

Minutes  
Oklahoma Department of Libraries  
ODL Board of Directors  
September 24, 2021  
10:00 a.m.  
South Conference Room and Via Zoom:  
<https://zoom.us/j/97488664550> Meeting ID: 974 8866 4550

Chair Vogel called the meeting to order at 10:00 a.m. and asked for roll call. Board members present: Robert Dace, Steve Gray, Vice Chair Annabeth Robin, James Robison, Ronda Smith, Chair Cynthia Vogel, and Melody Kellogg, Secretary. Board members absent: Lee Denney.

Guests and staff members present: Connie Armstrong, Melissa Askew, Christine Chen, Erin Crawford, Jan Davis, Jennifer Green, Holly Hasenfratz, Samuel Karns, Jackie Kropp, Tara McCleod, Cindy Mooney, Ashton Poarch from the Office of Attorney General, Representative Wendi Stearman, and Bill Young.

In conformity with the Oklahoma Open Meeting Act, advance notice of the September 24, 2021 meeting was transmitted to the Oklahoma Secretary of State on December 6, 2020. Public notice of this meeting, together with the agenda, was posted September 17, 2021 at 2:38 p.m. on the Oklahoma Department of Libraries website and in prominent public view on the glass exterior walls of the Allen Wright Memorial Library Building, 200 N.E. 18 Street, Oklahoma City.

**Consider approval of minutes from regularly scheduled ODL Board Meeting held July 16, 2021**

Chair Vogel made a motion to approve the July 16, 2021 minutes, seconded by Gray. Votes were as follows: Dace, abstain; Denney, absent; Gray, abstain; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed and the minutes were approved.

**Consider acceptance of financial reports**

Kellogg presented the Financial Report for SFY 2021 to include a comparison to the same period of the previous fiscal year as requested by board members during the July 16, 2021 ODL board meeting. The final budget report reflects expenditures from July 1 through August 31, 2021. The full spending is compared to the budget with carryover balance of \$324,069.72. The overall total is actually closer to half this amount considering bills and invoices are currently being paid.

Chair Vogel said the office space rent appears to be a new expense. Kellogg said it's not a new expense. The invoice was received late and paid by August 31, 2021. The payment is not reflected in the current budget report. The State Records Center located at 426 East Hill Street in Oklahoma City provides affordable storage space to other state agencies for inactive records. Fees for this service are paid to ODL. Over the past 20 years, the annual cost of the lease has been slightly under \$100,000. The owner is interested in selling, and the Oklahoma Management Enterprise Services Division of Real Estate and Leasing Services will begin negotiations to renew the contract soon. If the cost to lease increases, ODL will want to consider a new fee structure because current rates no longer cover the cost of the program.

Chair Vogel asked why Informational Services does not reflect normal cost compared to last year. Kellogg said this is because payment of EBSCO database services for the third quarter was applied after July 1, 2021.

Chair Vogel said payment of local and general government cost looks to be underspent compared to the

previous year. Kellogg said this is because \$357,000 of CARES Act funds went out at the beginning of SFY 2020.

Robison wanted to know the average monthly cost of the employment placement service (Galt Foundation). Kellogg said the current annual budget for staffing contract employees is \$75,000. Currie and Kellogg are both working hard to transition these employees to reduce the 40% cost of the service charge for each contract.

Robison asked how the terminal leave payouts work. Kellogg explained that the agency has estimated \$40,000 from carryover money will be needed for terminal leave. Agencies pay accrued annual and sick leave balances to employees when they retire from the State of Oklahoma.

Chair Vogel made a motion to accept Financial Report for SFY 2021, seconded by Gray. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to accept Financial Report for SFY 2021.

Chair Vogel made a motion to accept the Financial Report for SFY 2022, seconded by Gray. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to accept the Financial Report for SFY 2022.

Chair Vogel made a motion to accept the Cost Containment Report as of June 30, 2021, seconded by Gray. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to accept the Cost Containment Report as of June 30, 2021.

### **Consider approval of State Fiscal Year 2023 Budget Request to be submitted October 1, 2021**

Kellogg said the SFY 2023 Budget Request reflects an operational increase of \$189,000 which is an ongoing increase to the budget. The \$40,000 supplemental request is an estimation on terminal leave payout. The agency has anticipated \$150,000 of carryover funds from SFY 2021 will be used for library materials, terminal leave, and professional developmental for staff this fiscal year. ODL has been informed by OMES Agency Business Services (ABS) that the agency's annual contract will increase by \$11,880. ODL also estimates a \$13,120 increase for OMES Information Services. OMES still charges ODL for digital storage, which has not been fully identified yet. Two years ago, Jan Davis who is Administrative Archivist for ODL, moved digital back-up storage to PetaStore at The University of Oklahoma and saved ODL \$46,000. The agency is looking at every possible way to reduce cost and be more efficient.

Pending the approval of the SFY 2023 Budget Request for \$229,000, ODL also plans on doing a classification and compensation study for staff. According to Oklahoma Statutes the goal is to pay state employees at least 90% of market rate. ODL employee pay does not meet this statutory goal. The agency estimates a \$500,000 increase is needed to accomplish this objective for staff.

Chair Vogel made a motion to approve the SFY 2023 Budget Request to be submitted October 1, 2021, seconded by Gray. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to approve the SFY 2023 Budget Request to be submitted October 1, 2021.

### **Presentation by and discussion with QualityMetrics consultant regarding evaluation of 2018-2022 LSTA Plan and development of 2023-2027 LSTA Plan**

Kellogg introduced Bill Wilson, a Consultant for QualityMetrics, LLC. He and colleague Martha Kyrillidou will be part of the Library Services and Technology Act (LSTA) evaluation team for ODL. Combined, they have been involved in more than 70 LSTA Evaluations. Wilson explained the LSTA Grants to States program is one of the largest ongoing sources of federal funding for library services, and dates back to 1956. LSTA requires an evaluation and planning process every five years. More than \$150 million goes out to the states each year. Oklahoma's annual allotment is approximately \$2 million and is administered through ODL. States have a fair amount of latitude in their use of funds; however, there are regulations and limits on how LSTA dollars can be spent. The assessment of the current five-year plan is due on March 30, 2022 and a new five-year plan (2023-2027) is due June 30, 2022. Wilson and Kyrillidou will be interacting with ODL staff and directly with libraries as they perform their evaluation.

**Consider request for Attorney General opinion: Are public library systems created under the authority of 65 O.S. § 4-102 or 65 O.S. § 4-202 considered a political subdivision of the State per the definitions of 51 O.S. § 152?**

Kellogg explained the question to the Attorney General for an opinion. Eight library systems provide services to 29 counties. After consulting with their own attorneys, two system directors contacted ODL requesting clarification of their status as a political subdivision of the state. Chair Vogel recommended further research and to reconsider the item at a later date.

Chair Vogel made a motion to reconsider at a later date to request for an Attorney General opinion, seconded by Robin. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to reconsider at a later date to request for Attorney General opinion.

**Consideration and possible action on proposed changes to Oklahoma Administrative Rules Title 405 Oklahoma Department of Libraries**

Kellogg said the Governor's office has reached out the past two years asking agencies to review their administrative rules and report any that were determined to be unnecessary or outdated. The rules in OAC 405 that were identified as needing to be updated address the office location, hours, information availability, and structure of the department. Title 405 Chapter 1 covers the administrative rules of the Director while Title 405 Chapter 3 covers the administrative rules of the Board. Notice of Rulemaking intent is filed with the Office of Administrative Rules, the Governor, and the Cabinet Secretary.

Chair Vogel made a motion to amend OAC 405:1-1-9 (Office location, hours, information availability, and to eliminate outdated language), seconded by Dace. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Chair Vogel made a motion to amend OAC 405:1-1-11 (Structure of the Department to reflect current structure), seconded by Dace. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Chair Vogel made a motion to amend OAC 405:3-1-8 (Office location, hours, information availability, and to update the location of the Records Center and eliminate outdated language), seconded by Dace. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Chair Vogel made a motion to amend OAC 405:3-1-10 (Structure of the Department to reflect current structure), seconded by Dace. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Chair Vogel made a motion to amend OAC 405:25-1-3 (State Aid Grants to Public Libraries to address emergency situations impacting eligibility), seconded by Robison. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

### **Director's Report**

Kellogg announced OMES Real Estate and Leasing Services toured the ODL building and took pictures after she asked how to replace the 26-year-old carpet. OMES Division of Capital Assets Management will submit a request for renovation of the Allen Wright Memorial Library building.

Kellogg introduced three new employees who have recently joined the ODL team. Tara McCleod, Federal Programs Officer; Sam Karns, Library Consultant; and Jennifer Green, Archivist and Records Management Specialist. Welcome aboard!

Kellogg mentioned two interim studies that have been recently conducted. One focuses on internet accessibility and broadband around the state. The other study is about distance learning options. ODL's Library Development Office is working on an online high school diploma program using ARPA funds.

Davis presented hot-off-the-press "Images of Oklahoma" bookmarks. As with past bookmarks, the new ones feature photos from digital collections from around the state.

McCleod reported that applications for ODL's American Rescue Plan Act (ARPA) Targeted Grants to Public Libraries will close on September 24. The applications for Targeted Grants for Adult Literacy Programs opened this week and closes October 8. ODL hopes to go live with Foundant Technologies, a grant management software program, by the time applications open October 15 for the Museum and Tribal Library Targeted Grants. Kelly Adams was hired for the new contract Administrative Assistant position for ARPA and will be helping with the Federal Grants Program.

### **Consider proposed executive session pursuant to 25 O.S. § 307 (B) (1) for the purpose of discussing the annual review of the Director**

Chair Vogel made a motion to approve an executive session pursuant to 25 O.S. § 307 (B) (1) for the purpose of discussing the annual review of the Director, seconded by Robin. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Following the executive session, Chair Vogel asked for a motion to return to regular session, seconded by Dace. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to return to regular session.

Chair Vogel shared comments from Board members on the performance of Director Melody Kellogg by saying she does a very good job communicating and educating the Board on many programs, reports, budgets, financials, and state laws and regulations that govern ODL. Vogel said Kellogg has weathered one of the toughest years with ODL through the pandemic, and has displayed excellent leadership skills throughout while she has kept ODL going and supportive to its customers during this difficult time.

Vogel said Kellogg has enabled her staff to continue the high quality of library services they've become known for throughout the state and that her proactive approach to personnel management and cost control is driving noticeable improvements in efficiency and impact for ODL. Vogel said Kellogg has proven herself to be a sharp, effective, and compassionate leader. "We all look forward to continuing working with her during our tenure with the ODL board."

Robin moved to extend to Director Kellogg a one-time bonus of \$7,000 from the differential pay funds, in-line with what was awarded to staff. This was seconded by Chair Vogel. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed.

Chair Vogel asked if there was any new business. There were no items of new business.

Chair Vogel stated that there was no additional business and made a motion to adjourn the meeting, seconded by Gray. Votes were as follows: Dace, yes; Denney, absent; Gray, yes; Robin, yes; Robison, yes; Smith, yes; Chair Vogel, yes. The motion passed to adjourn.

The next ODL Board meeting is scheduled for December 10, 2021 at 10:00 a.m. It will be held in the South Conference Room of the Allen Wright Memorial Library Building, 200 N.E. 18<sup>th</sup> Street, Oklahoma City.

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Melody A. Kellogg, Secretary