

INFORMAL FEEDBACK FORM FOR DRAFT LIBRARY SYSTEM REGULATIONS

INSTRUCTIONS

Please type your feedback in the appropriate column as it relates to the draft language. If you have a specific issue, please describe potential unintended consequences. Please be specific and offer suggestions for improvement. Complete this form and send to ra-libdev@pa.gov

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DRAFT LANGUAGE

DRAFT LANGUAGE	FEEDBACK
<p>Definition: Library system." A county-level or multicounty-level federation of at least two local libraries which:</p> <ul style="list-style-type: none"> (1) Serves at least 25,000 people. (2) Has voluntarily agreed to participate in the federation. (3) Has delegated the policymaking functions to a system board of directors. <p>[24 Pa. C.S §9302]</p>	<p>Point of grammar: The numbered items refer to the libraries (plural) rather than to the federation (singular). Hence, the verbs should be plural – Serve, Have, Have.</p>
<p>Purpose. The primary purpose of library systems in Pennsylvania is to leverage resources and provide programs and services across member libraries as determined by mutual agreement of the member libraries and the Library System Board of Directors.</p>	<p>I'd prefer to see the word "coordinate" rather than "provide" in the language regarding programs and services.</p> <p>Should there be language that indicates that the library system is designed to improve service to the community by the actions of leveraging and coordinating?</p>

N.B: The language regarding facilities that appears in the current regulations is missing here. It is most important that system boards have the authority to sign off on member libraries' plans for construction, remodeling or enlargement of facilities, as it is the system board that will be charged with supporting those facilities far into the future. Any plans for new or remodeled buildings should fit into the master plan for system-wide service.

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<p>Establishment</p> <ul style="list-style-type: none"> • The system shall be established, organized, and financially supported in conformity with The Public Library Code (24 Pa. C.S. § § 9301—9376), which is the authority for establishing library service at public expense. [22 Pa. Code §141.24(c)(1)] • Designation as library system [22 Pa. Code §141.24(c)(6)] <ul style="list-style-type: none"> • Each municipality which maintains a library system or which contributes to the support or aids in the maintenance of a library system within the meaning of subsection above shall pass an ordinance or resolution establishing or designating the library system to be the agent of the municipality to provide library services to the residents and taxpayers thereof in accordance with section 9371 of The Public Library Code (24 P.C. S. § 9371). [22 Pa. Code §141.24(c)(6)(i)] <ul style="list-style-type: none"> ○ A municipality is judged to contribute to the support or aid in the maintenance of a library system when it appropriates to the library system annually an amount of money which is equivalent to 15% or more of the system’s yearly income from all local municipal sources. [22 Pa. Code §141.24(b)(3)] • If the library system was not established or supported by the municipality, the system board shall pass a resolution accepting the designation. [22 Pa. Code §141.24(c)(6)(ii)] • Ineligibility <ul style="list-style-type: none"> • A library system shall lose their designation of library system when all of the members of the library system consolidate into one local library. 	<p>For a system not established or supported by the municipality: Current law (or reg, not sure) indicates that the municipality must designate the system as its agent to provide library service. This designation is the formal connection between the system and the local government. I’m not sure how or from whom the system board would “accept the designation” without this.</p> <p>How about “one local library organization?”</p>

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<p>Governance</p> <ul style="list-style-type: none"> • System Board of Directors. [22 Pa. Code §141.24(c)] <ul style="list-style-type: none"> • The System Board shall have bylaws that fully articulate the roles, responsibilities and process by which members are chosen for the Board. • Board Composition [22 Pa. Code §141.24(c)(2)(ii)] <ul style="list-style-type: none"> ○ The system board of directors shall be composed of nine members representative of the system membership based on population and size of member libraries. ○ The apportionment of members and the method of appointment or selection shall be subject to the approval of the State Librarian. [22 Pa. Code §141.24(c)(2)(ii)] ○ The first members shall be appointed or selected as nearly as may be 1/3 for 1 year, 1/3 for 2 years and 1/3 for 3 years. [22 Pa. Code §141.24(c)(2)(ii)] ○ All subsequent appointments or selections to fill the places of those whose terms have expired shall be for a term of three years. [22 Pa. Code §141.24(c)(2)(ii)] ○ Vacancies shall be filled for the unexpired terms. [22 Pa. Code §141.24(c)(2)(ii)] • The administrator of the library system shall be an ex officio member of the System Board of Directors. • The functions of the system board and the system director shall be clearly differentiated in a written statement. (22 Pa. Code §141.24(c)(8)) • The system board of directors shall meet at least three times a year. • The minutes of the system board shall be submitted to the State Librarian. • Roles and Responsibilities. <ul style="list-style-type: none"> • A federated public library system board shall have authority over system-wide functions and services. The local library boards shall retain responsibility for their public libraries in all other areas. • System Membership. <p>The library system board shall:</p> <ul style="list-style-type: none"> ○ Develop criteria for membership in the system. [22 Pa. Code §141.24(c)(9)] ○ Adopt policies that will be applicable throughout the system. [22 Pa. Code §141.24(c)(9)] 	<p>Currently, the municipal government that provides financial support to the system has the right to appoint members. In some systems, including Lackawanna, all board members are appointed by the County Commissioners, and all serve at-large. A board that is “representative of system membership” would disallow this structure and hamper the current relationship between the system and the local government. I would recommend that the membership structure be left to the system and not be prescribed by the state.</p> <p>As to size, I would recommend a range of 7 to 11 members. A board of 7 works well for us, but there are some systems who need more members. (The current range is 5 to 9.)</p> <p>Terms: Is the term of three years renewable? In practice, my board members serve three year terms until replaced by the Commissioners.</p> <p>Ex officio: Is this intended to ensure that a system administrator is allowed/required to attend board meetings? If so, here is a recommendation for language to that effect from http://calnonprofits.org/publications/article-archive/377-new-law-as-of-january-1-2015-nonvoting-ex-officio-board-members-prohibited</p> <p>“For those nonprofits that want to provide for the right of their executive directors to attend board meetings without the voting power of a director, instead of using the misnomer non-voting <i>ex officio</i> director to describe such arrangement, they might use the following description: "The executive director has the right to attend and participate at all meetings of the board, except when the board enters executive session, but shall have no voting powers." Nonprofits that have created <i>ex officio</i>, non-voting board members for founders, public officials or others, may consider changing their status to honorary board member, with no voting</p>

Continuation | Governance | Roles and Responsibilities

- Have written agreements of participation between the system board and each local library which is a member of the system, in which the obligations, services, and contributions of each party shall be stated. Agreements shall be reviewed and renewed every three years. [22 Pa. Code §141.24(c)(3)]
- Plan. 141.24(c)(4)
 - The library system board shall have and shall file a written plan for system-wide service and development with its local agencies and the State Library.
 - The plan shall include in its overall objectives
 - Specifications for programming and services to increasingly meet the needs of the public.
 - Ensure that each resident of the system service area be provided with direct and convenient access to library services.
 - The plan shall be reviewed annually and amended as necessary.
- Financial Responsibilities
 - The system board of directors is responsible for the distribution, expenditures and reporting of state aid on behalf of the system member libraries and the overall system population they serve.
 - The system board of directors shall develop and formally adopt the formula used to distribute state aid earned at the system level with input and support from each member library board of directors.
 - The formula shall include the following criteria:
 - A baseline amount distributed to all member libraries.
 - Additional funding to those member libraries who provide a larger percentage of resources to meet the overall system requirements of state aid.
 - A 5% reduction in state aid to member libraries not meeting all eligibility standards.
 - The formula shall be submitted to the State Librarian for approval.

powers.”

(Continued from above) System boards should meet more often than three times per year, perhaps 4 – 6 times.

Regarding minutes of the system board: Are they to be submitted annually? Perhaps with the state report?

Written agreements: Renewable at five years, rather than three.

Plan: Use “member libraries” rather than “local agencies.”

In Lackawanna County, county funding provides about 70% of member library allocations, while state funding provides less than 20%. The allocation of state aid is not as significant an issue here as it is elsewhere, as our libraries are concerned about the overall allocation (a combination of these two funding sources). That said, I believe that the formula elements should be left to the discretion of the local system board and not be prescribed by the state.

5% reduction: Should this be a part of the member agreements, rather than related to the formula?

Continuation | Governance | Financial Responsibilities

- The system board shall commit the system, by resolution, to participation in the District Library Center Program. [22 Pa. Code §141.24(c)(7)]
- Reporting
 - The system board shall make written financial and statistical reports at least quarterly to its municipalities and other funding agencies and to the member units of the system. [22 Pa. Code §141.24(c)(6)(ii)]
- Disputes: The State Librarian shall hear appeals in regard to disputes arising between member libraries and the board of directors that cannot first be resolved by the system board of directors. Decisions of the State Librarian will be final.

The final bullet language is unclear. When it says “disputes between member libraries and board of directors,” does that refer to the member library boards? What is the nature of the disputes that the system board should get involved in? Please clarify.

DRAFT LANGUAGE	FEEDBACK
<p>Structure of the Library System</p> <ul style="list-style-type: none"> • A library system is an organization of two or more independent libraries serving not less than a total of 25,000 people which have voluntarily agreed to participate and have delegated the policy making functions to a system board of directors. [22 Pa. Code §141.24(b)(1)] • The library system may consist of branch libraries, designated library service points and bookmobiles administered by local libraries or the library system. [22 Pa. Code §141.24(b)(2)] • The library system may be administered by one of the following entities: <ul style="list-style-type: none"> ○ A local library that meets the eligibility standards for Incentive for Excellence Aid. [24 Pa.C.S. §9335] ○ An independent agency/organization that is: <ul style="list-style-type: none"> ○ Designated by the county(s), board of directors and/or member libraries to coordinate and support the system member libraries. ○ Administered by a System director with the Professional Librarian Certification. • Service area [22 Pa. Code §141.24(b)(4)] <ul style="list-style-type: none"> ○ Effective service area shall be construed to be the geographic area from which come 60% of the member library’s registered borrowers and usage. ○ Direct Service Area of the system is the sum of the total population of the direct service area of each member library with a system agreement. • System Administrator. [22 Pa. Code §141.24(f)(2)] <ul style="list-style-type: none"> ○ The system shall be administered by a certified professional librarian. ○ The system administrator shall: <ul style="list-style-type: none"> • Work with member libraries to ensure all standards are being met. • Manage member agreement to ensure it is being honored. • Apply for state aid on behalf of member libraries. 	<p>Change language to read “may also include” rather than “may consist of”</p>

Continuation | Structure of Library System | System Administrator

- Report required data in the form and manner required by the State Librarian.
- Participate and support District Library Center programs and services.
- Partner with the State Library to ensure system-wide participation in statewide initiatives.
- Submit the Plan for the Use of State Aid in accordance with instructions provided by the State Library. [22 Pa. Code §141.11(a)]

“Participate in”

DRAFT LANGUAGE	FEEDBACK
<p>Eligibility for State Aid</p> <ul style="list-style-type: none"> • Quality Libraries Aid <ul style="list-style-type: none"> ○ Library System. The system as a whole shall meet the following standards to be eligible to apply for Quality Libraries Aid. <ul style="list-style-type: none"> ○ The library system shall make a minimum financial effort of \$5 per capita for each person residing in the municipalities that will be part of the direct service area in which the library is applying for aid in accordance with 24 P.C.S. § 9334(a). <ul style="list-style-type: none"> ○ Exception for economically distressed municipalities.--A local library or library system which applies for State aid on behalf of an economically distressed municipality, as defined in section 9340(b) (relating to equalization aid), shall expend a minimum of \$2 per capita for each person residing in the municipality. ○ Hours are important to each community and the system shall consider community need and usage patterns in determining morning, afternoon evening (after 5:00 PM) and weekend hours. [22 Pa. Code §141.24(d)(3)] <ul style="list-style-type: none"> • Library systems have the latitude of developing a plan to meet the hours open schedule on a system-wide basis. 	

- Library systems shall establish minimum library hours per week for the system based on the following formula:

Library Type	Total number of library units within System	Hours Open per week Standard	Number of units X hours open standard
Local Libraries serving a population of less than 7,000		20	
Local Libraries serving a population of greater than 7,000		26	
Branch Libraries that meet or exceed applicable standards		20	
Bookmobiles that meet or exceed applicable standards		20	
Total Hours the Library System must be open per week			

- The Library System shall develop a Collection Management Plan for system-wide resources. [22 Pa. Code §141.24(e)]

I would like to see an standard for libraries that serve larger populations, e.g., 25,000+ and/or 50,000+

Continuation | Eligibility for State Aid | Quality Aid

- Member of a Library System

Member libraries shall meet the minimum eligibility standards for local libraries to qualify for state aid:

- Governance [24 Pa. C.S. §9318]
- Personnel
 - Certification of Library Director. [Local Library regulations]
 - Qualified Staff [Local Library regulations]
- Continuing Education
 - Director per 9334(c) (5)
 - Staff: [Local Library regulations]
- Collection Management Plan [Local Library regulations]
- Trustee Training. [Local Library regulations]
- Access [Local Library regulations]
 - Statewide Library Card
 - Technology
- Lend materials free of charge [24 Pa. C.S. §9334(c)(2)]
- Provide interlibrary loans free of charge [24 Pa. C.S. §9334(c)(3)]
- Participate in the library system plan for the coordination of countywide services. [24 Pa. C.S. §9334(c)(6)]

DRAFT LANGUAGE	FEEDBACK
<p>Eligibility for State Aid</p> <ul style="list-style-type: none"> • Incentive for Excellence Aid <ul style="list-style-type: none"> ○ Library System. The library system as a whole must meet the following standards to be eligible for Incentive for Excellence Aid. <ul style="list-style-type: none"> ○ The library system shall qualify for Quality Libraries Aid under section 9334 of the Public Library Code. [24 Pa. C.S. §9334] ○ The library system shall make a financial effort greater than \$5 per capita in accordance with 24 Pa. C.S. §9335(a). ○ The library system shall annually spend not less than 12% of its budget on collections in accordance with 24 Pa. C.S. §9335(b)(2) ○ Hours are important to each community and the system shall consider community need and usage patterns in determining morning, afternoon evening (after 5:00 PM) and weekend hours. Library systems have the latitude of developing a plan to meet the hours open schedule on a system-wide basis. 	

Continuation | Eligibility for State Aid

- Library systems shall establish minimum library hours per week for the system based on the following formula:

Library Type	Total number of library entities within System	Minimum number of Hours Open per week Standard	Number of entities X hours open standard
Local Libraries serving a population of less than 7,000		35	
Local Libraries serving a population of greater than 7,000		45	
Branch Libraries that meet or exceed applicable standards		20	
Bookmobiles that meet or exceed applicable standards		20	
Total Hours the Library System must be open per week			

- The Library System shall maintain Local Government Support in accordance with 22 P.C.S §9335(d).
- Members of a library System
 - Member libraries shall meet the minimum eligibility standards for local libraries to qualify for state aid:
 - All standards for Quality Libraries Aid.
 - Certification of the Library Director. The library shall be administered by a library director certified as a Professional Librarian [24 P.C.S. §9319.22; 22 Pa. Code §133]
 - The member library within the library system shall require at

Same comment as above: I would like to see standards for libraries with larger service populations, e.g., 25000+ and/or 50000+. I would hate to see a headquarters library with a service area above 50,000 people choosing to be open just 45 hours per week.

All library directors must be certified professionals? This standard is currently tied to population. We currently have directors with Provisional or Lib Asst certificates doing really good jobs in our smaller libraries.

Current language on CE refers to paid staff who regularly work 20 hours or more per week. This changes it to staff who work less than that?

<p>least 6 hours of continuing education every two years for paid staff in accordance with 22 P.C.S. §9335(b)(2) of the Public Library Code.</p>	
<p style="text-align: center;">DRAFT LANGUAGE</p>	<p style="text-align: center;">FEEDBACK</p>
<p>BRANCH LIBRARIES Definitions:</p> <ul style="list-style-type: none"> • The central library unit of a local library or library system is the principal resource library or administrative center. [22 Pa. Code §141.27(b)] 	
<p>Standards:</p> <ul style="list-style-type: none"> • The local library or library system shall qualify for Quality Libraries Aid. [22 Pa. Code §141.27(c)(1)] • The branch library is administered from a central library unit. [22 Pa. Code §141.27(a)] • The branch library shall: <ul style="list-style-type: none"> ○ Have separate quarters. [22 Pa. Code §141.27(a)] ○ Have an organized collection of library materials aligned with the collection management plan of the central library unit. [22 Pa. Code §141.27(c)(3)(i)] ○ Be open and/or provide services to the public at least 20 regularly scheduled hours per week during those hours which are best suited to the needs of the residents of its service area. [22 Pa. Code §141.27(c)(2)(i)] ○ Have paid library staff working during the hours the library is open for service. ○ Have a Branch Manager who has been trained to recognize and provide for the informational, educational and recreational needs of the residents of the library’s service area. The training may be provided by the administrator of the local library or library system of which the branch library is a part or by the staff of the district library center. [22 Pa. Code §141.27(c)(4)(i)] ○ Have the hardware, software, network capacity and staff expertise to meet the needs of the community based on assessment. 	

DRAFT LANGUAGE	FEEDBACK
<p>BOOKMOBILES</p> <p>Definition: A bookmobile is a vehicle especially designed and equipped with appropriate resources to support the community, such as books, other library materials, technology and programming resources administered by a central library unit. It maintains a regular schedule of community stops throughout the service area of the local library or library system which operates it. [22 Pa. Code §141.28(a)]</p>	
<p>Standards:</p> <ul style="list-style-type: none"> • The local library or library system shall qualify for Quality Libraries Aid in accordance with 22 P.C.S. §9334. [22 Pa. Code §141.28(b)(2)] • The central library unit as defined in Standards of Branch Libraries must qualify for an equal distribution grant. [22 Pa. Code §141.28(b)(2)] • The bookmobile shall: <ul style="list-style-type: none"> ○ Be at stops not less than 20 hours per week at times and in locations which afford all residents good access to it and which best suit their needs. [22 Pa. Code §141.28(b)(4)(1)] ○ Be staffed by paid library personnel at all stops. <ul style="list-style-type: none"> ▪ Bookmobile staff shall be trained in basic reference work, readers advisory and technologies, along with necessary clerical duties. [22 Pa. Code §141.28(b)(6)(i)] ▪ The training may be provided by the local library or library system which operates the vehicle or by the district library center. [22 Pa. Code §141.28(b)(6)(i)] ▪ The person in charge shall work on it during the majority of hours that the bookmobile is at stops. [22 Pa. Code §141.28(b)(6)] ○ Provide an available collection of library materials aligned with the collection management plan of the central library unit and in a variety of formats to meet the needs of the bookmobile customers. [22 Pa. Code §141.28(b)(5)] 	