

Department of Legislative Services
Maryland General Assembly
2023 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1115
Ways and Means

(Delegate Adams, *et al.*)

Education, Energy, and the Environment

Libraries – Regional Resource Centers – Governance Requirements

This bill alters the governance structure of the three public libraries designated as regional resource centers (*e.g.*, Eastern Shore, Southern Maryland, Western Maryland) by establishing a governing board for each regional resource center. **The bill takes effect July 1, 2023.**

Fiscal Summary

State Effect: None. Changing the governance structure of the regional resource centers does not alter the State funding formulas for the centers or change the capital project approval process.

Local Effect: None. Changing the governance structure has no material impact on local funding for the regional resource centers. It is anticipated that any expense reimbursements for board members can be covered using existing resources.

Small Business Effect: None.

Analysis

Bill Summary:

Location of Regional Resource Centers

The bill repeals the requirements that, if possible, the library selected as the regional resource center be the strongest library in the region and located so as to be of greatest service to the entire region.

Regional Advisory Councils

The bill establishes a regional advisory council for each regional resource center for the purpose of gathering information on the resource needs of its region and promoting the use of the regional resource center. The advisory council consists of the director of the regional resource center and the director of each member library system.

Director of Regional Resource Center

The bill establishes that the director of the regional resource center is the executive officer of the regional resource center. The director must be appointed by the governing board and serves at the pleasure of the governing board. The director must (1) be eligible for certification as a professional library director as specified; (2) have specified powers and duties; and (3) appoint, promote, fix salaries, assign duties, and terminate personnel of the regional resource center.

The director must operate the regional resource center in accordance with the standards adopted by the State Library Board and the policies adopted by the governing board. The director must (1) prepare and submit for approval of the governing board the annual budget; (2) adopt and submit for the approval of the governing board reasonable rules and bylaws; and (3) make recommendations regarding property.

Policies and Procedures of the Regional Resource Center

The policies and procedures of the regional resource center must be recommended by the board of trustees of the library designated as the regional resource center and approved by the advisory council.

Governing Boards

The bill establishes a governing board for each regional resource center. For the Eastern Shore and Southern Maryland regional resource centers, the governing board consists of the following members: (1) a library trustee from each participating library system; and (2) up to one member of the public from each area served by the participating library system.

The initial members of the governing board must be appointed by the Regional Advisory Council; thereafter, the governing board must appoint future board members.

For the Western Maryland regional resource center, the Board of Trustees of the Washington County Free Library serves as the governing board. In addition, the bylaws of

the Washington County Free Library govern the composition, appointment, qualifications, terms, and structure of the governing board.

Board members may not receive compensation but are entitled to expense reimbursements in accordance with the rules, policies, and bylaws of the regional resource center.

Board members serve five-year terms that begin July 1 and until a successor is appointed and qualifies. Board members may not serve more than two consecutive terms. An individual who is appointed to fill a vacancy serves for the remainder of that term until a successor is appointed and qualifies and may serve for an additional two terms.

A governing board must elect a chair from among its members each year and may elect any other officers determined necessary. If a governing board elects a treasurer, the treasurer must be appropriately bonded.

The bill establishes requirements for operation of the governing board, including that the board must meet at least once every three months and the board is subject to the Open Meetings Act. The bill establishes a process to remove members that fail to attend at least 50% of the scheduled meetings, although the board may waive the resignation.

The governing board must conduct specified duties including selecting and appointing, at the advice of the State Librarian, a professional librarian to serve as director of the regional resource center and approving the regional resource center budget. Further a board may conduct specified activities including selecting the location of and approving plans for the erection of regional resource center buildings, subject to the approval of the State Library Board and the Governor.

In addition to other reports that may be required by the State Library Board, as specified, the board must keep records, cause an annual audit, and be subject to an audit by the Office of Legislative Audits.

Current Law:

Regional Resource Centers

Regional resource centers serve Western Maryland (Hagerstown), Southern Maryland (Charlotte Hall), and the Eastern Shore (Salisbury). Each regional resource center must provide, through mutual cooperation and coordination, books, information, and other material and services that an individual library cannot provide adequately by itself. A region to be served by a regional resource center must have a population of at least 100,000. If possible, a library selected as a regional resource center must be the strongest library in the region and be located so as to be of greatest service to the entire region.

The regional resource centers must:

- make interlibrary loans of books and materials;
- supply collections and exhibits of specialized materials;
- provide consultant services;
- organize in-service training for library staff; and
- develop and operate cooperative services among libraries.

The regional resource centers received State funding of \$9.19 per resident of the region in fiscal 2023, which totaled \$9.0 million, phasing up to \$9.99 per resident beginning in fiscal 2027. Further the State must pay all capital expenses for each regional resource center. Capital projects must be approved by the State Library Board. The State must be reimbursed an amount determined by the State Library Board if the facility ceases to be used for a resource center or cooperative service program.

Board of Advisors

There is a board of advisors for each regional resource center. Each board must:

- gather information on the resource needs of its region and the State;
- before State funds are distributed to it, make an annual report to the State Library Board that evaluates and makes recommendations on the operation of the center;
- recommend to the board of trustees and the State Library Board policies and procedure for the development and use of the regional resource centers;
- promote the use of the regional resource center;
- make recommendations regarding property; and
- recommend plans for the regional resource center.

The head of each regional resource center is the administrator of the library designated as the center. The administrator must operate the regional resource center under standards adopted by the State Library Board. The policies and procedures of the center must be recommended by the board of trustees and approved by the board of advisors.

Open Meetings Act, Generally

Under Maryland's Open Meetings Act, with limited exceptions, a public body must (1) meet in open session in places reasonably accessible to potential attendees and (2) provide reasonable advance notice of the time and location of meetings, including, when appropriate, whether any portion of a meeting will be in closed session. A "public body" is any entity that (1) consists of at least two individuals and (2) is created by the

Maryland Constitution; a State statute; a county or municipal charter; a memorandum of understanding or a master agreement to which a majority of the county boards of education and the Maryland State Department of Education are signatories; an ordinance; a rule, resolution, or bylaw; or an executive order of the Governor or of the chief executive authority of a political subdivision. Exclusions from the definition of “public body” include juries, the Governor’s cabinet and Executive Council, judicial nominating commissions, and single-member entities, among others.

Guidance provided by the Office of the Attorney General indicates that when the meeting “place” is a conference call, the public can be provided access through a call-in number or by access to a meeting room with a speakerphone.

Additional Information

Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 831 (Senator Hershey, *et al.*) - Education, Energy, and the Environment.

Information Source(s): Kent, Montgomery, and Worcester counties; Baltimore City; Maryland State Department of Education; Maryland State Library Agency; Department of Legislative Services

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Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510