

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

Senate Bill 840 (Senator Hughes)  
Education, Health, and Environmental Affairs

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**Enoch Pratt Free Library of Baltimore City - Board of Trustees**

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This bill alters the governing structure of the Enoch Pratt Free Library of Baltimore City. The Enoch Pratt Free Library is established as a public agency of the State and Baltimore City. A new appointed board of trustees replaces the private self-perpetuating board of trustees. The library's board of directors is abolished. The bill provides that the Enoch Pratt Free Library consists of 1 central library and at least 21 branches located throughout Baltimore City. The bill provides for the termination of existing members of the board of trustees.

The bill supersedes any contrary provisions of existing laws pertaining to the Enoch Pratt Free Library of Baltimore City.

The bill takes effect July 1, 2002.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Potential increase in Baltimore City expenditures due to the provision requiring the city to have at least 21 library branches located throughout Baltimore City. **This bill imposes a mandate on the Enoch Pratt Free Library of Baltimore City.**

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** This bill alters the governing structure of the Enoch Pratt Free Library. The bill provides that the board of trustees consists of 7 to 9 members and that a 13-member nominating committee make the appointments. The nominating committee consists of: (1) the Mayor of Baltimore City, the Mayor's Visitor to the Board of Trustees, or the Mayor's designee; (2) one Baltimore City council member from each councilmanic district as designated by the President of the City Council; (3) four delegates from the Baltimore City Delegation as designated by the chairman of the Baltimore City Delegation; and (4) two senators from the Baltimore City Senate Delegation as designated by the chairman of the Baltimore City Senate Delegation. The board of trustees may recommend to the nominating committee a list of nominees to fill vacancies.

The board of trustees must include one member from each of the six councilmanic districts of Baltimore City; however, no more than two members can be appointed from any single councilmanic district. Trustees serve five-year terms and may not serve more than two consecutive terms. The board of trustees may not create a board of directors or delegate any of its powers or duties to any other person. The board of trustees must meet at least once each month.

**Current Law:** The governance structure of the library and the powers and duties of the board of trustees are established in Chapter 181 of 1882. It is a private nonprofit entity.

**Background:** The Enoch Pratt Free Library serves as the public library system in Baltimore City and as the State Library Resource Center. It was established in 1882 through a donation from Enoch Pratt who insisted that the library serve all city residents, "rich and poor without distinction of race or color." The Enoch Pratt Free Library is administered by a private self-perpetuating board of trustees.

### *Governance Structure*

According to the by-laws of the Enoch Pratt Free Library, the board of trustees has ultimate responsibility for the control and management of the library. The board of trustees appoints a board of directors to carry out the management and affairs of the library under the oversight and control of the board of trustees. The board of trustees must meet at least annually during the month of October to approve the actions of the board of directors.

The board of trustees must consist of 9 to 50 members. Currently, the board has 27 trustees. A library trustee must be a State citizen and reside in Baltimore City. Trustees

can serve an unlimited number of years as long as they maintain their city residency and attend annual meetings. If a trustee fails to attend three consecutive annual board meetings without being excused by the chairman, the trustee's position becomes automatically vacant. The board of trustees is responsible for appointing new trustees.

The board of trustees elects the members of the board of directors. Members of the board of directors must be State residents and a majority must be members of the board of trustees. Whereas the trustees must be Baltimore City residents, members of the board of directors do not have to reside in Baltimore City. Members of the board of directors are elected to three-year terms and can serve a maximum of two terms. The board of directors can consist of up to 25 members. The board of directors must hold its annual meeting in October following the annual meeting of the board of trustees plus three other regular meetings.

**State Fiscal Effect:** The Enoch Pratt Free Library was designated the State Library Resource Center by the General Assembly in 1971. This designation and accompanying State support allow all Maryland citizens to have access to the public library system. Acting in place of the state library that exists in most states, the State Library Resource Center works cooperatively with other libraries in a network that allows materials and information to be shared statewide.

State funding for the Enoch Pratt Free Library comes from two primary sources: (1) the County-State Minimum Library Program; and (2) the State Library Resource Center grant. In fiscal 2003, the Enoch Pratt Free Library will receive \$14.6 million from the State, \$5.4 million under the County-State Minimum Library Program, \$9.1 million under the State Library Resource Center grant, and \$0.1 million to operate the library at the Baltimore City Detention Center.

**Local Fiscal Effect:** The Enoch Pratt Free Library of Baltimore City has 1 central library and 21 branches. The fiscal 2002 budget for the Enoch Pratt Free Library totals \$27.1 million. Of this amount, \$12.8 million came from Baltimore City, \$13.4 million from the State, and \$0.9 million from special funds. The library is requesting \$30.0 million in funding in fiscal 2003. Of this amount, approximately \$14.6 million would come from the State and approximately \$14.4 million would come from Baltimore City. It is assumed that special funds would total \$1.0 million. The library's request would require a \$1.6 million or 12.5% increase in city funding in fiscal 2003. **Exhibit 1** shows the sources of library funding in fiscal 2002 and the estimated amount in fiscal 2003.

**Exhibit 1**  
**Funding for the Enoch Pratt Free Library**

<u>Source</u>	<u>FY 2002</u>	<u>FY 2003 Request</u>	<u>Difference</u>
Baltimore City	\$12.8 million	\$14.4 million	\$1.6 million
State Funding			
Minimum Program	5.2 million	5.4 million*	0.2 million
Resource Center Grant	8.1 million	9.1 million*	1.0 million
Detention Center Grant	0.1 million	0.1 million*	0
Special Funds	0.9 million	1.0 million	0.1 million
<b>Total</b>	<b>\$27.1 million</b>	<b>\$30.0 million</b>	<b>\$2.9 million</b>

\*Based on the fiscal 2003 State budget *allowance*

Due to funding difficulties in recent years, the library system has closed several branches. In 1997, the St. Paul and the Morrell Park branches were closed. In 2001, five branches at Dundalk, Fells Point, Gardenville, Hollins-Payson, and Pimlico were closed. This bill would prohibit the board of trustees or Baltimore City from reducing the number of library branches in the city.

Library officials advise that the direct costs to operate a small branch, such as the Canton branch, totals \$250,000 to \$300,000. A larger branch, such as the Hamilton branch, costs \$600,000 to \$700,000 to operate. These direct costs include staff salaries, books, materials, utilities, and maintenance. Most library branches operate under a five-day single shift; whereby extended hours cannot be provided. In order for a library branch to be opened on Saturday, the branch would have to be closed on a weekday. To provide the current level of services to city residents, library officials have discussed the possibility of closing additional branches. Pursuant to this legislation, the library would not be able to implement any additional branch closings.

*Impact on Library Personnel*

Since the Enoch Pratt Free Library is a private nonprofit entity, library employees are not considered merit employees within the Baltimore City personnel system. In addition, library employees are not included under the city's collective bargaining agreements. Pursuant to this legislation, library employees would become city government employees and would be included in any collective bargaining agreement entered into with the city unions. This could potentially increase personnel costs for the library system.

*Establishment of Foundation*

The Enoch Pratt Free Library receives about \$1 million annually in special funds, some of which comes from the library's endowment. If the library becomes a city agency, a foundation would have to be established in order to accept gifts from the private sector. Establishing a foundation would increase library expenditures.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Enoch Pratt Free Library, Baltimore City, Department of Legislative Services

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