

To: Lauren Moore, Assistant Commissioner for Libraries, New York State Education Department

From: Mohawk Valley Library System Board of Trustees and Eric Trahan, Executive Director

Re: Schenectady County Public Library and the Mohawk Valley Library System, response to your letter of May 1, 2024

The Mohawk Valley Library System appreciates the intervention and guidance that DLD provided in the May 1 letter concerning the impending exit of SCPL from the MVLS/SALS JA ILS. MVLS fully supports your stated goal that all parties will resolve disagreements in a collegial manner. We have various additional questions as outlined below. The points include dealing with the immediate situation, as well as thoughts on cooperative decision making and potential consequences if SCPL were to leave MVLS entirely.

1. Prohibitions against a library leaving a system ILS and joining another system's ILS

We appreciate your statement that there is no explicit prohibition to a library leaving a system ILS and contracting with another system for those services. We believe there are many undesirable actions for which there is no explicit prohibition. In our estimation, this is one of those actions.

The exit of a library from a system ILS presents many challenges to providing system services. That exit also introduces concerns for all libraries and library users. MVLS and MVLS/SALS JA are working to address those concerns. We expect to be working with DLD as we look at potential changes to plans of service and providing service to all residents of the MVLS service area. Information on these issues can be found on the MVLS website at: <https://www.mvls.info/joint-automation-information/>.

There are also profound statewide ramifications to libraries being able to choose their own resource sharing cooperatives independent of public library systems and system boundaries. If libraries can self-select their resource sharing partnerships in ways that ignore system boundaries, the inevitable result will be arrangements that isolate the un-resourced and under-resourced communities in the state. That would be directly contrary to the foundational purpose of public library systems. Library system directors and others around the state are very concerned about the disruptions that this would introduce into system integrity and system services.

- Can any library that is dissatisfied with an aspect of their library system's services contract with a separate system for that service?
- What if any such decision has negative consequences for service to other system members?
- What input should the other system member libraries have in those decisions?
- How would such 'voluntary associations' damage services for the unserved or the underserved?

2. Lack of Adequate Planning and Cooperative Decision Making

MVLS and MVLS/SALS JA acknowledge and concur with DLD's statement that this process has been precipitous, and that there has been a lack of adequate planning and consideration of consequences regarding SCPL's decision to leave the JA Consortium and potentially join the Upper Hudson Library System ILS. MVLS and the MVLS/SALS JA have held and continue to conduct extensive meetings to seek to understand those ramifications and to address any issues with the ILS that MVLS/SALS JA provides to member libraries. To date, this has included weekly Directors' meetings, as well as a variety of planning

sessions for MVLS and multiple ad-hoc committees, and many transition team meetings among MVLS/SALS JA.

It is important to note that the decision to leave the ILS was made by SCPL, and that while MVLS and MVLS/SALS JA were surprised by that decision, we are working on all aspects of an orderly exit. One reason we believe the decision was precipitous is that the JA Council was chaired by the SCPL Assistant Director in 2023. During that time, the issues with JA policies were never raised or brought to a Council meeting. Yet, the JA Council, made up of system and member library representatives, is exactly the venue for addressing such issues through collaborative decision making.

Changing ILS platforms, especially when the platforms are shared with other libraries, is monumental. It should only be considered with extensive planning. When that exit is linked to using a different system's ILS, those consequential issues are further multiplied. The precedent-setting aspect of that move is of grave concern to public library systems. Because resource sharing is so central to system services, no library or system should be allowed to disrupt in-system resource sharing in order to practice sharing with a neighboring system. There is a long history of Free Direct Access and resource sharing working effectively within systems that are based on geography where diverse libraries work together. Disrupting that geography and/or diversity presents real threats to effective access and sharing, as illustrated in other states, for example Illinois, where system boundaries have been breached. DLD should put stringent conditions on any such proposals, requiring answers to questions on the ramifications of this precedent-setting move.

Concerning the specific issues you address under this heading; we have questions and responses related to both.

Library vs County IT Staff. MVLS/SALS JA Policies currently do not allow any third party to have access to the networks through which JA services are provided. Vendors are given access for authentication purposes only with robust third-party agreements. There is an arrangement with the larger libraries with their own IT staff to have access to those networks. When SCPL made their initial request in November 2023, we contacted other county library systems to see how they handled that. Those we contacted universally stated either that non-library county IT had no access to their networks, or that any such arrangement needed stringent agreements and controls. We were working toward developing such agreements when SCPL abruptly announced their exit. We continue to be interested in working on policies, procedures and agreements that will meet the needs of all participating libraries. MVLS/SALS JA is very conscious of the importance of data and network security, and patron privacy. Our commitment to these issues compels us to seek clarification on the following issues:

- How does DLD view the relationship between county staff and library staff?
- Cyber Liability Insurance requires MVLS/SALS JA to have robust third-party agreements with any agency that has access to patron data. Does DLD support the principle of having similar, robust agreements with outside agencies, like the county, who have access to patron data?

Principals of Cooperative Library Systems. JA governance could be a model for shared decision making. Council members serve 3-year terms. The Council is made up of three member-library representatives from each system, one Board representative from each system, and the directors of each system. There is also an unaffiliated member. The Council meets 6 times each year. All policy decisions are made by the Council, with input from the Policy Committee, which includes additional member-library

representation. Schenectady, as the largest library in MVLS, has always had representation on the Council. The JA Council remains willing to address Schenectady's concerns. The Policy Committee is charged with addressing the issues that SCPL has identified as their reasons for choosing to leave the JA consortium.

The above sections demonstrate that MVLS and MVLS/SALS JA have a well-documented, strong commitment to cooperative decision making. But that cooperative decision making is always in tension with library autonomy. We regret that in making their decision, SCPL has chosen to emphasize library autonomy over cooperative decision-making.

3. Possible Escalation to SCPL leaving MVLS

MVLS, like all cooperative public library systems, is chartered to provide services to both the public libraries and the public library users in a defined service area. Public library system charters also define the particular participating libraries in those systems. For MVLS, that service area includes all of Fulton, Montgomery, Schenectady and Schoharie counties, with the defined participating libraries being all of the chartered public libraries in those four counties. The chartering language for MVLS is unambiguous: MVLS is chartered to serve Schenectady County and the Schenectady County Public Library as a participating library in MVLS.

Given that, MVLS has a variety of questions concerning potential escalation:

- Your letter asserts that you find “no explicit prohibition” to a public library proposing to withdraw from a public library system. Do you find any avenue in the law that explicitly permits a library to unilaterally cease being a participating library in a public library system whose charter defines that library as a participating library?
- What is the legal status of a system charter? Does the definition of participating libraries in the system charter have legal standing? Are there any other aspects of system charters that share a similar legal standing?
- Do the defined charter amendment processes hold legal standing? Is there a legal provision that could “require” a library system to recharter?
- If a participating library can and does withdraw from a public library system, how does that affect the charter-defined system service area?
- Clearly, public library systems provide service to jurisdictions that are within the system service area but are not served by participating libraries. What are the ramifications of a system providing service to an area served by a library that has been allowed to cease to be a participating library?
- Will DLD work with MVLS to approve a plan under which MVLS will continue to serve Schenectady County if the SCPL is allowed to unilaterally cease being a participating library in MVLS? What criteria would DLD use to determine whether MVLS was providing adequate service to Schenectady County?
- Education Law does seem to be explicit in stating that a library that “is not participating in a cooperative library system” may petition to become a participating library. Are there circumstances under which the law would support a library that is a participating library in a library system petitioning to join a different system?

- Does the law allow a library to petition to join a system for which the library service area has no overlap with the service area of the system?
- Would DLD allow for a charter amendment that had two public library systems serving the same jurisdiction? Could DLD or a higher authority compel a system to recharter to reduce the system's service area?
- Could any board of trustees be required to petition for a charter amendment that would reduce their service area to below the regulatory required population? Could any board of trustees responsibly request such an action?
- Does (or should) one library have the ability to make a unilateral decision concerning system participation in a way that negatively impacts all other libraries in that system? What recourse do the other member libraries have?

The State Library's Expectations

We fully support your expectation for all parties to cooperate and resolve disagreements in a collegial manner, and we are ready to accept the help that you offer. This is an opportunity for the state library to have a big impact within MVLS and SALS, and, by extension, for all public library systems in the state. We welcome your decisive action in creating the structures that will bring parties to the table so collaborative decision making can succeed.