

**FREDERICK COUNTY PUBLIC LIBRARIES BOARD OF TRUSTEES  
MINUTES OF VIRTUAL MEETING  
MARCH 3, 2021**

The Frederick County Public Libraries Board of Trustees Meeting convened at 7:00 p.m. on March 3, 2021 via a virtual meeting.

**BOARD MEMBERS PRESENT:** J. D’Agostino, M. O’Leary, S. Sheppard, C. Smith, K. Spertzel, S. White, and J. Donald, County Liaison.

**BOARD MEMBERS ABSENT:** C. Greenway

**STAFF PRESENT:** J. Kelly, Director; S. McDuff, Associate Director; C. Hall, Associate Director; B. McDermott, Finance Manager; J. Marshall – Systems Manager; D. Frank-Rice, IT Coordinator; L. Taft, Administrative Specialist; and L. Tibbs, Recording Secretary.

**CITIZEN REMARKS:** None.

**APPROVAL OF MINUTES:** S. White made a motion to approve the Minutes of February 3, 2021; seconded by K. Spertzel. No further discussion. VOTE: Unanimous.

**CHAIR’S REPORT:** Mr. O’Leary stated that it has been a year since we went into our new way of working and carrying on business. FCPL has done well over the course of the year. Mr. Kelly and his staff have demonstrated that.

**DIRECTOR’S REPORT**

**a. FCPL – Update:** Mr. Kelly noted that this month marks one year into the pandemic. Frederick County has seen 17,000 confirmed cases of COVID-19 and Governor Hogan has designated Friday, March 5, 2021, as a Day of Remembrance for the almost 8,000 Marylanders who have died of the virus over the past year.

Mr. Kelly thanked members of the FCPL Board of Trustees for their support and understanding over the challenging last 12 months and he added that he wanted to publicly acknowledge the hard work of his team who have remained committed to serving our community. He noted that, as you’ve heard in previous monthly updates, the team has served the community in many ways by expanding digital collections, by launching Learn from Home initiatives, by expanding wi-fi access, by providing curbside service, and by helping us consider ways to cope with a large budget shortfall – to name just a few. Thereafter, Mr. Kelly noted that he wanted to let everyone know that several members of FCPL’s team recently stepped up to help in another important way – by volunteering to assist at County vaccination clinics.

One staff member, who comes from a family of first responders, told us that “I felt like I was the only one not working the front lines to help our community recover from this pandemic. Being a part of this clinic makes me feel like I’m actually making a difference.”

Another member of our team said -- “As a circulation clerk who...enjoys the face-to-face customer experience, it has been very difficult for me to feel connected to my community. Being allowed to work at the clinics has restored the connection” that she had been missing over the past year.

People join FCPL’s team not because they like to read books, but because they feel compelled to help people. They truly care about our community. Time and again over the past year, Mr. Kelly stated that he has watched them find creative ways to do that. You can hear their commitment in that last comment about missing face-to-face interactions with members of our public. On the other side, Mr. Kelly noted that sometimes he hears from the public who miss those interactions as well.

Mr. Kelly added that, as he stated at the outset, we are one year in and the vaccine supply challenges will continue to improve. It should be clear that we miss our customers and our customers miss us. I remain hopeful that the day is not far off when we can begin to welcome people back into our buildings in the next phase of our reopening plan.

At our last meeting, Mr. Kelly noted that he discussed the Lifelong Learners Act. Since that meeting, the veto override was successful in both chambers of the state legislature. The new law states that, after March 8<sup>th</sup>, public libraries are prohibited from assessing overdue fines on materials checked out by a minor. However, as Senator Elfreth, who drafted the bill testified, this is not a free pass. Minors may still be charged a replacement fee for any items that are not returned after 21 days. On your agenda, you’ll see an item under new business that says “updated policy.” Mr. Kelly stated that he will share updated policy language for consideration and action, to ensure that we are in compliance with the new law.

Before pivoting to statistics, Mr. Kelly advised that he wanted to brief everyone on a recent meeting that he had with three representatives from the West End Community Enrichment Association. He noted that it was his first time meeting with this group and they wanted to let Mr. Kelly know that they share our vision of having a library in the vicinity of the Golden Mile. As you know, this is a project that we have spoken about at length. In addition, he added that there is a demonstrated community need for a library in the vicinity of the Golden Mile, it is listed on the Facilities Master Plan developed by HBM, and it falls within one of the targeted growth areas identified in the County’s Livable Frederick Plan. Mr. Kelly stated that he has proposed the project to the County’s CIP committee for the past couple of years and he has spoken about the project with Mayor O’Connor. As you know, the challenge is land acquisition because so much of that area has been developed.

The meeting with the West End Group was productive. Mr. Kelly shared the background on the county's CIP process with the group and briefed them on the other library projects in development. As a next step, they indicated plans to meet with the city to discuss city-owned land in that area that might be suitable for a library. Having a community advocacy group whose goals are in alignment with our own is a good thing. Mr. Kelly noted that he will keep members of the FCPL Board of Trustees informed of any developments.

Shifting to statistics, Mr. Kelly noted that the dashboard looks a little different. Since we have a year's worth of pandemic data and we still wanted to find a way to demonstrate historic trends, we opted for the new format for the month-over-month numbers. We have bar graphs for the past few months of pandemic actuals and we have overlaid a line to show historic trends. As we would expect, the monthly rises and falls of the current year mirror the typical trends from past years, but Mr. Kelly noted that he thinks this is a great way to visualize that. He thanked Courtney Brohawn, Projects Coordinator, for the new format.

Curbside appointments were up 8% from December, 2020 to January, 2021. Total circulation was also up. E-Content, in particular, increased 17% from December to January. Some of that is no doubt related to the increases we've seen in digital use during the pandemic, but we have historically seen an increase in digital between these two months --- owing in part to the fact that some customers receive new digital devices during December holidays and spend January exploring our collections. We see a lot of first time users in January. Wi-fi use continues to rise. This will continue as the weather warms up. It is also due in part to the fact that our wi-fi expansion project at all locations is finally complete.

Mr. Kelly noted that he received a question from the Board's Chair. Mr. O'Leary was interested in knowing two things about the quote which reads "Our customers have taken over 42,000 video courses through Lynda.com." He wanted to know: 1) the time period for that number and 2) the most commonly used courses. Mr. Kelly advised that the number reflects this fiscal year so 42k video courses have been taken between July 1, 2020 and now. As for the common courses, topping the list are a lot of software instruction – Photoshop, Illustrator, Adobe Animate, InDesign, FileMaker, Programming Languages, and Microsoft Teams but also topics like time management and project management, which makes sense, when you consider how many of customers are working from home or telecommuting for the first time.

**b. Budget/CIP Update:** The big news on the operating side is that the date of the County Executive's public hearing on the budget will be March 22, 2021 at 7:00 pm. In addition, County Executive Gardner unveiled a new platform yesterday called "Balancing Act," which allows community members to rank real budget appeals that were submitted to the County Executive. This survey is live now and people can access it through the County's Budget page. It is a simple, quick way for people to show support for the library and our budget. In addition, community members can submit testimony via email, voice mail, and a lot of different ways.

Sam Jones, Communications Manager, is developing a letter which outlines all of the ways that the County Executive has made available for the community to share their thoughts on the budget. We will be sending that out tentatively on March 8<sup>th</sup>.

Mr. Kelly added that the only news on the capital side of things was his productive meeting with the West End Advocacy Group that he mentioned earlier. He added that the Middletown Library project remains on track.

Mr. Kelly advised that the April Board meeting will be on April 7, 2021 at 7pm.

Mr. Donald stated that the last time we spoke there was an issue with the Middletown design and requested an update. Mr. Kelly stated that feedback was received from members of the Planning Commission regarding issues that they had with the initial design. The architect has come up with revised designs. In the coming weeks, the architect has a workshop scheduled with the City Planner to share those designs and then the Planning Commission will vote on those updated designs. Mr. Donald questioned if they have another issue with the design, is that going to throw off the entire timeline for the Middletown Library. Mr. Kelly stated that we are getting very close to the timeline. If it is not approved, there would need to be a sit-down between the Head of DPW, the County Executive, and myself to figure out what the next steps would be.

## **NEW BUSINESS**

**a. Financial Report:** B. McDermott presented the Fiscal Year 2021 financial statement for March, 2021. The data is as of January 31, 2021 and was pulled on February 12, 2021. FCPL revenue is at 53%, which is a 7% increase from the previous month. FCPL received a quarterly transfer from the Maryland State Education Grant in the amount of \$70,000 and a transfer of \$597,000 to the County In-Kind revenue line. There was also an increase in fines, miscellaneous operating and federal grant revenue from the previous month.

Expenditures are at 57%. There was a slight increase in most of the line items. Library material purchases continue to increase due to the demand for e-content. Equipment maintenance and repairs increased due to prepaid expenses which were posted by County Finance. Office supply expenditures are at 77%. This 77% includes \$6,000 for safety and wellness supplies but this amount will be reimbursed by the County Human Resources Department Wellness Grant.

Revenue and expenditures are right within the current projected budget.

Grants awarded is at \$338,000. Since the last Board Meeting the Ausherman Family Foundation General Grant was awarded. The funds will be used to support the renewal of subscriptions for the Foundation Center Network. Grants submitted remains at \$1,000,000 – no new submissions this month. Donations are at \$58,000. This is a \$16,000 increase over last month. There was an increase of \$7,000 to the Greatest Needs Fund, branches received a \$6,800 increase in donations for the month and youth services received a donation of \$2,500.

Other endowment revenue is at almost \$74,000. We received the interest from the Glassman Trust investment fund. Those funds are restricted to the purchase of materials. The C. Burr Artz Trust approved \$60,000 year-to-date. These funds are for the sole purpose of benefitting the C. Burr Artz Library. There was \$61.00 received in interest from the Nallin CD. These funds are restricted to the purchase of materials. This brings the total for endowment revenue to approximately \$471,000.

Mr. O'Leary inquired how the Greatest Needs Fund will be spent. Ms. McDermott stated that the Greatest Needs funds are determined by the Director's staff. It is part of FCPL's budget. Some of it will go to materials and \$65,000 is allotted for next year. Mr. Kelly stated that when we took the disbursement, the items were outlined in the last line of the budget that was presented to the Board. In FY 2022, we want to maintain digital collections at the existing rate and in the current year we are using it for materials. There was a \$250,000 shortfall in revenue. We are anticipating that the rest of the year will remain the same and into next year so taking a disbursement from the Greatest Needs fund would help us with the shortfall in revenue.

S. White inquired whether this is the first time that a disbursement has been made from the Greatest Need Fund. Mr. Kelly stated that is correct. This is the first year we have had to take a disbursement from this fund. The Community Foundation tells us how the funds performed in a year and we are able to take up to a 5% disbursement so we elected to do that. The 5% is less than the amount that the fund earned in interest in that calendar year so we are not touching the principal at all.

**b. Updated Policy on Fines and Fees:** Mr. Kelly noted that, as you know, we try to send out the board packet to you as early as we can but sometimes there are times when things are sent out before we can make a correction. The text on the updated policy was based on an earlier version of the bill which included guidance on reimbursement of paid fees. It is listed in the clause at the bottom of the second paragraph "except within six months on a child's account." However, the final version of the bill struck language about reimbursement so that clause is unnecessary and we will still be in compliance.

Therefore, when the Board votes momentarily, Mr. Kelly suggested that when the appropriate motion is made it should include language to strike the clause which reads "except within six months on a child's account" and approve the remaining language as proposed. If the Board was to do that, then this updated language would be fully in compliance with the Lifelong Learners Act and the law that says we cannot charge fines to a minor after March 8, 2021.

C. Smith inquired about the overdue notification and the 60 day period – When does an overdue notification go out and when does the 60 day period start? She noted that possibly the language could be clarified. Ms. Hall stated that the procedure is after an item has been overdue 60 days, it is then considered "in collection". FCPL bills at 45 days and after 60 days it is considered a collection account or if the account reaches \$25.00. Ms. Smith noted that the language seemed a little awkward and suggested that an editorial clarification may need to be made. Ms. McDuff noted that the procedure is very clearly explained on our website but it is not included in the policy on fines and fees. Due to internet issues at Ms. McDuff's location, Ms. Hall added that

we were very purposeful in putting the wording in the policy to be about the policy and not procedures. C. Smith thereafter inquired as to when an account goes into delinquent status. Ms. Hall stated that as soon as an item is overdue, it shows delinquent.

S. White inquired whether the law is that a minor's item checked out on an adult's card, cannot be charged a fine. Mr. Kelly advised the Board that things are getting a little murky because of decisions that were made by the Board in 2019, when the Board voted that children's materials would not have fines assessed. Right now, even before this law went into effect, anyone who checked out children's material on their card, would not get fines assessed, if those materials were overdue. Overlaid with that is the new law that says items checked out on a minor's card cannot carry fines and that would include items checked out from the children's department, teen materials or adult materials. If an items is checked out on a child's card, that item cannot be charged a fine.

C. Smith also inquired if a child would check out adult material on a child's card, is she correct that a fine cannot be assessed. Mr. Kelly affirmed that if a child checks out adult materials on their card, it cannot be assessed a fine. Ms. Smith further inquired if this is for just physical materials or does it include digital. Mr. Kelly noted that none of the digital materials can be assessed a fine because they automatically go off the card after a period of time.

Mr. O'Leary inquired how long the monetary level of fines has been at the level it is now. Mr. Kelly stated that he would have to go back and look at the policies but noted that members of the FCPL Board of Trustees reaffirm the policies each year and there were no changes last year so they have been at that level for at least two years since no changes were made last year.

Mr. O'Leary noted that the policy reflects what the legislation calls for. He added that there was some concern about legislation determining individual library policies. Mr. Kelly noted that he didn't want to mischaracterize his other colleagues in Maryland. He noted that this was a concern he had and he was very much a minority voice among Directors and Administrators in Maryland. The legislation moved forward.

K. Spertzel made a motion to accept the policy after striking the phrase "except within six months on a child's account"; seconded by S. White. No further discussion.

VOTE: Unanimous

**c. Fine Free Presentation:** Mr. Kelly reminded the Board that when we put this on the agenda, it was purely for informational purposes. There is no expectation that the Board would be voting on this tonight. We just want to bring the Board up-to-date on what is happening regionally and nationally in the fine-free debate.

Ms. McDuff stated that fine-free for children and for all has come up monthly for the last year or so and we want to answer questions as to why are we talking about this now. The biggest reason we haven't been in a position to have this conversation previously is because the revenue we

have received from fines in the past has been pretty substantial and FCPL received enough revenue that it was difficult for us to find a way to make it up. However, the budgetary impact from the pandemic has been a complete loss of revenue from fines so some of that has been decided for us. She noted that each year prior to the pandemic, the revenue from fines was dropping but now we are being forced to budget with virtually no fine revenue and it makes it easier to move away from that source of income in the future, especially if we can find alternative sources. We have appeals into the County Executive trying to make sure we solidify a sustainable operating budget. She added that in Fiscal Year 2019 we had \$185,000 in fine revenue and in Fiscal Year 2020 we had just \$98,000 in fine revenue. Thus far in Fiscal Year 2021 we have \$5,000 in fine revenue and we projected \$5,000 in the Fiscal Year 2022 budget. This is a pretty significant drop-off which makes this revenue line not much of an impact any longer. That is the biggest factor as to why we are having this conversation this evening.

Ms. McDuff stated that fine-free for all does support our strategic plan, our mission and vision. It supports and advances our priority of simplifying access, building bridges and sparking excitement. The reaction to FCPL going fine-free for children was overwhelming and we know this is something that the community can connect with and get excited about.

Thereafter, Ms. McDuff noted that the American Library Association has official guidance for public libraries. This is from early 2019. It is called the resolution on monetary library fines as a form of social inequity. It adds a statement to their policy manual identifying fines as a barrier to access. They are urging libraries to actively move towards eliminating fines and urging governing bodies to strengthen their funding support so libraries are not dependent on fines. In one of the quotes from the guidance is that ALA supports that the imposition of monetary library fines creates a barrier to the provision of library and information services. This is a huge issue for public libraries and, of course, to FCPL given our mission and what we are trying to accomplish.

Ms. McDuff noted that fine-free is becoming the “norm” in Maryland and across the country. At this time, there are 11 Maryland counties that are completely fine-free. FCPL is the only county that is fine-free for just one segment of the community. DC and Loudoun County, Virginia is also fine-free so you can see this is the future for public libraries. She added that the final driver for why we are having this conversation is because of the state law. FCPL decided to go fine-free on children’s materials in 2019. The new state law prohibits fines on children’s cards. Now is a time for a conversation on fine-free for all. Ms. McDuff added that FCPL is required to remove the barrier for children and we think it is time to remove it for the entire Frederick community.

C. Hall started out with talking about the “how” and what will this look like for FCPL. Fines have always been a means for libraries to get materials back. If you stop charging fines, you have to find other procedural means and adopt those to insure the return of materials so the next patron can use them.

She reviewed a flow chart which reflected a simplified version of what FCPL's current overdue item process is compared to the proposed fine-free for all situation. The fine-free time sample depends on shorter time frames and increased messaging with our customers. In the fine-free for all sample the customers are blocked when materials reach one-week past due and that encourages the habit of returning materials on time so that more materials can be borrowed. Similarly, fine-free libraries have sped up the timeline when items go from overdue to lost status - it is currently at 45 days and that is when the customer is billed for the items. This helps insure that the customers that regularly struggle with returning items on time, will need to return or pay for the item(s), before they can borrow further items. We would also consider a limited number of auto-renewals. Some libraries have instituted auto-renewals and it makes it more likely that the only time that we would need to enact this process at all is if an item is overdue and has a "hold" on it by another patron.

Fine-free libraries are reporting that this fine-free workflow focuses on the return of the materials rather than fine collection and this results in fewer negative or uncomfortable staff engagements with customers. This allows staff to focus on positive interactions with customers and this makes everyone happy.

Ms. Hall reiterated that last fall, members of the FCPL Board of Trustees voted to have fine-free for children and then we went temporarily fine-free for everyone at the beginning of the pandemic. This provided a short window for us to look at statistics and we did see a 10% increase in circulation during that window. That trend captures the goal of going fine-free. FCPL wants to see more of the community using our services and more of our community checking out materials. We see modifying the work flow to focus on getting the materials back rather than collecting fines as a key to reaching that goal.

Ms. D'Agostino questioned whether the 10% increase referred to is due to lack of fines or the natural increase that we have seen over time by adding new libraries. Ms. Hall stated that we were trying to capture information for the same time compared to last year. We had hoped to be able to provide a full year of statistics but due to the pandemic, we were not able to do that. We were just trying to find a trend during that window since we were not able to provide that full data analysis. Mr. Kelly noted that he will be talking about trends that libraries nationwide who have gone fine-free have seen and this is in line with that – there was a spike in circulation. He added that although we have a small data set, libraries are seeing an increase in circulation once they went fine-free. As a matter of fact, Mr. Kelly noted that the 10% is low compared to what other libraries have seen that went fine-free.

Ms. Hall thereafter displayed a graph showing a percentage of card holders. 8% of card holders are minors. That means that a large percentage of our community is not getting their children their own card because they are worried about fines and overdue. Even though we went fine-free for children, that message has not reached large parts of our community. It is our belief that going fine-free for all would simplify the message giving it more reach and more power. A fine-



free for all model would open the doors to allow FCPL to reach community members that need FCPL the most.

S. White inquired about the difference between a student and a minor. Ms. Hall stated that a student is defined by the Student Success Cards which is through a partnership with Frederick County Public Schools. The Student Success Card is not a full access card so a student can also have a regular library card for more access. Ms. White further inquired if the Student Success Cards are available to kindergarteners through high schoolers. Ms. Hall stated that this is correct.

J. D'Agostino inquired whether the 38% noted for Students on the chart are active cards or just the number of cards that have been issued. Ms. Hall stated that the 38% noted in the chart is the number of cards that have been issued. However, she further noted that they follow the same rules – if they don't get used, they get dropped off the roster. FCPL gets monthly updates from FCPS. If children are no longer in the FCPS system, they will be removed also from the Student Success Card. It is a continual update.

Mr. Kelly added that the 8% indicated on the chart are the ones that are affected by the recent policy approval and the Lifelong Learners Act. Passage of the Lifelong Learners Act, brings the total borrowers now operating under a fine-free model in Frederick County to 46%. What we are talking about with the other 54% is if they check out any materials from the children's department, they are already fine-free. If we would go to fine-free for all, what we would be talking about would be the 54% of adults who want to check-out material from other parts of the collection that are not children's materials.

He noted that as C. Hall pointed out, FCPL still has a lot of work to do to get library cards into more hands in this county. S. McDuff noted earlier some of the reasons why that is important. We are committed to simplifying access and building bridges.

Mr. Kelly thereafter reviewed a report from the United Way. One of the touchpoints he and many other local agencies use to assess community needs in Frederick County is the United Way's ALICE report which you may be familiar with. It looks at individuals who are *Asset Limited, Income Constrained, Employed*. In their recent report, the United Way found that 37% of households in Frederick County could not afford basic needs. Mr. Kelly noted that he has heard ALICE households characterized informally as those who are "just one check away from a crisis." These families face challenges brought on by low wages, reduced work hours, and increased cost of living locally. In other words, thousands of people in our community would benefit from the services that FCPL provides. Mr. Kelly noted that this is not just his opinion. The United Way itself stated that "(our) public libraries are especially important for ALICE households because in addition to (the library's) core mission of encouraging learning and literacy, libraries serve as community anchors. They provide information on social services, job opportunities, free internet and computer access, and a range of free programs, community meetings, etc." Mr. Kelly mentioned that there are some families who are not currently using

FCPL out of fear of incurring fines and they would not be in a position to pay. Those opposed to fine-free libraries will mention the need for fines to ensure that people return things on time. However, fines are not necessarily an incentive to return items on time. As the Pratt Library in Baltimore reported, “There are no case studies that show that fines are the reason that you return an item.” In libraries that charge fines, people still accrue them. Mr. Kelly stated that his own family regularly accrues fines. What is different is that some people are in a position to pay those fines and others are not.

Jose Cisneros, Treasurer of the City and County of San Francisco, wrote that “An unintended consequence of fines...is that they disproportionately impact lower-income people and communities of color. In this way, financial penalties can make Government a driver of inequality, not the equalizer that it should be.”

J. Kelly stated that the consequence of this, in his opinion, is that Counties and libraries became increasingly reliant on a revenue stream that is punitive to our users; a model that is in direct conflict with the mission of libraries. Pratt Library Director, Heidi Daniel, concurred. She and her Board felt that library fines amounted to ‘another tax on the poor (in Baltimore City), and this was at odds with their mission.’ Heidi noted that the communities they were trying hardest to reach and work with correlated to some of the highest concentrations of blocked cards due to fines. She noted that ‘It just didn’t make sense for them to continue’ (to charge fines), so in 2018, they stopped.

According to the ALICE report, a similar situation exists in Frederick. The report notes that most of Frederick County’s library branches are in the high-need areas of the county. That is, with the highest concentration of ALICE households and communities with the largest financial barriers. Communities, in other words, that most need our help.

The issues around equity that so many communities are currently engaged in are admittedly complicated, multi-layered, and interconnected. It can be a challenge to know where to start. To find a discrete tangible action that would affect real change – for libraries, pivoting to a fine-free model is just such an action. It is why a wave of libraries locally and nationally have made this decision.

So what are newly fine-free libraries learning? Mr. Kelly, stated that let’s start with FCPL. As C. Hall noted, in the first 6 months after the decision to make children’s materials fine free, we saw a 10% increase in circulation in that collection. When we reopen our doors, we anticipate that trend will continue. Based on the experience of other libraries, we could expect that if we made FCPL fine-free for all, we would see circulation increases across our other library collections.

Mr. Kelly noted that the next PowerPoint slide reflects just two libraries that saw increases, but in fact, a nationwide survey found that over 60% of libraries who went fine-free saw increases in circulation. Systems like Salt Lake City, Nashville, and Columbus all saw increases in circulation when they eliminated fines. More than half of respondents also reported no increase

in the percentage of late returns. Mr. Kelly noted again that more than half did not see an increase in the percentage of late returns. People were not just ‘keeping things’ because fines went away. Finally, respondents to that same survey also reported increases in returned items -- bringing thousands of titles back into circulation.

Mr. Kelly stated that he understands the optics of considering a vote to eliminate fines during a time that we are also appealing for increased funding. However, the American Library Association itself has called on libraries to both eliminate fines and advocate for increased funding on parallel tracks. This is what we are doing presently.

Libraries and Boards are having conversations like this one about pivoting to a fine-free model, because it knocks down barriers to access. At the same time, we are advocating for more sustainable funding at the state and county levels. Maryland Libraries successfully appealed to the State legislature, securing increases to the per capita funding formula for state aid. And, here in Frederick County, Mr. Kelly stated that he is excited to remind the Board that FCPL has filed two appeals for County support of library collections and general operating expenses.

Mr. Kelly noted as a reminder, the upcoming public hearing on the budget is on March 22, 2021 at 7:00 p.m. or you can go to the County’s Budget page today and use their new survey platform called “Balancing Act” to express support of these appeals. One appeal would simply establish - for the first time ever in this county -- a per capita funding formula for library books and digital collections. These per capita formulas have been used for years in other Maryland counties to ensure sustainable funding for their libraries as populations grew. So, while the Lifelong Learners Act may have prompted us to have this conversation about the fine-free trend in public libraries, there is no better time than right now to have it.

As Mr. Kelly said at the outset, our purpose this evening was informational. Why should we consider a fine free model? How might it work for us? And, what impacts have other libraries reported who pivoted to a fine free model? Our recommendation would be that the Board takes up a vote at one of their spring meetings with the goal of making FCPL a fine-free system starting July 1, 2021 (at the beginning of the fiscal year) so that we can build those bridges, welcome old users back, and begin to reach out to those who have been reluctant to use us in the first place.

Mr. O’Leary stated that this is an important decision and we don’t need to make a decision this evening. He inquired whether Board Members could receive a copy of the PowerPoint presentation that was made this evening. Mr. Kelly confirmed that a copy would be sent out to members of the Library Board. Mr. O’Leary stated that, as Board Members, we want to give full consideration of this matter. We could have an ad hoc committee or we could call a special meeting to discuss this matter in further detail. One thing to keep in mind, if we would want to have a special meeting, his interpretation of the Open Meetings Act is that because this is a discussion of a policy change, it would be governed by the Open Meetings Act and would need to be done similar to the way a regular meeting is conducted. Mr. Kelly added that he is in concurrence with Mr. O’Leary about the Open Meetings Act but noted that if members of the FCPL Board of Trustees have any questions, he requested that the questions be e-mailed to him.

Mr. Kelly stated that we will provide answers and as long as there is not a discussion about the policy, we are still in compliance.

Ms. Spertzel stated that when a book is overdue for 7 days, a patron's account is locked. She inquired whether this pertains to e-content as well. Ms. Hall stated that would be a procedural decision we would need to make but generally "no".

Ms. D'Agostino noted that theoretically she is in love with the idea of going fine-free but she is concerned about where the revenue would come from and whether there are plans for more staffing as grant writers so we can make sure we have the revenue. Mr. Kelly stated that we are open to those discussions, but counting on grant money is not sustainable as a revenue line. The best thing would be an increase in State and County support so FCPL would be less reliant on fine revenue. Ms. D'Agostino inquired whether FCPL goes fine-free and FCPL does not get additional State and/or County support, would we have to slash collections. Mr. Kelly stated that the biggest pot FCPL has is the collections budget and we would have to make cuts to operating lines that FCPL has actual control over. Collections would be the biggest target. Ms. D'Agostino noted that she wants to make sure the Board does not leave FCPL in a bad spot considering the pandemic and everything. Mr. Kelly stated that if the fine-free policy is approved and we don't receive additional funding, some tough decisions would have to be made. He added that FCPL continues to see growth and he would use that as a point for the case of increased support.

Ms. White inquired whether members of the Board would receive recommendations about blocking accounts and what policies will be instituted. Mr. Kelly stated that this brings up a good point. It is the Board's responsibility to approve policy and staff would implement it. For transparency purposes, staff would share how we intend to implement the operational piece of this. Ms. White noted that hopefully funds will come from other services so FCPL doesn't need to use the Greatest Needs Fund in the future.

Ms. Smith inquired whether there is a communication plan that will be put into place to respond to the public. Library fines are a cultural institution. Mr. Kelly stated that the point is well taken. We can learn from the libraries that have gone down this road before. There are many Maryland libraries that have gone fine-free.

Ms. Smith inquired whether there is a recording of tonight's meeting available since we have one Board Member that is absent this evening. Mr. Kelly stated that the board meetings are recorded on the County's Facebook page. He added that he would provide the link to the meeting as well when he sends out the PowerPoint presentation.

Ms. Spertzel stated that she thinks this is the best time to go down this road. A lot of our community has been devastated by the pandemic and she thinks it is something that we need to move towards. This will help citizens return to some sort of normalcy.

Ms. Sheppard stated this is a huge thing in terms of promoting literacy. She added that she is 100% on board.

Ms. D'Agostino inquired about what the importance is of a child having a library card, if their parents have a library card. Mr. Kelly stated that we want to make sure kids have a library card of their own. Many times there are kids in the library without their parents and those kids cannot take things out of the library.

Mr. O'Leary noted that it is the Board's responsibility to inform themselves about this so we can make the most informed choice. Mr. Kelly has offered to answer any questions that anyone may have. Mr. O'Leary added that he is going to look at the circulation policy, should we adopt this, to see if there needs to be any other changes elsewhere. Mr. O'Leary inquired if he has a question for Mr. Kelly, will the response be sent to all Board Members. Mr. Kelly noted that he will respond to everyone but per the Open Meetings Act, members of the Library Board cannot talk about it until there is an opportunity for open access. He added that if members of the FCPL Board of Trustees want to hold a separate meeting from the regularly scheduled board meeting, we will just announce that this will happen. He further noted that if members of the FCPL Board of Trustees want the item to appear on the agenda as an action item, we will add it to the agenda. Mr. O'Leary noted that he wants to review the matter further. Once we do our due diligence, he will send out a questionnaire to the Board to see if everyone feels comfortable adding it to an agenda or whether we would need to schedule another meeting for further discussion.

Ms. Smith inquired when we would need to make that decision as far as adding it to the agenda. Mr. Kelly advised that we usually try to send out the agenda to everyone about two weeks in advance. If you want it to be an agenda item on the regular board meeting, we will add it to the agenda. If you want to have a special meeting, we will need to post the meeting but a vote on the policy would be done at the regular meeting. Mr. O'Leary stated that we can add things to the agenda, if something comes up. Ms. Spertzel added that she thinks this is an important item and it needs to be added to the agenda, if we are going to vote on it.

Ms. White noted that it was mentioned that this new policy could take effect on July 1, 2021 with a new fiscal year starting at that time. She added that the sooner we can get this done and get the communication going, the better it will be. She stated that she is all for pushing this forward as quickly as possible. Mr. O'Leary stated that there are other meetings beyond April. He asked if we would not make a decision until the June meeting, would it be possible to still make the policy effective July 1, 2021. Mr. Kelly responded that based on what he is hearing this evening, staff would go ahead and get some talking points online and be prepared for any comments we may receive from the public. If the decision was made to go with the fine-free policy at the June meeting, Mr. Kelly would want to have everything prepared by the June meeting so that we would not be scrambling. Mr. O'Leary agreed not to wait to get things ready.

Ms. Smith stated that there are 5 weeks before our next meeting so we have time to see what questions the Board has for Mr. Kelly. In two weeks, we may have enough information to add it to the April agenda. If not, perhaps we will schedule an extra meeting. Ms. Spertzel noted that she agrees with C. Smith. She proposed putting it on the agenda even if the Board was not ready and if we need to remove it from the agenda, we can do so. Mr. O'Leary agreed that this is a good idea. He noted that this is a philosophical question; not just a monetary question. As Ms. D'Agostino mentioned earlier, if FCPL does not have any new money from any source then

going fine-free would mean something else has to give (collections). The benefit is the increase in library usage from people that did not come to the library before.

Mr. O'Leary stated that it is our intent to come to a decision on this issue by the April meeting. Mr. Kelly will send out the PowerPoint presentation. Any questions by members of the FCPL Board of Trustees will be sent to J. Kelly and he will turn them around to everyone. Mr. O'Leary advised that he will send out an e-mail to members of the Library Board to see how everyone is doing and inquire if Board Members feel comfortable one way or the other. The fine-free policy will go ahead and be added to the April agenda. If we need to have a special meeting, we can do that. Mr. O'Leary noted that this is not something we can discuss by e-mail. The Open Meetings Act is ambiguous about that and strongly recommends against e-mail exchanges between Board Members. Mr. O'Leary stated that we could have additional discussion at the April Meeting and have a vote at the May or June meeting.

**BOARD QUESTIONS AND COMMENTS:** Ms. Smith noted that members of the Library Board should be hearing from Joyce Grossnickle soon about applications for a new board position because we have one position that will be expiring.

**OTHER CITIZEN REMARKS:** None.

The next meeting will be held virtually on April 7, at 7:00 p.m.

C. Smith made a motion to adjourn the meeting, seconded by J. D'Agostino. No further discussion. VOTE: Unanimous.

The meeting adjourned at 8:35 p.m.



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M. O'Leary, Chair  
Frederick County Public Libraries Board of Trustees