

MINUTES
THE LIBRARY BOARD MEETING
The Library of Virginia

November 15, 2004

The Library Board met on Monday, November 15, 2004, in the Board Meeting Room of the Library of Virginia located at 800 East Broad Street, Richmond, Virginia.

I. CALL TO ORDER/QUORUM

The meeting was called to order at 10:35 a.m. by the chair, Franklin E. Robeson. He welcomed the Library Board and announced that a quorum was present. Sandra G. Treadway, Deputy Librarian, served as secretary to the Board in the absence of Nolan T. Yelich, Librarian of Virginia. The following members were in attendance:

Gilbert E. Butler, Jr.	Lewis F. Powell III
John S. DiYorio	Stephen E. Story
Mary G. Haviland	Charles W. Sydnor, Jr.
F. Claiborne Johnston, Jr.	Henry Wiencek
Valerie Jean Mayo	

Franklin E. Robeson, chair
Christopher M. Marston, vice-chair

Peter E. Broadbent, Jr., Dylce P. Clarke, Samuel E. Massenberg, and Clifton A. Woodrum III were absent.

II. APPROVAL OF AGENDA

One modification was made to the Agenda. The report for Item VII – Information Items, C., Showcase: the Semper Virginia Society, would be presented under the Library of Virginia Foundation Committee report. Charles W. Sydnor, Jr., moved to approve the amended agenda, which motion was seconded and unanimously passed by the Board.

III. WELCOME TO VISITORS AND STAFF

Dr. Robeson welcomed the visitors and the staff.

IV. ANNOUNCEMENTS

There were no announcements.

V. PUBLIC COMMENT

There was no public comment.

VI. CONSENT AGENDA

- **Approval of The Library Board Minutes of September 20, 2004**

F. Claiborne Johnston, Jr., moved for acceptance of the Consent Agenda consisting of the September 20, 2004 Library Board minutes. The motion was seconded and the Library Board voted unanimously to accept the Consent Agenda and the September minutes.

VII. INFORMATION ITEMS

A. Reports from Other Organizations

G. William Thomas, Jr., president of the Friends of the Virginia State Archives, reported that the Friends fall program, held at the Library on November 6, 2004, was favorably received. Their spring program, *Straight to the Source*, is scheduled for April 1, 2005. Mr. Thomas invited the Librarian and the Archivist to the assembling of the Electoral College on December 13 at the Old Chamber of the House of Delegates and asked that the Journal for the Electoral College be made available for viewing at that event. Information about the Friends and their activities as well as previous newsletters will be available on their new Web site www.vaarchives.org.

B. Report from the Office of the Attorney General

Alison Paige Landry, Senior Assistant Attorney General, reminded the Board that the General Assembly has directed the Office of the Attorney General (OAG) to give comprehensive training on the Conflict of Interest Act and the Ethics in Public Procurement Act, which is required for all officers of government and those who must file Statements of Economic Interest with the Secretary of the Commonwealth's office by December 31, 2004. The OAG's interpretation of this ruling is that this training needs to be delivered twice a year, but individuals are not required to take the course twice a year. The second time it is presented each year will be for new filers. The training is offered on a DVD, which is not copyrighted and can be duplicated. Ms. Landry cautioned Board members "to ask before you act" because even though something may not constitute an actual conflict, there may be an appearance of impropriety, and the act has severe penalties. Violation of the Act is a Class I misdemeanor. The Act covers everything from bribes, kickbacks, to spousal employment, working in the Commonwealth and then going into private practice, lobbying after being an officer of state government, etc. Ms. Landry asked those taking the training to check the OAG's Web site regularly for updates and changes. The signed self-certification form must be returned to the agency, which will keep the form on file for five years. The trainee should also keep a copy. A packet containing information and the DVD was distributed to each Board member.

C. Committee Reports

- **Archival and Information Services Committee**

Dr. Sydnor, committee chair, asked Conley Edwards, director of the Archival and Information Services Division, to summarize the committee meeting. Mr. Edwards reported that the committee met concurrently with the Collection Management Services Committee for a staff report about the history and description of procedures in processing business records. Recent

acquisitions include the Loudoun Mutual Insurance Company, Universal Leaf Tobacco Company, and successive additions to the Tredegar Iron Company records plus the finding aids.

The division director advised that the Library's largest collection is state agency records, followed by court records. Smaller records collections frequently supplement the information found in the larger collections. An example is the Library's collection of Organizational Records. The committee received an informational handout about this collection prepared by an intern working with the archival staff during the summer.

Since the Reading Rooms resumed Monday openings as of September 13, 2004, the activity levels have returned to usage levels prior to the Monday closings that began in October 2002.

The director also updated the Board on the Library's recent efforts to acquire a 1785 letter from Patrick Henry to Benjamin Harrison that was being offered by a New York manuscript dealer. After much research, the Library is of the opinion that this document falls under the Public Records Act, and the Library can assert a claim to this letter. The director contacted the manuscript dealer and asked that the document be withdrawn from sale while its ownership is established.

- **Collection Management Services Committee**

John S. DiYorio, committee chair, advised that this committee met jointly with the Archival and Information Services Committee.

- **Legislative and Finance Committee**

Gilbert E. Butler, Jr., committee chair, asked Jim Davis, facilities director, to comment on the building issues. Mr. Davis reported that although there are no major environmental issues at this time, there have been additional water leaks in the building that have been addressed by the Department of General Services (DGS). The effectiveness of the measures taken by DGS will not be known until the next rain. A copy of House Document No. 20, a *Report of the Secretary of Administration regarding the Library of Virginia Building*, was distributed to the Board, and there was discussion concerning this report.

Ann Harris, director of the Finance and Administrative Services Division, highlighted the Library's *Statement of Financial Condition as of October 31, 2004* and reviewed the expenditures, which are on target. The Library has 181 positions filled out of 194 and expects to fill five more positions next month. One budget request was submitted to increase the Library's employment level for three *Dictionary of Virginia Biography* positions that are funded by the National Endowment for the Humanities.

- **Public Library Development Committee**

CLOSED MEETING

Christopher M. Marston moved that the Library Board convene in Closed Session under the *Code of Virginia*, pursuant to Section 2.2.3711(A)(7) for "consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such

consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel” and that certain Library staff including Nelson Worley, director of the Library Development and Networking Division; and Jan Hathcock, Public Information officer, be allowed to attend the session. The motion was seconded and the Board voted 11–1 in favor of the Closed Meeting. Charles W. Sydnor, Jr., cast the “nay” vote.

The Board then entered into a Closed Meeting.

CERTIFICATION OF THE CLOSED MEETING

Because the Board convened in a Closed Meeting today pursuant to an affirmative-recorded vote and in accordance with the Virginia Freedom of Information Act, and because the *Code of Virginia* Section 2.2-3712(D) requires that we certify that such a Closed Meeting was conducted in conformity with Virginia Law,

Mr. Marston moved that the Board certify by roll-call vote that, to the best of each member’s knowledge:

- (i) only public business matters lawfully exempted from the open meeting requirements under this chapter, and
- (ii) only such public business matters as were identified in the motion by which the Closed Meeting was convened were heard, discussed or considered in the meeting by the public body.

The motion was seconded and the Board members voted as follows:

Franklin E. Robeson.....	Aye	F. Claiborne Johnston, Jr.	Aye
Christopher M. Marston.....	Aye	Samuel E. Massenberg	Absent
Peter E. Broadbent, Jr.	Absent	Valerie Jean Mayo.....	Aye
Gilbert E. Butler, Jr.	Aye	Lewis F. Powell III.....	Aye
Dylyce P. Clarke	Absent	Stephen E. Story	Aye
John S. DiYorio.....	Aye	Charles W. Sydnor, Jr.....	Aye
Mary G. Haviland	Aye	Henry Wiencek.....	Aye
		Clifton A. Woodrum III.....	Absent

With regards to a program for recertifying professional public librarians based upon continuing education credits, Mary G. Haviland, committee chair, reported that the committee unanimously approved a resolution to include this matter in a forthcoming Library of Virginia study of public libraries. Ms. Haviland called on Mr. Worley to provide further information on the background of this study along with its purposes and goals. Mr. Worley reported that a request for proposals to conduct this study has been made and proposals will be received until December 15, 2004. The purpose of the study is to assist the Library of Virginia in ensuring the Commonwealth’s public libraries are prepared to meet the challenges of the 21st century as valued community resources responsive to the rapid change in technology in society. The study will look at several factors affecting public libraries and the Library of Virginia including laws, regulations, and legal

authority concerning the establishment, governance, funding, management and administration of the public libraries. Funding programs and services administered by the Library of Virginia including the State Aid program's purposes, formula, and uses as well as the recommendations from the recent study by the Joint Legislative Audit & Review Commission will be included. The last study, done in the 1970's, resulted in significant *Code* changes.

Valerie Jean Mayo read the following resolution that was passed unanimously by the committee.

WHEREAS, the Library of Virginia Board in November 2003 voted to begin a program of recertifying professional public librarians based upon continuing education credits; and

WHEREAS, the Board is now advised that such regulations may exceed its legislative mandate;

IT IS THEREFORE MOVED, that all further development and enactment of said regulations be tabled and that the question of proposed legislation to confirm the Board's powers and duties regarding the oversight of professional librarian qualifications be included on the agenda of the forthcoming study by the Library of Virginia regarding public library programs, funding, laws, standards, and operations for the future.

Ms. Haviland, on behalf of the committee, moved that the Board support the committee's resolution, and it was unanimously accepted by the Board.

On behalf of the committee, Ms. Haviland moved that the Library of Virginia Board direct the Library's Senior Assistant Attorney General to pursue all non-litigation recourses in recovering a May 1785 letter from Patrick Henry to Benjamin Harrison. The motion was unanimously passed.

The Board was updated on carry-over legislation of particular interest to public libraries including House Bill 890 introduced by Delegate Mark D. Sickles to raise the per capita amount for libraries or systems servicing a population in excess of 600,000 and Senate Bill 483 that deals with Internet filtering.

Charles W. Sydnor, Jr., exited the meeting.

- **Publications and Educational Services Committee**

Committee vice chair Christopher M. Marston, in the absence of the committee chair, reported that the committee briefly reviewed the schedule and cost of the Library's most recent traveling panel exhibit, *Old Dominion Songsters: Traditional Blues in Virginia*.

The committee also visited the *Dictionary of Virginia Biography* project work area and learned the various workflow steps for individual biographical entries.

- **Records Management Committee**

Henry Wienczek, committee chair, advised that Robert Nawrocki, director of the Records Management and Imaging Services Division, updated the committee on the search to fill the vacant position for a records analyst.

The Library of Virginia (LVA) has applied to be one of five test states for the National Digital Information Infrastructure and Preservation Program funded through the Library of Congress to preserve Internet and other digital materials. If accepted, LVA will receive a \$50,000 grant to launch this study and will also have the opportunity of being one of the first states to receive implementation funds when the program begins.

The Library is continuing discussions with the House and Senate Joint Subcommittee on their review of the Virginia Public Records Act. Additional information about this committee's work will be provided at a future Board meeting.

- **The Library of Virginia Foundation Committee**

Dr. Robeson thanked the Foundation's executive director and staff for their efforts with the 7th *Annual Library of Virginia Awards Celebration Honoring Virginia Authors & Friends* held on October 16, 2004. The executive director recognized the sponsors that helped fund this event – Dominion, David Baldacci Enterprises, Media General, Bank of America, Ukrops Super Markets/First Market Bank, and the Fairfax Center for the Book. Media sponsors included Community Ideas Station and *Style Weekly* magazine.

The Foundation Board will meet on November 18, 2004. The next events related to the Library's Working Out Her Destiny exhibition are a series of panel discussions entitled Opinions, Perspectives and Personal Stories of Women We Admire scheduled for January 18 and February 17. The culminating event will be a two-day *Women's History Symposium* March 18-19, 2005, with news analyst and author, Cokie Roberts, as the keynote speaker.

The Library's awareness film has a script and David Baldacci will narrate. Production is expected to begin soon and may possibly be completed in time for the General Assembly session.

Ms. McIntire called on Heather Krajewski, the Annual Fund director, to explain the new model of membership fundraising entitled the Semper Virginia Society. Its main goal is to foster a closer relationship with Library supporters and the mission of the Library of Virginia. Ms. Krajewski outlined the various membership levels and the benefits of each. There is also a corporate partners program handled by Rick Golembeski, Corporate & Foundation Giving manager. She thanked the Board for their past support of the Foundation and looks forward to a 100 percent Board participation in the new membership society.

D. Report of the Executive Committee

Dr. Robeson reported that the Executive Committee has not met since the last Board meeting.

E. Report of the Chair

The Board was updated on the recent events Dr. Robeson has attended in his role as Library Board chair. He represented the Library of Virginia and brought greetings to the Virginia Library Association (VLA) Annual Meeting held in Williamsburg, Virginia, wherein he emphasized how closely LVA and the various public libraries work together and complement one another.

F. Report of the Librarian of Virginia

Dr. Treadway, Deputy Librarian, reported in the absence of the Librarian of Virginia. She briefed the Board about the recently held annual Employee Recognition Service event wherein Dr. Sydnor addressed the Library staff.

Information about parking for the next Board meeting will be sent to the Board as soon as the Library hears from DGS. A Board picture will be taken after the January meeting. Board members will receive an invitation to the staff's annual holiday breakfast on December 9, 2004. The next Library Board meeting will be January 27, 2005, and Board members are invited to the Legislative Reception scheduled for January 26, which is co-sponsored with Jamestown 2007 and VLA. Since this is an off year in terms of budget and legislation, there are no large issues for lobbying; however, Board members are encouraged to let the General Assembly know that the library community is interested in having some of the State Aid funding restored.

VIII. OLD OR NEW BUSINESS

Mr. Marston moved to accept the resolutions for three former Library Board members, Bobbie B. Hudson, Fran Sadler, and Wendy Church Sydnor, thanking them for their services to the Board. The motion was seconded and unanimously approved by the Board.

IX. ACTION ITEMS

There were no action items.

X. ADJOURNMENT

There being no further business, Mr. Marston moved to adjourn the meeting. The motion was seconded and the Library Board voted unanimously to adjourn at 12:45 p.m.

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