

Loudoun County Public Library Board of Trustees

AGENDA: LBOT Retreat November 13, 2021

9:00 a.m. CALL TO ORDER

MOMENT OF SILENCE

AGENDA ITEMS:

- Introductions
- Roles and Responsibilities of Trustees of a Governing Library Board (see attached Virginia Public Library Trustee Handbook for the Governing Boards, Fourth Edition Revised 2019)
- Trustees' relationship with Library Director and Library Staff
- Update on library governance and collective bargaining (see attached BOS draft collective bargaining ordinance)

ADJOURNMENT

Library Board of Trustees Retreat
November 13, 2021 @ 9:00 AM

Event Address: <https://loudoun-gov.webex.com/loudoun-gov/onstage/g.php?MTID=e0fd18e3b0a7230ce1604869a2b2ae6c9>
Password: LBOT

Telephone Access
Call 1-844-992-4726
Enter access code: 2339 663 2114#

DATE & TIME: November 13, 2021, at 9:00 a.m.

LOCATION: 102 North Street NW Suite A Leesburg VA 20176

ACCOMMODATIONS: To request a reasonable accommodation for any type of disability, please call 703-737-8468. Three days prior notice is requested.



VIRGINIA PUBLIC LIBRARY TRUSTEE HANDBOOK GOVERNING BOARDS

FOURTH EDITION | REVISED 2019



LIBRARY OF VIRGINIA
RICHMOND, VIRGINIA

PUBLISHED BY AUTHORITY OF THE LIBRARY BOARD

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John Metz

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It was prepared as an educational resource and should not replace legal advice.*

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FOREWORD

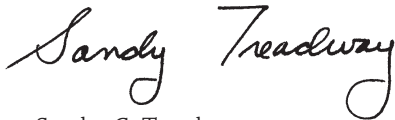
Dear Virginia Public Library Trustees:

The Library of Virginia is pleased to release the 2019 edition of the *Virginia Public Library Trustee Handbook*.

The Library first published this handbook in 1991 to assist both new and experienced trustees in fulfilling their responsibilities. We have updated the manual periodically since then to reflect changes in the law, in the library field, and in technology—all of which have an impact on the role of public libraries. We also incorporate the ideas and suggestions we receive from library directors and trustees. Changes in the 2019 edition include new information about participation in electronic meetings under Virginia's Freedom of Information Act (FOIA) and improved formatting to help you find what you are looking for more quickly.

Your work as a public library trustee is critically important to the health of our public libraries and the vitality of Virginia's communities. We applaud your commitment to free and open access to library services and thank you for investing your time and talent to ensure that Virginia's public libraries remain vibrant and strong.

With all best wishes,

A handwritten signature in black ink that reads "Sandy Treadway". The signature is written in a cursive style with a large, looping initial "S" and a long, sweeping underline.

Sandra G. Treadway
Librarian of Virginia
June 2019

ACKNOWLEDGEMENTS

The Library of Virginia wishes to express deep appreciation to all who assisted in the preparation of the *Virginia Public Library Trustee Handbook*.

As in the earlier editions of the handbook, trustee handbooks from other states were consulted during preparation for comparison. For this edition, we would like to give a special note of thanks to the authors of the publications from Pennsylvania, New York, and Wisconsin.

The cooperation and assistance of trustees of the Central Rappahannock Regional Library has been invaluable. Significant contributions were made by Kathryn Miller and Cheryl Miller.

We would also like to thank communications and marketing specialist Cindy Marks, communications manager Ann Henderson, and editor John Deal for their editorial assistance, as well as graphic designer Amy Winegardner, and buyer specialist Paranita Carpenter.

Revised by Kim Armentrout.



GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.1 Library Boards in Virginia

Public libraries in Virginia are the responsibility of local governments. As organizational entities, libraries fall into four categories:

- **regional libraries** (a library established by two or more political subdivisions that join in maintaining a library system under the terms of a contract)
- **county libraries**
- **city libraries**
- **town libraries**

The *Code of Virginia* requires that all regional libraries and all counties, cities, and towns govern their public libraries through boards of trustees, with the exception of “(i) any city or town with a manager, (ii) any county with a county manager, county executive, urban county manager, or urban county executive form of government, (iii) any county that has adopted a charter, or (iv) the Counties of Caroline, Chesterfield, and Shenandoah, by virtue of this chapter.” These excepted counties, cities, or towns may, if they wish, establish either governing or advisory library boards.

The *Code* also provides the legal framework for counties, cities, and towns that have not established public libraries to appropriate funds for the support and maintenance of library service operated and conducted by a company, society, or association. The boards of these nonprofit, private organizations are appointed by the membership.

Types of Boards

It is important that library board members and local government officials clearly understand the authority, role, and duties of the library board.

A **Governing Board** is legally responsible for the control and management of the library and all that happens in it. Broad administrative and policy-making duties are specified in the *Code*.

An **Advisory Board** has only those legal responsibilities granted by the local government. The *Code of Virginia* does not specifically address advisory library boards. The advisory board generally makes recommendations and acts as a liaison between the library, the local government, and the community to promote the library’s services and programs. In reality, the power and authority of an advisory board may fall anywhere along a continuum running from truly advisory to that of an almost-governing board. What the board can or cannot do is determined by the ordinance that established it and the understanding reached over time between the board and the local government. As board members and government officials change over time, it is necessary for both groups to maintain such understandings and communicate them clearly.

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.2

The Board's Mission and Vision

A public library board has the primary responsibility for the success of the library, both now and in the future. Trustees have a legal responsibility to successfully maintain a free, public, nonsectarian library for all residents in the library's service area.

Representing the interests of the library, trustees:

- Manage (and have legal authority over) the library's policies, rules, and regulations
- Control all funds
- Plan the library's future and create an action plan
- Advocate and raise funds on behalf of the library
- Accumulate reserve funds for facility enhancements, renovation, and construction
- Evaluate the library's performance regularly to ensure objectives are met
- Hire and evaluate the library director
- Contract for cooperative services
- Protect the library from liability
- Prosecute those who steal or damage library property

Representing the interests of the community, elected officials may:

- Appropriate funds for the library or put forward a bond referendum
- Appoint members of the library board and fill vacancies
- Hold property on behalf of the library
- Exercise eminent domain on behalf of the library

- Purchase or lease lands and/or buildings for library purposes
- Assist with cooperative purchasing, maintenance, snow removal, health benefits, and more

Expectations of trustees:

- Respect the important role libraries play in the life of the community.
- Participate in orientation.
- Attend meetings regularly.
- Devote the time and attention required.
- Share skills on committees.
- Understand the community and its needs.
- Stay current on library trends and issues.
- Exercise discretion and respect confidentiality outside board meetings.
- Avoid conflicts of interest and put personal agendas aside when making decisions.
- Actively support the implementation of board decisions.
- Advocate for the library with elected officials and in the community.
- Understand the trustee's role and how it differs from the role of the library director.
- Have an open mind and respect differing viewpoints.
- Respect diversity.
- Advocate for equitable pay and benefits for library personnel.
- Understand and respect the role of the director.
- Work cooperatively with other board members.
- Focus on a secure future for the library.
- Participate actively in library programs and activities.

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.3

Appointment and Membership

Because Virginia places the governance of the vast majority of public libraries with citizens of the community, board members are public officials and the powers delegated to them are in public trust.

Library boards have both legal and practical responsibilities. They are responsible for carrying out their legal duties correctly and, consequently, are accountable under law for actions they take.

The board serves as a vital link between the library and its community, highlighting needs and interests for more responsive library service.

Selection and Appointment of Trustees

Most library trustees are appointed by the local governing body or bodies.

When vacancies occur, the library board and the library director should be prepared to identify potential trustees who are active, informed, and interested library supporters.

No trustee should serve on the board indefinitely. While it is often helpful to have continuity and experience, it is even more beneficial to have new ideas, fresh approaches, and diverse interests.

Size of the Board

- The Board cannot be less than five members (*Code of Virginia*) and five to nine members is recommended.
- The appointing authority determines the number to be appointed. The library board may request that the number be increased or decreased if it seems advisable.
- Regional library contracts should specify the number of members to be appointed from each jurisdiction.

Method of Appointment

Various methods are used in determining how the library board is appointed. In some cases, regarding private, nonprofit appointments, the membership appoints the trustees. In other cases, the members are selected at large. There is usually some effort made to have inclusive geographical representation on the board.

Terms of Appointment

- Initially, board members must serve staggered terms of office in order to provide continuity of service.
- Trustees are appointed for four-year terms.
- Trustees of regional library boards are limited by state law to not more than two consecutive terms but are eligible for reappointment after an interval of one term.
- County, town, and city library boards, as well as boards of nonprofit corporations, are not limited by law as to the number of terms a member may serve. Most libraries, however, follow the practice of not more than two consecutive terms.
- Board members may be removed by the governing body for misconduct or neglect of duty, including poor attendance.

Vacancies

Vacancies for unexpired terms should be filled as soon as possible in the same manner in which members are regularly chosen. In the case of regional libraries, a trustee appointed to fill an unexpired term is eligible to be reappointed the number of terms specified in the bylaws.

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.4 Trustee Responsibilities

Responsibilities of trustees usually divide into three categories: legal; fiduciary, policy making, and planning; and evaluation.

Legal obligations include securing funds and directing the finances of the library. Trustees must secure funds from a variety of sources, including local government, corporations, individuals, and grants. Possibly the most important role of the trustee—proactive solicitation of funds—ensures a strong, vibrant, and healthy library in the present and positive growth for the future.

In many communities where officials must scrutinize expenditures and justify funding, constant advocacy efforts are necessary for maintaining local government funding. Advocacy efforts should include regular presentations at local government meetings and other, more informal contacts with officials to update them on library services or to ask their advice regarding future growth. These meetings help to develop the strong relationships that are essential for successful library development.

The preparation of budgets is an important obligation with the administration of funds. Directing the finances involves determining (alongside the library director) how the money is spent. A budget reflects library priorities. For example, if programs are important to the community, money must be set aside to budget for those programs. As representatives of the people, board members must protect the use of public monies and serve the best interests of the people.

(Find more information about trustee financial obligations in Section 3 of these guidelines.)

Policy making and planning are also essential to quality library service and require a library

trustee's attention. Using the powers granted under the law, library boards create operating and administrative policies that include selecting a library director and giving that person charge of the day-to-day functions of the library. Regular evaluation of the library and input from the library director will help trustees develop new policies or adjust existing policies to continue moving the library in a positive direction.

Well-written policies support the library's goals and objectives, and they provide the framework for the library director to manage daily activities. Policy management requires knowledge of the library's mission, vision, plan, functions, and services.

During each board meeting, time should be set aside to plan for the future and evaluate the group's progress. Trustees will set goals and objectives for a given timeframe of library service. (Typical are two-to-three-year plans or five-year plans.) Planning leads to strategic and well-defined service directions. Evaluation is a necessary step. Each year, the board should review its plan with an eye to assessing progress toward meeting the established goals and objectives, and make any changes that are appropriate for meeting current community needs.

Board members can be held liable for not fulfilling their legal responsibilities. Trustees should be careful to:

- Properly manage the library's money
- Have written policies, rules, and regulations, and abide by them
- Have open meetings, except when an executive session is required
- Thoroughly understand every issue before casting a vote
- Avoid conflicts of interest

Virginia trustees have legal rights and responsibilities under the provisions of the *Code of Virginia*.

The members shall adopt such bylaws, rules, and regulations for their own guidance, and for the government of the free public library system, as may be expedient. They shall have control of the expenditures of all monies credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same. (*Code of Virginia*, sections §42.1-35 and §42.1-39).

The library board must function as a whole. While presenting a unified team, trustees may simultaneously fulfill individual roles related to advocacy, fundraising, public relations/marketing, and more—all in alignment with the board's vision and plan.

Collectively, the library board is required by law to:

- Provide for bonding of the regional library treasurer, if applicable
- Submit an annual report to the Library of Virginia through the prescribed method*
- Submit a copy of the required audit or Comprehensive Annual Financial Report (CAFR) to the Library of Virginia
- Conduct open meetings, except when executive sessions are necessitated

By law, a trustee shall not receive a salary or other compensation for services as a member, but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper.

Rules and regulations of Virginia libraries require certain levels of local financial effort in order to qualify for state aid under the

provisions of the *Administrative Code of Virginia*. Trustees should make sure their library meets those requirements.

* The annual report must:

- Itemize receipts and expenditures
- Show the condition of the library
- Give numbers of volumes, etc. held, lost, withdrawn, or added
- Give the number of registered borrowers and readers
- Report circulation of material
- Include other information as required

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.5 Orientation

In order to be more effective, new members of the board should be provided with information that will help them feel more comfortable with their responsibilities, give them self-confidence as they begin, and get them involved early.

Orientations may be done informally, with the library director and board chair meeting the new trustee to go over a set list of items, or may be conducted via a board meeting. Regardless of form, the orientation program should be planned step by step. The responsibility for planning and implementing the orientation is shared by the board chairperson, the members, and the library director.

Orientation sessions should start as soon as possible after the member is appointed—preferably, and at least in part, before the first board meeting. This will give the new trustee an opportunity to get to know the library director, board members, and staff, and to ask questions about the library and its services.

New trustees should meet with the library director to learn how the library is:

- Organized and governed
- Funded and budgeted
- Operated day to day
- Structured to serve the needs of the community
- Linked to other resources and libraries
- Related to board of trustees

New trustees should tour the libraries in the system with the library director and meet staff members.

New trustees should meet with trustee representatives to learn about the board:

- Type of board—whether advisory or governing
- Organization, officers, and committees
- Meeting location, schedule, and operation
- Responsibilities and expectations
- Goals, long-range plans, and projects in progress
- Accomplishments
- Relationship to the library director

Orientation Kit and Notebook

In addition to the Virginia Public Library Trustee Handbook, a new board member needs information about the local library to review and consult.

The information may include:

- List of board members and contact information
- Bylaws of the board and committee responsibilities
- Minutes of the previous year's board meetings
- Organizational chart for library
- Policies of the library board concerning personnel, book selection, collection development, meeting room use, etc.
- Strategic plans
- Most recent library annual report, with prior years for comparison
- Statistical reports on circulation, services, etc.
- Current budget and financial reports
- History of the library and its present goals and objectives
- "Elevator" talking points
- Local laws, charter, and contracts pertaining to the library
- Community analyses such as census figures, as well as demographic, economic, and employment trends
- Local Friends of the Library information sheet

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.6 Board Organization

Bylaws

All library boards need to assure continuity and consistency for their legal, financial, and policy-making activities. Written bylaws are accepted tools for doing this. Bylaws cover the basic structure under which the board conducts its business. These bylaws should not conflict with any local, state, or federal laws or regulations.

A copy of the bylaws must be on file in the Library Development and Networking Division of the Library of Virginia. Any amendments must be filed with the division immediately upon adoption.

The bylaws should include:

- Library name, with headquarters and branches
- Mission statement
- Constituency served
- Governing body
 - Library board of trustees selections, appointments, terms, and officers
 - Appointment and duties of standing committees
 - Provision for special or ad hoc committees
- Meeting information
 - What constitutes a quorum
 - Time, place, and responsibility for meetings
 - Attendance requirements
 - Method for calling special meeting
 - Order of business

- Procedure for amending the bylaws
 - Parliamentary authority
 - Date of adoption

Library Board Officers

Boards grow from different traditions and have differing ideas about the type and number of officers required. The most common pattern includes a chair (sometimes called president), a vice chair, a secretary, and a treasurer. It is recommended that any locally elected official sitting on the board not serve as an officer due to a perceived conflict of interest.

Roles of the Board Chair

Planner. The chair works with the director to plan the meeting agenda and keeps an overall view of the board year, ensuring that the board is completing duties mandated by board policy or law.

President/Facilitator. The chair must ensure adherence to the agenda and completion of items on the agenda, keeping meetings moving forward in a timely and effective manner. The chair should also encourage participation of all board members.

Delegator. The chair traditionally has the power to appoint board members and others to committees with board consent. To do this well, the chair must have a clear understanding of each board member's skills, strengths, and interests. Committee assignments should be clear and hold committee members accountable to do the job assigned. The chair may be an ex-officio member of a committee.

Liaison. The chair communicates board needs to the director, and the director's needs and concerns to the board. The chair offers personal support and counsel to the director, and serves as a sounding board for the director.

Team Builder. The board must always function as a team. On occasion, it may be necessary for the chair to mediate and counsel fellow board members if the board fails to function cohesively.

The **Vice Chair** of the board traditionally serves as the backup for the board chair. Often the vice chair is assigned additional specific duties, such as chairing a committee, taking charge of board development activities, or preparing for special board events.

The **Treasurer's** duties vary from library to library, but often the treasurer signs checks, and in some instances, serves as chair of the finance committee. In many libraries, financial matters such as writing and signing checks, and related accounting functions, are handled by the local government, and the treasurer's position may not exist.

The position of the **Secretary** also differs from one library to another. In some systems, the secretary takes the board minutes; in others the minutes are taken by the director or another staff member. Correspondence on behalf of the board is the responsibility of the secretary in some systems, though it is done by clerical staff at the direction of the library director in others.

GOVERNANCE AND ADMINISTRATION

Governance and Administration 1.7 Effective Meetings

The frequency of meetings is up to the local board. Library boards typically meet monthly, bimonthly, or quarterly. It is important that meetings be scheduled and structured so that the library's business is transacted in a timely manner and that all board members are included in the decision-making process.

Libraries must adhere to the Virginia Freedom of Information Act (§2.2-3700 *Code of Virginia*). Trustees and staff should be familiar with its provisions.

Meeting Notices

Boards are required to post information as to date, time, and location of public meetings. Board meetings should be announced on the library's website; in a prominent physical public location, such as a clerk's office, where notices are regularly posted; and at the library.

Open Meetings

All regular and special meetings of the board must be open to the public. Keep in mind that the library belongs to the community; its governance is entrusted to the board of trustees. Citizen awareness of the operations, plans, and problems of the library can be very beneficial.

Executive Meetings

Executive or closed meetings may be held for certain matters. In order to hold an executive meeting, an affirmative vote must be recorded in the open meeting with the motion stating specifically the purpose of the meeting and including a statement in the minutes with reference to the applicable exemption in the *Code of Virginia*. (See Appendix for *Sample Motion for Closed Session*.)

No formal action should be taken in a closed meeting. All decisions must be formally adopted when the board reconvenes in open meeting and takes a vote of the members.

The Virginia Freedom of Information Act lists several exemptions to open meetings. The ones of special interest to library boards include (but are not limited to):

- Discussion or consideration of employment, assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of public officers, appointees, or employees
- Discussion or consideration of the condition, acquisition, or use of real property for public purpose; or of the disposition of publicly held property
- The protection of the privacy of individuals in personal matters not related to public business
- Consultation with legal counsel and briefings by staff members, consultants, or attorneys, pertaining to actual or potential litigation; or other specific legal matters requiring the provision of legal advice by counsel
- Discussion or consideration of tests or examinations or other documents pertaining to any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion

Meetings through Electronic Communication Means

Subject to certain requirements, the board may conduct any meeting where public business is discussed or transacted through electronic communication means if, on or before the day of a meeting, the trustee requesting the electronic allowance notifies the chair that:

- They are unable to attend the meeting due to a temporary or permanent disability or other medical condition that prevents their physical attendance
- They are unable to attend the meeting due to a personal matter and identify with specificity the nature of the personal matter (Participation by a board member pursuant to this subdivision is limited each calendar year to two meetings.)
- Their principal residence is more than 60 miles from the meeting location identified in the required notice for the meeting

Minutes

The Virginia *Code* requires that minutes be recorded at all public meetings. The minutes must be open for inspection and available for copying by any citizen of the state and representatives of print and broadcast media, as specified by law.

Recommended Documents and Procedures

Library boards function best if they have agreed-upon procedures for conducting their business. Trustees should arrive at meetings prepared, after reviewing provided materials. The following should be managed consistently:

- Dates, times, and places for meetings, and the methods for changing them
- Preparation of the agenda with posted time allotted for each item
- Format of minutes and responsibility for recording and filing them
- Titles and responsibilities of officers
- Relationship of library director to board and director's role in board meetings
- Legal responsibilities and business matters requiring review by legal counsel
- List of records that must be retained and how to access them

- Required and supplemental reports
- Outline of budget procedure
- Clarification of financial reports and bills
- Crisis management plan
- Identification of a spokesperson for the board
- Committee assignments
- Statements detailing relationships between Friends of the Library and the board
- Statements pertaining to relationship between board and staff
- Statements regarding the use and coordination of volunteers

An effective board provides an ongoing program of trustee education. Ideally, that program should include:

- Time on the board's agenda for the review of programs and services offered by the library so that each board member is aware of these activities
- Time on the agenda for brainstorming and for exploring the backgrounds and talents of the board members (and staff) to identify strengths
- Completion of training courses such as those provided by the Library of Virginia's Library Development & Networking Division
- Attendance at state, regional, or local meetings and workshops
- Attendance at conferences that focus on issues related to your library's future success
- Access to and discussion of current state and national professional literature, as well as information and reports provided by the Library of Virginia

Using a Consent Agenda

Meeting time is valuable and involves time set aside to review, prioritize, and plan as a group.

A consent agenda helps streamline that meeting time so the board can focus on the topics and issues that matter most.

According to BoardSource, a consent agenda is “a bundle of items that is voted on, without discussion, as a package. It differentiates between routine matters not needing explanation and more complex issues needing examination.”

Contents of a Consent Agenda

Items found on consent agendas include:

- Minutes of the previous meeting
- Confirmation of a decision that has been discussed previously
- Library Director’s report
- Committee reports
- Informational materials
- Updated organizational documents
- Routine correspondence

The consent agenda requires seven steps:

1. Set the meeting agenda.
2. Distribute materials in advance.
3. Read materials in advance.
4. Introduce the consent agenda at the meeting.
5. Remove (if requested) an item from and accept the consent agenda.
6. Approve the consent agenda.
7. Document acceptance of the consent agenda.

For more information on consent agendas, visit www.boardsource.org.

POLICY MAKING

Policy Making 2.1

Importance of Policies

Written policies are essential to the successful operation of the library. Library policies are developed by the board to carry out the library's goals and objectives, and to provide a guide for the director in the day-to-day operations of that program. Policies should be flexible and not overly rigid, and their language should be clear enough to avoid misinterpretation. They should be reviewed on a regular basis, perhaps by an attorney as well as the board, to see if they remain suitable for current application.

Policies are necessary to:

- Provide a framework that supports the library mission, philosophy, and vision
- Support decision-making and strategic planning
- Guide the staff in performing their duties and delivery of services
- Establish what services the library will provide and how they will be provided
- Outline procedures
- Ensure all customers are treated fairly and equitably.

When the board adopts or updates a policy, the library director will use it as a guide when planning and managing the daily activities within the library.

POLICY MAKING

Policy Making 2.2

Types of Policies

Each library serves a very different community. Therefore, library policies should be developed with due consideration given to the specific needs of its locale.

At minimum, libraries require policies related to:

- A mission statement (The foundation of the library is its mission statement.)
- Internal processes such as:
 - Human resources
 - Collection development
 - The use of facilities
 - Operations (hours, fines, etc.)
 - Internet/computer use
 - Continuing education for board and staff
 - Ethics and conflicts of interest
- External processes such as:
 - Collaboration with other libraries
 - Public relations
 - Services to specialized group (Americans with Disabilities Act)

The library's policies should be available to all boards and staff and to anyone in the community who wishes to see them. A manual, categorized and numbered with topical headings, provides easy reference and use. Providing an electronic link to a pdf or having an online version hosted on the library's website ensures broad access.

The library director is very familiar with the community; the patrons; and the staff, collections, programs, and services of the

library. He or she can assist the board with policies related to collection development, community room usage, internet usage, human resources, and more. Another valuable resource is the American Library Association (www.ala.org), which provides sample policies for consideration.

FINANCIAL DEVELOPMENT

Financial Development 3.1

Fiscal Responsibilities

Trustees are part of a board that is fully and legally responsible for the proper ethical management of library funds. That means that trustees oversee the creation of the library's annual budget in alignment with strategic goals, manage expenditures in good faith, and regularly work to ensure that the library has sufficient operating and reserve funds. This section will tell trustees more about fiduciary expectations, a typical library's sources of funds, and participation in generating additional revenue to supplement the budget.

Board members are entrusted with a number of fiduciary responsibilities, including:

- Preparation of the budget each year in collaboration with the library director
- Management of the approved budget
- Ensuring that funds are spent in an ethical manner
- Using financial report line items that conform to those used in the state annual report
- Excusing themselves from budget-related discussions and decisions which may pose a conflict of interest
- Raising funds for operating costs (if revenue does not cover expenses) and/or reserve funds to supplement operating funds
- Conformance to federal, state, and local laws, as well as conformance to their bylaws

FINANCIAL DEVELOPMENT

Financial Development 3.2 Sources of Funding

The two main sources of public library funding are state and local government. Additional funding is derived from municipal governments, corporations, organizations, and individuals. Refer to the advocacy recommendations in Section 5 to help prepare for seeking municipal funding.

Local Government Support

In most public libraries in Virginia, funds to operate the library are derived from allocations made by the county, city, or town government under which the library is established. When additional funds are needed, the board must be prepared to justify, to local authorities and to the general public, the need for such expenditure.

State Aid

Sections §42.1-46 through §42.1-58 of the *Code of Virginia* authorize the awarding of grants to provide for the development of library service and to assist libraries in improving standards of service.

The formula for state aid provides for the allocation of grants based on the following factors, effective July 1, 1992:

- Forty cents of state aid for every dollar expended, or to be expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating or participating in the library or system. The grant to any county or city shall not exceed \$250,000.
- A per capita grant based on the population of the area served and the number of participating counties or cities—thirty cents per capita for the first 600,000

persons to a library or system serving one city or county, and an additional ten cents per capita for the first 600,000 persons for each additional city or county served. Libraries or systems serving a population in excess of 600,000 shall receive ten cents per capita for the excess.

- A grant of ten dollars per square mile of area served to every library or library system, and an additional grant of twenty dollars per square mile of area served to every library system serving more than one city or county.

State aid may be used for library materials, equipment, and furniture. Up to 25 percent of the grant may be used for salaries of full-time certified librarians. Libraries serving populations of 13,000 and above, and operating without a full-time certified librarian, receive a 25 percent reduction in their state aid grant.

Library boards should be thoroughly familiar with the *Requirements Which Must Be Met in Order to Receive Grants-In-Aid* (17 VAC 15-110-10), or the *Requirements Which Must Be Met by Libraries Serving a Population of Less Than 5,000 in Order to Receive State Grants-In-Aid* (17 VAC 15-90-10) from the *Administrative Code of Virginia* (See Appendices)

Federal Funds

From the 1960s until 1996, the Library Services and Construction Act (P.L. 101-254) provided funds to assist states in the extension and improvement of public library services. In 1996, Congress approved the Library Services and Technology Act (P.L. 104-208) “to stimulate excellence and promote access to learning and information resources in all types of libraries for individuals of all ages; to promote library services that provide all users access to information through state, regional, national,

and international electronic networks; to provide linkages among and between libraries and to promote targeted library services to people of diverse geographic, cultural, and socioeconomic backgrounds, to individuals with disabilities, and to people with limited functional literacy or information skills.”

Miscellaneous Sources of Funding

Gifts and donations. Policies should be adopted on the acceptance and handling of these funds.

Endowments/foundations/trusts. A library’s own endowment, foundation, or trust fund can be established, with the interest used to supplement the tax-based budget or to finance a special project.

Fines and fees. Local policy determines the availability and use of fines and fees.

Fundraising projects. A Friends of the Library organization can be beneficial to the library in undertaking fundraising events for special projects and programs.

Grants. Corporations and foundations are frequently good sources for additional funds. Directories are available that identify local, state, and national sources. These grants are highly competitive and success may depend on the library’s ability to prepare a well-written grant proposal.

When funds from those sources are not enough to cover operating costs or maintain reserve funds, board members are responsible for raising the money necessary to continue working toward your ideal community library. When considering potential sources for funding, trustees should investigate opportunities with civic organizations, school districts, corporations, and matching gift programs.

FINANCIAL DEVELOPMENT

Financial Development 3.3 Annual Budget

The library's annual budget should be developed cooperatively by the board, the library director, the library staff, and the community. Most libraries track finances using various software programs. It is recommended that your budget line items conform to those used in the state annual report. This eases the process of reporting to the state and creating annual reports with common frames of reference.

Note: Because this information is critical to the operation of your library and may need to be accessed by others, all financial materials should remain in the library at all times.

Presenting the Budget

Trustees play a key role in securing funds for the library. They must be thoroughly prepared to participate in presenting, explaining, justifying, and negotiating the budget. The library must be defended as a basic community and information agency.

The chances for success in securing adequate funding are enhanced if the library has maintained good communications with the local funding authorities throughout the year. It is important that the local officials know how the library funds are used and what the library needs.

Trustees should be prepared to:

- Invite officials to special programs, receptions, and library activities
- Offer personalized library reference service and assistance to local government officials and departments
- Be sure letters of appreciation, awards, and staff accomplishments are well publicized

- Enlist the support of the Friends of the Library and the community to promote the library budget

Implementing the Budget

Once the trustees have set their priorities and obtained funding, the library director and staff have the responsibility of implementing the budget.

Trustees must continue to fulfill their fiscal responsibilities, but their role now shifts to maintaining an awareness of budget implementation and enforcing adherence to the budget plan. Trustees should not be involved in the day-to-day financial operations of the library, however.

Specific procedures and responsibilities should be outlined in the local policy and procedures manuals so that all trustees and staff understand the lines of authority. The tasks, authority, and duties for library spending must be clearly delegated to the bookkeeper, director, or other staff. Trustees may be asked to contribute specific expertise in fiscal management, but their major role is planning, budgeting, and securing funds.

PLANNING

Planning 4.1

Strategic Planning

Because the board is entrusted with the library's future, planning is a critical component of trustees' roles. This means identifying objectives, choosing strategies that will work best for the library, following an action plan to realize the board's vision, and regularly evaluating progress to ensure that the library is moving in the right direction.

Strategic planning is a continual process. For best results, it should be specific to the community and include the following:

- A statement of community needs incorporated into the library vision statement
 - A statement of the library's mission, which describes the services it will provide to meet community needs
 - A statement of the library's goals with objectives that convert to action
 - A timetable for achieving goals—both short and long range
 - Details of the services, programs, and developments desired
 - Data supporting the community needs included in the plan—surveys, census data, and studies
 - A plan within a plan for implementation
 - General assignments for the sections of the plan (For example, if the plan suggests closer relationships with community groups, then the assignment would be to the board and the staff to develop ways to do this.)
- Examination of the budget for ways to begin implementation (Some examples might be a consideration to shift some budget amounts from one purpose to another or think of ways to support a new project from the plan.)
 - Cooperation with public officials to achieve financial needs
 - Development of flexible public relations and publicity
 - Reasonable priorities which recognize the capacity of the library and the community

PLANNING

Planning 4.2

Planning Process Outline

This 5-step planning process helps a board identify long-range and strategic goals based on community needs.

1. Develop a board vision. Have a special planning meeting to discuss the board's goals and concerns for the future of the library and the community. Understanding everyone's perspective and finding the commonalities is an essential starting point. The next steps in the process will help test the board's perceptions and create a unified board vision; but if this conversation doesn't happen first, it will be difficult to work as a group once the findings are in.

2. Assessment. Identify local usage trends through library circulation, program, and technology usage data. Are there things the community is looking for that the library is not providing at this time? Are there things the community clearly would like to see more or perhaps, less? Comparing the library to others with similar budgets or service populations can be a useful planning activity to benchmark capacity. The Library of Virginia provides financial and service statistics of all of the public library systems in the state upon request.

3. Gather input from the community. *Talk to the community and listen to what they have to say.* Using a combination of focus groups, community conversations, online tools, interviews, and surveys ensures a broad amount of input, from both library users and non-users, thereby helping the board to identify community trends, aspirations and priorities. Do not ask the community what the library "should" be doing—that is the job of the board and the

library director and staff to determine. Instead, respondents can be asked to contribute their vision for the library's place in the community. The library director will be able to offer strategies for the effective use of focus groups and community surveys.

Tips: The "Turning Outward" tools from the American Library Association's Libraries Transforming Communities Initiative are a good resource to use during this process. An example of a community survey can be found in the Appendix.

4. Analyze what has been learned. Examine the assessment and community input information. Then use a "SOAR" analysis to identify the library's strengths, opportunities, aspirations and results. This will help the organization focus on current strengths and a vision for the future to develop the strategic goals. The basic questions to be answered are:

- What are the library's greatest strengths?
- What are the library's best opportunities to help the community reach their aspirations?
- What is the library's preferred future?
- What are the measurable results that will show that the vision of the future has been achieved?

5. Assess the library's capacity. Using the lens of the strategic goals developed in step four, examine the library's ability to move forward in the direction the trustees have ascertained. Consider the areas of:

- Personnel
- Finance
- Facility
- Policy
- Partnerships
- Governance
- Marketing & Public Relations
- Measurement & Evaluation

Through these five steps the board and staff will have the information needed to create and write a solid plan for the future of the library.



PLANNING

Planning 4.3

Basic Ingredients for a Five-Year Plan

The following list contains elements that should be included in a library's Five-Year or Strategic Plan:

- Vision (where trustees want the library to be in the future)
- Core values (frank self-assessment of how the board wants the organization to behave as it delivers its vision, mission, and focus)
- Clearly defined outcomes (steps the board is going to take to achieve its vision and what success looks like for each of those steps)
- Accountability (person/position who will have primary accountability for each outcome)
- Key performance indicators (measurable values that demonstrate how effectively a company is achieving defined outcomes)
- Name of library system
- Timeline (dates/years the plan covers)
- Plan approval and updates notation—annual or bi-annual
- Contact information (for questions about the plan)
- Branch plans (if applicable –the plan is not the same for the entire library system)
- Page numbers
- Headers and/or footers

ADVOCACY

Advocacy 5.1

Fostering Relationships

Trustees are in a unique position to represent the library because while actively involved as a volunteer with the organization, they are also at-large, tax-paying constituents of the community. Whereas a library employee might be perceived as self-serving if speaking on behalf of the library or requesting financial support, trustees are more likely viewed as passionate supporters who also represent the interests of their neighbors.

Developing and maintaining relationships with people of all ages and interests in the community means trustees will learn more about what patrons and potential patrons need and want from the library. This information will prove useful when it's time for trustees to add or update policies, make decisions about library services, and plan the library's future.

When trustees speak positively and often about the library, people will come to associate them with it. Many trustees report that community members with little prior knowledge of what their library had to offer have eventually begun approaching the trustees with questions and ideas. Because opportunities constantly present themselves, these conversations may take place in grocery stores, at civic meetings, on the golf course, within the workplace, or around a picnic table. Regardless of where they occur and how long they last, the important thing is to convey a positive message to listeners about the benefits of their community library.

When the time comes to send letters of request for financial support or rally a group to help lobby for the library, trustees will have fostered an interested, engaged group of willing helpers.

ADVOCACY

Advocacy 5.2

Fostering Relationships in the Community

Everywhere trustees go they encounter new opportunities to tell others about the positive benefits a library provides to the community—benefits such as internet access, interlibrary book loans, database access, reference librarian services, personal development programs, and much more.

Trustees should be prepared to take advantage of these opportunities by preparing an “elevator” or “parking lot” speech in advance. (These terms refer to the short time it would take to travel several floors in an elevator or cross a parking lot to the car.) Share these important points:

- A focused and timely message (Examples include “Contribute to your library through volunteerism,” “Attend the upcoming fundraiser,” “Strengthen current advocacy efforts by contacting your legislators,” and so on.)
- A short anecdote or meaningful fact that supports the main message
- The reason that the message is so important (For example, “We’re short on staff because of budget concerns,” “We’re raising money for a teen activities area,” “We’re lobbying for additional funding,” etc.)
- A call to action—a specific thing the trustee would like the listener to do

Such casual conversations can lead to significant future benefit for the library and the community. Each message is so important, in fact, that a trustee should also plan to share it regularly with the municipal government. The next section discusses this specific audience further.

ADVOCACY

Advocacy 5.3 Fostering Relationships with Officials

A proven model for successful relationships with governing bodies includes consistent, positive reporting to the local officials who may play a role in determining the library's future.

It is essential for trustees to be knowledgeable about the political process and to learn ways to affect decision-making. Trustees must take the time to understand the structure of their community's political system. In Virginia, these political layers include town, county or city, and state officials who each have certain powers to support the library. On the national level, Congress makes broad decisions that filter directly down to affect states and localities. Trustees need to cultivate frank, open relationships with all of these officials, working with them to produce the best possible climate for their library.

Effective advocacy begins with a clear understanding of the library's needs, services, resources, and vision. A trustee's knowledge should then extend to the library's context within the larger state library network.

To stay current on issues that may affect your library, trustees should maintain membership in professional associations, such as the Public Library Association (PLA), the Virginia Library Association (VLA), and others. As a member, you will receive regular, updated communications about all things related to library advancement.

Attendance at library-specific conferences is also recommended. There, trustees can find out what's happening that may impact the library, and you will have the opportunity to meet like-minded people and share ideas. Such networking

may be helpful on many levels during your term as a trustee.

In any lobbying effort, participants need to understand the legislative process and proceed under a coordinated plan of action.

Regular communication with state legislators means you will be in a position to share the benefits your library provides to the community and to tell legislators how changes or proposed changes may affect your library.

ADVOCACY

Advocacy 5.4

Effective Advocacy Plans

An advocacy plan is the intentional and strategic use of political activities including lobbying, educating the public, and conducting community research that allows the library to better fulfill its mission. Creating an effective advocacy plan begins with knowledge of library issues such as funding, censorship, and internet use, among others. Implementation of an advocacy plan requires a mindset recognizing that the financial integrity of the library rests with its board of trustees.

Advocacy is an ongoing process, so as stated earlier, trustees should develop and maintain relationships with officials who make decisions that may impact the library. Use your connections to share the library's message. Regular and positive communication helps educate others about the services and programs the library offers, and it builds a strong foundation that is helpful when you request support.

It is best to work with the library director to define the goals and strategies used to advocate for the library. Advocacy is everyone's responsibility. As a result, board members should work collaboratively to:

- Outline the library's advocacy goals and objectives. For example, is the library seeking new legislation, additional funding, or increased public awareness?
- Identify potential sources of support or opposition. Identify organizations with which the board can partner to help share the library's message.
- Identify critical components of the board's advocacy plan, such as a steering committee, budget, and volunteer support.

- Develop a communication plan that includes the board's main message, the library's target audiences, and the library's strategies. Include communication tactics such as letters to officials, municipal presentations, news releases, fliers, social media messaging, a speaker's bureau, and more.
- Develop a realistic action plan with assigned tasks and deadlines. Recruiting outside parties can reduce the board's workload, and it may be a good way to identify potential trustees.
- Evaluate the plan regularly, and adjust it as necessary. Legislation, funding, and other factors may change over time. For this reason, it is good to have a flexible plan.
- Document the results for consideration when creating future advocacy plans.

At minimum, the advocacy plan should include monthly visits to municipal officials. Trustees may want to request time on the meeting agenda to ensure adequate time to speak. Then trustees (in cooperation with stakeholders or patrons) should make a brief presentation each month to share positive stories about the library's successes and community contributions. Once a year (usually in September), trustees may request financial support.

BOARD AS EMPLOYER

Board as Employer 6.1

Scope of Responsibility

The most important decision that trustees make is choosing the library director. Ideally, the board’s only employee will have a positive, collaborative relationship with the board. He or she will work daily to fulfill the vision of the community library.

It is necessary to first define and then respect the boundaries and scope of work given to both the trustees and the library director. Then the director, with guidelines and solid support from the board, is able to assign work and make decisions that align with expectations and ensure excellent library service.

ACTIVITY	BOARD OF TRUSTEES <i>Purpose: Guide the library to accomplish amazing things</i>	LIBRARY DIRECTOR <i>Purpose: Align the library's daily activities with the board's vision</i>
FUND DEVELOPMENT FOR: General operating expenses Financial future of the library	Strategically plans to ensure a strong financial future for the library Presents to local government officials for continued, improved allocations Hosts special events to connect with major donors Assists in writing grants	Works with the board on strategic planning Writes grants
FUNDRAISING (outside general operating budget)	May assist Friends with their activities Creates and implements a fundraising strategy as part of the overall strategic plan	May assist Friends with their activities
POLICY MAKING	Writes, reviews, and adopts policies for: Bylaws Human resources Collection development Community room usage Patron behavior Internet usage	Assists board in policy writing for: Collection development Community room usage Patron behavior Internet usage Human resources

ACTIVITY	BOARD OF TRUSTEES <i>Purpose: Guide the library to accomplish amazing things</i>	LIBRARY DIRECTOR <i>Purpose: Align the library's daily activities with the board's vision</i>
PLANNING	Engages in short- and long-term planning for: Mission and vision statements Funding and financial management Advocacy activities Administration and management Facility Programs and services Technology Marketing Community partnerships Other areas as needed	Assists board in planning
MARKETING AND ADVOCACY EFFORTS	Works collaboratively with director and Friends	Works collaboratively with trustees and Friends
HUMAN RESOURCES	Writes job description for director Hires (and may fire) director Evaluates and supports exceptional performance of director Provides frequent feedback concerning job performance Could also evaluate board	Manages other staff, including: Writing job descriptions Hiring Evaluating
EVERYDAY LIBRARY MANAGEMENT	N/A	Orders books Plans programs Manages staff Handles other assigned duties
BUDGETING	Prepares annual budget	Consults with the board on budget preparation Spends within the budget

BOARD AS EMPLOYER

Board as Employer 6.2

Hiring One Employee: The Library Director

Trustees are responsible for hiring, evaluating, encouraging, and supporting the library director. Careful preparation will help with effective hiring.

A successful, effective library director should demonstrate:

- Professional knowledge
- An understanding of current library best practices and new, emerging technology
- Technical ability
- Leadership skills
- Community involvement
- Strong communications skills
- Vision

Directors should have working knowledge of:

- Finance
- Advocacy
- Strategic planning
- Marketing and public relations
- Management
- The community which the library will serve

Advertising the Position

Using the above qualifications, the board will need to advertise the position and invite qualified candidates to apply. The Virginia Library Association and the American Library Association are good places to advertise library services positions. Advertising and searching for qualified individuals via online statewide listservs and employment agencies is also useful.

Interview Process

A good place to prepare for the hiring process is the Library Development and Networking Division at the Library of Virginia. Their consultants have practical insight on the director position. Trustees can also contact a consultant for help in developing the most appropriate interview questions. Some sample questions include:

- What about our organization interests you?
- What do you consider to be your major accomplishments in your current job?
- What do you feel is the library director's role in developing and supporting technology in the library?
- Tell us about the most difficult personnel problem that you have had to deal with. How did you handle it? How was it resolved?
- How would you create or identify opportunities for staff development?
- What do you feel is the library director's role within the community?
- How would you explain to municipal officials why the library needs increased funding?
- What experience have you had with long- and short-term budget projections? Please explain.
- How would you develop a vision and mission for the future and then communicate that vision?
- Have you ever been in a situation having multiple supervisors or multiple sets of rules and regulations? How did you or would you handle that?
- How would you raise the visibility of the library throughout the community?

- What can you do for us that someone else can't do?

Tip: See Appendix for other sample interview questions.

Be sure to consider which are your strongest needs—creativity, flexibility, fiscal management, advocacy, etc.—and structure several of the interview questions around those skill sets.



BOARD AS EMPLOYER

Board as Employer 6.3 Evaluation of the Library Director

Once trustees have hired the best director for the community's library and shared the board's expectations with him or her, it's time to consider a system of evaluation. By evaluating the director consistently, trustees are able to continue the conversation in a constructive, motivating way.

As trustees fulfill their legal and policy-making functions, they inevitably become aware that progress evaluations regarding the library and the librarian are an ongoing, necessary process. Evaluations will take place when choosing new programs, assigning budget amounts, granting salary increases, and discussing successes and failures.

The most difficult evaluation, and one only the board can do, is the job performance rating for the director. Major criteria include how well or poorly:

- The director has dealt with the staff
- The director has dealt with the public
- Administrative matters have been handled
- Records have been kept
- The library budget has been followed
- The director's strengths and talents have been demonstrated in the library's service
- The library's positive visibility has been implemented via marketing and library programs

Boards should approve a human resources policy that includes the director position and specifies a time schedule for an annual review of the director's job performance. The librarian and board should develop an annual plan against which to measure the progress made over the evaluation period.

Evaluation is a continuous process of reinforcing areas of strength and identifying the areas that may benefit from improvement over time. Trustees represent the public and need to perform this evaluating duty to ensure competence and effectiveness in their libraries.

Tip: See the Appendix for a sample evaluation form.

BOARD AS EMPLOYER

Board as Employer 6.4

Dismissal of the Library Director

One of the most difficult situations a board may have to face is the dismissal of the library director. It is an action that should not be taken lightly because it will affect the future of the library and reflect on the career of the director.

There is less likelihood of having to take this action if care is taken during the hiring process and the board has a well-developed evaluation procedure in place.

If efforts taken to improve the director's performance are unsuccessful, and the working relationship between the board and the director hits an impasse, then dismissal may arise as a last resort.

Generally, the reasons for discharge are around poor performance or infractions of the rules. Both the potential reasons for dismissal and the procedures to be followed should be stated explicitly in writing and adopted by the board as policy. It is important to avoid vague terms. An appeals procedure should also be in place to ensure fairness and to protect the director from false charges.

In considering dismissal of the director, the board should consider the following questions:

- Has the board acted responsibly?
- Has the board dealt with problems as they arose?
- Has the director received written notification of his or her dismissal and the reasons for dismissal?
- Has the director been given a full hearing?
- Have the charges been listed explicitly?
- Can the board defend its position?

- Does the board need legal advice?
- How will the dismissal be handled with the public?
- Do the policies need to be changed?

The board should understand that its responsibility is to provide the best possible library service. Every effort should be made to ensure that personalities and biases are not leading factors in a decision to replace the director.

BOARD AS EMPLOYER

Board as Employer 6.5

The Board's Relationship with Staff

A clear understanding of the relationship between the board and staff members is vital to the smooth operation of the library. Ideally, the relationship will be analogous to that of a corporate board of directors (i.e., it should be one of cordial and friendly interest; but at no time should the board, or an individual board member, intervene between a staff member and the director). The board hires the director to be the expert in management of the library, including the management of all other personnel. Policies governing job specifications, salaries, and other terms of employment are the responsibility of the board, while selection and supervision of personnel are part of the director's administrative duties.

There may be occasions when staff members go around the director and take their concerns and complaints directly to the board or to an individual board member. When this occurs, the staff member should be reminded that the board does not act on complaints from the staff except through a grievance procedure that is board policy. The proper procedure is to discuss the matter with the director. Any other action by overzealous board members will undermine the director's authority and probably produce the unhappy result of opposing factions and general disorganization within the library.

There are times when it is appropriate for board members to work with staff members. Some examples of when board members may work with staff members are: in committee settings, in the long-range planning process, if requested by the director to make reports at the board meeting, and when planning library social events.

A policy that reflects the relationship between the library board, the library director, and the staff should be adopted, and should be communicated to the staff in a direct, clear, and easily understood manner.

PUBLIC RELATIONS

Public Relations 7.1

Promoting the Library

Whether or not the library has a dedicated public relations or marketing employee, trustees indirectly assume that role when they accept their board positions. Opportunities to promote the library happen daily.

By forming and maintaining relationships with decision makers, library patrons, and the general public, trustees will help position the library for future growth as it continues evolving to meet changing needs. Remember that any public messages must be agreed by the board and director to convey unity of intention.

Libraries need public relations support for a number of reasons:

Libraries are competing with online information providers, television, gaming, social activities, and commercial booksellers for the public's attention.

Because libraries are well regarded by most people, the library's needs may not be evident. Educating ongoing and potential patrons, decision makers, and elected officials will translate into additional support for the library.

A strong need exists to increase public awareness about the reliable, academic information and professional resources available through public libraries.

The benefits of a community library are not always obvious to the general public. It is vitally important to advocate for public libraries and promote their programs and services. Trustees are expected to be familiar with their library's offerings and tell others about them.

Aside from community job creation and free access to materials, public libraries provide tangible economic benefits to all who use them. Consider these statistics from the Virginia's 2018 Public Library annual reports*:

Virginia's public libraries expended \$300,680,942 and employed the full-time equivalent of 4,318 staff.

In 2018, Virginia public libraries served 4,959,766 registered borrowers who made almost 33,943,329 total visits to their library.

During those visits, there were 6,393,063 uses of internet-connected public computers, and nearly 54,873,076 items were circulated.

In 2018, 749,412 people attended summer reading programs for all ages

Virginians were served at 376 public library locations throughout the state.

**This is the most recent information available at press time. Please see your library director for the most current statistics.*

PUBLIC RELATIONS

Public Relations 7.2 Actively Communicating with Stakeholders

Boards having the greatest success in marketing their library have a public relations plan for each upcoming year and revisit that plan at each board meeting. This plan can address misperceptions, clarify benefits, and strengthen relationships between the community and the library.

Whether it is through digital, written, or spoken messages, the imperative is for information about the library to be heard and heard often.

New ways of reaching the public—social media, chat, and text messaging—demonstrate that the library is keeping pace with technology. Strategic usage will also help to reach segments of the population that have come to rely on digital communications for staying connected.

Here are some ways trustees can support the library's public relations efforts:

- Write letters to the editor of the local newspapers—keep the messaging in line with the advocacy messages that are shared each month.
- Write a trustee column for your library's newsletter.
- Write or coordinate a blog for your library's website.
- Enlist others to spread the word about the benefits the library brings to the community. Using social media will give you prepared messages that are easy to share.
- Speak at local civic, professional, fraternal, and social group meetings to educate members about the benefits of the library.
- Welcome attendees at programs; briefly tell them more about what their library is doing for them.
- Present certificates of appreciation to Friends and volunteers.
- Donate time to set up an informational display.
- Represent the library at community events.
- Participate in library fundraisers.
- Tell your library's story everywhere you go.

Trustees' active participation in promoting their community library helps to:

- Increase the library's usage
- Promote the services and programs offered
- Refresh a potentially dated perception of libraries
- Generate or strengthen social, emotional, political, and financial support for the library
- Communicate a strong sense of value related to public libraries

APPENDIX

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- 37 Golden rules for board members
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- 41 Library board member agreement (sample)
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- 51 Sample interview questions
- 53 Sample evaluation form for library director
- 56 Sample motion for closed session
- 57 Select Virginia library laws
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- 68 Other laws relating to public libraries in Virginia

GOVERNING & ADVISORY BOARDS | Duties and Responsibilities

GOVERNING	ADVISORY
<ol style="list-style-type: none"> 1. Employ a competent and qualified library director. Maintain an ongoing performance evaluation process for the director. 2. Determine the mission, goals, and objectives of the library. Adopt written policies governing the library. 3. Secure adequate funds to carry out the library’s programming. Assist in the preparation of the annual budget. Officially approve budget requests. 4. Ensure that the library has a long-range planning process that can be implemented and evaluated. Bring awareness of the library’s strengths and weaknesses to this process. 5. Be familiar with local, state, and federal library laws; actively support pending library legislation. 6. Establish, support, and participate in a planned public relations program. 7. Attend all board meetings and see that accurate records are kept on file at the library. 8. Attend regional, state, and national trustee meetings and workshops. 9. Know the services of the Library of Virginia. 10. Report regularly to the governing officials and the general public 	<ol style="list-style-type: none"> 1. Recommend a competent and qualified library director. 2. Consider and recommend written policies governing the library. 3. Participate in efforts to secure adequate funds to carry out the library’s programming. 4. Assist in formulating a long-range planning process that can be implemented and evaluated. Bring awareness of the library’s strengths and weaknesses to this process. 5. Be familiar with local, state, and federal laws; actively support pending library legislation. 6. Establish, support, and participate in a planned public relations program. 7. Attend all board meetings and see that accurate records are kept on file at the library. 8. Attend regional, state, and national trustee meetings and workshops. 9. Know the services of the Library of Virginia. 10. Report regularly to the governing officials and the general public.

GOLDEN RULES FOR BOARD MEMBERS

1

Leave the actual management of the library to the library director. It is the library director's responsibility to select books, employ the staff, and supervise day-to-day operations.

2

After a policy or rule is adopted by the majority vote of the library board, do not criticize or re-voice your opposition publicly.

3

Respect confidential information. Do not divulge information regarding future board actions or plans until such action is officially taken.

4

Observe publicity and information policies of the board and library. Do not give information individually, but refer requests to the library director or appropriate representative to interpret policies.

5

Treat staff members and the library director in an objective manner. Under no circumstances listen to grievances of staff members or treat individual problems on your own. The library director is in charge of the staff and has administrative control up to the point where a grievance is presented to the library board as a whole.

6

Do not suggest hiring a relative or two members of the same family as library employees.

7

All rules and policies directed to the library director must be approved by a quorum of the board at a regular meeting. Even the chair should abide by this rule.

8

Do not hold board meetings without the library director.

9

Complaints from the public are the library director's responsibility. Continued dissatisfaction and problems should be taken up at the board meeting only if policy revision is necessary or legal ramifications are involved.

10

Assume full responsibility as a board member. If you are unable to attend meetings regularly and complete work delegated to you, resign so that an active member can be appointed.

NEW TRUSTEE ORIENTATION PLAN (SAMPLE)

Welcome

Introduce yourself (if you do not already know the new trustee), welcome the trustee to the board, thank the trustee for contributing his or her time and effort, and offer your support at any time throughout the trustee's term.

Session 1: Overview of Facility, Staff, and Services

Intended to give an overview of the library, its staff, and its services, the initial orientation meeting should be conducted by the board president (or his or her designee) and the library director.

Ideally, the session should include a tour of the facility and introductions to staff and volunteers. During the tour, the board president and library director can talk about the programs and services offered to the community.

This is a good time to provide the new trustee with reference material that will help him or her become more familiar with both the library and the board. A comprehensive packet will allow the new trustee to better prepare for upcoming meetings. The packet may include:

- A customizable binder
- A brief history of the library
- Your library's mission statement, major goals, and strategic plan
- Your library board's bylaws
- A calendar of upcoming board meetings
- A list of library board members and their contact information
- An organizational chart for the library, populated with pictures of each staff member if possible
- Minutes from the previous year's library board meetings
- A statistical report for the last full year and the current year to date
- The current library newsletter and calendar of programming
- Information about the library Friends group, along with a membership form.

Session 2: Budget, Advocacy, and Public Relations

The new trustee should now have a solid understanding of the library's mission, strategic plan, and activities. For this second session, it is time to talk about financial matters, as well as the advocacy and public relations efforts that will advance the library's operational and reserve funds. During this second orientation session, you may want to provide the trustee with related information, such as:

- A list and information about the community's municipal board members, including the municipal board's meeting schedule and contact information
- The most recent library annual report
- The library's current budget
- The board's current advocacy and public relations plans

Session 3: Operations and Policies

The final orientation session is designed to educate the new trustee on the daily operations of the library. Emphasis should be placed on the importance of the trustee-managed policies that guide the library director. Helpful materials may include:

- Key policies and information about how to access others
- Statistical report for the last full year and current year to date
- Role, name, and contact information for the Library of Virginia's consultant

PUBLIC LIBRARY BOARD OF TRUSTEES JOB DESCRIPTION

As the governing body, the Board of Trustees:

Advocates for the library within the community by:

- Ensuring adequate funding
- Establishing and supporting planned programs of public relations
- Meeting with local officials to communicate library issues
- Representing library patrons' concerns and their perspectives

Develops a strategic plan that:

- Guides and articulates the goals and objectives to be achieved
- Determines sound decision-making and priorities
- Measures the quality and effectiveness of services and programs
- Reflects contemporary library practices and future trends

Nurtures fiscal responsibility through:

- The preparation of a budget
- Scheduled monitoring of that budget and other financial progress reports
- Pursued opportunities, such as grants, campaign development, and other funds
- Communication of fiscal needs with supporting agencies
- Careful investments

Crafts policies that:

- Comply with all laws
- Form a framework of acceptable expected practices, behaviors, and procedures
- Support the mission, goals, and objectives of the library
- Outline personnel issues
- Describe courses of action when there is conflict
- Describe facilities use and access
- Are adopted, enforced, and updated

Ensures qualified leadership by:

- Hiring a library director who manages the day-to-day operations
- Evaluating the director annually

LIBRARY BOARD MEMBER AGREEMENT (SAMPLE)

I, _____, understand that as a member of the Board of Directors/Trustees of the _____, I have a legal and ethical responsibility to ensure that the organization does the best work possible in pursuit of its goals. I believe in the purpose and the mission of the organization, and I will act responsibly and prudently as its steward.

I understand that as part of my responsibilities as a board member:

1. I will actively assist the board in securing adequate funding for the library's future.
2. I will interpret the library's work and values to the community, represent the library, and act as an advocate for the library.
3. I will never exercise authority as a board member except when acting in a meeting with the full board or as delegated by the board.
4. I will make a personal financial contribution annually at a level that is meaningful to me and participate in fund development activities.
5. I will act in the best interests of the organization and excuse myself from discussions and votes where I or a family member has a conflict of interest.
6. I will keep confidential matters confidential.
7. I will stay informed about what is going on in the organization and take responsibility for making decisions on issues, policies, and board matters.
8. I will recognize the role of the board as a governing body and not a management body and work in good faith with the library director.
9. I will protect community members' freedom to read, view, and listen, which might mean setting aside my personal preferences.

If I do not fulfill these commitments, I expect the board president or his/her delegate to take appropriate action.

In turn, the library will:

1. Provide me with the minutes, library director's reports, and monthly financial statements so that I can meet the "prudent person" standards of the law
2. Work in good faith with me toward achievement of our goals
3. Offer me opportunities for professional development as a board member
4. Keep the lines of communication open so that I may stay informed

The library has provided me with an orientation with the library director and the board president (or his/her delegate) to explain to me the history, mission, values, programs, pressing issues, finances, facilities, bylaws, organizational chart, committees, key staff members, etc. I understand my rights and responsibilities under the library's bylaws and the law of the Commonwealth of Virginia.

Board Member

Date

Board President

Date

Adopted by the Library Board of Directors/Trustees on _____.

CONSENT AGENDA

A consent agenda allows meeting participants to focus on the group's highest priorities. The agenda represents a collection of items that are collectively voted on without discussion.

This type of agenda differentiates between routine matters not needing explanation and more complex issues which require discussion and action.

When properly used, the consent agenda follows seven steps:

1. Set the meeting agenda
2. Distribute materials in advance
3. Read materials in advance
4. Introduce the consent agenda at the meeting
5. Remove (if requested) an item from and accept the consent agenda
6. Approve the consent agenda
7. Document acceptance of the consent agenda

TRADITIONAL AGENDA FOR THE MEETING OF A LOCAL LIBRARY BOARD (SAMPLE)

The board's agenda is developed by the board president and the library director, and its content often arises via suggestions from the board and library staff. The agenda and standardized financial reports should be prepared in advance and distributed with related material prior to the meetings.

Note: Many boards include a special agenda item for any comment from the audience. Others allow the public to participate as items are considered.

ORDER OF BUSINESS

This is a call to order and a recording of attendance. If there is an audience, it is a courtesy to call the roll or to have nameplates. Here you can include the presentation of the consent agenda (see page 11 for more about consent agendas). There needs to be a determination that a quorum exists.

Here is included a presentation of the minutes from the previous meeting. It is not necessary to read the minutes aloud. There is a call for any corrections or additions. Corrections should be carefully recorded and read. Actions cannot be changed or any subsequent happenings added. This presentation ends with a motion to accept.

REPORT OF THE LIBRARY DIRECTOR

This is a report on library progress, activities, and issues. It can include any community feedback.

REPORT OF THE TREASURER

REPORT OF THE PRESIDENT AND TRUSTEES' COMMENTS

Trustees should report on their library-related activities, including meetings attended and community contacts made.

POLICY PROBLEMS

This agenda item includes operating problems that may require board actions, a shift in policies, new policies, or policy interpretation. Library directors and trustees should evaluate existing policies and recommend changes and updates. Problems requiring background information (such as repair estimates, budget shifts, or staff requirements) should be explained as part of the agenda.

PLANNING

This agenda item involves committee reports and evaluation of progress on existing plans. Advocacy and public relations planning may be included.

OLD BUSINESS

This is a category for finishing off an item or completing an action. Each item of old business should be listed by "title" and status.

NEW BUSINESS

Trustees tell the president what business is to be raised.

THE BOARD SELF-EVALUATION

Successful board teams pay attention to the process behind how they operate. Just as they evaluate the progress of their library, they must also assess the operation of the board team and determine how they can do this job better.

It's up to the library board to hold itself accountable for good performance. To do that correctly, the board should take time every year to formally evaluate board performance. The purpose of the evaluation is not to find fault with board members or the full board, but to examine strengths and weaknesses. The formal self-evaluation should be followed with a plan to improve board performance.

Does the board prepare to do its job by:

1. Conducting a thorough orientation for all new board members? Yes No
2. Integrating new members into the team as quickly as possible? Yes No
3. Participating in continuing education? Yes No
4. Providing regular board development activities for all board members? Yes No
5. Performing an annual self-evaluation of board operations? Yes No
6. Providing all board members with copies of the mission statement, bylaws, ordinance, plan, library laws, and all other important documents of the library? Yes No
7. Touring all facilities at least once a year? Yes No

Does the board ensure good meetings by:

1. Limiting most meetings to two hours or less? Yes No
2. Providing a comfortable meeting room conducive to business? Yes No
3. Convening and adjourning on time? Yes No
4. Having the board chairperson lead the meetings? Yes No
5. Sticking to the prepared agenda? Yes No
6. Ensuring the board has enough information to make decisions? Yes No

- 7. Working for consensus rather than fighting for a majority? Yes No
- 8. Discussing issues cordially, avoiding personal attack? Yes No
- 9. Following a business-like system of parliamentary rules? Yes No
- 10. Including the director as a resource for all deliberations? Yes No
- 11. Confining all discussion to policy issues and avoiding management issues? Yes No
- 12. Allowing/encouraging all board members to participate in discussion and not letting one or two persons dominate? Yes No

Do individual board members:

- 1. Attend at least 90 percent of all board meetings and committee meetings to which they're assigned? Yes No
- 2. Come to meetings prepared? Yes No
- 3. Come to meetings on time? Yes No
- 4. Feel free to express even dissenting viewpoints? Yes No
- 5. Leave meetings with a feeling of accomplishment? Yes No
- 6. See themselves as part of a team effort? Yes No
- 7. Act as advocates for the library? Yes No
- 8. Know their responsibility as board members of the library? Yes No
- 9. Attempt to exercise authority only during official meetings of the board? Yes No
- 10. Represent the broad interest of the library and all constituents, not special interests? Yes No
- 11. Understand that the most effective way to govern is to delegate management to the director? Yes No

Does the board plan for the future of the library by:

1. Annually reviewing and approving the mission statement? Yes No
2. Annually reviewing yearly objectives/work plan? Yes No
3. Annually reviewing progress toward the long-range plan and modifying the long-range plan? Yes No
4. Having board committees work and produce results? Yes No
5. Operating from opportunity rather than crisis to crisis? Yes No

In which of the major categories above does the board show real strengths? In which of the major categories above does the board need improvement?

CODE OF ETHICS FOR LIBRARY TRUSTEES (SAMPLE)

As a member of this board, I will:

- Represent the interests of all people served by this library and not favor special interests
- Participate in advocacy efforts to protect and advance the library's progress
- Respect the trust of those who elected or appointed me to the board, and respect the trust of those we serve
- Divulge conflicts of interest and avoid using my board position for my personal advantage or that of my family, friends, and significant others
- Abide by all policies and procedures approved by the board
- Respect the need for confidentiality
- Publicly support policies adopted by the board
- Include the library director in board meetings, planning, and decision-making as appropriate
- Abide by the library's public relations and information policies
- Refer patron needs to the library director
- Attend meetings regularly and participate actively
- Listen to others with an open mind and show respect for their opinions
- Speak positively about the library, as well as its staff and volunteers

Signature: _____

Date: _____

SAMPLE PUBLIC SURVEY

Please take a moment to answer this anonymous survey about the library. All questions are optional.

Section 1: Please check one answer for each of the following:

1. Do you have a library card? Yes No

2. On average, how often do you visit the library?
 Daily Weekly Monthly Less than once a month Never

3. How would you rate each of the following library services?

	Excellent	Good	Fair	Poor	Don't know/Not applicable
Customer service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Collection (books, DVDs, music, newspapers, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Programs (classes, storytimes, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Online services (website, catalog, research databases, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ILL (Inter-library loan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Library policies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computers and printers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Hours of operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, how would you rate the library?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4. How important is each of the following library services to you?

	Very Important	Important	Somewhat Important	Not Important	Don't know/Not Applicable
Borrowing materials (books, DVDs, music, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reference (research assistance from librarians)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Programs (classes, storytimes, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Computers and printers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Help using computers, printers, etc.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Study rooms/reading areas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community meeting rooms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Internet access	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ILL (Inter-library loan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Online services (website, catalog, research databases, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Photocopier	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Newspapers and magazines	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bookmobile	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Homebound services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Overall, how important is the library to you and your family?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 2: We value your opinions. Please answer the following questions:

5. What do you value most about the library?

6. How could the library or its services be improved, if at all?

7. How does the library benefit you or the community?

Thank you for your time! If you have questions about this survey or about the library, please contact us at yourcontactinfo@yourlibrary.com.

SAMPLE INTERVIEW QUESTIONS FOR A POTENTIAL LIBRARY DIRECTOR

Describe in detail what experience you have in researching, evaluating, and requesting public or private grant monies.

We now know that our budget has been significantly reduced. What fundraising endeavors would you like to implement?

How would you explain to county commissioners or other government agencies why the library needs increased funding?

How would you raise the visibility of the library throughout the community?

What do you feel is the library director's role within the larger community (outside of the walls of the library)?

Our town is rapidly becoming a culturally diverse community. How do you think the library could reach out to that diverse population and continue to create new library users?

Service to children and young adults is very important to our library. Working along with the children's librarian, how do you think you could contribute to the program's success in the library and the community?

Have you ever done any public or group speaking?

How do you see public libraries integrating into communities ten years from now? What can you do for us that someone else can't do?

Tell us about your education, work experience (including supervisory, budget, and facility management), special skills (including computer use), and accomplishments that you feel qualify you for this position.

What do you consider to be your major accomplishments in your current job?

We know that our staff is very nervous about a new library director coming in and the changes that will occur. How will you make this transition with them so that they will be more at ease?

What will you do on the first day with them?

What techniques do you use to motivate staff?

What is your management style? How would you describe your basic leadership style? Give specific examples of how you practice this.

Tell us about the most difficult personnel problem that you've managed. How did you handle it?
How was it resolved?

How would you create or identify opportunities for staff development?

What would you most like to accomplish if you had this job?

What was your most difficult decision in the last six months? What made it difficult?

What are the primary tasks of a public library and who should handle those tasks?

Talk about the role of technology in the public library and how you would incorporate technology at our library.

If you were coming to a library with no programs, what programs would you initiate first?

SAMPLE EVALUATION FORM FOR LIBRARY DIRECTOR

Date:

Instructions: Each board member should complete this form and return it to the board president. The summarization and individual responses will be used during the library director's evaluation. Please be specific with your comments, noting both areas of strength and areas for improvement. Thank you.

*Scale: Excellent (E); Satisfactory (S); Needs Improvement (N); Unknown (U) **please circle one***

Public Relations

Level of patron satisfaction	E	S	N	U
Level of customer service	E	S	N	U
Consistent application of policies related to the public	E	S	N	U
Creation and maintenance of positive working relationships with municipalities, community groups, schools, and other organizations	E	S	N	U
Awareness of and response to community needs	E	S	N	U
Use of existing processes to provide feedback to public	E	S	N	U
Ongoing marketing of library services	E	S	N	U
Comments:				

Organizational Development

Progress toward long-range strategic plans	E	S	N	U
Executed tactics that support long-range goals with staff and trustees	E	S	N	U
Evaluation and potential adjustment of goals and objectives	E	S	N	U
Library services and materials are suitable to community needs	E	S	N	U
Staff understanding of long-range plan and their role in it	E	S	N	U
Practical knowledge of industry trends and developments	E	S	N	U
Well-maintained building and grounds	E	S	N	U
Technological changes				

Organizational Development, Continued

Comments:

Administration

Effectively assigned and appropriately delegated work flow	E	S	N	U
Clear and current job descriptions with performance evaluations conducted regularly and with proper documentation	E	S	N	U
Effectively communicated and implemented federal and state regulations, as well as library policies	E	S	N	U
Staff development and continuing education	E	S	N	U
Talented staff attracted by the library's reputation and work environment	E	S	N	U
Comments:	E	S	N	U

Financial Management

Sound financial practices with proper control and accounting	E	S	N	U
Budget prepared with input from staff and trustees	E	S	N	U
Library operating within approved budget guidelines	E	S	N	U
Official records and documents maintained in compliance with federal, state, and local regulations and reporting requirements	E	S	N	U
Positive relationships with government, foundation, corporate, and individual donors	E	S	N	U
Funds disbursed in accordance with budget, contract/grant requirements, and donor designations	E	S	N	U
Consistently developed additional sources of revenue	E	S	N	U
Comments:				

Board Relationship

Appropriate, adequate, and timely information shared to the board	E	S	N	U
Well-supported board committees	E	S	N	U
Well-informed board on library issues and influences	E	S	N	U
Comments:				

MOTION FOR CLOSED SESSION (for discussion of employee performance) (SAMPLE)

For the closed session, the following motions must be made:

1. Motion to Enter Closed Session (Roll call vote required): “I move that the Board convene in closed session pursuant to Section 2.2-3711 (A) (1) of the *Code of Virginia* for the purpose of employee performance review.
2. Motion to Exit Closed Session: “I move that the Board exit the closed session.”
3. Motion to Certify (Roll call vote required): “I move that the Board certify that to the best of each member’s knowledge, only public business matters lawfully exempted from the open meeting requirements of the Virginia Freedom of Information Act and identified in the motion authorizing the closed session were heard, discussed, or considered in the closed session.”

SELECTED VIRGINIA LIBRARY LAWS

SELECTED LAWS GOVERNING THE LIBRARY OF VIRGINIA

§42.1-1. The Library of Virginia. The Library of Virginia is hereby declared an educational institution and an institution of learning. The Library of Virginia shall be the library agency of the Commonwealth, the archival agency of the Commonwealth, and the reference library at the seat of government. It shall have the following powers and duties:

(1) [Repealed.]

(2) To accept gifts, bequests and endowments for the purposes which fall within the general legal powers and duties of The Library of Virginia. Unless otherwise specified by the donor or legator, the Library may either expend both the principal and interest of any gift or bequest or may invest such sums as the Board deems advisable, with the consent of the State Treasurer, in securities in which sinking funds may be invested. The Library shall be deemed to be an institution of higher education within the meaning of §23-9.2;

(3) To purchase and maintain a general collection of books, periodicals, newspapers, maps, films, audiovisual materials and other materials for the use of the people of the Commonwealth as a means for the promotion of knowledge within the Commonwealth. The scope of the Library's collections shall be determined by the Library Board on recommendation of the Librarian of Virginia, and, in making these decisions, the Board and Librarian of Virginia shall take into account the book collections of public libraries and college and university libraries throughout the Commonwealth and the availability of such collections to the general public. The Board shall make available for circulation to libraries or to the public such of its materials as it deems advisable;

(4) To give assistance, advice and counsel to other agencies of the Commonwealth maintaining libraries and special reference collections as to the best means of establishing and administering such libraries and collections. It may establish in The Library of Virginia a union catalogue of all books, pamphlets and other materials owned and used for reference purposes by all other agencies of the Commonwealth and of all books, pamphlets and other materials maintained by libraries in the Commonwealth which are of interest to the people of the whole Commonwealth;

(5) To fix reasonable penalties for damage to or failure to return any book, periodical or other material owned by the Library, or for violation of any rule or regulation concerning the use of books, periodicals, and other materials in custody of the Library;

(6) To give direction, assistance and counsel to all libraries in the Commonwealth, to all communities which may propose to establish libraries, and to all persons interested in public libraries, as to means of establishment and administration of such libraries, selection of books, retrieval systems, cataloguing, maintenance, and other details of library management, and to conduct such inspections as are necessary;

(7) To engage in such activities in aid of city, county, town, regional and other public libraries as will serve to develop the library system of the Commonwealth;

(8) To administer and distribute state and federal library funds in accordance with law and its own regulations to the city, county, town and regional libraries of the Commonwealth; and

(9) To enter into contracts with other states or regions or districts for the purpose of providing cooperative library services.

Wherever in this title and the *Code of Virginia* the terms “State Library” or “Library” appear, they shall mean The Library of Virginia. (Code 1950, §42-33; 1970, c. 606; 1984, cc. 389, 734; 1986, c. 565; 1987, c. 458; 1994, c. 64; 1998, c. 427.)

§42.1-2. The Library of Virginia under direction of Library Board; membership; chairman and vice-chairman; committees and advisory bodies. The Library of Virginia shall be directed by a board, consisting of fifteen members, to be appointed by the Governor, which shall be and remain a corporation under the style of “The Library Board,” sometimes in this chapter called the Board. Prior to such appointments the Board may submit to the Governor lists of candidates based upon interest and knowledge, geographic representation, participation in community affairs, and concern for the welfare of the Commonwealth. In no case shall the Governor be bound to make any appointment from among the nominees of the Board. The Board shall meet and organize by electing from its number a chairman and vice-chairman. It shall have the power to appoint such committees and advisory bodies as it deems advisable. (Code 1950, §42-34; 1968, c. 122; 1970, c. 606; 1986, c. 565; 1987, c. 458; 1994, c. 64.)

§42.1-13. Appointment; terms of office; employment; duties. The Board shall appoint a librarian, to be known as the Librarian of Virginia, who shall serve at the pleasure of the Board. The Librarian of Virginia shall appoint principal assistants and approve the appointment of other employees. The terms of office and employment of such assistants and employees shall be subject to the personnel regulations of the Commonwealth.

The Librarian of Virginia shall supervise the administration of The Library of Virginia. The Librarian of Virginia shall make requests for appropriations of necessary funds and approve all expenditures of Library funds. Such expenditures shall be made as provided by law. (Code 1950, §42-48; 1970, c. 606; 1984, c. 444; 1985, c. 397; 1986, c. 565; 1994, c. 64; 1996, c. 812; 1998, c. 427.)

CERTIFICATION LAW

§42.1-15.1. Qualifications required to hold professional librarian position. Public libraries serving a political subdivision or subdivisions having a population greater than 13,000 and libraries operated by the Commonwealth or under its authority shall not use funds derived from any state aid to employ, in the position of librarian or in any other full-time professional librarian position, a person who does not meet the qualifications established by the State Library Board.

A professional librarian position as used in this section is one that requires a knowledge of books and of library technique equivalent to that required for graduation from any accredited library school or one that requires graduation from a school of library science accredited by the American Library Association.

No funds derived from any state aid shall be paid to any person whose employment does not comply with this section.

This section shall not apply to law libraries organized pursuant to Chapter 4 (§42.1-60 et seq.) of this title, libraries in colleges and universities or to public school libraries. (1988, c. 716; 2004, c. 559.)

LAWS GOVERNING THE ESTABLISHMENT OF PUBLIC LIBRARIES IN VIRGINIA

§42.1-33. Power of local government to establish and support libraries. The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefore, either by special levy or as a fund of the general levy of the city, county or town. The word “support” as used in this chapter shall include but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.

§42.1-34. Power of local governments to contract for library service. Any city, town or county shall have the power to enter into contracts with adjacent cities, counties, towns, or state-supported institutions of higher learning to receive or to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for a library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a free public library may enter into contracts with county, city or town school boards and boards of school trustees to provide library service for schools. Any city or county governing body contracting for library service shall, as a part of such contract, have the power to appoint at least one member to the board of trustees or other governing body of the library contracting to provide such service. Any city or county thus contracting for library service shall be entitled to the rights and benefits of regional free library systems established in accordance with the provisions of 42.1-37. The board of trustees or other governing body of any library established under the provisions of 42.1-33 may also, with the approval of and on terms satisfactory to the State Library Board, extend its services to persons in adjacent areas of other states.

§42.1-35. Library boards generally. The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the local governing body. Initially members may be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. The governing body of any county or city entitled to representation on a library board of a library system of another jurisdiction pursuant to 42.1-34 shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. The members shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real

estate for the establishment and maintenance of such free public library systems or endowments for same.

§42.1-36. Boards not mandatory. The formation, creation or continued existence of boards shall in nowise be considered or construed in any manner as mandatory upon any city or town with a manager, or upon any county with a county manager, county executive, urban county manager or urban county executive form of government, or the Counties of Chesterfield and Shenandoah, by virtue of this chapter.

§42.1-36.1. Power and duty of library boards and certain governing bodies regarding acceptable Internet use policies.

A. On or before December 1, 1999, and biennially thereafter, (i) every library board established pursuant to 42.1-35 or (ii) the governing body of any county, city, or town which, pursuant to 42.1-36, has not established a library board pursuant to 42.1-35, shall file with the Librarian of Virginia an acceptable use policy for the international network of computer systems commonly known as the Internet. At a minimum, the policy shall contain provisions which (i) are designed to prohibit use by library employees and patrons of the library's computer equipment and communications services for sending, receiving, viewing, or downloading illegal material via the Internet, (ii) seek to prevent access by library patrons under the age of eighteen to material which is harmful to juveniles, and (iii) establish appropriate measures to be taken against persons who violate the policy. The library board or the governing body may include such other terms, conditions, and requirements in the library's policy as it deems appropriate, such as requiring written parental authorization for Internet use by juveniles or differentiating acceptable uses between elementary, middle, and high school students.

B. The library board or the governing body shall take such steps as it deems appropriate to implement and enforce the library's policy which may include, but are not limited to, (i) the use of software programs designed to block access by (a) library employees and patrons to illegal material or (b) library patrons under the age of eighteen to material which is harmful to juveniles or (c) both; (ii) charging library employees to casually monitor patrons' Internet use; or (iii) installing privacy screens on computers which access the Internet.

C. On or before December 1, 2000, and biennially thereafter, the Librarian of Virginia shall submit a report to the Chairmen of the House Committee on Education, the House Committee on Science and Technology, and the Senate Committee on Education and Health which summarizes the acceptable use policies filed with the Librarian pursuant to this section and the status thereof.

§42.1-37. Establishment of regional library system. Two or more political subdivisions (counties or cities), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between such political subdivisions; provided, that in the case of established county or city free library systems, the library boards shall agree to such action.

§42.1-38. Agreements to create regional boards. Two or more political subdivisions (counties or cities) which have qualified for participation in the state's regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as may now or hereafter be recommended by the Board, are hereby empowered and authorized to

execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each jurisdiction shall, as a part of such contract, have the power to appoint at least one member to the regional library board.

§42.1-39. Regional library boards generally. The members of the Board of a regional library system shall be appointed by the respective governing bodies represented. If the board of the regional library system is composed of two or more members from each county, city and town that is a part thereof, then each governing body represented on the board may appoint a member or an employee of the governing body to the board. Such members shall in the beginning draw lots for expiration of terms, to provide for staggered terms of office, and thereafter the appointment shall be for a term of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members are regularly chosen. No appointive member shall be eligible to serve more than two successive terms. A member shall not receive a salary or other compensation for services as member, but necessary expenses actually incurred shall be paid from the library fund. A regional board member may be removed for misconduct or neglect of duty by the governing body making the appointment. The board members shall elect officers and adopt such bylaws, rules and regulations for their own guidance and for the government of the regional free library system as may be expedient. They shall have control of the expenditure of all moneys credited to the regional free library fund. The regional board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such regional free library system or endowments for same.

§42.1-40. Powers of regional library board. The regional library board shall have authority to execute contracts with the State Library Board, with the library boards of the respective jurisdictions, and any and all other agencies for the purpose of administering a public library service within the region, including contracts concerning allocation and expenditure of funds, to the same extent as the library board of any one of the jurisdictions which are parties to the agreement would be so authorized. In addition, to effectuate the purposes of this chapter, a regional library board is empowered to sell the surplus assets, including real estate, of the said regional library board if the net proceeds therefrom are used for public library services within the region.

§42.1-41. Funds and expenses of regional library system. The expenses of the regional library system shall be apportioned among the participating political subdivisions on such basis as shall be agreed upon in the contract. The treasurer of the regional library board shall have the custody of the funds of the regional free library system; and the treasurers or other financial officers of the participating jurisdictions shall transfer quarterly to him all moneys collected or appropriated for this purpose in their respective jurisdictions. Such funds shall be expended only for the library service for which the county or city contracted and for no other purpose. The regional library board shall furnish a detailed report of receipts and disbursements of all funds at the regular meeting of the governing body of every participating jurisdiction after the close of the state's fiscal year. It shall make a similar report to the Library of Virginia. The treasurer of the board shall be bonded for an amount to be determined by the board. The board may authorize the treasurer to pay bond premiums from state aid library funds.

§42.1-42. Withdrawal from regional library system. No county or city participating in a regional library system shall withdraw therefrom without two years' notice to the other participating

counties and cities without the consent of such other participating political subdivisions.

§42.1-43. Appropriation for free library or library service conducted by company, society or organization. The governing body of any county, city or town in which no free public library system as provided in this chapter shall have been established, may, in its discretion, appropriate such sums of money as to it seems proper for the support and maintenance of any free library or library service operated and conducted in such county, city or town by a company, society or association organized under the provisions of 13.1-801 through 13.1-980.

§42.1-44. Cooperative library system for Henrico and Chesterfield Counties and City of Richmond. Notwithstanding the repeal of Title 42 of the *Code of Virginia*, 42-12.1 to 42-12.5 of Chapter 2.1 of former Title 42 are continued in effect and are incorporated into this title by reference.

§42.1-45. Transfer of properties, etc. of public free library to governing body of city in which it is situated. The board of directors or trustees of any public free library established pursuant to Chapter 13, Acts of Assembly, 1924, approved February 13, 1924, may lease, convey, or transfer any interest to its properties, real or personal, to the governing body of the political subdivision in which such library be situated in order that such library may become a part of the public library system of such city, subject to such restrictions and conditions as may be agreed to by such board of directors or trustees and such governing body.

LAWS GOVERNING GRANTS-IN-AID TO PUBLIC LIBRARIES

§42.1-46. Library policy of the Commonwealth. It is hereby declared to be the policy of the Commonwealth, as a part of its provision for public education, to promote the establishment and development of public library service throughout its various political subdivisions.

§42.1-47. Grants for development of library service. In order to provide State aid in the development of public library service throughout the State, the Library Board, in this chapter sometimes called the Board, shall grant from such appropriations as are made for this purpose funds to provide library service.

§42.1-48. Grants to improve standards. In order to encourage the maintenance and development of proper standards, including personnel standards, and the combination of libraries or library systems into larger and more economical units of service, grants of state aid from funds available shall be made by the Board to any free public library or library system which qualifies under the standards set by the Board. The grants to each qualifying library or system in each fiscal year shall be as follows:

(a) Forty cents of state aid for every dollar expended, or to be expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating or participating in the library or system. The grant to any county or city shall not exceed \$250,000;

(b) A per capita grant based on the population of the area served and the number of participating counties or cities: Thirty cents per capita for the first 600,000 persons to a library or system serving one city or county, and an additional ten cents per capita for the first 600,000 persons for each additional city or county served. Libraries or systems serving a population in excess of 600,000 shall receive ten

cents per capita for the excess; and

(c) A grant of ten dollars per square mile of area served to every library or library system, and an additional grant of twenty dollars per square mile of area served to every library system serving more than one city or county.

The Board may establish procedures for the review and timely adjustment of such grants when the political subdivision or subdivisions operating such library or library system are affected by annexation.

§42.1-49. Grants to municipal libraries. Every qualifying municipal library serving an area containing less than 5,000 population shall receive its proper share, but not less than \$400.

§42.1-50. Limitation of grants; proration of funds. The total amount of grants under 42.1-48 and 42.1-49 shall not exceed the amount expended, exclusive of state and federal aid, by the political subdivision or subdivisions operating the library. If the state appropriations provided for grants under 42.1-48 and 42.1-49 are not sufficient to meet approved applications, the Library Board shall prorate the available funds in such manner that each application shall receive its proportionate share of each type of grant. Applications must be received prior to June one of each calendar year.

§42.1-51. Obligations of libraries and systems receiving aid. The obligations of the various library systems and libraries receiving state aid, shall consist of establishing and maintaining an organization as approved by the Board, provided that personnel standards of such library systems and libraries shall conform to the provisions of 42.-15.1. All books and bookmobiles purchased with state aid funds shall, if the Board so determines, become the property of the Library of Virginia in the case of any library system or library which does not meet its obligations as determined by the Board.

§42.1-52. Standards of eligibility for aid; reports on operation of libraries; supervision of services. The Board shall establish standards under which library systems and libraries shall be eligible for state aid and may require reports on the operation of all libraries receiving state aid.

As long as funds are available, grants shall be made to the various libraries, library systems or contracting libraries applying for state aid in the order in which they meet the standards established by the Board.

In the event that any library meets the standards of the State Library Board but is unable to conform to 42.1-15 relating to the employment of qualified librarians, the Library Board may, under a contractual agreement with such library, provide professional supervision of its services and may grant state aid funds to it in reduced amounts under a uniform plan to be adopted by the State Library Board.

§42.1-54. Procedure for purchase of books, materials and equipment and payment on salaries. All proposals for books, materials and equipment to be purchased with state aid funds and all proposals for aid in the payment of salaries of certified librarians shall be submitted for approval to the Library of Virginia by the libraries, library systems or contracting libraries applying for state aid, in form prescribed by the Board, and those approved may be ordered by the libraries, library systems or contracting libraries. Payments and disbursements from the funds appropriated for this purpose shall be made by the State Treasurer upon the approval of the duly authorized representative of the Board, to the libraries, library systems or contracting libraries within thirty days of the beginning of each quarter.

§42.1-55. Free service available to all. The service of books in library systems and libraries receiving state aid shall be free and shall be made available to all persons living in the county, region, or municipality.

§42.1-56. Meaning of term “books.” The term “books” as used in this chapter may be interpreted in the discretion of the Board to mean books, magazines, newspapers, appropriate audiovisual materials and other printed matter.

§42.1-57. Authority of Library Board to accept and distribute federal funds. The Library Board is empowered, subject to approval of the Governor, to accept grants of federal funds for libraries and to allocate such funds to libraries under any plan approved by the Board and the appropriate federal authorities. Such allocations shall not be subject to the restrictions of this chapter.

§42.1-58. Agreements providing for expenditure of federal and matching funds. The Library Board and the cities and counties of the Commonwealth are authorized to enter into agreements providing for the supervision of the expenditure of federal funds allocated to such cities and counties and matching funds provided by such political subdivisions. Such agreement shall set forth the standards and conditions with respect to the expenditure of such funds.

**REQUIREMENTS THAT MUST BE MET IN ORDER TO RECEIVE
GRANTS-IN-AID (VAC 15-110-10)**

In order to qualify for grants-in-aid, all libraries serving more than 5,000 persons must meet the following requirements by July 1, 1992:

1. Be organized under the appropriate section of the *Code of Virginia*. Not more than one library in a county or regional library system or a municipal government unit may receive a grant.

2. Submit to the State Library Board:

Charter, resolution, or other legal papers under which they are organized.

A copy of the by-laws of the board of trustees, a list of trustees, revised as change occur.

A five-year plan, adopted by the governing body of the library service in the area (or areas) served. In order to receive continuing grants, this plan must be updated annually.

A written statement of policy covering such items as: service, personnel, and maintenance of book collections and other materials.

Statistical and financial reports including audits and statements of progress of the plan as requested.

A copy of the budget for the expenditure of local funds, not including anticipated state and federal funds. This must be submitted annually.

3. Have local operating expenditures of at least 50 percent of the median statewide local operating expenditures per capita, two-thirds of which must be from taxation or endowment. The median shall be recalculated each biennium. Libraries obtaining aid for the first time or those falling below the 50 percent median must meet the requirement within five years. Libraries that fall below 50 percent of the median in local expenditures per capita must submit a plan to the State Library Board for reaching the minimum requirement. The plan must include a schedule of annual increases in local expenditures of not less than 20 percent of the amount needed to attain local per capita expenditures of 50 percent of the median within five years.

Local operating expenditures from taxation or endowment for any library, or library system, shall not fall below that of the previous year. In cases where the budgets of all the departments of the local government are reduced below those of the previous year, the library's state grant-in-aid would be reduced. The State Library may require that the amount of such reduction in the library's total expenditure be subtracted from the library's eligibility and that the state grant be reduced accordingly. If the library's budget is reduced and other agencies' budgets are not, then the library would receive no state grant-in-aid and would be ineligible for one until local expenditures shall have again reached or exceeded the local effort at the time of the last previous grant.

The library would be ineligible for any federal funds if local funds are reduced below that of the previous year.

Grants-in-aid shall be used as supplements to local funds.

The amount of any undesignated balance in the local operating budget at the end of the fiscal year that exceeds 10 percent will be subtracted from the grant that is based on that year's expenditures.

4. Have certified librarians in positions as required by state law. Libraries failing to employ a certified librarian in the position of director will have their state aid grant reduced by 25 percent.
5. Keep open a headquarters library or centrally located branch at least 40 hours a week for a full range of library services. This schedule must include at least three consecutive evening hours and appropriate weekend hours. Evening hours are defined as the hours after 5:00 PM.
6. Maintain an up-to-date reference collection and set up procedures for securing materials from other libraries through interlibrary loan.
7. Organize materials for convenient use through shelf arrangement, classification and cataloging, and provide a catalog of its resources.
8. Stimulate use of materials through publicity, displays, reading lists, story hours, book talks, book and film discussions, and other appropriate means.
9. Lend guidance in all outlets to individuals in the use of informational, educational, and recreational materials.
10. Maintain a collection of currently useful materials by annual additions and systematic removal of items no longer useful to maintain the purposes of quality of its resources. Have a telephone and the number of the telephone listed in the local telephone directory.
11. Provide the basic services listed in this section free of charge to the public as required by law.
12. Every regional, county, and city library serving an area of more than 400 square miles, or more than 25,000 persons, must provide some form of extension service acceptable to the board.
13. If the library system has two or more service units, either branches or stations, it must maintain a scheduled, frequent delivery system.
14. The Library Board may, at its discretion, make exceptions for a specified period of time to any single requirement listed above. The exception will be made only if the library can show that a real effort has been made to meet the requirement and that significant progress has been made toward meeting this requirement.

Approved by the State Library Board, March 13, 1991.

**REQUIREMENTS THAT MUST BE MET BY LIBRARIES SERVING A POPULATION OF FEWER THAN
5,000 IN ORDER TO RECEIVE STATE GRANTS-IN-AID (17 VAC 15-90-10)**

These requirements must be met by July 1, 1972, when full funding is anticipated.

In order to qualify for state grants-in-aid, all libraries shall meet the following requirements:

1. Be organized under the appropriate section of the *Code of Virginia*.

2. Submit to the State Library Board:

Charter, resolutions, or other legal papers under which they are organized.

A copy of the by-laws of the board of trustees, a list of trustees, revised as changes occur.

A five-year plan, adopted by the governing body of the library (trustees or equivalent) for the development of library service in the area (areas) served. In order to receive continuing grants, any revisions in this plan must be submitted annually.

A written statement of policy covering such items as: service, personnel, and maintenance of book collections and other materials.

Statistical and financial reports including statements of progress of the plan as requested.

3. All libraries shall meet the following minimum requirements:

Give at least 20 hours of public service per week.

Provide adequate staff, with at least one paid employee working 20 hours a week while library is open.

Have a collection of currently useful books of at least 5,000 volumes.

Provide a minimum of 1,750 square feet of space.

Be located on a site that is conveniently situated for service to the greatest number of people in the area.

Add at least 200 currently useful books per year.

Expend annually at least \$3,000.00 per year in local funds, 2/3 of which must be from taxation or endowment. Local operating expenditures for any library, or library system, shall not fall below that of the previous year. The amount of any undesignated balance at the end of the fiscal year that exceeds 10 percent of the library's total budget will be subtracted from the grant that is based on that year's expenditures.

Provide an author, subject, and title catalog.

Provide a telephone.

It is strongly recommended that libraries in this category look toward joining larger units of service in order to meet recommended State standards.

Approved by the State Library Board, April 27, 1970.

OTHER LAWS RELATING TO PUBLIC LIBRARIES IN VIRGINIA

§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.

A. Each authority, commission, district or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B. The Auditor of Public Accounts shall receive such reports and keep the same as public records for a period of ten years from their receipt.

B. No audit, however, shall be required for any fiscal year during which such entity's financial transactions did not exceed the sum of \$5,000.

As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds or other evidences of indebtedness which are exempted, the statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

At the time the report required by this section is filed with the Auditor of Public Accounts every such authority, commission, district or other political subdivision, except those exempted from the audit report requirement, shall publish, in a newspaper of general circulation in the county, city or town wherein the authority, commission, district or other political subdivision is located, a summary statement reflecting the financial condition of the authority, commission, district or other political subdivision, which shall include a reference to where the detailed statement may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

(Code 1950, § 2-135.1; 1956, c. 298; 1958, c. 534; 1966, c. 677, § 2.1-164; 1978, c. 617; 1981, c. 547; 1982, c. 631; 2001, c. 844.)

§ 15.2-953. Donations to charitable institutions and associations, volunteer and nonprofit organizations, chambers of commerce, etc.

A. Any locality may make appropriations of public funds, of personal property or of any real estate and donations to the Virginia Indigent Health Care Trust Fund and to any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; however, such institution or association shall not be controlled in whole or in part by any church or sectarian society. The words "sectarian society" shall not be construed to mean a nondenominational Young Men's Christian Association, a nondenominational Young Women's Christian Association, Habitat for Humanity, or the Salvation Army. Nothing in this section shall be construed to prohibit any county or city from making contracts with any sectarian institution for the care of indigent, sick or injured persons.

B. Any locality may make gifts and donations of property, real or personal, or money, to (i) any charitable institution or nonprofit or other organization, providing housing for persons 60 years of age or older, or operating a hospital or nursing home; (ii) any association or other organization furnishing voluntary fire-fighting services; (iii) any nonprofit lifesaving crew or lifesaving organization, or rescue squad, within or outside the boundaries of the locality; (iv) nonprofit recreational associations or organizations; (v) any nonprofit organization providing recreational or daycare services to persons 65 years of age or older; or (vi) any nonprofit association or organization furnishing services to beautify and maintain communities and/or to prevent neighborhood deterioration. Gifts or donations of property, real or personal, or money by any locality to any nonprofit association, recreational association, or organization described in provision (iv), (v), or (vi) may be made provided the nonprofit association, recreational association, or organization is not controlled in whole or in part by any church or sectarian society. Donations of property or money to any such charitable, nonprofit or other hospital or nursing home, institution or organization or nonprofit recreational associations or organizations may be made for construction purposes, for operating expenses, or both.

A locality may make like gifts and donations to chambers of commerce which are nonprofit and nonsectarian.

A locality may make like gifts, donations and appropriations of money to industrial development authorities for the purposes of promoting economic development.

A locality may make like gifts and donations to any and all public and private nonprofit organizations and agencies engaged in commemorating historical events.

A locality may make like gifts and donations to any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is engaged in providing energy efficiency services or promoting energy efficiency within or without the boundaries of the locality.

A locality may make like gifts and donations to nonprofit foundations established to support the locality's public parks, libraries, and law enforcement. For the purposes of this paragraph, "donations" to any such foundation shall include the lawful provision of in-kind resources.

A locality may make monetary gifts, donations and appropriations of money to a state college or university which provides services to such locality's residents.

Public library materials that are discarded from their collections may be given to nonprofit organizations that support library functions, including, but not limited to, friends of the library, library advisory boards, library foundations, library trusts and library boards of trustees.

C. Any locality may make gifts and donations of personal property and may deliver such gifts and donations to another governmental entity in or outside of the Commonwealth within the United States.

D. Any locality may by ordinance provide for payment to any volunteer rescue squad that meets the required minimum standards for such volunteer rescue squads set forth in the ordinance, a sum for each rescue call the volunteer rescue squad makes for an automobile accident in which a person has been injured on any of the highways or streets in the locality. In addition, unless otherwise prohibited by law, any locality may make appropriations of money to volunteer fire companies or rescue squads in an amount sufficient to enroll any qualified member of such volunteer fire company or rescue squad in any program available within the locality intended to defray out-of-pocket expenses for emergency ambulance transportation.

E. For the purposes of this section, “donations” shall include the lawful provision of in-kind resources for any event sponsored by the donee.

Nothing in this section shall be construed to obligate any locality to appropriate funds to any entity. Such charitable contribution shall be voluntary.

RESOURCES

The American Library Association (www.ala.org) and its official publication, *American Libraries*

The Virginia Library Association (www.vla.org)

United for Libraries: The Association of Library Trustees, Advocates, Friends and Foundations, a division of the American Library Association (www.ala.org)

The Library of Virginia (www.lva.virginia.gov)

The Code of Virginia

Virginia Public Library Statistics

Professional publications related to libraries, such as *Library Journal*



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**BOARD OF SUPERVISORS
PUBLIC HEARING
STAFF REPORT**

SUBJECT: Ordinance to Establish a New Chapter of the Codified Ordinances of Loudoun County – New Chapter 259, Labor Relations

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Leo Rogers, County Attorney
Tim Hemstreet, County Administrator
Theresa Fontana, Office of County Attorney
John Sherwood, Office of County Attorney

PURPOSE: The purpose of this item is to present proposed Chapter 259, Labor Relations, also known as the Loudoun County Collective Bargaining Ordinance to the Board of Supervisors (Board) for its consideration and approval.

RECOMMENDATION:

Staff: Staff recommends the Board consider the proposed Loudoun County Collective Bargaining Ordinance (Attachment 1). The Board must resolve three decision points before taking action on the ordinance. For Decision Point #1, staff recommends the Board adopt four bargaining units. For Decision Point #2, staff recommends the Board adopt the Labor Relations Ombudsman. For Decision Point #3, staff recommends the Board adopt fact-finding for impasse resolution on all issues.

BACKGROUND: Prior to May 1, 2021, the Code of Virginia provided that no local governing body had the authority to recognize, bargain with, or enter into a collective bargaining agreement (CBA) with a labor union or employee association as a bargaining agent for public employees. Effective May 1, 2021, amendments to Section [40.1-57.2 of the Code of Virginia](#) removed this prohibition and allowed localities to adopt a local ordinance or resolution authorizing the locality to recognize, bargain with, and/or enter into a collective bargaining contract with a labor union or employee association as a bargaining agent for its employees.

At the Board Business Meeting on April 20, 2021, staff brought an Action Item to provide the Board with an overview of these legislative changes and provided samples of the types of collective bargaining ordinances the Board could adopt to authorize collective bargaining for County employees. At that meeting, the Board directed (6-3: Buffington, Kershner, and Letourneau opposed) staff to return to an upcoming Board Business Meeting with a local ordinance authorizing the traditional model of collective bargaining, including a process for recognizing labor unions or other employee associations as bargaining agents for eligible County employees, and to use the Alexandria collective bargaining ordinance as a model. Further, Chair Randall advised staff that she would follow up with additional input to assist staff with developing a collective bargaining ordinance.

On May 7, June 16, and June 24, 2021, staff met with Board leadership and representatives of the International Association of Fire Fighters (IAFF) and Service Employees International Union (SEIU) to review and discuss various provisions of a draft collective bargaining ordinance.

Between June 24 and August 17, 2021, legal staff from the County Attorney's Office (CAO) met with legal counsel for IAFF and SEIU over the course of several weeks to negotiate provisions of the draft ordinance.

At the Board Business Meeting on July 20, 2021, the Board directed (6-3: Buffington, Kershner, and Letourneau opposed) staff to continue to move forward with drafting the collective bargaining ordinance and voted to include in the ordinance that only a simple majority of votes cast in an election will be necessary to certify an exclusive bargaining representative. The Board directed (9-0) staff to schedule a closed session for September 21, 2021, and directed (6-3: Buffington, Kershner, and Letourneau opposed) staff to schedule a public hearing on the draft ordinance on October 13, 2021.

At the Board Business Meeting on September 21, 2021, the Board went into closed session to receive legal advice on the Collective Bargaining Ordinance (CBO). Following that session, the Board decided to defer the public hearing on the Ordinance until November 10, 2021, and scheduled additional closed sessions on October 5 and 19 to receive further legal advice about the provisions of the draft ordinance.

ISSUES:

1. Key decision points: there are several key issues or decision points that must be resolved to finalize the draft CBO prior to its adoption.
 - a. Bargaining Units: the draft CBO proposes up to four potential bargaining units for employees eligible to collectively bargain. The Board must determine the number of units and their composition to be included in the ordinance.
 - b. Method of Ordinance Administration: the draft CBO proposes two methods by which the County may administer the ordinance. The Board must determine

whether the ordinance will include a labor relations administrator (LRA) under a term contract with the County to implement the ordinance and make binding decisions over ordinance compliance issues or whether a labor relations ombudsman (LRO) will be hired by the Board to implement the ordinance and provide for informal dispute resolution. The LRA or LRO method approved by the Board will be incorporated into the final ordinance.

- c. CBA Impasse Resolution: the draft CBO proposes two methods for resolving an impasse on non-financial matters including binding arbitration or factfinding during CBA negotiations. The Board must determine which method will be incorporated into the final ordinance.
2. Status Quo: in collective bargaining there is an established “status quo doctrine” that limits the ability of an employer to make unilateral changes in wages, benefits, and working conditions prior to a certification of a bargaining representative, and again once a collective bargaining agreement expires and renegotiations are on-going. The purpose of the status quo doctrine is two-fold: 1) to prevent management actions that would undermine the integrity of a certification election for a representative; and 2) to maintain a good-faith bargaining atmosphere during negotiations.

As the Board moves forward with finalizing the draft CBO and the County staff prepares to implement the final ordinance, staff will be bringing an Action Item to the Board to seek guidance for the purpose of identifying the point at which the status quo period will begin, and the County will no longer be able to make unilateral decisions on wages, benefits, and working conditions for employees who are eligible to collectively bargain.

DISCUSSION:

A. Decision Point #1, Bargaining Units:

The make-up of bargaining units under labor law is generally governed by a “community of interest” test. The intent is to ensure that any bargaining unit is defined properly to enable effective representation of the employees, and management of the workforce. However, the law places limits on the community of interest analysis: 1) law enforcement and security officers must have a separate bargaining unit, and 2) professional employees are not placed in a bargaining unit with non-professional employees. Factors for determining a community of interest focuses on several factors, including similarity of kind of work performed; conditions of employment; scale and manner of determining wages; qualifications, skills, and training; commonality of supervision. The four proposed bargaining units are the minimum number of units using the legal standards for collective bargaining. The proposed units reflect the qualifications, skills, and training possessed by the respective County employees.

The CBO proposes up to four bargaining units, Fire and Rescue, Labor and Trades, Professionals and Specialists, and Administrative and Other Support Services. Some members

of the Board have proposed combining some of the units into a larger unit for General Government employees. As a result, three options have been included in the draft CBO for the Board's consideration:

- Option One: includes four bargaining units including Fire and Rescue, Labor and Trades, Professionals and Specialists, and Administrative and Other Support Services.
- Option Two: includes three bargaining units including Fire and Rescue, Labor & Trades, and General Government.
- Option Three: includes two bargaining units including Fire and Rescue and General Government.

Staff recommends that the Board adopt the four bargaining units as set out in the draft CBO. These proposed units enable County Administration to adequately address bargaining issues with the relevant employees and manage the bargaining cycles to settle agreements in a manner that is least likely to disrupt budgeting and planning of County operations. The recommendation is based on the community of interest test when applied to the jobs working in each respective unit.

B. Decision Point #2, Method of Ordinance Administration:

The CBO proposes two different approaches to administering the ordinance, which involves establishing and overseeing procedures for certification, elections, and decertification of exclusive bargaining representatives, making determinations concerning which employees are eligible for collective bargaining, deciding whether a topic is negotiable for the purposes of a CBA, and resolving disputes under the ordinance:

- Option One: The County contracts with an independent contractor to act as an LRA. The LRA would serve for a three-year term and would only be subject to termination by upon agreement between the County and the exclusive bargaining representatives. The LRA serves as a formal neutral decision maker with the authority to make decisions which would be binding on the County and the exclusive bargaining representatives, with virtually no Board oversight and limited opportunity for the County to appeal adverse LRA decisions to the circuit court.
- Option Two: The Board hires a regular employee to serve as an LRO. The LRO would report to and serve at the pleasure of the Board and serve as an informal neutral and conflict resolution facilitator. The LRO would have no binding decision making authority, but could make recommendations for resolving disputes to the Board. If the LRO was unable to resolve a conflict, the parties retain their right to resolve the conflict through litigation or alternative dispute resolution.

Staff recommends the Board adopt the LRO model to administer and oversee the CBO.

C. Decision Point #3, CBA Impasse Resolution:

While negotiating a CBA, when the two parties are unable to come to agreement over some issues, the CBO establishes the process for how to resolve the impasse and proceed to finalize the agreement. The CBO proposes two options, using fact-finding on financial issues and binding interest arbitration on non-financial working conditions, or using fact-finding on all issues. Fact-finding is a form of arbitration that is not binding on the parties but provides a set of recommendations on resolving an impasse; interest arbitration is a form of binding arbitration that decides what the terms of the CBA will be:

- Option One: provides for the use of fact-finding on financial issues and using interest arbitration on non-financial working conditions. Once the impasse proceeds to fact-finding and arbitration, the parties will present proposals to the arbitrator. The arbitrator will review the competing proposals, and then make a set of recommendations to the Board for a final decision on the financial issues, and then make binding decisions on the non-financial working condition issues.
- Option Two: provides for the use of fact-finding on all issues that reach impasse.

Staff recommends the Board adopt fact-finding for all issues at impasse.

The outcome of these decision points will result in edits throughout the ordinance to make it consistent with the Board's decisions.

FISCAL IMPACT: The overall fiscal impact of implementing traditional collective bargaining would include support costs for administering the collective bargaining environment, including staffing and contractual services, as well as the cost of funding any specific labor union proposals accepted and/or bargaining agreements negotiated by the County and approved by the Board. The Board authorized 3.00 FTE at FY 2021 mid-year, and 5.00 FTE for the FY 2022 budget, for collective bargaining support. All these positions (8.00 FTE) and \$300,000 for contractual services and labor relations administration are funded in the FY 2022 budget. Staff's initial estimate for traditional collective bargaining support costs indicated a potential need for an additional 4.00 FTE of staffing in the FY 2023 budget.

In addition to the staffing costs, funding will also be required for the LRA position contemplated in the ordinance, potential dispute resolution costs (including mediation and arbitration proceedings), and the cost of any negotiations that may be required by the County. As this remains an evolving issue, staff will continue to research administration and support cost estimates for consideration during FY2023 budget development. Costs will also depend on staffing and/or operating support needs necessary in future fiscal years.

ALTERNATIVES: Upon making a final determination on each of the three decision points listed above, the Board's alternative actions for this item include:

1. forwarding the CBO, as finalized, to the December 7, 2021, Board Business Meeting for action;
2. suspending the rules and adopting the Loudoun County CBO, as amended by motion at the public hearing; or
3. delaying or declining to move forward with approval of the ordinance.

DRAFT MOTIONS:

A. Decision Point #1: Bargaining Units

1. I move that the Board of Supervisors approve Option One, which includes four bargaining units, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

2. I move that the Board of Supervisors approve Option Two, which includes three bargaining units, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

3. I move that the Board of Supervisors approve Option Three, which includes two bargaining units, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

4. I move an alternate motion.

B. Decision Point #2: Method of Ordinance Administration

1. I move that the Board of Supervisors approve Option One, providing for a labor relations administrator, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

2. I move that the Board of Supervisors approve Option Two, providing for a labor relations ombudsman, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

3. I move an alternate motion.

C. Decision Point #3: CBA Impasse Resolution

1. I move that the Board of Supervisors approve Option One, providing for binding interest arbitration for impasses over non-financial matters and fact-finding for financial matters, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

2. I move that the Board of Supervisors approve Option Two, providing for fact-finding to resolve negotiation impasses on all matters, as set forth in Attachment 1 to the November 10, 2021, Public Hearing Staff Report.

OR

3. I move an alternate motion.

D. Collective Bargaining Ordinance

1. I move that the Board of Supervisors forward the proposed Chapter 259, Labor Relations, Loudoun County Collective Bargaining Ordinance, as provided in Attachment 1 of the November 10, 2021, Public Hearing Staff Report and as amended by motion at this Public Hearing, to the December 7, 2021, Board of Supervisors Business Meeting for action.

OR

- 2a. I move that the Board of Supervisors suspend the rules.

AND

- 2b. I move that the Board of Supervisors approve Chapter 259, Labor Relations, Loudoun County Collective Bargaining Ordinance, provided as Attachment 1 of the November 10, 2021, Public Hearing Staff Report, and as amended by motion at this Public Hearing, and that such ordinance become effective upon approval.

ATTACHMENT:

1. Proposed Chapter 259, Labor Relations, Loudoun County Collective Bargaining Ordinance

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CHAPTER 259 LABOR RELATIONS

4 **259.01 SHORT TITLE.**

6 This chapter shall be known and cited as the “Loudoun County Collective Bargaining Ordinance.”

8 **259.02 PURPOSE**

10 It is the purpose of this chapter to promote collaborative relationships between the County and its
11 employees, subject to the duty of the County to protect the health, safety, and welfare of its citizens
12 and the duty to ensure the uninterrupted operations and functions of government. The Loudoun
13 County Board of Supervisors (Board) adopts this chapter to: (1) grant its employees the right to
14 representation by an employee organization; (2) authorize the County to recognize, bargain with,
15 and enter into a written collective bargaining agreement with an employee organization as the
16 exclusive bargaining representative for an employee bargaining unit; and (3) establish procedures
17 to resolve labor-management disputes and provide for the protection of the rights of the County,
18 County employees, and the public at large.

20 **259.03 DEFINITIONS**

22 The following words, terms, and phrases, when used in this chapter, shall have the meanings
23 ascribed to them in this section, except where the context clearly indicates a different meaning:

24 *Benefits* means, employer contributions and premium cost sharing for the employee group
25 health plan, and all other employee benefits, including those benefits outlined in Appendix A of
26 Chapter 6 of the County’s Human Resources Handbook, for which the County has exclusive or
27 discretionary control over, and the County is solely responsible for, funding, plan design,
28 administration, and/or governance. This term shall not include benefits provided or administered
29 solely by the Commonwealth of Virginia through the Virginia Retirement System or otherwise, or
30 benefits established and administered in accordance with the Code of Virginia over which the
31 County does not have discretion or control.

33 *Board of Supervisors* or *Board* means the Loudoun County Board of Supervisors.

35 *County* means the County of Loudoun acting through its County Administrator or the
36 County Administrator's designee.

38 *Collective Bargaining* means to perform the mutual obligation of the County, by its
39 representatives, and the exclusive bargaining representative of employees in a bargaining unit, to
40 meet and negotiate in good faith at reasonable times and places regarding wages, benefits, and
41 working conditions, and procedures to resolve employee grievances, including disciplinary matters
42 subject to the grievance process as set forth in Chapter 11 of the Human Resources Handbook,
43 with the good faith intention of reaching an agreement remaining in effect until superseded by a

44 new agreement. Any agreement reached by collective bargaining shall be subject to appropriation
45 of funds by the Board of Supervisors.

46
47 The County shall not negotiate as to matters controlled or preempted by any federal or state
48 constitutional provision, law, rule, or regulation.

49
50 *Collective Bargaining Agreement* or “CBA” means the binding written contract between
51 the County and an exclusive bargaining representative for a bargaining unit authorized by this
52 chapter and resulting from collective bargaining as defined in this section.

53
54 *Confidential Employee* means any employee who works in or for:

- 55
- 56 1. the Office of the County Administrator;
 - 57 2. the Office of the County Attorney;
 - 58 3. the Department of Human Resources;
 - 59 4. the Department of Finance and Budget, excluding the Division of Procurement
- 60

61 The term *confidential employees* also includes:

- 62
- 63 5. those employees whose job duties require authorized access to confidential information
64 pertaining to the County’s budgetary and financial data, personnel data, management
65 emails, or strategy relevant to subjects within the scope of collective bargaining as set
66 forth in this chapter; or
 - 67
 - 68 6. a position in any department in which the employee assists in a confidential capacity,
69 persons who formulate, determine, and effectuate management policies in the field of
70 labor relations.
- 71

72 *Eligible Employee* means any employee of the County, except it does not include anyone
73 who is:

- 74
- 75 1. an employee of any local constitutional officer, i.e., officers elected pursuant to Chapter
76 VII, Section 4 of the Constitution of Virginia;
 - 77 2. a confidential employee, as defined in this section;
 - 78 3. a managerial employee, as defined in this section;
 - 79 4. a supervisor, as defined in this section;
 - 80 5. a temporary employee, as defined in this section;
 - 81 6. an intern or volunteer;
 - 82 7. a member of a board or commission, or other appointee of any elected official or public
83 body as defined by state law, unless such appointee is an otherwise eligible employee
84 of the County; or
 - 85 8. an attorney whose responsibilities include providing legal advice to the County or
86 performing legal research for the County as a client;
- 87

88 *Employee Organization* means an organization in which employees participate, and that
89 exists for the purpose, in whole or in part, of representing employees in collective bargaining and
90 labor-management disputes.

91
92 *Exclusive Bargaining Representative* means the employee organization recognized by the
93 County as the only organization that may bargain collectively for all employees in a bargaining
94 unit (as defined herein).

95
96 *Impasse* means the failure of the County and an exclusive bargaining representative to
97 reach agreement during collective bargaining negotiations.

98
99 *Formal Meeting* means a preplanned meeting between one or more representatives of the
100 County and one or more eligible employees regarding any grievance, personnel policy, or other
101 general condition of employment.

102
103 *Labor-Management Dispute* means a difference of position between the County and an
104 exclusive bargaining representative concerning: the administration or interpretation of an existing
105 collective bargaining agreement; administration or interpretation of this chapter; and whether an
106 act is an unfair or prohibited labor practice. Labor-management disputes shall not include an
107 individual employee grievance as defined by Virginia Code section 15.2-1507(A)(1).

108
109 *Lockout* means any action taken by the County intended to interrupt or prevent the
110 continuity of work properly and usually performed by employees for the purpose of coercing or
111 intimidating employees in the exercise of their rights conferred by this chapter or influencing their
112 exclusive bargaining representatives' positions in collective bargaining negotiations.

113
114 *Majority* means 50% plus one eligible employee voting in an election to choose an
115 exclusive bargaining representative.

116
117 *Managerial Employee* means any individual who:

- 118
119 1. is at or above the Division Manager I level in the County's classification and
120 compensation system; or
121 2. participates in the formulation of employment or labor-related policy; or
122 3. is engaged in executive or management functions as part of their job duties; or
123 4. is charged with the responsibility of directing the implementation of employment or
124 labor-related management policies, procedures, or practices; or
125 5. is responsible for the administration of collective bargaining agreements or human
126 resources or personnel decisions, including, but not limited to, staffing, reductions-in-
127 force/layoffs, reorganizations, hiring, discipline, evaluations, pay, assignments,
128 transfers, promotions, or demotions.

129
130 *Mediation* means an effort by a neutral third-party factfinder to assist confidentially in
131 resolving an impasse or labor-management dispute. The mediation process is advisory only, and
132 the mediator shall have no authority to bind either party.

134 *Supervisor* means any individual having authority, in the interest of the County, to hire,
135 transfer, suspend, lay off, recall, promote, discharge, reward, complete performance appraisals, or
136 discipline other employees, or to adjust their grievances, or effectively to recommend such action,
137 if in connection with the foregoing the exercise of such authority is not of a merely routine or
138 clerical nature, but requires the use of independent judgment. With respect to Loudoun County
139 Fire and Rescue, "supervisor" includes all personnel at the rank of battalion chief or above.

140
141 *Strike* means when an employee of the County, in concert with two or more other County
142 employees, engages in a work stoppage, slow down, or willfully refuses to perform the duties of
143 his or her employment for the purpose of obstructing, impeding, or suspending any activity or
144 operation of the County (see Virginia Code § 40.1-55) or inducing, influencing, or coercing a
145 change in the conditions, compensation, rights, privileges, or obligations of County employment.

146
147 *Temporary Employee* means an employee who is hired for "temporary employment" as
148 defined in section 2.6 of Chapter 2, Employment, of the Human Resources Handbook, unless the
149 employee's position is expressly included in a bargaining unit pursuant to the terms of a CBA, or
150 in the absence of a CBA, by resolution of the Board.

151
152 **259.04 EMPLOYEE RIGHTS**

- 153
154 A. Eligible employees shall have the right to organize, form, join, assist, participate in, and
155 pay dues or contributions to employee organizations, to bargain collectively through an
156 exclusive bargaining representative of their own choosing, and to engage in other concerted
157 activities for the purpose of collective bargaining or other mutual aid and protection insofar
158 as such activity is not inconsistent with a collective bargaining agreement in effect.
159 Employees shall also have the right to refrain from any or all such activities.
160
161 B. Eligible employees have the right to request representation by their exclusive bargaining
162 representative and have their representative present during any investigative interview
163 conducted by the County if the eligible employee reasonably believes that the interview
164 involves a matter that could lead to the employee's discipline. The County's Human
165 Resources staff and/or Loudoun County Fire Rescue Office of Professional Standards staff
166 shall inform eligible employees of their right to request representation prior to conducting
167 an interview of the eligible employee as part of a formal inquiry or investigation.
168
169 C. Employees shall have the right to meet informally with County human resources personnel
170 or County management at the employee's request to discuss any employment related or
171 personal matter without the presence of the exclusive bargaining representative. However,
172 if the matter involves a subject governed by the collective bargaining agreement, the matter
173 shall be discussed with the exclusive bargaining representative as soon as practicable
174 without identifying the employee. Any remedy afforded the employee shall be consistent
175 with the terms of the collective bargaining agreement, if applicable. Such employee or
176 employees who use this avenue for presenting complaints, concerns, or questions to the
177 County shall not do so under the name, or by representation, of an employee organization.
178

179 D. Employees shall have the right to hold informal employee conversations and interactions
180 with one another to discuss workplace and employee organization issues with each other
181 while on duty, provided that such conversations do not interfere with the employee’s job
182 duties. Employees shall also have the right to use County email systems to discuss
183 employee organization business or activities, or employee organizing activity subject to
184 the terms of the CBA and the County’s Department of Information Technology (DIT) email
185 security policies. Records in the County’s email systems are subject to the Virginia
186 Freedom of Information Act and as such, employee communications on County email
187 systems are not considered private. No employee may bring an unfair labor practice claim
188 against the County related to the employee’s use of the County’s email system.
189

190 **259.05 COUNTY AND BOARD OF SUPERVISORS RIGHTS**
191

192 A. This chapter shall not be deemed in any way to limit or diminish the authority of the Board
193 of Supervisor to fully manage and direct the operations and activities of the County as
194 authorized and permitted by law. Thus, the Board retains exclusive rights, which shall be
195 considered prohibited subjects of bargaining, including the rights:
196

- 197 1. to determine the organization of County government, and the purpose and mission of
198 its constituent agencies, to set standards of service to be offered to the public, provide
199 for certain levels of service, and add, delete, modify, or suspend programs, functions,
200 divisions, and departments as the Board or County Administrator determines to be
201 necessary and appropriate;
202
- 203 2. to determine the job descriptions for each County employee position, the manner in
204 which services are to be provided, and determine the number of positions or full-time-
205 equivalents (FTE);
206
- 207 3. to introduce new, or different services, methods, equipment, or facilities;
208
- 209 4. to determine the kind, type, location, and use of County-owned equipment or facilities,
210 provided that the County does not require use or operation of unsafe equipment;
211
- 212 5. to set customer service standards for County operations;
213
- 214 6. to retain the ability and authority to terminate probationary and temporary employees
215 in accordance with the applicable provisions of Chapter 10 of the Human Resources
216 Handbook; and
217
- 218 7. To require enhanced security measures to protect County facilities, infrastructure,
219 personnel, and the public.
220

221 B. **Notwithstanding the provisions of any collective bargaining agreement, The County retains**
222 **the right to take whatever actions may be necessary to carry out the County’s mission**
223 **during a State of Emergency (as defined in Virginia Code § 44-146.16) impacting Loudoun**
224 **County, or a Declaration of Local Emergency (as defined in Virginia Code § 44-146.16).**

225 Bargaining over the impacts or effects of a declared emergency on matters governed by a
226 CBA shall occur only to the extent determined by, and in the sole discretion of, the County
227 Administrator in consultation with Board leadership.
228

229 C. In accordance with Virginia Code §40.1-57.2 and other applicable law, nothing in this
230 section or chapter or the terms of any collective bargaining agreement, shall impair or
231 restrict the authority of the Board of Supervisors to establish its budget and appropriate
232 funds in its discretion.
233

234 D. No provision of this chapter shall act to interfere with or impair the free speech and
235 association rights of members of the Board of Supervisors. This includes the right to
236 advocate for or against employee organizations and to speak on issues related to the
237 County's labor policy without limitation. No unfair labor practice may be brought against
238 the County or a Board member because of a Board member's or the Board's collective
239 exercise of the right of free speech and association.
240

241 **259.06 EMPLOYEE ORGANIZATION RIGHTS**

242

243 A. Employee organizations have the following rights:
244

- 245 1. To meet with bargaining unit employees on the premises of the County in public
246 areas during times when the employees are on break or in a non-duty status, in
247 accordance with County policy.
248
- 249 2. To hold information sessions or membership meetings twice a year in all County
250 Facilities. The organization shall be located in an area that allows County
251 employees to visit during their off-duty time or break, in accordance with County
252 policy.
253
- 254 3. To use County bulletin boards to communicate with employees.
255

256 B. Any employee organization recognized as the exclusive bargaining representative for
257 employees in a bargaining unit shall have the following rights:
258

- 259 1. To speak on behalf of, and represent the interests of, all members of the bargaining
260 unit without discrimination and without regard to employee organization
261 membership;
262
- 263 2. To meet with newly hired employees for 30 minutes during employee orientation
264 or, if the County fails to conduct new employee orientation at individual or group
265 meetings within the first 30 days of hire, individually or as otherwise set forth in a
266 collective bargaining agreement, without charge to the pay or leave time of those
267 employees. The County shall give the exclusive bargaining representative the New
268 Hire Orientation calendar. The County shall provide the exclusive bargaining
269 representative with an electronic list of expected participants at least forty-eight
270 (48) hours in advance of the orientation. The certified representative shall also have

271 the right to provide materials for the orientation packet, in accordance with County
272 policy.

273

274 3. To be represented at: (1) any formal meeting involving its bargaining unit
275 employees regarding a matter that is within the scope of collective bargaining as
276 set forth in the definition of collective bargaining, and (2) any interview of
277 exclusive bargaining representative's bargaining unit employees by a
278 representative of the County in connection with an investigation if the employee
279 reasonably believes that the interview involves a matter that could lead to discipline
280 and the employee requests representation.

281

282 4. To meet with individual employees on the premises of the employer during the
283 workday to investigate and discuss grievances, workplace-related complaints, and
284 other workplace issues, provided that such meetings do not interfere with the work
285 of the County. The County shall provide a location for meetings to be held.

286

287 5. Official Time: Prior to the ratification of a collective bargaining agreement, eligible
288 employees directly involved in the negotiation of a CBA or the processing of
289 grievances under this chapter shall be authorized to engage in such negotiations and
290 grievance handling during work time as set forth in a written agreement between
291 the County and the exclusive bargaining representative. Thereafter, official time
292 shall be governed by the CBA.

293

294 6. If no employee organization has been certified as the exclusive representative,
295 multiple employee organizations may be eligible to receive regular and periodic
296 dues payments.

297

298 7. The County shall deduct and promptly remit dues for any employee who has
299 authorized dues deductions in accordance with this section.

300

301 8. To be the only employee organization eligible to receive regular and periodic dues
302 payments deducted from the pay of employees by the County pursuant to the
303 employees' written authorizations. An authorization that satisfies the Uniform
304 Electronic Transactions Act (Virginia Code § 59.1-479 *et seq.*) shall be valid for
305 employees' authorizations for payroll deductions.

306

307 The requirements set forth in this section establish the minimum requirements for access to and
308 communication with bargaining unit employees by an exclusive bargaining representative. These
309 requirements shall not prevent the County from granting the exclusive bargaining representative
310 greater access to or communication with employees and shall not prevent the parties from
311 negotiating for increased access.

312

**[DECISION POINT #1 FOR VOTE:
3 OPTIONS FOR EMPLOYEE BARGAINING UNITS]**

259.07 EMPLOYEE BARGAINING UNITS

[OPTION ONE]

- A. *Fire and Rescue: The fire and rescue employees' bargaining unit shall consist of the uniformed fire employees, including uniformed and civilian fire marshal employees and public safety communications employees, except those excluded by definition in section 259.03;*
- B. *Labor & Trades: Those eligible employees in positions associated with maintenance and skilled crafts, to include employees performing duties related to the maintenance of the capital assets, land, and infrastructure of the County, the operation of heavy equipment or large, heavy, or placarded hazardous material vehicles, or the disposal of waste, except those excluded by definition in section 259.03; and*
- C. *Professionals and Specialists: Employees whose primary duty is the performance of work in a field that requires a professional license or certification or specialized knowledge and the exercise of discretion and independent judgment in the execution of job duties, except those excluded by definition in section 259.03.*
- D. *Administrative and Other Support Services: Non-supervisory and non-managerial employees whose primary duty is the performance of office support, customer service, or other general programmatic or operational support services, and who are not confidential employees excluded from collective bargaining within the definition set forth in section 259.03.*

[OPTION TWO]

- A. *Fire and Rescue: The fire and rescue employees' bargaining unit shall consist of the uniformed fire employees, including uniformed and civilian fire marshal employees and public safety communications employees, except those excluded by definition in section 259.03;*
- B. *Labor & Trades: Those eligible employees in positions associated with maintenance and skilled crafts, to include employees performing duties related to the maintenance of the capital assets, land, and infrastructure of the County, the operation of heavy equipment or large, heavy, or placarded hazardous material vehicles, or the disposal of waste, except those excluded by definition in section 259.03; and*
- C. *General Government: All other County employees except those excluded from collective bargaining by definition in section 259.03.*

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[OPTION THREE]

- A. *Fire and Rescue: The fire and rescue employees' bargaining unit shall consist of the uniformed fire employees, including uniformed and civilian fire marshal employees and public safety communications employees, except those excluded by definition in section 259.03;*
- B. *General Government: All other County employees except those excluded from collective bargaining by definition in section 259.03.*

**[DECISION POINT #2 FOR VOTE:
2 OPTIONS – LRA or LRO]**

Note: The outcome of the vote on Decision Point #2 will affect the language in Sections 259.09 (C)(5), 259.10(E), 259.11(A), and the references to LRA or LRO throughout the document.

[OPTION ONE]

259.08 LABOR RELATIONS ADMINISTRATOR

- A. *A labor relations administrator (LRA) shall be selected in the manner set forth in subsection B of this section to administer provisions of this chapter including the process for certification and decertification of exclusive bargaining representatives, resolving labor-management disputes as defined in this chapter, and assisting with the selection of mediator(s) and/or arbitrator(s) as needs arise under this chapter or under any collective bargaining agreement. The LRA shall serve as a neutral party.*
- B. *Qualifications; Selection and Removal of LRA; Appointment of Interim Neutral*
 - 1. *The LRA must be experienced as a neutral in the field of labor relations, and must not be a person who, because of vocation, employment, or affiliation, can be categorized as a representative of the interest of the County or any employee organization, including an exclusive bargaining representative for a bargaining unit permitted under this chapter.*
 - 2. *The selection of the LRA will be conducted through the County's standard request for proposal (RFP) process, in accordance with the Virginia Public Procurement Act ("VPPA"). The Proposal Analysis Group (PAG) will consist of either (a) representatives of those employee organizations that have notified the County Administrator or County Administrator's designee of their interest in representing bargaining units permitted by this chapter, if no exclusive bargaining representatives have been recognized at the time the selection process begins, or (b) by the exclusive*

403 *bargaining representatives of the bargaining units permitted by this chapter, and an*
404 *equal number of County representatives.*

- 405
- 406 3. *The PAG shall review and rank all proposals received and recommend up to three*
407 *applicants from the highest-ranking proposals. The PAG shall present its*
408 *recommendations to the Board upon formal Board request. Final approval of the LRA*
409 *shall be made by the Board of Supervisors from the list recommended by the PAG.*
410
- 411 4. *The LRA shall serve for a term of three (3) years. Before the expiration of the LRA's*
412 *term, the parties shall begin the RFP process with enough time to ensure that the LRA*
413 *is reappointed, or a new LRA is appointed, as soon as the incumbent LRA's term*
414 *expires.*
415
- 416 5. *The LRA's services shall be subject to termination by majority agreement of the County*
417 *and the exclusive bargaining representatives of the bargaining units permitted by this*
418 *chapter. If no exclusive bargaining representatives have been certified, then the LRA's*
419 *services shall be subject to termination by the County Administrator with approval by*
420 *the Board, and a replacement selected consistent with this subsection.*
421
- 422 6. *If a petition is filed requesting certification of an exclusive bargaining representative,*
423 *a party seeks to file an unfair labor practice claim, or some other labor management*
424 *dispute arises there is no LRA serving at the time, then the parties shall bring the*
425 *certification petition or dispute to a mutually agreed upon interim neutral. The interim*
426 *neutral may be an individual chosen through the ranking/striking process of the*
427 *American Arbitration Association ("AAA") or Federal Mediation and Conciliation*
428 *Service ("FMCS"). If the LRA dies, resigns, is terminated, becomes disabled, or*
429 *otherwise becomes unable or ineligible to continue to serve, the County and exclusive*
430 *bargaining agent(s) may mutually select an interim neutral as needed while the County*
431 *conducts a full competition for a new LRA. Alternatively, the County may use an LRA*
432 *from another Virginia locality available through the VPPA's joint and cooperative*
433 *procurement provision.*
434

435 *C. Duties of the LRA*

436

437 *The LRA Shall:*
438

- 439 1. *Establish standardized procedures consistent with this chapter and applicable law*
440 *for submission and adjudication of petitions, elections, certification and*
441 *decertification, and other processes needed for the efficient operation of collective*
442 *bargaining under this chapter. Including for the timing and standards for public*
443 *notifications and announcements for timely participation in the activities under this*
444 *chapter.*
445
- 446 2. *Supervise elections for certification or decertification of exclusive bargaining*
447 *representatives and issuing the certification or decertification. This includes making*

448 *proper public notices related to petitions, certifications, and elections in accordance*
449 *with County requirements for public notifications and announcements.*

- 450
- 451 3. *Monitor and record key dates and milestones pertaining to initiation, progress, and*
452 *completion of collective bargaining negotiations for purposes of making proper*
453 *public notifications and announcements and facilitating the full exercise of the rights*
454 *of the County, employees, and employee organizations under this chapter.*
- 455
- 456 4. *Hold hearings and make inquiries, administer oaths and affirmations, examine*
457 *witnesses and documents, take testimony, receive evidence, request the attendance of*
458 *witnesses and the production of relevant documents in proceedings within the*
459 *responsibility of the LRA. The County and employee organizations have a duty to*
460 *comply with reasonable requests for information submitted by the LRA.*
- 461
- 462 5. *Investigate and attempt to resolve or settle, charges of either the County or an*
463 *employee organization engaging in prohibited practices as defined in this chapter,*
464 *as provided in section 259.11 Labor-Management Dispute Resolution.*
- 465
- 466 6. *Determine unresolved issues of employee inclusion in or exclusion from the defined*
467 *bargaining units in this chapter, including challenges to validity of individual*
468 *signatures on petitions for recognition or decertification.*
- 469
- 470 7. *Obtain any necessary support services and make necessary expenditures in the*
471 *performance of duties, subject to reimbursement procedures established in the terms*
472 *and conditions of the contract for LRA services with the County.*
- 473
- 474 8. *Determine any issue regarding the negotiability of any collective bargaining*
475 *proposal.*
- 476
- 477 9. *Exercise any other powers and perform any other duties and functions specified in*
478 *this chapter of an administrative nature.*
- 479
- 480 10. *Keep and maintain accurate and complete records of activities, communications,*
481 *information, reports, decisions, etc. in accordance with County recordkeeping*
482 *requirements.*

483
484 **[OPTION TWO]**

485
486 **259.08 LABOR RELATIONS OMBUDSMAN**

- 487
- 488 A. *A labor relations ombudsman (LRO) shall be selected by the Board in the manner set forth*
489 *in subsection B of this section to serve as a neutral for informal labor-management dispute*
490 *resolution, oversee the process for certification and decertification of exclusive bargaining*
491 *representatives to ensure a fair election, and facilitate communication, collaboration, and*
492 *cooperation between labor, management, and the Board.*
- 493

494 B. *Qualifications; Selection and Removal of LRO; Appointment of Interim Neutral*

- 495
- 496 1. *Ideally, the LRO should be certified as an organizational ombudsman or be willing to*
- 497 *become certified, have experience in informal dispute resolution, and be a skilled*
- 498 *communicator. The LRO must be seen as truly impartial and not be a person who,*
- 499 *because of vocation, employment, or affiliation, can be categorized as a representative*
- 500 *of the interest of the County or any employee organization, including an exclusive*
- 501 *bargaining representative for a bargaining unit permitted under this chapter.*
- 502
- 503 2. *The LRO shall be selected by, report directly to, and serve at the pleasure of the Board.*
- 504 *The Board may seek input from labor and management during the selection process.*
- 505
- 506 3. *The LRO shall serve as a true neutral to provide confidential and informal dispute*
- 507 *resolution services between employees, employees and management, and exclusive*
- 508 *bargaining representatives and management.*
- 509
- 510 4. *If the LRO has not been chosen or is unavailable for any reason and a petition is filed*
- 511 *requesting an election to certify an exclusive bargaining representative, a party seeks*
- 512 *to file an unfair labor practice claim, or some other labor management dispute arises,*
- 513 *then the County and the exclusive bargaining representative may select an interim*
- 514 *neutral chosen through the ranking/striking process of the American Arbitration*
- 515 *Association (“AAA”) or Federal Mediation and Conciliation Service (“FMCS”) to*
- 516 *conduct the election or provide informal dispute resolution or mediation services.*
- 517

518 C. *Duties of the LRO*

519

520 *The LRO Shall:*

521

- 522 1. *Establish standardized procedures consistent with this chapter and applicable law for*
- 523 *submission of petitions, elections, certification and decertification, and other processes*
- 524 *needed to conduct fair and impartial elections and for the efficient administration of*
- 525 *this chapter.*
- 526
- 527 2. *Supervise elections for certification or decertification of exclusive bargaining*
- 528 *representatives and issuing the certification or decertification. This includes making*
- 529 *proper public notices related to petitions, certifications, and elections in accordance*
- 530 *with County requirements for public notifications and announcements.*
- 531
- 532 3. *Monitor and record key dates and milestones pertaining to initiation, progress, and*
- 533 *completion of collective bargaining negotiations for purposes of making proper public*
- 534 *notifications and announcements and facilitating the full exercise of the rights of the*
- 535 *County, employees, and employee organizations under this chapter.*
- 536
- 537 4. *Hold informal meetings, make inquiries, and review documents as part of informal*
- 538 *dispute resolution process. The County and employee organizations have a duty to*
- 539 *comply with reasonable requests for information submitted by the LRO.*
- 540

- 541 5. *Investigate and attempt to informally resolve or settle, charges of either the County or*
542 *an employee organization engaging in prohibited practices as defined in this chapter,*
543 *as provided in section 259.11 Labor-Management Dispute Resolution.*
544
- 545 6. *Informally negotiate unresolved issues of employee inclusion in or exclusion from the*
546 *defined bargaining units in this chapter, including challenges to validity of individual*
547 *signatures on petitions for recognition or decertification.*
548
- 549 7. *Obtain any necessary support services to conduct elections and make necessary*
550 *expenditures in the performance of duties.*
551
- 552 8. *Assist with the informal resolution of any issue regarding the negotiability of any*
553 *collective bargaining proposal.*
554
- 555 9. *Keep and maintain confidential, accurate, and complete records of activities,*
556 *communications, information, reports, decisions, etc. in accordance with County*
557 *recordkeeping requirements.*
558
- 559 10. *Maintain impartiality, confidentiality, and independence in the performance of duties.*
560
- 561 11. *Perform any other duties and functions consistent with the purpose or standards of*
562 *practice of an organizational ombudsman as directed by the Board.*
563

564 **259.09 RECOGNITION OF EXCLUSIVE BARGAINING REPRESENTATIVE**
565

- 566 A. There can be only one exclusive bargaining representative for each recognized employee
567 bargaining unit.
568
- 569 B. Request for Certification/Decertification
570
- 571 1. Any employee organization seeking recognition as the exclusive bargaining
572 representative of a bargaining unit must submit a request for certification to the
573 **LRA/LRO* that includes a showing of interest petition signed by not less than 30 percent
574 of the eligible employees in that unit. The *LRA/LRO* shall determine the sufficiency of
575 the petition within ten (10) days. If the *LRA/LRO* determines after a tabulation of the
576 submitted petition that the union has not met the required showing of interest, then the
577 *LRA/LRO* must allow not less than 30 days for the union to submit additional showing
578 of interest forms to correct the insufficient showing of interest. The thirty-day period
579 for calculating the time to submit additional showing of interest forms commences after
580 the *LRA/LRO* provides notice to the union that the union has not met the required
581 showing of interest.
582
- 583 2. A showing of interest petition may consist of a combination of signed membership
584 cards, or a membership roster signed by each employee, evidence of dues payment, or
585 other evidence of bargaining unit employees' desire to be represented by an employee

* Reference to LRA or LRO throughout ordinance will depend upon outcome of Decision Point #2 vote.

586 organization for collective bargaining purposes, including but not limited to
587 authorization cards or petition signatures. An authorization that satisfies the Uniform
588 Electronic Transactions Act shall be valid for employees' authorization for
589 representation for purposes of a petition filed by an employee organization for
590 exclusive representation.

591
592 3. Any eligible employee of a bargaining unit may submit a request for decertification of
593 the exclusive bargaining representative by submitting a petition signed by not less than
594 30% of the eligible employees in the bargaining unit.

595
596 4. Requests for decertification may be filed not less than one year after the date the
597 existing representative was certified; however, if a collective bargaining agreement is
598 in effect, such petition must be filed within the thirty-day (30) period between the one
599 hundred eightieth (180th) and one hundred fiftieth (150th) day before the expiration date
600 of the collective bargaining agreement prior to the original expiration date, regardless
601 of any extensions, of the collective bargaining agreement. If a collective bargaining
602 agreement expires and a successor agreement is not in place, a request for
603 decertification may be filed at any time prior to the ratification of a successor
604 agreement.

605
606 5. The effect of a successful decertification election for the bargaining unit takes effect
607 immediately upon final certification of the election results by the *LRA/LRO*. If the
608 election results in a new exclusive representative, the new representative shall become
609 a successor in interest to the existing or prior collective bargaining agreement. If the
610 election results in no exclusive representative, the result will act as a revocation of any
611 existing collective bargaining agreements for the bargaining unit.

612
613 C. Election Process.

614
615 1. Upon determination of adequate support for a request of certification or decertification,
616 the *LRA/LRO* will provide public notification of the request. Any additional interested
617 employee organization must submit a petition of intervention to the *LRA/LRO*, which
618 must be accompanied by a showing of interest petition signed by not less than thirty
619 percent of the employees in a recognized bargaining unit within ten days of notice of
620 the pending election.

621
622 2. The *LRA/LRO* will establish procedures for a secret, mail-ballot election in consultation
623 with the County and any employee organizations, individuals, and/or intervening
624 parties seeking certification or decertification. The election may take place by an
625 alternate method if agreed by the parties. The election will begin not more than forty-
626 five (45) days after the *LRA/LRO* issues a finding of sufficiency.

627
628 3. A simple majority of valid ballots cast will determine the results of any election. In an
629 election that presents a choice of more than one employee organization, all votes cast
630 indicating a preference for a labor organization will be construed as a vote in favor of
631 certifying an exclusive bargaining representative. If a majority of votes favor certifying

632 an exclusive bargaining representative, but no one organization receives a majority,
633 then a run-off election will be held by the two labor organizations receiving the most
634 votes. The organization receiving the majority of votes in the run-off shall prevail.

635
636 4. Recognition of the exclusive bargaining representative is valid from initial certification
637 unless the exclusive bargaining representative is decertified.

638
639 5. No certification election shall be held within six months of a vote of no representation
640 for elections held on or before May 1, 2022, or within 12 months of an election resulting
641 in a vote of no representation thereafter, [†]*except as may be ordered as a remedy by the*
642 *LRA.*

643
644 **259.10 GOOD FAITH BARGAINING, SUBJECTS OF BARGAINING, AND IMPASSE**
645 **RESOLUTION**

646
647 A. The County and an exclusive bargaining representative shall have the duty to bargain in
648 good faith for the purpose of entering into a collective bargaining agreement. All collective
649 bargaining shall occur only between the parties' respective designated representatives.

650
651 B. The County or the exclusive bargaining representative may initiate a request to bargain by
652 submitting a written request to the other party or the *LRA/LRO*. Within ten business days
653 from the receipt of the request, the parties' designated representative(s) shall mutually
654 agree upon and schedule dates and times to meet.

655
656 C. Collective bargaining shall be conducted in accordance with the rules established by the
657 parties' representatives at the commencement of the process. All discussions will be
658 conducted in a professional and courteous manner.

659
660 D. Nothing in this chapter requires either party to make any concessions or agree to the other
661 party's proposals.

662
663 E. In any year in which the County and an exclusive bargaining representative bargain
664 collectively, the parties shall jointly select a neutral who shall, if necessary, serve as a
665 mediator and/or arbitrator. [‡]*The neutral may be the LRA, or the parties may select a*
666 *different neutral.* If the parties do not agree on a neutral, then they shall request a list of
667 neutrals from an impartial agency (AAA or FMCS) and use that agency's process selecting
668 a neutral. The neutral must be selected within ninety (90) days of the start of bargaining
669 and must be available during the bargaining process. Fees and expenses of the neutral shall
670 be shared equally by the County and an exclusive bargaining representative.

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[†] The italicized portion of the sentence may be deleted depending on the Decision Point #2 vote.

[‡] The italicized sentence may be deleted depending on the outcome of the Decision Point #2 vote.

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F. Subjects of Bargaining

1. Mandatory subjects of bargaining shall include wages, benefits, and working conditions, unless specifically identified as a prohibited subject in this chapter.
2. Prohibited subjects of bargaining shall include those subjects listed in section 259.05, County and Board of Supervisors Rights.
3. All other labor related subjects are permissive subjects of bargaining.

G. Mediation and Declaration of Impasse

1. Mediation

- a. During collective bargaining, if the parties cannot reach agreement on any issue, either party may declare their intent to file for mediation with at least thirty (30) days prior written notice to the *LRA/LRO* and the opposing party.
- b. A bona fide impasse exists if the selected neutral finds that the parties are unable to resolve any remaining issues 30 days after commencement of the mediation process.

***[DECISION POINT #3 –
2 OPTIONS – BINDING ARBITRATION or FACTFINDING
FOR NON-FINANCIAL ISSUES]***

Note: The outcome of the vote on Decision Point #3 will also affect the language in Section 259.09 (G)(2)(d) below as indicated.

2. CBA Impasse Procedure

[OPTION ONE]

- a. *If an impasse is declared, the parties will submit to arbitration / factfinding. Unresolved non-financial issues shall be resolved via binding arbitration; unresolved financial issues shall be resolved via non-binding factfinding.*

[OPTION TWO]

- a. *If an impasse is declared, the parties will submit to factfinding.*
- b. Parties are to submit a copy of proposals for each unresolved issue to be considered by the neutral, all settled matters, and relevant information and data supporting the

716 parties' proposed resolutions. The neutral may hold a hearing for oral arguments
717 on, and/or permit each party to respond to or rebut the competing proposals.
718

- 719 c. The neutral shall issue a written determination that contains findings of facts and
720 recommendations for settlement of the unresolved items. The neutral shall issue a
721 determination no more than forty-five (45) days after the initiation of impasse
722 proceedings. In making a determination under this subsection, the neutral must
723 consider at least the following factors:

- 724
- 725 (1) Past collective bargaining agreements between the parties, including the
726 past bargaining history that led to the agreements, or the pre-collective
727 bargaining history of employee wages, benefits, and working conditions.
728
 - 729 (2) Comparison of wages, benefits, and working conditions of similar
730 employees of other public employers in the County's comparative market
731 as set forth in Chapter 6 of the Human Resources Handbook.
732
 - 733 (3) Comparison of working conditions of other Loudoun County personnel.
734
 - 735 (4) The interest and welfare of the public.
736
 - 737 (5) The effect of the adjustments on the standard of public services provided by
738 the employer.
739

740 **[Language if binding arbitration for non-fiscal (non-financial) items is approved.]**
741

- 742 *d. For non-fiscal items, the written determination made by the neutral shall be*
743 *integrated with all previously agreed on items in the collective bargaining*
744 *agreement. The written determination regarding fiscal items, shall go to the Board*
745 *for a determination. If the Board approves the fiscal items, then they are included*
746 *in the collective bargaining agreement.*
747

748 **[Language if factfinding is approved for non-fiscal items.]**
749

- 750 *d. The written fact-finding determination shall go to the Board for a determination. If*
751 *the Board approves the items, then they are included in the collective bargaining*
752 *agreement.*
753

754 H. Any tentative collective bargaining agreement that affects the Board's budget process and
755 is intended to begin at the start of the upcoming fiscal year must be received by the Board for
756 consideration by December 1.
757

758 I. Approval of Tentative Agreement
759

- 760 1. When the parties reach a tentative agreement, they shall reduce it to writing and the
761 parties' representatives shall execute it with the appropriate signatures.

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2. The executed tentative agreement is then submitted to the exclusive bargaining representative for ratification in accordance with the bargaining representative's governing/ratification procedures. Upon the exclusive bargaining representative's ratification, the tentative agreement will be submitted to Board of Supervisors for approval. No collective bargaining agreement shall have any force or effect until final action on the agreement is taken by the Board.
 3. Approval of the tentative agreement by the Board shall serve to signify the Board's good faith commitment to appropriate the funding necessary for the County to meet its obligation under the tentative agreement as part of the County's budget approval process.
 4. If the exclusive bargaining representative of either party does not ratify the tentative agreement, or the Board does not approve the agreement, the parties must reopen negotiations, with the good faith objective to negotiate provisions that will be acceptable to the parties.

780 **259.11 LABOR-MANAGEMENT DISPUTE RESOLUTION**

781
782 **[Language if LRA is approved.]**

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792
- A. *Disputes concerning the interpretation, administration, and application of this chapter, including but not limited to petition and election matters, negotiability of subjects of bargaining, charges of unfair or prohibited labor practices, shall be submitted to the LRA as the exclusive resolution process, unless otherwise noted in this chapter. Findings of the LRA shall be considered as a final award of an arbitrator in accordance with the Virginia Uniform Arbitration Act, Virginia Code Section 8.01—581.01 et. seq, and final determinations of the LRA involving interpretations of this chapter may be appealed to the Loudoun County Circuit Court.*

793 **[Language if LRO is approved.]**

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- A. *Disputes concerning the interpretation, administration, and application of this chapter, including but not limited to petition and election matters, negotiability of subjects of bargaining, charges of unfair or prohibited labor practices, shall be initially submitted to the LRO for informal mediation. If mediation is unsuccessful, a party may seek relief from the appropriate court in Loudoun County, Virginia or in the alternative, the parties may agree to submit the dispute to binding arbitration pursuant to § 15.2-1404.*
 - B. Disputes concerning the administration or interpretation of a collective bargaining agreement will be resolved using the dispute resolution processes defined in the agreement including the use of mediation factfinding, and binding arbitration. A negotiated grievance procedure contained in a collective bargaining agreement shall be the exclusive procedure available to an employee of the bargaining unit covered by that agreement unless another procedure is available as a matter of right provided by state law. Where such alternate

808 procedures are available, an employee's initial election of procedure made at the time of
809 filing the grievance shall be irrevocable.

810
811 C. The parties shall share the costs of dispute resolution processes equally, other than the costs
812 for those matters resolved by the *LRA/LRO*.

813
814 D. The limitations period for filing an unfair labor practice claim shall be six months from the
815 date of first occurrence of the event leading to the claim. The limitations period for all
816 other claims shall be as set forth in the CBA.

817
818 **259.12 STRIKES.**

819
820 Pursuant to Virginia Code § 40.1-55, any employee of the County who, in concert with two or
821 more other such employees, strikes, slowdowns, or willfully refuses to perform the duties of their
822 employment shall be deemed by that action to have terminated their employment and shall be
823 ineligible for employment in any position or capacity during the next 12 months by the County.

824
825 **259.13 PROHIBITED ACTIVITY.**

826
827 A. The County shall not:

828
829 1. Discriminate against, interfere with, restrain, or coerce, or retaliate against
830 employees in the exercise of rights granted by this chapter, including for giving
831 information or testimony in related processes;

832
833 2. Deter or discourage employees or applicants for County positions from becoming
834 or remaining members of an employee organization, or from authorizing dues
835 deductions, or from exercising any of their rights under this chapter;

836
837 3. Assist, dominate or interfere in the administration of any employee organization;

838
839 4. Encourage or discourage membership in any employee labor organization
840 including by discrimination in hiring, tenure, or other terms and conditions of
841 employment. Use of County property for meetings and the County's email for
842 employee organization business shall not be deemed encouragement;

843
844 5. Knowingly aid any third-party in its effort to discourage collective bargaining or
845 discourage employee organization membership or authorization of payroll
846 deduction of dues to an employee organization;

847
848 6. Deny the rights accompanying certification as the exclusive bargaining
849 representative as conferred by this chapter;

850
851 7. Refuse to bargain in good faith or participate in any agreed-upon impasse resolution
852 procedures in this chapter;

853

- 854 8. Refuse to reduce a collective bargaining agreement to writing and sign such
855 agreement provided all conditions for an enforceable agreement, as set forth in this
856 chapter, have been met; or
857
858 9. Engage in a lockout of employees from the workplace.
859
- 860 B. No employee organization or its representatives shall:
861
- 862 1. Interfere with, restrain, or coerce any employee with respect to rights granted in
863 this chapter or with respect to selecting an exclusive representative;
864
 - 865 2. Deny membership in such organization or fail to represent an employee because of
866 race, color, religion, sex, national origin, age, disability, political affiliation, sexual
867 orientation, gender identity, genetic information, other non-merit factors, or any
868 other unlawful reason;
869
 - 870 3. Willfully fail to represent an employee who is in a bargaining unit exclusively
871 represented by the employee organization fairly regarding matters within the scope
872 of collective bargaining, without regard to membership in the employee
873 organization;
874
 - 875 4. Refuse to bargain in good faith or participate in any agreed-upon impasse resolution
876 procedures in this chapter;
877
 - 878 5. Refuse to reduce a collective bargaining agreement to writing and sign such
879 agreement, provided all conditions for an enforceable agreement, as set forth in this
880 chapter, have been met; or
881
 - 882 6. Discriminate, retaliate against, or discipline an employee for exercising their rights
883 set forth in this chapter, including filing charges against the union or refusing to
884 participate in union activities.
885

886 **259.14 TIMELINES**

887
888 Any time limits in this chapter may be extended by written agreement of the County, the employee
889 organization, and any other appropriate parties.
890

891 **259.15 CONFLICTS; GOVERNING LAW.**

- 892
- 893 A. In the event of conflict with other County ordinances, the provisions of this chapter shall
894 govern. In the event of a conflict with any state or federal law applicable to the County and
895 the subject matter of this chapter, state or federal law shall prevail unless such law provides
896 otherwise.
897
 - 898 B. The policies and procedures, administrative directives, and workplace practices of the
899 County and its departments shall govern employee relations unless there is a specific

900 conflict with a collective bargaining agreement approved by the Board. Where a specific
901 conflict exists, the collective bargaining agreement shall govern.

902
903 C. Any collective bargaining agreement approved by the Board pursuant to this chapter shall
904 be governed and interpreted in accordance with the laws of the Commonwealth of Virginia
905 and this chapter.

906
907 D. In the event of a conflict between a collective bargaining agreement and this chapter, this
908 chapter, as may be amended, shall govern.

909 **259.16 SEVERABILITY**

910
911 If any provision of this chapter or the application of such provision, is held to be unconstitutional
912 or unlawful, the remainder of this chapter and the application of its remaining provisions shall not
913 be affected and shall remain in full force and effect.