct Loan Availability. Participating libraries shall make maximum use of available bibliographic access tools to refer users to borrow directly from nearby libraries where requested material is easily available, rather than to process an interlibrary loan.~~
- (e) ~~Responsibility for Borrowed Materials. The borrowing library shall be responsible for all items it borrows, and if such item is lost or damaged by the library or its users, the borrowing library may be required by the lending library to make restitution for the item.~~
- (f) ~~Adherence to Standards. All participating libraries shall attempt to follow the standards described in the "California Library Services Act Interlibrary Loan Standards," which is hereby incorporated by reference. The State Board may withhold reimbursements to libraries which continually fail to meet the standards of performance.~~

Authority: Section 18724, Education Code. Reference: 18765 (repealed 2016), Education Code.

Initial Statement of Reasons

PROBLEM STATEMENT

The Legislature adopted, as part of the 2016-17 fiscal year budget package, AB 1602 which amended the California Library Services Act (Education Code 18700-18767). The purpose of the California Library Services Act is to facilitate equal access to library resources regardless of location, income, or education level especially to underserved communities. In an effort to achieve this end funds are made available to libraries or localized library cooperative systems, under the Act, for various programs.

The Education Code sections 18700-18767 were originally enacted in 1977 and, due to the time period in which they were put in place; focus on creating equal access through the physical sharing of books and other physical resources. The amendments to Sections 18700-18767 removed references to obsolete programs which have not been funded by the legislature for several years. They also amended the statute to include modernizing language which references the sharing of electronic resources in addition to print materials.

While the new section 18700-18767 allow for the sharing of electronic resources there is no definition of sharing provided. There are also usually additional costs that coincide with electronic resources such as supporting technology or subscription fees but it is unclear in the statute whether these are acceptable costs for funding allocated under that section. Finally, electronic materials were included under the new language in the California Library Services Act as materials that can be shared. The reporting requirements that allow the California Library Services Act's governing body, the California Library Services Board, to assess if funds are being used effectively are contained in regulation so reporting on the use and sharing of electronic resources is not currently required. This limits the ability of the California Library Services Board to assess how these resources are being used.

BENEFITS

The impact of the amendments to regulatory sections 20100-20265 will be to clean-up the regulatory language and remove obsolete provisions that are no longer supported by state funds or statute. It will also allow for the amendment of procedural language relating to meeting notifications and meeting requirements. These regulatory sections were put in place prior to the enactment of the Bagley-Keene Open Meeting Act (Government Code sections 11120-11131) and while the Board does comply with newer open meeting requirements the language in the regulations does not and can be confusing to interested parties.

Electronic resources allow patrons easier, more convenient access to information and there is a demand, among library patrons for both print and digital materials. Allowing the funding of technology, digital products, equipment, and service fees to support digital resources will expand the number of products and programs the Cooperative Library Systems can provide to their member libraries as well as increasing the availability of the information and services provided by those products to a larger number of patrons both within the libraries' service area and beyond.

PURPOSE

Section 20101, subdivision (b) and Section 20105, subdivision (b): To regulate the basic requirements for participation and specify information that shall be provided by participating libraries and notification requirements.

Section 20107: To define terms not already defined in statute for the purposes of the regulatory section.

Sections 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134: To specify procedures for the governance and meetings of the California Library Services Board to ensure business is carried out in an organized, timely, transparent manner with ample opportunity for public participation.

Section 20135: To identify the requirements for public library cooperative system reports to the California Library Services Board to allow for the assessment of their use of funds and the collect information to assist in the allocation of funds.

Sections 20136, 20140: To provide guidelines for the governance of Cooperative Library Systems.

Section 20158: To identify how funding would be allocated under the now repealed system reference programs.

Sections 20180, and 20185: To provide defined procedures for consolidations of public library jurisdictions and Cooperative Library Systems that ensure each consolidation is reviewed and furthers the purpose of the California Library Services Act.

Section 20190: To provide defined procedures for the joining of a public library jurisdiction with a Cooperative Library System that ensures both participating parties are willing to affiliate and that the public library jurisdiction's affiliation with the Cooperative Library Systems furthers the purpose of the California Library Services Act.

Sections 20203 and 20205: To establish guidelines for residence and eligibility for library cards and services.

Sections 20215, 20216, 20217: To establish guidelines for reimbursement under the repealed direct loan program and requirements for reporting a libraries qualified loans.

Section 20235, subdivision (b) and subdivision (d): To define information the Cooperative Library Systems have to report in their annual reporting to the State Library.

Section 20236: To clarify how communication, delivery, and resource sharing money can be spent.

Sections 20251, 20252, 20255, 20257. 20260, 20265: To create guidelines and procedures for the governance and funding of the now repealed Interlibrary Loan program.

NECESSITY

Section 20101 and 20105: Amending these sections is necessary to reflect changes made to statute in 2016. These amendments will ensure that each regulatory section is referencing the intended statute section.

Section 20107, subdivision (a): Amending this section is necessary to ensure the section is referring to the most updated Statute rather than the original version since the statutory definitions have changed over time.

Section 20107, subdivision (b): Amending the definitions in this section is necessary to reflect current practices and removed obsolete language referencing definitions already present in statute, repealed programs, and removed positions.

In the 2016 amendment to Education Code section 18745 was amended to include “resource sharing” in the allowed items cooperative library systems can fund. The section also indicates that cooperative library systems base funding proposals on “the more cost-effective methods of exchanging print and digital materials and information...” Digital materials are not always owned outright like print materials. Instead a library might lease, or pay for access to digital materials. In addition to the variety of way libraries can obtain materials, the financial resources to support these communication, delivery and resource sharing activities are limited.

A definition new of “Resource sharing” is necessary to ensure that funds are used to further the statutory requirement of exchanging print and digital materials while ensure that libraries have the freedom to share those resources regardless of format or how the content was obtained by the library. The definition is also necessary to encourage libraries to spread the limited resources further ensuring that at least three libraries find value in and agree to share a resource before it can be funded.

Section 20116: The California Library Services Board, due to budget cuts and reductions in funding, meets twice each year to conduct its business. Due to the regulatory requirement that Board officers be elected every year time is spent at each meetings either electing a nominating committee or voting on Board officers. Amending this section to allow for biennial Board elections will save limited time that the Board has since elections would only be addressed every other year and allow that time to be allocated to the discussion of more pressing topics. Additionally, the Board officers would have more time to adjust to and become comfortable in their roll since they currently are only serving as officers for one meeting before new elections are held.

Section 20118: Amending the meeting notice requirements in this section is necessary because they no longer align with Bagley-Keene Open Meeting Act requirements with which California Library Services Board meetings are required to comply. Referencing the Bagley-Keene Open Meeting Act statutes will ensure that all meeting notices comply with the open meeting act regardless of changes made to open meeting rules in the future.

Additionally, these regulations were put in place prior to the prevalence of email in correspondence. Amending the language to allow notice requests to be submitted by email will align with current practices and allow notice requests to be made much closer to posting deadlines and meetings since those requesting notification will not have to account for physical mail timelines or the cost of placing such a request.

Finally, prior to 2010 it was necessary for the California Library Services Board to meet several times a year to effectively administrate the funds and programs that fell under the Board's purview. In 2010 the funding for the California Library services Act was zeroed out and only a small portion of those funds, allocated to a single program have been restored. The Board no longer needs to meet bi monthly. Amending the regulatory language to indicate that the Board should meet at least once year aligns more with the current practice of meeting twice yearly to address the business of the Board while still allowing leeway for the Board to meet more often if necessary.

Section 20119: This section is no longer necessary as meeting of the Board are governed by the Bagley-Keene Open Meeting Act (Government Code sections 11120-11131) which details the notice requirements and is referenced as the governing stature in Section 20118.

Sections 20122, 20123, 20124, 20125 and 20126, 20130, and 20134: Changes to these sections are necessary to conform language to recommendations for additional regulatory changes we are requesting at this time, update contact information and modernize practices by allowing email submissions and communication, and conform

timeframes for notifications and submissions to notice requirement timelines in the Bagley-Keene Open Meeting Act (Government Code sections 11120-11131).

Sections 20135: The funding the Cooperative Library Systems receive from through the California Library Services Act is allocated by formula that is based on library distances and service populations. In order to effectively allocate these funds the Board has to review and understand the population and system membership figures. The only mention of this requirement was contained in a regulatory article which was tied to a statutory program that has been repealed. It is necessary to retain the regulatory language regarding the review of population figures as well as the ability for the Board determine a uniform funding formula should the existing formula need to be revisited due to changes in populations or library services. Since the Cooperative Library Systems budget is based on funding it received through the formula the requirement for the California Library Services Board to review the population figures was placed in this section.

Additionally amendments to the section are necessary to reflect current practices based on the ability of the Cooperative library Systems to gather and provide information.

Sections 20136 and 20140: Minor amendments to these sections are necessary to ensure that the regulation language is reference current statutes.

Section 20158: This section references a program authorized under Education Code section 18741. This code section was repealed. Language contained in this section that is needed to regulate other, continuing programs under the California Library Services Act was moved to section 20135. This section is unnecessary and no longer has a statutory basis so it should be repealed to clean-up the regulations and prevent confusion for library jurisdictions or cooperative library systems reading the regulations.

Section 20180, 20185, 20190: The regulatory language removed in each of these sections references grant programs that are no longer funded and whose authorizing statutory language has been repealed. Removing the irrelevant language is necessary to clean-up the regulations and prevent confusion for library jurisdictions or cooperative library systems reading the regulations.

Sections 20203, 20205, 20215, 20216, 20217: The regulatory language removed in each of these sections references a reimbursement program that is no longer funded and whose authorizing statutory language has been repealed. Removing the irrelevant language is necessary to clean-up the regulations and prevent confusion for library jurisdictions or cooperative library systems reading the regulations.

Section 20235: Changes to this section are necessary to reflect changes to Education Code 18745 which modernized the language to reference the funding of resource

sharing and digital materials. Currently Cooperative Library Systems are required to report to the Board on programs and services they are funding under section 18745. This section defines items that are required to be reported and these changes would ensure that they are also reporting on digital materials and shared resources being funded. This kind of information is necessary for the Board to be able to assess if funds are being used in the most effective, beneficial manner.

Section 20236: Access to digital materials allows library patrons easier and more convenient access to information and resources. The cost of digital materials extends beyond the lease of, subscription to, or purchase of these materials. Libraries often have to purchase new technologies or servers to support these programs in addition to ongoing monthly, quarterly or yearly costs. Additionally, many libraries have unique physical collections that could be valuable to patrons in other areas but are not easily accessible. Libraries are contemplating ways to provide increased access to these kinds of materials and collections. Digitization is a good option for preserving and expanding access to these materials; however it is expensive due to the cost of scanning equipment, software, server space to store files, and platforms to share the materials

Amendments to Education Code section 18745 allows for the funding of resource sharing and digital materials but does not mention supporting technologies, service fees for digital materials, or technology or products for creating or accessing digital material to share. Providing language that clarifies that these expenses are acceptable as long as they comply with the statute will allow libraries to explore a larger variety of products and services that might expand access to information and benefit their patrons and the people of California.

Sections 20251, 20252, 20255, 20257, 20260, and 20265: Removing each of these sections will clean-up the regulations and prevent confusion for library jurisdictions or cooperative library systems reading the regulations. These sections reference a reimbursement program that is no longer funded and whose authorizing statutory language has been repealed.

BASIS FOR REGULATORY CHANGES AND ADDITIONS

Three major factors were considered in the recommended changes and additions to these regulation sections. The first was changes to statutes impacting these regulations including Education code sections governing the California Library Services Act as well as Government Code open meeting act requirements. The second was recommended changes put forward by members of the California Library Services Board that were felt to streamline processes and save on limited time and funds. Finally, input provided by the Cooperative Library Systems in the form of letters to the Board as well as conference calls between State Library staff and the Cooperative Library System

coordinators. The recommendations from the Cooperative Library Systems centered on seeking ability to more effectively serve library patrons using technology that has become prevalent since the regulations were enacted.

The formal recommendations from the Cooperative Library Systems and comments by Board members and members of the public on this issue can be found on the California State Library's website in the April 2017 Agenda Packet, agenda item D. (http://www.library.ca.gov/loc/docs/2017-04_Agenda_packet.pdf).

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed amendments to regulatory sections 20101-20265, which implement the California Library Services Act (Education Code 18700-18767), will remove obsolete references to unfunded programs no longer supported by statute, update California Library Services Board procedures to reflect current Bagley-Keene Open Meeting Act requirements and current Board procedures, and update remaining program language to mirror changes to statute and clarify allowable costs.

The changes to these regulations are technical and clarifying in nature. They have no impact on the amount of funding designated by the legislature or how those funds are distributed to public libraries.

Creation or Elimination of Jobs within the State of California

The proposed amendments to these regulations will update and clarify the existing regulations already in place governing the processes of the California Library Services Board and the implementation of the programs they oversee. The program related language that is being removed references programs that have not been funded since 2010 at the latest (some programs lacked designated funding almost since implementation). Since the programs have not had funding for the last seven years there are no staff members at the State Library, the Cooperative Library Systems, or public libraries working specifically with those programs so the changes will not result in any job loss.

The funding still received under the California Library Services Act is allocated to the Cooperative Library Systems in California to fund and create library services related to communication, delivery, and resource sharing of information, and print and digital materials. The proposed language changes related to this remaining program aligns with and clarifies the allowable program costs based on 2016 changes to statute. While this change does reflect a slight expansion of how program funds can be spent, the new program language does not coincide with any additional funding and so would not create new jobs. The updated language allows those already working on the services provided under this program more options for services and activities.

Additionally, the staff members assigned to the California Library Services Board already comply with the open meeting requirements and processes, since they are required by statute, so conforming the regulations to reflect those requirements will not result in any new Board staff.

Creation of new or elimination of existing business in the State of California

The California Library Services Act regulations govern the process of the California Library Services Board and the implementation of the programs they oversee. The funding provided for California Library Services Act programs are for the benefit of Public Libraries in California. While the services are beneficial, the funds received are a very small portion of a public library's budget and would not allow for the formation of a new library or library district, especially when it is considered that the funds are divided for the benefit of all 182 public library jurisdictions in California.

Funds allocated to the communication, delivery, and resource sharing program are sometimes used to contract with existing information resources related businesses and database providers. Based on the *Plans of Service* and *Annual Reports* from the Cooperative Library Systems detailing what services are being funded, libraries are contracting with the larger, well known information and database providers. The existence of such contracting opportunities would not inspire the creation of new businesses based on both the preference for known, tested products, and the limited amount of funding actually available once divided amongst the Cooperative Library Systems and allocated toward the variety of communication, delivery, and resource sharing services being provided.

There is some opportunity for Cooperative Library Systems to expand their service offerings based on the recent statute changes and proposed regulatory amendments. However, even if some Cooperative Library Systems choose to allocate funds to different services because of those changes, the amount of overall funding allocated to each service is not significant. Therefore no existing businesses in California would be materially hurt based on those changes.

The expansion of businesses currently doing business within the State of California

The California Library Services Act regulations govern the process of the California Library Services Board and the implementation of the programs they oversee. Funds allocated to the remaining library program (communication, delivery, and resource sharing) are used to contract with existing information resources related businesses and the changes to the regulations can allow for expanded program options. However, even if some Cooperative Library Systems choose to allocate funds to different services because of those changes, the amount of overall funding is so small that it would not allow for business expansion.

Benefits of the Regulations to the health and welfare of California residents, worker safety, and the State's environment

The California Library Services Act regulations govern the process of the California Library Services Board and the implementation of the programs they oversee. The proposed amendments simply clean-up the existing regulatory language, conform to changes in statute, and clarify allowable program costs. The amendments could have a slight benefit to the welfare of those California residents who use and benefit from expanded services but there is no guarantee that services will change or who and how many patrons will use the service if there is a change as the kinds of services that can be provided must still fit within "communication, delivery and resource sharing". These regulations are specific to certain library services and have no impact on California resident health, worker safety, or the environment.

EVIDENCE SUPPORTING NO ADVERSE ECONOMIC IMPACT

These regulatory changes are amendments to existing California Library Services Act regulations governing the process of the California Library Services Board and the implementation of the programs they oversee. During the process of drafting the amendments California State Library staff analyzing the current regulatory language as well as looking at the changes to the Education code sections 18700-18767 (enacted by AB 1602, 2016 Statutes), and the requirements of the Bagley-Keen Open Meeting statutes (Government Code sections 11120-11131).

The California State Library solicited input from the California Cooperative Library Systems (Systems) on how the changes were perceived and the potential impacts. The State Library held a stakeholder meeting with representatives from the Systems to discuss the language changes and provided advanced opportunities for members of the public and the library community to express their opinion of the perceived impact of the regulatory amendments on the Systems and the public library community.

These discussions did lead to one change within the State Library's original draft language being discarded due to a widespread belief by the library community that it would have an adverse economic impact on the Cooperative Library Systems and public libraries in California, specifically the smaller and more economically disadvantaged library districts. The library community in California saw no economic impacts from the rest of the language changes with a chance of positive programmatic impacts from the clarified requirements.

State Library staff also analyzed past *Plans of Service* and *Annual Reports* for the California Library Cooperative Systems which detail the over-all budgets, what programs are being provided, and how much is being spent on each program. This analysis was done to determine, realistically, how much was being allocated toward

contracts with individual companies and how likely it was that a change in contract would have an adverse impact on the companies involved.

The overall funding for the California Library Services Act is \$3.63 million allocated to the communication, delivery, and resource sharing program. These funds are divided up amongst the nine Cooperative Library Systems (Systems) based on the distances between the libraries in their service area and the populations they serve. The amounts received by the Systems range from around \$150,000 to almost \$820,000. On average 20% of the funds received by a system are used for internal administrative costs.

Most of the Systems use at least some of the money to finance the physical delivery of materials between System member libraries through the use of vans or payment for shipping costs. These delivery amounts can vary from 80% of the overall funding the System receives to 10%. An analysis of the services being provided shows that each System is providing between two and nine separate services based on the size of the System and how much money it receives, including internal library programs like digital labs being shared among the libraries belonging to that System or subscriptions for eBooks for all the libraries in the System.

The services that would require contracting with outside businesses are the provision of eBook collections. These collections are provided by contracting with eBook publishers and providers such as Overdrive, Zinio, and Hoopla. An analysis of the Cooperative Library Systems' reports showed that all of the providers they are contracting with are large, well established companies that provide services to libraries, schools, and other organizations around California and in some cases nation and worldwide. The companies that the Cooperative library systems are working with have enough business to make it unlikely that they are dependent on any of the Cooperative Library Systems contracts to maintain their business. Especially considering the small amount of funding the Cooperative Library Systems actually have available for these contracts based on overall allocations, subtraction of administrative costs, expenditure of funds on physical delivery, and the division of remaining funds over several services and programs.

Based on this information the California State Library determined that, even if expansion of program language in the regulations did lead to changes in the kinds of services libraries were contracting for, it would not have a significant adverse economic impact on businesses in California.



March 22, 2018

Annly Roman
California Library Services Board
California State Library
P.O. Box 942387
Sacramento, CA 94237

Dear Ms. Roman:

The Southern California Library Cooperative (SCLC) Administrative Council is requesting your acceptance of this letter as public comment to the proposed *Update to Regulations Implementing the Library Services Act; Procedures of the California Library Services Board*.

On behalf of the Administrative Council as the Chair of SCLC, we support the California State Library as well as the California Library Services Board (CLSB) in their consideration and work on updating regulatory California Library Services Act language to align with current trends, as well as consideration of future impacts the language could have on public libraries.

SCLC is interested in two sections and is submitting comments for Article 2, Section 20118. Regular Meetings and Section 20125. Speakers.

Article 2, Section 20118, Regular Meetings

The elimination of the language for the CLSB to meet at least bi-monthly and in conjunction with CLA is supported by our Council. There is a concern over the qualified 'at least' that has been included in the 'at least once each year.' In our efforts to work collaboratively with the CLSB, we would respectfully request it be increased to at least twice a year. It is a requirement of the systems to submit a Plan of Service (June) and an Annual Report (September); and the CLSB approves the State Library budget, certifies population figures and much more. The implication of once a year meetings would have a considerable impact on the business of the system. If a library requested to join or withdraw from a system, it would require substantial planning time and a potential delay for the library, especially to participate in the system's programs. Delays in certifying population figures would delay funding to the systems. This could impact program planning for resource sharing and implementing much needed services within the system.

We respectfully request that the CLSB entertain modifying the proposed regulatory language to 'at least twice each year.'

Southern California Library Cooperative
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(626) 283-5949 • Fax (626) 283-5949
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Article 2, Section 20125. Speakers.

The proposed change in Subsection (a) states "Members of the public or the State Library staff may be recognized by the President..." We would respectfully request that the CLSB not change the word 'will' to 'may.' The value of public participation can be found in all public libraries' meetings, where public comment is encouraged. We would like the CLSB to also ensure that all comments will be heard. Changing the language could open the possibility to imply bias or blocking of comments. Keeping the word "will" ensures transparency and openness.

We appreciate the consideration of this letter by the State Library staff as well as the CLSB. Should you need additional information, please do not hesitate to contact me at jryan@santafesprings.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joyce Ryan".

Joyce Ryan
Chair/Southern California Library Cooperative

cc: Southern California Library Cooperative Executive Committee



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www.northnetlibs.org

March 22, 2018

Annly Roman
California Library Services Board
California State Library, Office of the State Librarian
P.O. Box 942837
Sacramento, CA 94237

Dear Ms. Roman,

On behalf of the NorthNet Library System (NLS), please accept this letter as public comment to the proposed updates to the Regulations Implementing the Library Services Act, Procedures of the California Library Services Board.

First of all, on behalf of NLS, thank you for all the work that the board has done on behalf of the public libraries here in California. Updating the CLSA regulations will have a welcome impact on allowing libraries to serve their communities better and provide them with resources that those libraries might otherwise struggle to afford. This will help most of the libraries here in northern California.

When reviewing the upcoming changes there are a couple of sections that NLS would like to comment on.

Article 2, Section 20118, Regular Meetings.

We understand the need to update the current schedule since bi-monthly is a bit much but would like to express our wish that the CLSB meet at least twice a year. We believe that it is probably the intent of the board to do so but making sure the board meets at least twice will insure the work of the consortiums can move along well. Here at NLS we have sometimes struggled to meet CLSB deadlines due to state time lines and infrequency and alignment of the current CLSB meetings. Once per year minimum would make those deadlines more difficult to meet. This is especially important for us when deciding how to best use CLSA monies to best serve the libraries and communities in NorthNet. In addition, if it is the intent of the board to meet several times per year then the regulations should so state.

Article 2, Section 20125. Speakers.

The proposed change in Subsection (a) states “Member of the public or the State Library staff may be recognized by the President..’

Members of the public would include public libraries and their representatives and system coordinators. This is the “public” group which has the most interest in and impact from decisions made by the CLSB. We are uncertain of the intent of changing will to may and there is no explanation for this change.

As mentioned above, the work of the board directly impacts services to California state residents and the libraries that serve them. We appreciate the work of the board in supporting the day-to-day direct service that libraries provide to California communities and believe that input from the field cannot but enhance the discussion and decision-making of the board.

California embraces transparency in its government and welcomes public input. Changing “will” to “may” appears to be a way that such public comment may be blocked. Keeping the word “will’ ensures transparency and openness, and ensures compliance with both the letter and the spirit of the Bagley-Keene Open Meetings Act.

Thank you for giving NorthNet an opportunity to address our concerns. If you have specific questions or comments, you may email me at: mightbody@buttecounty.net. I do plan on attending the meeting.

Sincerely,



Mel Lightbody

Mel Lightbody
Chair, NorthNet Library System
Butte County Librarian

cc: NLS Executive Committee

March 24, 2018

Ann Bernardo
California Library Services Board
California State Library
P.O. Box 942837
Sacramento, CA 94237

Dear Ms. Bernardo,

Please accept this letter as public comment to the proposed updates to the Regulations Implementing the Library Services Act, Procedures of the California Library Services Board.

As the President of the Pacific Library Partnership (PLP), I would like to express PLP's appreciation of the efforts which have been undertaken by the California State Library as well as the California Library Services Board (CLSB) to consider updating regulatory California Library Services Act language to reflect current as well as future needs of our public libraries. PLP would like to provide comments on two sections.

Article 2, Section 20118, Regular Meetings.

We agree with the elimination of the language for the CLSB to meet at least bi-monthly. We also appreciate that the qualified 'at least' has been included in the 'at least once each year.' In the spirit of collaboration and ensuring that the business of the libraries is being addressed, we respectfully request that the CLSB consider increasing this to at least twice a year. The CLSB carries out important work, including the approval of the CLSA Plans of Service, the allocation of funds, the certification of population figures, the approval of libraries to move from one system to another, as well as many other important tasks. Although the spirit of the phrase infers that the Board could meet more than once a year, the proposed wording would allow a precedent for the Board to be able to meet just once a year. This would have severe impacts on the ability for libraries to perform their functions. For instance, for libraries wishing to form, or to move from one cooperative library system to another, with the Board currently meeting twice a year, the library must wait for a Board meeting to be scheduled. Should that be potentially reduced to once a year, that library may miss out on CLSA funds for an entire year. Another example is the certification of population. At least one cooperative library system uses these certified numbers to determine the CLSA allocation between member libraries. Delaying certification could cause delays in funds being allocated to libraries. We respectfully request that the CLSB entertain modifying the proposed regulatory language to 'at least twice each year.'

Article 2, Section 20125. Speakers.

The proposed change in Subsection (a) states "Member of the public or the State Library staff may be recognized by the President..." We would respectfully request that the CLSB not change the word 'will' to 'may.' The CLSB Mission Statement includes the following: "Public



Participation – We value and ensure public participation in carrying out the intent of the California Library Services Act through locally appointed System Advisory Boards, open public meetings, and involvement of voluntary groups.” The value of public participation can be found in all public libraries’ meetings, where public comment is encouraged. We would like the CLSB to also ensure that all comments will be heard. Changing the language could open the possibility to imply bias or blocking of comments. Keeping the word “will” ensures transparency and openness, and ensures compliance with both the letter and the spirit of the Bagley-Keene Open Meetings Act.

We appreciate the consideration of this letter by the State Library staff as well as the CLSB. Should you need additional information, please do not hesitate to contact me at hmurphy@cityofpleasantonca.gov.

Sincerely,

Heidi Murphy
President, Pacific Library Partnership
Library Director, Library Services Department, Pleasanton

cc: Pacific Library Partnership Executive Committee