FAIRFAX COUNTY PUBLIC LIBRARY
MINUTES OF THE BOARD OF TRUSTEES
January 10, 2018

Acting Chair Michael Donovan called the meeting to order at 7:01 p.m.

I. PUBLIC COMMENT: No speakers.

II. MINUTES: Mr. Ewing moved to approve the December 2017 minutes and Mr. Jasper seconded it. The motion to approve the minutes passed unanimously.

III. CHAIR’S REPORT: Mr. Donovan looks forward to filling in as Acting Chair finishing Karrie Delaney’s term. He appointed Ms. Smolen to Acting Vice Chair.

IV. COMMITTEE REPORTS:

A. Finance Committee: No Report. The next meeting will be scheduled for March 2018.

B. Library Foundation: Will Jasper – The Foundation is on track to reach their fundraising goals by June 2018. The book fair at Barnes and Noble raised $2,600 for the Foundation. The deadline for the undergraduate scholarships is January 15, 2018 and the deadline for the graduate scholarships will be April 15, 2018.

C. Ad Hoc Planning Committee: Suzanne Levy – The committee met December 21, 2017. At the last meeting the committee approved a set of working goals and objectives. At the next meeting the committee will receive a draft document; if the draft passes the subcommittee it will come to the Board as a consideration item in February.

D. Public Relations Committee: Fran Millhouser – The committee will meet again on February 1, 2018. Positive feedback was received from the Board about the talking points, so a new set will be created at the next meeting.

E. Ad Hoc Policy Committee: Gary Russell – There are seven items and a glossary as Action items on tonight’s agenda. The committee will meet January 12, 2018 to talk about three more items for consideration.

F. F. Ad Hoc MOU (Memorandum of Understanding) Committee: Miriam Smolen – Discussion will be held during the action items.
V. DIRECTOR’S REPORT:

A. LED Lightbulb Exchange program
   In 2017, the Library partnered with Energy Action Fairfax (EAF) to begin circulating thermal cameras. These devices allow a user to scan their doors, windows, and other entry points to see if heat is escaping with the goal of remedying the issues and decreasing heating costs. In 2018, EAF and the Library are partnering again to offer another energy-conscious programming opportunity for the public. In spring 2018 (exact dates and locations still to be determined), a series of LED lightbulb exchanges will be offered at approximately six library branches across the County. Members of the public will be able to get one LED lightbulb for free, and will be able to exchange up to four older format bulbs for LED bulbs at no cost to them. More information will be provided as the program dates and locations are finalized.

B. Personalized Online Readers Advisory
   The County launched its new website at the end of 2017; the new site has been updated, reformatted and has an entirely new backend platform. The Library is utilizing both the new website and a new research application called LibGuides. LibGuides houses specific information pages with curated content to assist the public as they research areas such as early literacy, local history, HOA listings, and more. In spring 2018, we will be launching another new page on LibGuides for online personalized readers advisory; for our users who don’t often visit a physical library but would still enjoy working with library staff to find just the right book to read next. Interested staff will have a personal page detailing what types of books and other materials they enjoy, in order to make a connection with library users and make a match with people in need of readers’ advisory services.

C. One Fairfax Policy adopted
   On November 21, 2017, the Board of Supervisors adopted a social and racial equity policy called One Fairfax. The policy’s goal is to ensure that the County considers equity when making decisions or developing programs and services. The School Board also adopted the One Fairfax policy at its November 20, 2017, meeting. The policy specifically calls out promoting equity through “digital access and literacy for all residents”. For more information, or to read through the entire policy, take a look at www.fairfaxcounty.gov/topics/one-fairfax.

VI. ACTION ITEMS:

Acting Chair Donovan moved forward actions items B-I on the agenda.

B. Addition of a glossary to the Library Board of Trustees Policy Manual

RECOMMENDATION: Library Administration recommends adding a glossary to the policy manual.
BACKGROUND: The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. As the committee has reviewed numerous policies,
they noticed that there was some library-specific jargon that might be hard for the average library user or community member to understand. They requested the addition of a glossary to provide standard definitions for library-related language. Attached to the January 2018 Board packet is the draft glossary for the Board’s consideration.

Mr. Ewing moved to adopt the policy change and Mr. Russell seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

Fairfax County Public Library Board of Trustees Policy Manual-Glossary

**ACCEPTABLE INTERNET USE POLICY:** Local public library policy that governs users of the library’s Internet access.

**ACCESS:** The availability of library and information services to any personal user. Access is complicated by such things as architectural barriers, illiteracy, and inadequate physical plants.

**ACQUISITIONS:** The process of selecting and procuring books, periodicals, and other materials by purchase, exchange, and gift; of processing invoices for payment; and of keeping the necessary records of these acquired items.

**ACTION ITEMS:** The Library Board of Trustees considers policy decisions and other voting actions outside of the approval of minutes in two phases. An item is first placed on an agenda as a “consideration item” and it is read into record but not discussed. An item then reoccurs on the agenda at the next meeting as an “action item” and it is discussed, amended if appropriate, and then voted on.

**AD HOC:** The Library Board of Trustees Chair creates “ad hoc” committees for the purpose of a short term goal or objective.

**ADA:** Americans with Disabilities Act, a comprehensive and complex act of Congress passed in 1990. The act is intended to eliminate discrimination against the disabled. Title III deals with access to public accommodations including libraries. ADA also deals with employment practices.

**ALA:** American Library Association, the national professional organization.

**A-V:** Audiovisual. Communication resources that rely on a device for transmission, reproduction, or enlargement to be fully utilized (e.g., films, records, cassettes, compact discs). Print and print substitutes are excluded.
BOARD OF SUPERVISORS: Fairfax County has an elected Board of Supervisors consisting of nine members elected by district, plus a chairman elected at-large.

BOARD OF TRUSTEES: The governing Board of the public library.

BRANCH LIBRARY: An auxiliary unit of the Administrative Entity that has at least all of the following: 1) separate quarters; 2) an organized collection; 3) paid staff; 4) regularly scheduled hours for being open to the public; and 5) open to the public at least 20 hours per week and telephone with a listed number. Outlets that do not meet these requirements are considered a Station Library.

CALL NUMBER: Letters and numbers indicating the location of a book or other material, usually composed of the classification number and the author’s last initial.

CAPITAL FACILITIES: Fairfax County Capital Facilities Department exists within the greater Department of Public Works and Environmental Design. Capital Facilities supports the design and construction of libraries, courts, police and fire stations, other governmental facilities, and infrastructure improvements projects for roads and sanitary sewer extensions.

CATALOG: A guide to the materials found in the library, usually accessed by a personal computer.

CATALOGING: The process of preparing a catalog or entries for a catalog. This includes the classification and assignment of subject headings for books and materials and determining all points of access to the record.

CENSORSHIP: The act of attempting to prohibit or restrict access to materials or information.

CIRCULATION: The activity of a library in lending books and other materials to borrowers and keeping a record of such loans.

COLLECTION: A group of library materials having a common characteristic, such as Juvenile Collection, Reference Collection, Pamphlet Collection, etc. The term may also refer to the aggregate of the library’s entire holdings.

COLLECTION DEVELOPMENT: The process for selecting library materials to meet a library’s needs, goals, objectives, and priorities, as well as developing criteria for removing items no longer needed for the collection.

COMMUNITY LIBRARY (FAIRFAX COUNTY): A public library branch of the Fairfax County Public Library system, smaller in physical size than a regional branch and holding a lesser quantity of materials, and open fewer hours to the public than a regional location.

CONFIDENTIAL RECORD: Records prohibited from public disclosure because access to information may cause harm or embarrassment to the state, its citizens, or other individuals
or organizations. Includes information exempt from disclosure under the provisions of the Freedom of Information Act (FOIA), proprietary information, protected business data, and other information as outlined in agency or locality policies, directives, or regulations.

**CONSIDERATION ITEMS:** The Library Board of Trustees considers policy decisions and other voting actions outside of the approval of minutes in two phases. An item is first placed on an agenda as a “consideration item” and is read into record but not discussed. An item then reoccurs on the agenda at the next meeting as an “action item” and is discussed, amended if appropriate, and then voted on.

**CONSORTIUM:** A formal or informal association of libraries or other organizations having the same or interrelated objectives.

**DATABASE:** A large compilation of information that can be immediately accessed and operated on by a computer data-processing system. Any organized collection of data, gathered and stored in a computer.

**DISCARD:** The act of removing a book or other cataloged item from the Library’s catalog.

**DISPLAYS:** A collection of books, objects, posters, etc. exhibited in a prominent location, such as in a library display case or on merchandising furnishings.

**DONATIONS:** Typically, books or other items that are provided to the Library free of cost.

**FAIR USE:** Provision of the copyright law stipulating the allowable and legal use of short passages of copyrighted material without permission, for instance, as quotations in a magazine or book.

**FEES/FINES:** The Fairfax County Public Library assesses late fees to the record of any borrower who fails to return or renew library materials on or before their due date.

**FOIA:** Freedom of Information Act for Virginia—State law requiring public records be open for inspection by interested parties (see §2.2-3700 of the Code of Virginia). Exempt records are those that have been exempted from public disclosure under the provisions of the Freedom of Information Act.

**FRIENDS OF THE LIBRARY:** Library branches of the Fairfax County Public Library are aided by their Friends group. These individual groups provide money to the Library, as well as support, assist and promote library activities.

**GIFTS:** Items, physical or monetary, donated to the library.

**GOVERNING BODY:** The Board or council that governs a local government unit.

**GOVERNMENT DOCUMENT:** Any publication originating in, or issued with the imprint of, or at the expense and by the authority of, any office of a legally organized governmental organization.
GUEST CARD: Non-library-card holders can purchase guest cards to use the internet.

HANDOUTS: Pamphlets, flyers, calendars, newsletters, tabloids, and similar free materials offered to the public for community awareness and convenience.

HOLDS: Items requested to be sent to a specific library branch for a customer.

ILL: Interlibrary loan—a cooperative arrangement among libraries by which one library may borrow materials from another library. Also refers to a loan of library materials by one library to another.

LEGISLATIVE INFORMATION SERVICES (LIS): A state platform that allows visitors to search for bills and resolutions by subject, time period and bill number.

LIBRARY CARD: People who qualify can obtain a library card that grants access to materials and online content.

LIBRARY FOUNDATION: The Foundation is a 501(c)(3) nonprofit corporation that exists to raise supplementary funds for the Fairfax County Public Library and is committed to its mission statement of seeking financial gifts from individuals, organizations, foundations, businesses and corporations who have a vested interest in the quality of life of Fairfax County while encouraging continued and increased public tax-based support for the library.

LVA: Library of Virginia.

MATERIALS: Items for circulation or permanent/reference collections.

MEETING ROOMS: Rooms available in library branches for use by the public, non-profit groups, support groups, and staff. Use must be open to the public and typically at no cost to participants.

MICROFICHE: Refers to sheet film.

MICROFILM: Refers to roll film.

MISSION: Overall or basic purpose, the primary reason for existence. A mission statement is generally expressed in abstract terms and communicates the library's purpose to internal and external constituencies. The statement should explain what the library does, differentiate it from other organizations, and provide guidance for related subsequent planning activities such as the development of goals, objectives, and strategies.

MLS: Master's Degree in Library Science. The graduate professional degree in library science. Also called MSLS, MSLIS, MALS.

NONRESIDENT: A person who resides outside the taxing area of a public library.

OBJECTIVE: A specific expected outcome as a result of certain actions. Usually stated in terms of what is to be done for or by whom, in what length of time, and to what standard of performance.
OUTREACH: Programs and activities that extend beyond the library building. Examples include service to nursing homes, jails, and other correctional facilities; bookmobile service and books-by-mail service to geographically remote areas; and service to the homebound.

PERIODICAL: Magazine, newspaper, or other material normally issued at regular intervals. Each issue is numbered consecutively and/or dated.

POLICY: A course of action adopted and supported by the Library Board of Trustees. The Library Board maintains a Policy Manual.

PRIVACY-PROTECTED RECORDS: Records containing personal information that are protected from improper disclosure by the Privacy Protection Act.

PROCESSING: The carrying out of the various routines before material is ready for circulation, including cataloging and physical preparation.

PUBLIC LIBRARY: A library supported mainly by local taxes and open to all users.

PUBLIC RECORDS ACT, VIRGINIA: State law governing the procedures used to manage, preserve, and destroy public records of the Commonwealth, its agencies, and localities (see §42.1-76 of the Code of Virginia).

RECIPROCAL BORROWING: An arrangement by which a person registered at one library may borrow books and other library materials in person from another library.

REFERENCE SERVICE: A library’s activity in seeking to locate and supply specific information requested by library users and in assisting patrons to use the resources of the library.

REGIONAL LIBRARY (FAIRFAX COUNTY): A public library branch of the Fairfax County Public Library system, larger in physical size than a community branch, holding a larger quantity of materials, and open more hours to the public than a community location.

REGIONAL LIBRARY (LVA): A public library serving more than one political subdivision.

REGISTERED BORROWER: Individual who has an active library card.

REGULATIONS: A law, rule, or other order prescribed by authority, especially to regulate conduct.

SELECTION: The process of choosing the books and other materials to be bought by a library.

STATE AID: An item of state expenditure for operating, strengthening and improving public libraries.

STATE LIBRARY AGENCY: The Library of Virginia is the library agency, the archival agency, and the reference library of the commonwealth. This agency is also charged by law to give direction and assistance to all public and institutional libraries.
STATUTES: A formal written enactment of a legislative authority that governs a nation, state, city or country. Typically, statutes command or prohibit something, or declare policy.

STATUTORY AUTHORITY: A body set up by law that is authorized to enact legislation on behalf of the relevant country or state.

TALKING BOOKS: The Access Services Library provides specially recorded books, magazines, and players to residents of Fairfax County, the City of Fairfax, and the City of Falls Church through the free Talking Book Program of the Library of Congress National Library Service for the Blind and Physically Handicapped.

TECHNICAL SERVICES/OPERATIONS: Those services connected with purchasing, cataloging, binding, and preparing for library use materials added to a collection, and maintaining the collection with necessary repairs and renovation of all library materials.

TELECOMMUNICATIONS: Transmission and reception of data by electromagnetic means.


VOLUME: A book forming part of a work or series.

WEEDING: The process of examining books, pamphlets, and various other materials and removing from the current collection those items that are out-of-date, obsolete, shabby, or unneeded duplicates.

C. Update to Policy D Regarding Cooperation with Other Jurisdictions and Libraries

RECOMMENDATION: Library Administration recommends updating Policy D to standardize terminology and update some language.

BACKGROUND: The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy D, regarding cooperation with other jurisdictions. The policy requires updates to correct terminology. The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Mr. Jasper moved to adopt the policy change and Mr. Russell seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

Policy Regarding Cooperation with Other Jurisdictions and Libraries
1. The Library Board of Trustees and the Library Director shall be alert to opportunities for cooperating with other libraries where such cooperation will bring about a desirable expansion in library service or improvement in the quality of service or both.

2. The Library Board may consider and recommend to the Board of Supervisors contractual arrangements with other libraries, public bodies, or political jurisdictions, keeping in mind that such arrangements must not interfere with the quality and efficiency of the Fairfax County Public Library service. The Virginia laws relating to contractual library service shall be observed wherever they apply.

3. Reciprocal borrowing arrangements with other libraries are encouraged.

D. Update to Policy E Regarding Physical Facilities

RECOMMENDATION: Library Administration recommends updating Policy E to include reference to the Capital Improvement Plan.

BACKGROUND: The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy E, regarding physical facilities. The policy requires updates to include the County’s Capital Improvement Plan. The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Mr. Ewing moved to adopt the policy change and Mr. Jasper seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

Policy Regarding Physical Facilities

1. To achieve the goal of good Countywide Library service, the Library Board will work toward providing Library buildings and facilities that will adequately meet the physical requirements of such service.

2. Buildings shall be located as determined by the County’s Comprehensive Capital Improvement Plan (CIP) and the Library Board after due consideration of all factors; i.e., population density, growth trends, and transportation.
3. The administration of the building program and maintenance of buildings and equipment shall be the responsibility of the Library Director in cooperation with appropriate County and City agencies.

4. No library may be established until suitable and adequate quarters can be provided.

5. Any building to be used for a library shall be approved by the County’s building inspector and fire inspector and shall meet at least the minimum County requirements for public buildings.

E. Update to Policy I Regarding Safeguarding of Library Materials

**RECOMMENDATION:** Library Administration recommends updating Policy I to update the approved locations for the fine schedule.

**BACKGROUND:** The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy I, regarding safeguarding of materials. The policy requires the addition of the library’s website as a location where the schedule of fines shall be located. The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Mr. Ewing moved to adopt the policy change and Mr. Jasper seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

**Policy Regarding Safeguarding of Library Materials**

1. Fines
   Fines for overdue materials on loan may be assessed in an amount determined by the Director. The schedule of fines shall be prominently displayed in each Library and on the library’s website.

2. Recovery of Materials
   The Director may, after consultation with the Chairman of the Library Board of Trustees and the County Attorney, take appropriate legal action to recover overdue materials from patrons.
F. Update to Policy K Regarding Displays and Handouts

**RECOMMENDATION:** Library Administration recommends updating Policy K to update formatting and language.

**BACKGROUND:** The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy K, regarding displays. The policy requires formatting edits, as well as changing the word “will” to “shall.” The current version of the policy and the recommended updated version of the policy are included are attached to the January 2018 Board packet.

Mr. Ewing moved to adopt the policy change and Ms. Smolen seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

**Policy Regarding Displays and Handouts**

1. **Display** — A collection of books, objects, posters, etc. exhibited in a prominent location, such as in a library display case or on merchandising furnishings.

2. **Handouts** — Pamphlets, flyers, calendars, newsletters, tabloids, and similar free materials offered to the public for community awareness and convenience.

3. **Displays — Public**
   Requests made by the public for Library display space shall be granted only for educational, artistic, and cultural materials that are designed primarily to promote interest in the use of books, other library materials, and information services. Displays shall not include prices of objects; only the name, address, and telephone number of the displays may be made available to the public.

   Requests shall be considered in the order in which they are received. The Library reserves the right to limit the size, number of items, the schedule of any display, and the frequency with which the artist or organization may have a display.

   A request for a display focusing on a public issue must indicate that all aspects of the issue will be presented in an equal manner. The Library Director shall determine whether or not the proposed display is balanced.

   A "credit line," i.e., a sign stating the sponsorship of the display, shall be included in all displays.
4. **Displays — Staff**

Subject to the approval of the Library Director, staff may create displays of library materials to encourage the use of the informational resources of the Library and promote a positive view of the Library in the community. Such displays should reflect all viewpoints on a given subject where appropriate.

5. **Handouts**

Materials shall be posted and/or distributed in library foyers or at other locations as determined by branch managers.

The Library posts and/or distributes free materials at its discretion. The service does not indicate Library endorsement of a cause, opinion or activity.

Prior to distribution, Library staff shall review materials. Selection criteria contained in the system's Collection Development Policy constitute the review criteria.

Library staff shall consider patron interest, space limitations and utilize the following priorities in descending order when determining which materials to make available:

- a. Fairfax County Public Library announcements/publications
- b. Fairfax County/Fairfax City Government announcements/publications
- c. Commonwealth of Virginia/United States Government announcements/publications
- d. Fairfax Library Foundation, Inc.; Fairfax County Public Library Employees Association; and Friends of the Library announcements/publications
- e. Neighborhood civic, recreational, cultural, religious and educational announcements/publications
- f. Political information that is current, i.e., materials must pertain to an election being held within the next 45 days; Once the election is held, the materials will be removed
- g. Commercial publications containing information of general interest to Library patrons

Branch Managers shall respond to concerns about the propriety of handouts in branch libraries. Patrons may appeal a Branch Manager’s decision by writing the Library Director.

Library Administration shall respond in writing to patrons regarding their concerns about the propriety of materials authorized for systemwide distribution. Patrons may appeal such a decision to the Library Board.

Such appeals shall follow the System’s reconsideration of Library materials policy.
Approval of a display or distribution of handout materials does NOT indicate that the Library endorses any cause or activity.

G. Update to Policy L Regarding Soliciting and Selling

**RECOMMENDATION:** Library Administration recommends updating Policy L to update the name of the Fairfax Library Foundation.

**BACKGROUND:** The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy L, regarding soliciting. The policy requires updating the name of the Fairfax Library Foundation. The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Mr. Jasper moved to adopt the policy change and Mr. Ewing seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:

**Policy Regarding Soliciting And Selling**

Soliciting or selling in all Library buildings and on adjacent grounds, owned or leased, or in Library meeting rooms shall not be permitted except when (a) sponsored by the Fairfax County Public Library, Fairfax Library Foundation, Inc., Fairfax County Public Library Employees Association, or Friends of the Library organizations; or (b) approved by the Library Board.

H. Update to Policy N Regarding Volunteers

**RECOMMENDATION:** Library Administration recommends updating Policy N for small language changes.

**BACKGROUND:** The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy N, regarding volunteers. The policy requires updating to change “will” to “shall.” The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Ms. Levy moved to adopt the policy change and Mr. Ewing seconded it. The motion passed unanimously with no discussion.

The Following wording was approved:
Policy Regarding Volunteers

1. The Library Board supports the utilization of qualified volunteers for the benefit of the Library System within a structured program to supplement the work of paid staff.

2. A paid Volunteer Coordinator shall be responsible for the recruitment and training of volunteers for the Library System.

3. Written guidance for system-wide understanding and implementation of the volunteer program shall be maintained and distributed as appropriate.

I. Update to Policy Z Regarding the Library Code of Conduct

RECOMMENDATION: Library Administration recommends updating Policy Z for formatting updates.

BACKGROUND: The ad hoc Policy Committee of the Library Board of Trustees met on November 6, 2017, to discuss a number of policy updates. One policy brought forward by the committee for update is Policy Z, regarding the code of conduct. The policy requires formatting updates. The current version of the policy and the recommended updated version of the policy are attached to the January 2018 Board packet.

Mr. Ewing moved to adopt the policy change and Mr. Jasper seconded it. The motion passed unanimously after a discussion about whether dogs used for programs counted as service animals, which they may.

The Following wording was approved:

Policy Regarding the Library Code of Conduct

Fairfax County Public Library Code of Conduct is for use in library buildings to help guide and define acceptable behaviors in library spaces. The Code of Conduct shall be posted in a public area.

Fairfax County Public Library welcomes customers; we expect all visitors to be respectful of our neighbors, staff and facilities and engage in activities associated with the use of the Library. In particular we prohibit:

- Damaging library materials/property or removing them without permission; rearranging the furniture
- Obstructing or monopolizing any library space
- Use of library computers/Internet access in violation of Virginia Code*
- Inappropriate use of the restrooms
Eating (except in designated areas)
Alcoholic beverages and illegal drugs
Smoking and use of tobacco products
Disruptive behavior
Harassing, threatening or intimidating language or behavior
Animals (except service animals)
Soliciting or distributing literature without prior approval

A person who fails to observe these rules may be asked to leave and could have future access to Fairfax County Public Library limited or suspended. The Library works in partnership with the Fairfax County and City of Fairfax Police Departments to keep its customers, staff and facilities safe. Thank you for your cooperation.

* Virginia Code §18.2-374.1:1 (child pornography), Virginia Code §18.2-372 through §18.2-374 (obscene materials) or §18.2-377 (obscene materials)

After action items B through I, discussion returned to action item A.

A. Memorandum of Understanding between the Library Board of Trustees (Library Board) and the Friends of the Library (Friends)

**RECOMMENDATION:** Library Administration recommends approving an updated Memorandum of Understanding (MOU) between the Library Board and the Friends, to provide additional clarity and information to both parties.

**BACKGROUND:** The Library Board has been considering the idea of an updated MOU with the Friends of the Library groups for several years, with the process starting up in earnest in 2017. The Library Board has an ad hoc MOU committee, which had been working with the County Attorney’s office to draft an updated MOU that covered County requirements such as licensing agreements for space, Board of Trustee areas of interest such as meeting annually to talk about priorities and projects, as well as requirements that the Friends groups must comply with in order to be nonprofits, such as 501c3 status. There is a [current MOU](#) between the Friends and the LBOT and many of the original components have been considered and included in the draft updated version.

The MOU committee provided a full public meeting in late May 2017, to talk with the Friends groups about high level areas of an updated MOU. Following feedback from that meeting, three Friends working sessions were provided in August 2017 to allow for Friends groups to have smaller, more in-
depth discussion of those high level areas. Two informational sheets were provided to the Friends with further clarify regarding those high level areas. After the August sessions, a draft MOU was finalized and released concurrently to the Library Board and the Presidents of the Friends groups on September 13th, 2017. Friends groups were requested to provide comments and questions by October 1st, for inclusion in the October Library Board packet. Several FOL groups requested additional time for commentary and the period was extended; commentary received between October 2nd and October 30th was included in the November Library Board packet.

In addition to providing an open and transparent process to the Friends groups, the MOU Committee is also committed to provide transparency to the general public. A public page is available where anyone can read the minutes of past meetings, review the high level areas, read the draft MOU, and submit their personal comments.

The draft MOU update is very similar to other MOU updates approved or pursued by other County agencies. The draft MOU closely models the MOU between the Friends and the Animal Shelter, approved by the Board of Supervisors in March 2017, as well as the draft MOU update between the Park Authority and its Friends groups.

Included as part of this action item in the January 2018 packet are the following:

1) Fifth Update to the draft MOU dated January 4, 2018;
2) Fourth Update to the draft MOU dated December 19, 2017;
3) Third Update to draft MOU dated December 7, 2017;
4) Friends MOU Compiled Comments dated November 3, 2017;
5) Recommended Updates to the draft MOU dated November 3, 2017;
6) Areas Not Recommended for Update dated November 3, 2017;
7) Updated Draft MOU provided on November 3, 2017; and

The Library Board continued the discussion from the December 13, 2017, meeting. At the December meeting the Trustees approved language through section 3d. The public was encouraged to provide any further feedback to their district’s Trustee.

The Board started the discussion with item 4A. Mr. Ewing asked about the non-stock component; would the Friends be able to be incorporated in other states? Mr. Ewing stressed that if the Board stipulates where the Friends can be incorporated, then the Board begins to threaten their independence. Ms. Smolen stated that if they were truly independent entities would they would not use library spaces and resources. Mr. Ewing said the dictates from other entities decreases the independence of the Friends. Ms. Smolen said that if groups would be more willing to sign if they could incorporate in other states then that would addressed.
The Board moved to item 4B. Ms. Smolen said that the groups have been operating for the past ten years under an MOU that has these same requirements. Ms. Millhouser said 4Bi would limit what the groups could spend their money on. Ms. Levy added that her Friends groups have raised the same issue. The Board decided to add to 4Bi a line to include “other non-commercial community activities.”

The Board went back to discuss 3B to remove the “as stated in paragraph 1C” as Mr. Ewing said it was redundant. They approved removing that wording.

Ms. Millhouser asked if the Board could revisit 1F, as a question was raised about invoices and other records. Ms. Smolen stated that this section does not stipulate that, however it will be addressed in 4C. Ms. Millhouser pointed out that there was a reference to “2B” and this should say “3B.” The reference was amended.

Mr. Ewing requested further discussion of 4Bii regarding if any of section 4’s stipulations would endanger the Friend’s 501(c)(3) status. Ms. Smolen said this is an agreement that groups are signing and should not affect their individual status. The Board had further discussions regarding dissolution clauses, and where money would go in the event of a dissolution. Mr. Ewing said that there needs to be a grace period to allow for Friends bylaws to adjust to the MOU.

Ms. Smolen went on to discuss 4C, which covers two items; 501(c)(3) and to the need to advise the Board if the group changes or dissolves. Mr. Russell stated that the Board has the authority but can direct the library to act on behalf of the Board. In sentence 4C, Mr. Ewing wanted to change “Library Administration” to “The Board.” That wording was amended. Ms. Smolen said that this would cover any system the Friends currently have in place for record keeping. Ms. Smolen discussed point by point issues raised by the Friends regarding this clause.

Ms. Smolen stated that the Board is the biggest donor and biggest recipient. Allowing the Board to see records does not mean the Board can dictate how the money can be spent. The Friends groups have hard working individuals who maintain great records, but what would happen when a member of the friends leaves and there is not a system in place to ensure proper records are kept? Most 501(c)(3) have auditors or reviewers and currently there is no third party reviewer for the Friends.

Ms. Levy said that the Virginia Room Friends have a volunteer auditor who looks at their books every year. Ms. Smolen said that would be expensive for Friends groups to pay for and the Board is not asking for that. Mr. Ewing said that 3C should be transparent and there shouldn’t be a reason to hide the records. Mr. Jasper said as long as you have a CPA doing the audit, that should be sufficient. Ms. Janega said looking to the future, anything that deals with money has to have an accounting system in place. She feels this is a safeguard for the group and is not a controlling mechanism. Ms. Millhouser asked what it really means to provide records. Ms. Smolen said it is
listed in the 501(c)(3) guidelines. Mr. Ewing asked if the Friends can to choose not have an audit and if this is the case, what is the alternative? Ms. Smolen suggested the following be added to the statement “A Friends group may present to the Board an annual CPA prepared audit letter instead of making their underlying documentation available.”

Ms. Levy stated that insurance can be very expensive. By being transparent and maintaining appropriate documentation, groups could avoid some types of insurance or decrease costs.

Moving on to section 5, Mr. Ewing said if there was an issue would they have to wait five years to change a provision. Ms. Smolen suggested adding the following language “This MOU may be amended during the term of the MOU upon the consent of all parties.” Ms. Levy asked why it was set at four years and not five years. The Board decided to change it to five years with the option to renew for additional five year periods. Ms. Smolen suggested in 5B that the library should not be able to terminate the MOU, it should only be the Board or Friends group, and the Board agreed. The Board further discussed section 5C, with no recommended edits.

The Board began discussion of section 6. Ms. Millhouser stressed that space is a resource issue and feels it should be added to that section with people familiar with the library having a say in future library design. Mr. Ewing also suggested that language needed to be added to ensure that space is provided. Mr. Russell pointed out that this is addressed in the library design manual already in place in the county. Ms. Smolen said that although there are many different needs regarding space, the Board cannot put items in that they cannot control. Director Hudson suggested minimal language about space, as many Friends groups currently have more space then what is stipulated in the library design manual. The Board decided to add a line stating, “The Board recognizes the need to plan for space for Friends operations.” Some small, grammatical edits were recommended in other areas of section 6.

Ms. Smolen said the one unresolved issue is, if the groups can incorporate in other states other than Virginia. Mr. Ewing requested further clarification on the control and independence. Ms. Smolen discussed the process involved in drafting the MOU, which involved the County Attorney, and that there should not be anything in the document which limits the independence of the individual Friends groups. Mr. Ewing said he was not satisfied with the assessment regarding independence of the group and would like further clarification and outside guidance. Acting Chair Donovan asked if there was a motion on the floor. Mr. Ewing made the motion to table the action item until February and Mr. Jasper seconded it.

Ms. Smolen asked if there was a general consensus to delay it another month. She was going to make a motion to approve the document if the motion to table failed. Ms. Levy said before they vote, can the MOU be amended to meet the needs of the individual Friends groups at the time of signing. If so, they could change the state in which they are incorporated at that time? Ms. Smolen shared that this MOU is meant to be a single document applicable to all Friends groups, not amended on a one by one basis. Ms. Millhouser said that she has met with Friends groups
who do not want this to be prolonged. She does not understand the need to include other states related to incorporation. Mr. Ewing said the main issue is control and independence. His question is, does section 4 create a state of dependence for the FOL groups with the Board, and will that then result in them losing their 501(c)(3) status?

Ms. Smolen expressed that this process has been thorough and thought out. She understands Mr. Ewing’s concern, but also thinks there is a value to approve the MOU as it compares to other MOUs both approved and in the process for other County agencies and their non-profit partners. If the vote to table the item fails, she is going to suggest a motion to approve the MOU. The Board continued discussion about the pros and cons of tabling versus approving the MOU at this time.

Mr. Russell asked if 6C could be changed to say only the Board and the Friends can amend the document. The section was amended to change “the Parties” to “The Board and Friends.”

A vote was called regarding tabling the item; it did not pass with only Mr. Russell and Mr. Ewing voting in favor.

Mr. Donovan asked for a motion to act upon Action Item A. Mr. Jasper moved the motion and it was seconded by Ms. Smolen. Mr. Donovan asked if there was any further discussion. Mr. Ewing said he feels the Board is rushing and making a mistake to quickly pass this MOU and he acknowledged the Friends and the thousands of volunteer hours they donate. He said if the library loses one Friends group over the MOU he thinks the Board would have failed. He finds it strange that Mr. Ewing and Mr. Russell have a majority of the Friends groups and they are both opposed to this MOU. Those who have only one or small groups are being self-servicing. The Friends are volunteers who provide thousands of hours to the library. If the Board rushes and the Friends don’t sign, it’s a failure of the Board. Ms. Smolen then asked for Mr. Russell’s opinion on why he voted to table the motion.

Mr. Russell read a statement saying that he met with his Friends groups and told them that the MOU was most likely going to pass. They encouraged him to vote no so that the historical record would indicate that it was not a unanimous decision and it was not supported by all groups. For that reason Mr. Russell is voting no for the MOU. He expressed the need for feelings to be put aside and to work with the MOU for the betterment of the Library and the people it serves.

Ms. Millhouser met with two of her three groups and explained to them why certain things need to be done. She feels strongly that she represents the community as well as the branches. Transparency is important and that is why she will vote yes; it is a community issue and she has a responsibility to the public, not just the Friends.

Ms. Janega said she resents Mr. Ewing’s comment on not valuing the Friends. She says the Friends groups are valuable and she does not see anything that devalues them in the MOU. This has been a thorough process where may changes have been made that were requested by the Friends. She
does not understand the need to hold this up any longer for emotional issues. The Board does value the Friends and that is why this needs to be passed.

Mr. Jasper said it is very questionable as to whether this process should be stopped simply because a situation “may happen”.

Mr. Donovan thanked everyone for the collegial process. Ms. Millhouser asked if the document could be looked over for grammatical purposes; Director Hudson will provide a clean copy to Ms. Millhouser for review.

The item was called for a vote to accept the marked up version of the MOU. The Motion passed with Mr. Ewing and Mr. Russell dissenting.

VII. ROUNDTABLE:

Mr. Ewing – He recognized and thanked Charles Keener for his 43 years of service to the library.

Ms. Smolen – She thanked the Board, the Friends and members of the public who worked on the MOU.

Ms. Levy – She encourages everyone to attend the 10th anniversary of the opening of the new City of Fairfax Regional Library. She also wanted to note that the Chairman of the Board of Supervisors recognized all involved in the 275th anniversary of Fairfax County.

Ms. Millhouser made a motion to adjourn and Mr. Ewing seconded it. The motion was approved.

Acting Chair Donovan adjourned the meeting at 9:09 p.m.

**Members Present**

- Michael Donovan
- Darren Ewing
- Sheila Janega
- Will Jasper
- Suzanne Levy
- Fran Millhouser
- Miriam Smolen
- Gary Russell

**Members Absent**

- Priscille Dando
- Yearn Hong Choi
Respectfully Submitted:

______________________________
Jessica Hudson
Library Director

Approved:

______________________________
Michael Donovan, Acting Chair
FCPL, Board of Trustees