

FINANCE COMMITTEE AGENDA

Thursday, June 23, 2022

2:30 p.m.

Town Hall

1. Call to order
2. Reading/approval of minutes
3. Unfinished Business
4. New Business
 - a. Shepherdstown Public Library Funding Request
5. Mayor's Report

Finance Committee Minutes

Wednesday March 16, 2022

1:00 PM, Town Hall

1. Call to Order

1. Mayor call meeting to order at 1:02.
2. Committee members present: J. Auxer, C. Roberts (phone), J. Ford
3. Staff present: A. Body, F. Welch, A. Beall, B. Bennett
4. Visitors: None

2. Reading/Approval of Minutes

1. Minutes of the Dec. 2021 meeting were approved without comment.

3. Unfinished Business - None

4. New Business

1. 2022-2023 General Fund Budget (General Fund Levy Estimate)

1. Proposed budget was presented by A. Boyd and B. Bennett. Summary of the general budgeting strategy was to begin with a 5% estimated increase in both income and expenses, to customize particular entries where the increase is known to be higher or lower than 5% and, finally, to adjust some entries in order to produce a balanced budget.
2. J. Ford questioned the large increase in Police salaries and it was explained that there is a plan to hire an additional full-time officer.
3. C. Roberts enquired as to how the Parks and Rec. Committee could obtain additional funding for a planned trail project. It was noted that the full amount of the Hotel/Motel tax had not yet been allocated to appropriate accounts (some was allocated to General Budget accounts) and when that was adjusted, as it must be, a portion could be allocated to the trails project.
4. J. Ford moved and C. Roberts seconded that the proposed budget be recommended to Town Council for approval. The motion passed unanimously without further discussion.

2. Potential Annexation Cost & Benefit Analysis

1. A. Beall presented that outlined the estimated financial costs and benefits potentially associated with annexation of various commercial properties near Town. After some discussion of what appears to be obvious financial benefits, it was decided to add this to the Town Council agenda as a discussion item before it is pursued any further.

5. Financial Reporting - None available
6. Mayor's Report - None

The meeting was adjourned at 1:25.

Respectfully submitted,

J. Ford



100 E. German Street
P.O. Box 278
Shepherdstown, WV 25443
(304) 876-2783

April 15, 2022

Dear Councilmembers:

Thank you for your attention to my April 12th request for additional library support. I am providing you with copies of WV Code Chapter 10; the Administrative Regulations that interpret and define terms; the ordinance establishing the library in 1970; and the Resolution of Support passed by the town council in 2015, unanimously approved and signed by Mayor Auxer and recorder Lori Robertson.

I would like to clarify that when speaking about the "Governing Authority" of the library, the term is used interchangeably with "Funding Authority" – a term widely used by the WV Library Commission. The Shepherdstown ordinance states, "An ordinance establishing a Public Library and to provide for its operation, maintenance and support." I apologize if that was confusing.

The Corporation of Shepherdstown comprises a mere 4.48% of our total tax-based funding, and 3.5% of the total estimated budget for FY23. (See following pie charts.)

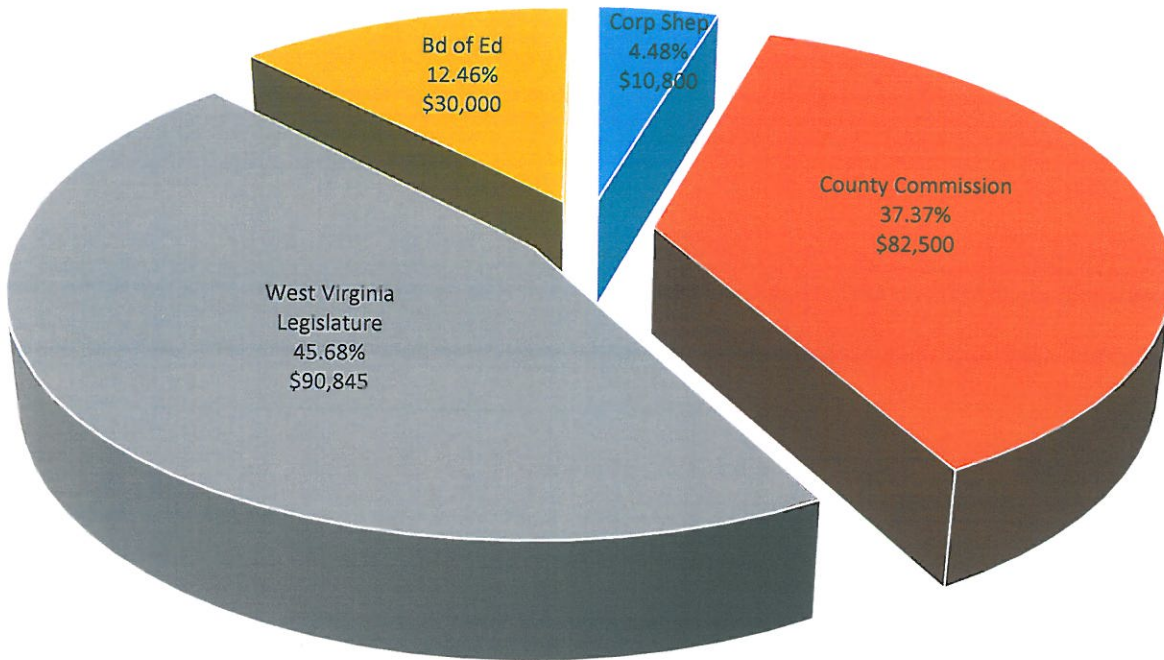
I will be submitting a formal request to be added to the April 29th finance committee meeting.

Thank you,

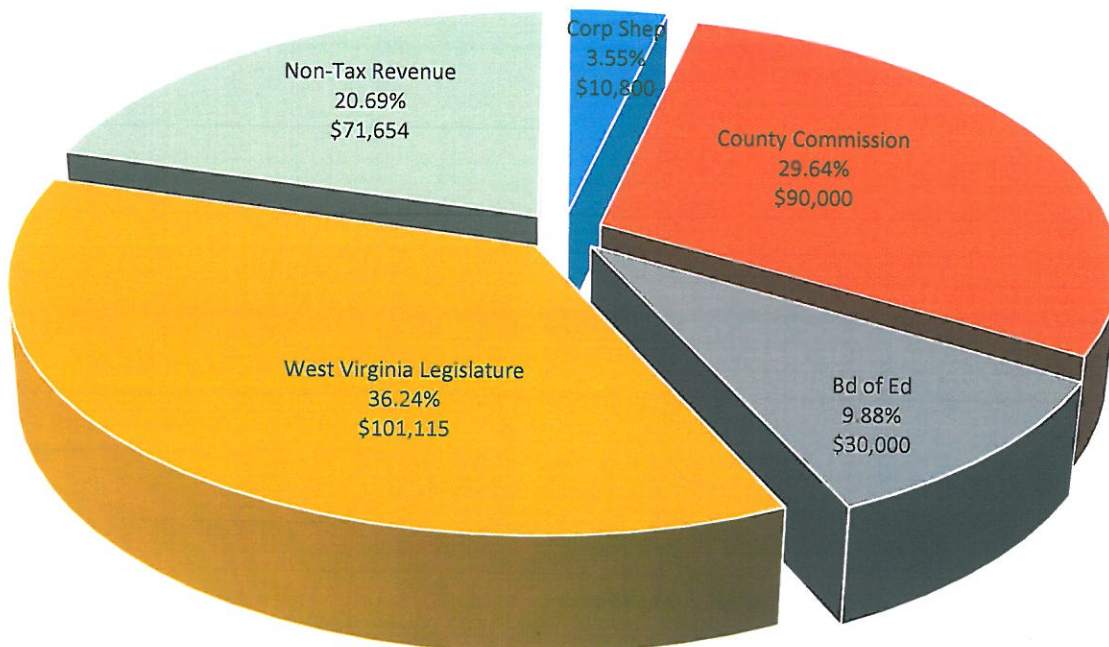
A handwritten signature in blue ink that reads "Hali".

Hali Taylor, Director

Shepherdstown Public Library Tax-Based Funding FY 2022
\$214,145 (Total Budget: \$248,280)



Shepherdstown Public Library Total Income FY 2023 Budget
\$303,569



WEST VIRGINIA CODE, CHAPTER 10

ARTICLE 1. PUBLIC LIBRARIES.

§10-1-1. "Public library" and "governing authority" defined.

The term "public library" as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public, except for those charges for which provision may be made elsewhere in this article. The term shall not, however, include special libraries, such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term "governing authority" shall be construed to mean county court, county board of education or the governing body of any municipality.

§10-1-2. Power of governing authority to establish and maintain libraries; financing.

A governing authority either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the General Funds of the governing authority of a sum sufficient for the purpose, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of section sixteen, article eight, chapter eleven of this code.

Such sums as are appropriated hereunder may be transferred to the public library board for deposit and disbursement as the public library board shall direct. By such transfer the governing authority designates the public library board as its disbursing agent.

§10-1-3. Regional library defined; apportionment of regional library expenses.

A regional library is a public library established and/or maintained by two or more counties, by action of their governing authorities, under the terms of a contract to which they all agree. The expenses of the regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract.

§10-1-3a. Authority of regional library board to disburse funds.

The governing authorities which maintain a regional library may contribute the apportioned sum to the regional library board, such contributions to be deposited as the regional library board shall direct and to be disbursed by the officer designated by that board. By such contribution the governing authority designates the regional library board as its disbursing agent.

§10-1-4. Contract with existing public library.

The governing authority may, in lieu of supporting and maintaining its own public library, enter into a contract with an existing public library and make annual payments of money to such library, whose library materials and services shall be available without charge to all persons living within the area represented by such governing authority. Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract.

All money paid to a library under such a contract shall be expended solely for the maintenance and support of the library.

§10-1-5. Board of library directors -- Qualifications; term of office; vacancies; removal; no compensation.

(a) Whenever a public library is established under this article, the governing authority or authorities shall appoint a board of directors with five members chosen with reference to their fitness for such office, from:

(1) The citizens of the library's service area, as determined by the Library Commission; or

(2) The county in which the library is located.

(b) The board of directors for a regional library shall consist of not less than five nor more than ten members, with a minimum of one member from each county in the region. The total number of directors and the apportionment of directors by county shall be determined by joint action of the governing authorities concerned.

(c) The term of office for a director is five years from July 1, following the appointment. Directors may serve until their successors are appointed and qualified.

(d) For a new board of directors under this article, the initial appointment of the directors shall be staggered. Thereafter all appointments shall be for terms of five years.

(e) Vacancies in the board shall be immediately reported by the board to the governing authority and filled by appointment. Vacancies for an unexpired term shall be immediately reported by the board to the governing authority and filled by appointment for the remainder of the term only.

(f) A director may be removed for just cause in the manner provided by the bylaws of the library board.

(g) No compensation shall be paid to any director.

§10-1-6. Board of library directors -- Powers and duties.

The board of directors of each public library established or maintained under this article shall:

(a) Immediately after appointment, meet and organize by electing one member as president and one as secretary, and such other officers as may be necessary. All officers shall hold office

for one year and shall be eligible for reelection. (b) Adopt such bylaws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of this article. (c) Supervise the expenditure of all money credited to the library fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, to be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of other funds of such governing authority, or shall be deposited as the library's board of directors shall direct and be disbursed by the officer designated by that board, such officer before entering upon his duties to give bond payable to and in an amount fixed by the board of directors of the library, conditioned for the faithful discharge of his official fiscal duties. The cost of such bond shall be paid from the library fund. The books, records and accounts of the library board shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia. (d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such library; and have supervision, care, and custody of the grounds, rooms or buildings constructed, leased, or set apart for library purposes. (e) Employ a head librarian, and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the library.

§10-1-7. Free use of libraries.

Each library established or maintained by any governing authority shall be free for the use of all persons living within the area represented by such governing authority, except for those charges for which provision may be made elsewhere in this article. The use of the library is subject to reasonable rules and regulations adopted by the library board. The board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe.

The board may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities.

§10-1-8. Annual report.

The board of directors shall make an annual report for the fiscal year ending June thirtieth to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added and withdrawn during the year, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia Library Commission.

§10-1-9. Library board to be a corporation; vesting of title to bequests or donations.

The board of directors of each public library shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

The title to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the board of directors to be held in trust and controlled by such board according to the terms and for the purposes set forth in the deed, gift, devise or bequest: Provided, however, That the person making the bequest or donation of cash or other personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees, and to designate the manner in which said fund or property shall be invested and used.

§10-1-9a. Fees, service and rental charges; fines; sale of surplus or obsolete materials or equipment; deposit and disbursement of receipts.

The board of directors of a library established or maintained under this article may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages, or replacement costs for the loss of, injury to, or failure to return any library property or material; and may sell surplus, duplicated, obsolete, or other unwanted materials or equipment belonging to the library. All moneys received from these or other sources in the course of the administration and operation of the library shall be deposited in the library fund and shall be disbursed by the board of directors in the manner prescribed elsewhere in this article.

§10-1-10. Injury to library property; penalty.

[Repealed.]

§10-1-11. Willful retention of library property.

Any person who willfully retains a book, newspaper, plate, picture, photograph, engraving, painting, drawing, map, magazine, document, letter, public record, microfilm, sound recording, audio visual materials in any format, magnetic or other tapes, artifacts or other documentary (written or printed) materials, or all materials of any kind whatsoever belonging to any public library for thirty days after the mailing date of a written notice demanding the return of said material and giving notice of said violation, forwarded to that person's last known address, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$200: Provided, That a date or dates designating a grace period for the return of library materials to public libraries shall be established, said dates to be established by the state Library Commission pursuant to rules and regulations promulgated thereto.

A conviction or payment of any fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return to the library such material. Further, a conviction or payment of any fine shall not be

construed as a waiver of any nominal daily fine which may be imposed by library rules, regulations or policies.

The parent or guardian of a minor who willfully commits any act prohibited by this section shall be liable for all damages so caused by the minor up to the amount of \$2,500, after the parent or guardian is served with proper written notice as aforementioned.

§10-1-11a. Effect of article on existing laws.

Nothing in this article shall be construed to abolish or abridge any power or duty conferred upon any public library already established by virtue of any city or town charter or other special act, or to affect any existing local laws allowing or providing municipal aid to libraries. Any library now operating under any city or town charter or other special act has, however, the privilege of reorganizing under the provisions of this article.

All powers granted herein shall be considered to be conferred upon public libraries existing at the time of the passage of this act.

Any provision concerning the disbursement of funds including the designation of the depository of the library funds or of the library board's disbursing officer contained in this article may be adopted by a library board organized under the provisions of this article, notwithstanding any other provisions of law.

§10-1-12. State Library Commission.

There shall be a state Library Commission, known as the West Virginia Library Commission, which shall consist of the Curator of the West Virginia Department of Arts, Culture and History as an ex officio voting member and eight members who shall be appointed by the Governor, by and with the advice and consent of the Senate, each for a term of four years. No more than three members may reside in the same congressional district. At least four members of the commission shall be women and at least four members shall be men. No member of the commission shall receive compensation for services rendered, nor be engaged or interested in the publishing business.

The members of the commission in office on the date this code takes effect shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and have qualified. On or before the expiration of the terms for which the members are appointed, the Governor shall appoint their successors.

§10-1-13. State Library Commission -- officers.

(a) The officers of the commission are a chairman, elected from the members of the commission, for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the commission. The secretary shall be appointed by the commission and shall serve at the will of the commission. The commission may establish headquarters or maintain its office at any point in the state determines.

(b) The secretary shall keep a record of the proceedings of the commission, have charge of its work in organizing new libraries and improving those already established, supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him or her by the commission.

§10-1-14. Same. -- Powers and duties.

The commission shall give assistance, advice and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; and may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

It may purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service. It may collect books and other suitable library matter and distribute the same among state institutions desiring the same.

The commission may issue and offer for sale printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state Library Commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

The commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the state.

§10-1-15. State Library Commission -- Disposition of monetary gifts.

If any sums of money are received by the commission as gifts, they shall be paid into the state Treasury and used exclusively for carrying out the provisions of this article, and paying expenses of the commissioners. The commission shall expend no sums unless they are available by gift, appropriation or otherwise.

§10-1-16. Regional libraries and library areas -- Establishment and location.

The West Virginia Library Commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the commission of the needs of the various localities of the state. A region shall include two or more counties.

§10-1-17. Regional libraries and library areas -- Referral of plan to county courts; action on; alteration of plan.

On completion of the survey of any proposed region, the executive secretary of the commission shall refer the proposal to the county courts of all the counties included in such proposed region. The county courts shall act upon such proposal by resolution, and the votes of a majority of each of the county courts of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the county courts of any of the counties included in such proposed region, the Library Commission is hereby authorized to alter its plan in accordance with such action in order to provide for a region in such section of the state. The vote of a majority of each county court in the counties in such altered region shall be necessary for the adoption of such proposal.

§10-1-18. Regional libraries and library areas -- Powers of West Virginia Library Commission.

The West Virginia Library Commission shall have the following powers for the establishment and maintenance of regional areas and regional libraries:

- (a) To establish, maintain, and operate a public library for the region;
- (b) To appoint a librarian and the necessary assistants, and to fix their compensation, such appointments to be based upon merit and efficiency as determined by the commission. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library work. Said Library Commission shall also have the power to remove said librarian and other assistants;
- (c) To purchase books, periodicals, equipment and supplies;
- (d) To purchase sites and erect buildings, and/or to lease suitable quarters, and to have supervision and control of said property;
- (e) To borrow books from and lend books to other libraries;
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to cooperate with and aid generally without such contracts, public school, institutional and other libraries;
- (g) To make such bylaws, rules and regulations not inconsistent with this article as may be expedient for the government of such regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article;
- (h) To accept for the State of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the purpose of carrying out the provisions of this article, in accordance with sections eleven and

twelve, article ten, chapter eighteen of the code of one thousand nine hundred thirty-one, as amended.

§10-1-18a. Establishment of state publications clearinghouse; definitions; powers of West Virginia library commission; designations by state agencies.

(a) There is hereby established the state depository library clearinghouse which shall be under the direction of the state Library Commission.

(b) As used in this section, the following terms have the following meanings:

(1) "Public document" means any document, report, directive, bibliography, rule, newsletter, pamphlet, brochure, periodical, request for proposal, or other publication, whether in print or an unprinted format, that is paid for, in whole or in part, by funds appropriated by the Legislature and may be subject to distribution to the public;

(2) "Depository library" means a library designated to collect, catalog, maintain and make available all or particular selected state publications to the general public; and

(3) "State agency" means any state office, whether legislative, executive or judicial, including, but not limited to, any Constitutional officer, department, division, bureau, board, commission or other agency which expends state appropriated funds.

(c) The state Library Commission shall establish a state depository library clearinghouse to receive and distribute all state public documents to the depository libraries around the state.

(d) The commission shall designate a state library staff member as director of the state publications clearinghouse for librarians. The director shall hold a graduate degree in library science from an accredited institution of higher learning. The clearinghouse shall establish requirements for eligibility to become and remain a depository library.

(e) In designating a library as a depository library the clearinghouse shall consider the geography of the state and the existing federal depository libraries. West Virginia University library, Marshall University library and the state department of archives shall be designated as complete depository libraries that shall receive two copies of all public documents. The clearinghouse shall also, pursuant to the requirements it establishes hereunder, designate other libraries around the state as depository libraries, upon request from a library.

(f) Each state agency shall designate one person as its documents officer while notifying the clearinghouse of his or her identity. The documents officer shall, prior to the public release of any state public document, deposit with the clearinghouse a minimum of fifteen copies as required to meet the needs of the depository library system. If fewer than forty copies of a public document are produced, no more than two such copies are required to be deposited with the clearinghouse.

§10-1-19. Regional libraries and library areas -- Transfer of certain libraries to Library Commission.

After the establishment of a regional library area or regional library, as provided for in this article, the county court, legislative body of any city or town, the board of Education of any county, or any other governing body of any political subdivision of this state, already maintaining a public, school or county library, may notify the West Virginia Library Commission and such county, city or town, or other subdivision library may be transferred to, leased to, or used by said Library Commission for regional library purposes under such terms as may be mutually agreed upon between the said Library Commission and the respective county courts, legislative bodies of cities or towns, boards of education, or governing bodies of other political subdivisions.

§10-1-20. Aid to libraries by Library Commission.

The West Virginia Library Commission is hereby authorized and empowered to render such aid and assistance, financial, advisory and/or otherwise, to public, school, county, or regional libraries, whether established or maintained by said Library Commission or not, under such conditions and rules and regulations as the said commission deems necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public.

Having determined that the development and support of such libraries will further the education of the people of the state as a whole and will thereby aid in the discharge of the responsibility of the state to encourage and foster education, the West Virginia Library Commission is authorized and empowered to pay over and contribute to any board of library directors created and maintained pursuant to the provisions of this article or any special act of the Legislature such sum or sums of money as may be available from funds included in appropriations made for the West Virginia Library Commission for such purpose. The amount of any such payment or contribution by the commission to any such local library board of directors shall be determined in accordance with rules and regulations promulgated by the commission. The Library Commission shall have authority to promulgate rules and regulations governing the manner in which such amount or amounts of money shall be accounted for and expended.

§10-1-21. Collection and preservation of library data; surveys; employment of personnel; use of data.

The West Virginia Library Commission is hereby authorized and empowered to collect and preserve statistics and other data, concerning libraries of any sort located within this state; to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of section fourteen of this article. The commission may employ all necessary personnel for any of these purposes, such appointments to be based on merit and efficiency as determined by the commission. Such data,

surveys and findings of the Library Commission shall be available to all school, public, institutional, regional and/or other libraries within this state, whether proposed or established.

§10-1-22. Confidential nature of certain library records.

(a) Circulation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed except:

(1) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

(2) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or

(3) Upon appropriate court order or subpoena.

(b) Any disclosure authorized by subsection (a) of this section or any unauthorized disclosure of materials made confidential by that subsection (a) does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subsection (a) of this section is not liable therefor.

§10-1-23. Library Survey; status report; and ten-year plan.

(a) The Library Commission shall survey the libraries of the state, in consultation with each library, and other interested parties, in order for the Library Commission to develop a status report on the conditions and needs of the libraries in this state, and to prepare a ten-year plan for construction and maintenance needs of public libraries: Provided, That the Library Commission may use information that it has already compiled that it would otherwise be required to survey pursuant to this subsection. On or before November 30, 2017, the Library Commission shall conduct a survey of state libraries which shall include, at a minimum:

(1) The annual maintenance and utility expenses of each library and satellite location for the past three years;

(2) A status report regarding the condition of all plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location;

(3) Estimated costs for maintenance upgrades or replacement of any plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location over the next ten years;

(4) A report regarding compliance of the structure of each library and satellite location with the Americans with Disabilities Act, and any needs for improved access thereof;

(5) A report on the technology capabilities of each library and satellite location, including, but not limited to, telephone and computer systems, telecommunication capabilities, availability of equipment to facilitate teleconferences or simulcasts, electronic media viewing capabilities, and any other technology-related information as the Library Commission deems appropriate, along with a breakdown stating whether such technology is available for public or library staff use;

(6) A report on the available public meeting space at each library and satellite location, and the process by which the public may request the use of the meeting space, and the frequency of use of such meeting space; and

(7) A report on all materials available to the public at each library and satellite location, including, but not limited to, books and electronic media available for loan, reference materials on site, access to any online accounts provided by the library that enable research of scholarly or reference materials, and any other information as the Library Commission deems appropriate.

(b) On or before January 31, 2018, the Library Commission shall prepare a report on the status of the libraries in this state, to be submitted to the Governor and to the Joint Committee on Government and Finance. The Library Commission report shall include the conditions of the libraries in this state and a proposed ten-year maintenance and construction plan for the public libraries, which shall include at a minimum:

(1) The name and location of each library and satellite location in this state;

(2) The condition of the physical structure of each library and satellite location;

(3) A report on the three-year average cost of utilities and maintenance of each library and satellite location;

(4) A cost estimate for structural repairs at each library and satellite location, including improvements for access for people with disabilities;

(5) A cost estimate for upgrades or replacement of any plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location;

(6) A cost estimate for improvements to the technology capabilities and a description of those needs for each library and satellite location, including, but not limited to, improvements for telecommunication services, additional computer work stations for public access, technology needs for library staff, and other technology assessments as the Library Commission deems appropriate;

(7) A report regarding the meeting space available for public use at each library and satellite location, and the process by which the public may request the use of the meeting room; and

(8) Any other information the Library Commission deems appropriate to propose for the improvement of library facilities, lending materials and needs of the library system over the next ten years.

(c) The Library Commission shall post a digital copy of the report, as required by this section, on the Library Commission website to be made available to the public.

§10-1-14a. West Virginia Program for Open Education Resources; material description.

(a)(1) The State Library Commission shall establish the West Virginia Program for Open Education Resources to encourage and facilitate the use of open education resource materials in both higher education and kindergarten through 12th grade in West Virginia schools.

(2) "Open education resource materials" means teaching, learning and resource materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits low cost access, use, adaptation and redistribution by others with no or limited restrictions.

(b) The Library Commission, in consultation with the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education and the State Superintendent of Schools, or his or her designee, shall:

(1) Ascertain what institutions or faculty are currently using OER material.

(2) Identify material currently associated with core general education courses and readily available for use by faculty and institutions;

(3) Identify any statutory or other impediments which interfere with selection and use of OER material by administrators or teachers at all levels of instruction in West Virginia schools;

(4) Identify sources of potential grants for funding for teachers and institutions to use open education resources for classes and courses, and propose a competitive application system to award grant funding for those faculty and institutions seeking to use the materials;

(5) Establish a digital clearing house that will function as a publicly-accessible database for material;

(6) Develop strategies to leverage further open resource material to benefit higher education institutions and school systems, as well as private and foundation support for the project; and

(7) Report no later than July 1st of each year the program's findings, progress and recommendations to the Legislative Manager, the Governor, and the chairs of the Legislature's House and Senate Committees on Education.

§10-1-24. Library Facilities Improvement Fund.

(a) There is created in the State Treasury a special fund known as the "Library Facilities Fund". Expenditures from the fund shall be for the purposes set forth in this section. The fund shall be administered by the West Virginia Library Commission.

(b) The fund shall consist of moneys received from the following sources:

- (1) All appropriations made by the Legislature to the fund;
- (2) Any moneys available from sources outside the West Virginia Library Commission;
- (3) Repayment of loans made by the West Virginia Library Commission pursuant to this section; and
- (4) All interest and other income earned from investment of moneys in the fund.

(c) The West Virginia Library Commission shall utilize moneys in the fund to support public library facilities construction, renovation, maintenance and improvement projects. The West Virginia Library Commission shall evaluate potential recipient projects of funds from the fund on a competitive basis.

(1) The West Virginia Library Commission may provide loans to public libraries to support energy savings and critical maintenance projects with moneys in the fund.

(2) With the exception of loans made under this section, the West Virginia Library Commission may not expend any money from the fund toward a particular project unless the proposed expenditure is matched on a dollar-for-dollar basis by other sources.

(d) The West Virginia Library Commission shall propose a rule for legislative approval in accordance with §29A-3-1 et seq. of this code to implement the provisions of this section. The rule shall contain at least the following:

- (1) A process for submitting and reviewing proposals;
- (2) The content of proposals;
- (3) Criteria for evaluating proposals; and
- (4) Other provisions the West Virginia Library Commission considers necessary to administer the program in accordance with this section.

(e) Any balance, including accrued interest and any other returns, in the fund at the end of each fiscal year will not expire to the General Revenue Fund but remain in the fund and be expended for the purposes provided by this section.

(f) In a given year, the West Virginia Library Commission may not allocate an amount in excess of four percent of the balance of the fund on December 31st of the immediately preceding calendar year for administrative expenses.

(g) The West Virginia Library Commission may invest any or all of the balance of the fund with the state's Consolidated Investment Fund.

**TITLE 173
LEGISLATIVE RULE
LIBRARY COMMISSION
SERIES 1
ADMINISTRATIVE RULES**

1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administering state appropriated funds that are distributed by the West Virginia Library Commission and are used to develop and enhance library services in the state. This rule applies to public libraries established according to West Virginia Code §10-1-1, unless otherwise specifically provided for in a special library law.

1.2. Authority. -- West Virginia Code §10-20.

1.3. Filing Date. -- 04/02/07

1.4. Effective Date. -- 07/01/07

1.5. Repeal and Replacement. -- This rule repeals and replaces "The Administrative Regulations of the West Virginia Library Commission" effective July 1, 1997.

§173-1-2. Definitions.

2.1. "Administrative Fees" means outlay for administrative and support services including, but not limited to, professional librarian advice, personnel assistance, fiscal management, planning, program management, and public relations.

2.2. "Audit" means an annual examination of the financial records of the public library completed in full accordance with generally accepted accounting procedures for governmental agencies and performed by an accountant appointed by the State Auditor.

2.3. "Board of Library Directors" means the administrative authority of a public library. The board of library directors consists of five members appointed to staggered terms unless other provision is made by a special library law. Each member is called a library trustee.

2.4. "Budget" means an itemized summary of estimated income and expenditures for a specific period.

2.5. "Collection Development" means a planned process of selecting, acquiring, and managing library materials to meet the needs of a library's community.

2.6. "Community Library" means a library that offers services to the public but is not established in accordance with the provisions of the West Virginia Code §10-1-1 et seq.

2.7. "Consortium" means a formal cooperative established and developed to improve library services and resources. It may be restricted by geographical area, established for specified purposes, initiated by the West Virginia Library Commission or initiated by a library. It requires formal agreements concerning purpose, membership, administration and procedures and may include non-library entities. Libraries may enter into any number of consortia agreements that

meet the definition of this rule. The West Virginia Library Commission must approve consortia agreements that expend funds administered by the Library Commission.

2.8 . "Continuing Education" means activities, including attendance at workshops and conferences, for the purpose of maintaining and increasing job-related competence.

2.9. "Development Plan" means a document that indicates how the public library will provide quality services to the community for the next three to five years.

2.10. "Fiscal Year (FY)" means a 12-month accounting period based on the budget of the State of West Virginia, currently July 1st through June 30th.

2.11. "Governing Authority" means County Commission, county board of education, or municipal governing body. [*"Governing Authority" and "Funding Authority" are used interchangeably. hst*]

2.12. "Grants to Public Libraries" means awards determined annually by the West Virginia Library Commission from funds appropriated by the Legislature for distribution to public libraries. Grants are to enhance library services, not to reduce local funding. Grants to Public Libraries include:

Grants-in-Aid -- Funds distributed on a per capita basis to all qualifying public libraries.

Other grants -- Funds awarded from any balance in the Grants to Public Libraries appropriation or from any other funds designated by the Library Commission.

2.13. "Interlibrary Loan" means a transaction in which library material, or copies of material, is loaned by one library to another for the use of a patron.

2.14. "Legal Service Population" means the number of people in a geographic area assigned to a public library by the Library Commission. This term is a standard data element of the Federal-State Cooperative System (FSCS) for Public Library Data, a project of the U.S. Department of Education's National Center for Education Statistics.

2.15. "Library Director" means the individual hired by the board of library directors to administer the total library program.

2.16. "Library Support Staff" means all paid staff who assist with the delivery of library services and programs; does not include janitorial staff.

2.17. "Local Funds" means revenue received from local sources for operating expenditures of the public library. Local tax based revenue includes all local government funds designated by the county commission, board of education, or municipality for the public library. Non-tax based local revenue includes all other funds such as monetary donations, interest, library fines, fees for library services, or grants.

2.18. "Maintenance of Effort" means a specified level of financial effort that is required by a library over a designated time period in order to receive grants.

2.19. "Minutes" means the official record of a meeting of the board of library directors. Minutes show date, time and place of the meeting, names of those attending, actions on all motions and

expenditures, corrections to previous minutes, and other information determined to be necessary. Minutes are signed by the secretary.

2.20. "Operating Expenditures" means costs of providing on-going library services. Operating expenditures do not include capital outlay or one-time projects.

2.21. "Patron" means any person who uses the resources and services of a library, not necessarily a registered borrower.

2.22. "Policy" means a statement that articulates principles of operation for the library. The board of library directors must formally adopt all policy statements.

2.23. "Professional Librarian" means an individual who has received a Master's degree from a program accredited by the American Library Association.

2.24. "Public Library" means a library established in accordance with West Virginia Code §10-1-1 et seq. and in compliance with this rule, having paid staff, an organized collection, an established schedule during which services of the staff are available to the public, and the facilities necessary to support such a collection, staff, and schedule. A public library may consist of a single facility or multiple facilities.

2.25. "Quorum" means the minimum number of library trustees who must be present at a meeting for business to be conducted legally. Unless otherwise defined by a special law, a quorum is three.

2.26. "Service Center Library" means a library that provides professional and management services to libraries assigned to it by the Library Commission.

2.27. "Services to Libraries Grants" means funds distributed to Service Center libraries to assist in providing those services specified in this rule.

2.28. "Special Library Law" means a law, approved by the West Virginia Legislature, which specifies local funding appropriations to the public library. It may also establish the public library and provide for appointment of library trustees.

§ 173-1-3 Requirements for Receiving Grants

3.1. A public library must fulfill all of the requirements set forth in this section to be eligible to receive a grant from the library commission.

3.2. The public library is organized and operates in accordance with West Virginia Code § 10-1-1 et seq. or a special library law that meets the minimum requirements in the code.

3.3. The public library receives local funding to support its operations.

3.4. Local funds received in the previous fiscal year equal or exceed the maximum Grant-in-Aid established for the library. Local non-tax based funds used as matching funds cannot exceed the amount of local tax based funds.

3.4.a. In the first three fiscal years following passage of this rule during the 2007 regular session of the Legislature, Grants-In- Aid will be awarded at the maximum amount to every library meeting all other requirements.

3.4.b. Section 3.4 will be implemented in the fourth fiscal year following passage of this rule during the 2007 regular session of the Legislature.

3.5. Local operating expenditures for the previous fiscal year are equal to, or greater than, the average of the total local operating expenditures for the three fiscal years preceding that previous fiscal year. All funds included in the maintenance of effort calculation shall be expended in the fiscal year for which the determination is made and shall not include capital expenditures, special one-time project costs, or similar windfalls.

3.6. The board of library directors is the disbursing agent for appropriations received from governing authorities as described in West Virginia Code §10-1-2.

3.7. The accounting and fiscal procedures of the public library shall be conducted under the management, direction and control of the board of library directors which may delegate to the library director or to any other employee or duly designated agent such duties and functions as it deems appropriate.

3.8. The accounting and fiscal procedures of the public library, unless otherwise provided for in a special library law, include the following:

3.8.a. The fiscal year of the State of West Virginia is used for reporting to the Library Commission.

3.8.b. The board of library directors annually elects a treasurer to perform or oversee all financial operations.

3.8.c. Provision is made for at least two signatures, one of which must be a library trustee, on all checks used in payment of library financial obligations. All those with signature authority must be bonded at the expense of the board of library directors.

3.8.d. The board of library directors approves all adjustments to the budget.

3.8.e. All accounts of the library are settled within thirty (30) days after the close of the fiscal year.

3.8.f. Library funds are disbursed based on itemized invoices verified by the party duly authorized by the board of library directors.

3.8.g. The payroll is prepared in accordance with budgeted amounts approved by the board of library directors.

3.8.h. All accounting records are readily available in a form which can be audited or reviewed by the Library Commission or authorized representatives of the State of West Virginia or United States Government.

The annual audit or review is filed with the Library Commission within 30 days of the receipt of the audit.

- 3.8.i. A financial report of the preceding year is filed within 45 days from the end of that year on forms provided by the Library Commission.
- 3.9. The public library submits, by the beginning of the fiscal year, an application for Grant-in-Aid on a form provided by the Library Commission.
- 3.10. The public library submits, by the beginning of the fiscal year, a spending plan for the use of the state Grant-in-Aid and an annual budget on forms provided by the Library Commission.
- 3.11. The board of library directors employs a full-time professional librarian to direct the operations of the library and to participate in meetings, workshops and conferences for which the Library Commission requires attendance.
- 3.12. The board of library directors meets at least four times annually with a quorum present. All meetings of boards of library directors are subject to the provisions of the Open Governmental Proceedings Act, W. Va. Code § 6-9A.
- 3.12.a. Approved minutes are forwarded within thirty (30) days to the Library Commission, or if applicable, to the Service Center Library.
- 3.12.b. A report showing the status of all accounts, funds and expenditures is presented for review and approval at all regular meetings of the board of library directors or board finance committee.
- 3.12.c. Policies covering library operations, collection development, personnel, and technology are formally adopted and forwarded to the Library Commission.
- 3.12.d. The public library regularly submits to the Library Commission a development plan for a period of at least three years and no more than five years.
- 3.12.e. No member of a board of library directors is involved in any claim or contract with the public library. This does not mean that a library trustee may not be a stockholder, officer, or director of a bank designated as a depository for the public library.
- 3.12.f. Reimbursement of travel expenses for library trustees is in accordance with policies adopted by the board of library directors.
- 3.13. The library director completes no fewer than eight (8) hours of continuing education per year. All other full time library support staff complete no fewer than three (3) hours of continuing education per year.
- 3.13.a. Continuing education hours must be approved in advance by the Library Commission.
- 3.13.b. Staff of a library assigned to a Service Center Library is required to attend the annual staff development workshop sponsored by the Service Center.
- 3.14. The public library is open a minimum number of hours weekly based on the legal service population ranges below.

3.14.a. Fewer than 6000 – 25 hours

3.14.b. 6000-15,000 – 30 hours

3.14.c. More than 15,000 – 40 hours

3.15. The public library is open to the public at least six hours per week that are either before 9 a.m., after 5 p.m., or on Saturdays or Sundays.

3.16. The public library provides free service to residents except as provided for in the West Virginia Code § 10-1-9a.

3.17. The public library provides public access to informational services and programs provided by the Library Commission at no cost to libraries.

3.18. The public library agrees to share resources with other libraries in the state, according to local interlibrary loan policy and guidelines endorsed by the Library Commission.

3.19. The public library designates National Library Week and Children's Book Week or any other two weeks annually as grace periods during which no fines or penalties are assessed for overdue materials.

§173-1-4 Non-Compliance with Requirements

4.1. The Library Commission shall determine by review of required reports and evaluation visits whether a public library meets eligibility requirements.

4.2. A library not directed by a professional librarian will be assigned by the Library Commission to a Service Center Library.

4.3. If the maintenance of effort requirement (3.5) is not met, the Grant-in-Aid shall be reduced by a percentage equal to the percentage of the unmet maintenance of effort.

4.4. Failure to meet any requirements other than those described in sections 3.4 and 3.5 of this rule will result in the public library forfeiting a portion of its Grant-in-Aid. Such portion will be determined by the Library Commission.

§173-1-5 Waiver of Requirements

5.1. The eligibility requirements contained in section 3 of this rule may be waived if the Commission determines that due to exceptional or uncontrollable circumstances, one or more of the requirements for receiving grants contained in section 3 would impose undue hardship on a public library. For the purpose of this subsection, exceptional or uncontrollable circumstances may include, but are not limited to, a natural or man-made disaster or a governing fundi's lack of financial resources to provide adequate local funding to support a public library's operations.

5.2. The board of library directors requests a waiver by notifying the Library Commission in writing of any extraordinary circumstances and the fiscal year affected. A waiver is granted for one year.

5.3. The board of library directors and staff must work with the Library Commission to develop and implement a recovery plan.

5.4. The Library Commission determines the amount of any Grant-in-Aid distributed to a library on a waiver.

5.5 The provisions of this rule shall be liberally construed to accomplish its objectives and purposes.

§173-1-6 Requirements For Use of Grants-in-Aid

6.1. The Library Commission determines annually, on a per capita basis, the maximum Grant-in-Aid for each library. Each library must submit, by the beginning of the fiscal year, a Grant-in-Aid expenditure plan to the Library Commission for approval.

6.2. Grants-in-Aid shall be used for the following purposes:

6.2.a. Salaries, wages, and benefits; all staff must be paid no less than state or federal minimum wage, whichever is higher;

6.2.b. Library materials;

6.2.c. Equipment;

6.2.d. Travel expenses for library director, staff and library trustees to attend meetings, workshops and conferences and any other library-related activities approved by the board of library directors;

6.2.e. Bookmobiles;

6.2.f. Audits required by state or federal law, rule or regulation;

6.2.g. All other current operating expenses approved by the board of library directors;

6.2.h. Fellowships for graduate and undergraduate degrees when there exists between the sponsoring public library and the recipient of the fellowship a written agreement that includes, but is not limited to, the following:

6.2.h.1. The fellowship recipient must be an employee of the sponsoring public library;

6.2.h.2. A candidate for a graduate fellowship must attend a school accredited by the American Library Association;

6.2.h.3. The amount the sponsoring public library will pay for classes;

6.2.h.4. The expected completion date;

6.2.h.5. The trainee must agree to return to the sponsoring public library for at least two (2) years following receipt of the degree;

6.2.h.6. The trainee may be permitted by the sponsoring public library to substitute employment in any public library in West Virginia for two (2) years if a position is not available with the sponsoring public library. If no employment is available at a salary commensurate with the trainee's education, repayment of the grant may be waived at the discretion of the sponsoring library with approval from the Library Commission;

6.2.h.7. If repayment of the grant is not waived by either the sponsoring public library or by the Library Commission, the grant must be repaid to the sponsoring public library.

§173-1-7. Service Center Libraries

7.1. A Service Center Library ensures that professional librarian expertise is available to each public library. The Library Commission may assign a library to a Service Center Library if required reports or evaluation visits indicate need.

7.2. Responsibilities of a Service Center Library are:

7.2.a. To reach a formal agreement with each consortium member regarding assistance provided with the Services to Libraries Grant or administrative fee;

7.2.b. To file, by the beginning of each fiscal year on forms provided by the Library Commission, a plan for assisting each assigned library, based on the formal agreement between the libraries;

7.2.c. To employ a full-time professional librarian in addition to the director;

7.2.d. To visit each assigned library four times a year, including one board meeting, and to present at least one staff development workshop annually;

7.2.e. To evaluate the collections, fiscal management, and operations of each assigned library and report the results annually to the library with a copy to the Library Commission;

7.2.f. To account for funds or administrative fees used to assist assigned libraries. Administrative fees must be approved by the Library Commission and may not exceed twenty percent (20%) of the Grant-in-Aid for each assigned library.

7.3. The Library Commission will evaluate periodically the performance of each Service Center library. Failure of a Service Center Library to meet the responsibilities of section 7.2 of this rule may result in the Service Center forfeiting a portion of funds received from the Library Commission or administrative fees, or, in the reassignment of libraries.

§173-1-8. Other Grants

8.1. The Library Commission may distribute other grants that further library service in the state. Any public library is eligible to apply for these grants. Grant priorities and qualifications are determined annually by the Library Commission.

8.2 . Construction grant applications must meet minimum standards identified by the Library Commission for:

8.2.a. New construction

8.2.b. Expansion

8.2.c. Renovation, including

8.2.c.1. Handicapped access

8.2.c.2. Safe working conditions

8.2.c.3. Public safety

8.3. An application for a construction grant will be on forms provided by the Library Commission and will include, but not be limited to, the following:

8.3.a. Project budget, including a history of local funding for the most recent five (5) years;

8.3.b. Certification by board of library directors of all local funds available for this project. Certification includes the source of the funds, the anticipated date of receipt of funds and the method to be used to provide any additional funding needed;

8.3.c. Timeline for the project;

8.3.d. Current status of the building program, architectural development, site acquisition, and fund raising;

8.3.e. Long range plan for use of the proposed, expanded or renovated facility;

8.3.f. Statement of ownership of the new building;

8.3.g. A feasibility study if proposed construction is the expansion, remodeling or alteration of an existing building. The study is to be done by an AIA registered architect;

8.3.h. A survey and description of the Library Commission approved site;

8.3.i. Project summary including descriptions of the current facility and the new facility comparing total square footage and space needs for public service areas, staff work space, and collection, meeting room, parking, and non-assignable spaces;

8.3.j. Description of how the project will benefit the service area and provide better library service, as well as information about current services.

8.4. Construction contracts must be entered into within three hundred sixty-five (365) days following the Library Commission approval of the grant request.

8.5. Assurance must be given to the Library Commission that, for all construction projects assisted through a grant, all laborers and mechanics employed by contractors or subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and that covered workers will receive overtime compensation in accordance with, and subject to, the provisions of the Contract Work Hours and Safety Standards Act. Further assurance must be provided that contractors or subcontractors comply with any other applicable state or federal law, including but not limited to workers compensation and unemployment compensation.

8.6. Additional reports must be submitted as requested by the Library Commission during the project.

8.7. Financial accounting:

8.7.a. Local funds for construction will be deposited in an account separate from all other funds. A certification by the bank as to the amount of these funds and certification that these funds are free from encumbrances must be furnished to the Library Commission;

8.7.b. Payment of federal and state funds on a construction project will be made to the board of library directors after approval of invoices by the Library Commission;

8.7.c. Request for a federal or state share will be made on forms provided by the Library Commission;

8.7.d. A retainage of ten percent (10%) will be withheld from the federal and state share of each construction project. The creditor's invoice should reflect the total amount due in order to prevent duplication of the retainage;

8.7.e. The public library will require the general contractor or equivalent to keep on file a copy of weekly payrolls with the required certification in regard to anti-kickback provisions of the Copeland Act. These payrolls will be checked by the general contractor or equivalent against the minimum wage determination for the project and will be reviewed periodically by the Library Commission. Periodic on-the-job interviews will be made by the Library Commission to assure compliance with federal regulations. A copy of this interview will be on file at the Library Commission. A copy of the labor interview will be forwarded to the general contractor or equivalent for filing with the payroll for the week. The general contractor or equivalent will file copies of weekly payrolls with the contracting library;

8.7.f. The portion of the architect's fee, which is paid for supervision, must be based on that portion of the "Contract Completed" at the date of the request;

8.7.g. Any change from the original construction contract must be made by a formal "Change Order" accompanied by a letter of authorization by the president of the board of library directors. If the change or addition requires additional funds over and above the approved budget, the board of library directors must certify that the additional funds are available;

8.7.h. The ten percent (10%) retainage from the federal and state share will be paid only after local architect's certification of completion of the construction contract and after an audit by an auditor approved by the Library Commission is filed with the Library Commission. This audit will be made at the expense of the board of library directors and may be a part of the total project cost;

8.7.i. All records pertaining to a construction project must be kept by the board of library directors for at least three (3) years after completion of the project, or as directed by any applicable federal legislation. These records must be made available to the Library Commission or authorized representative of the State of West Virginia or United States Government on request.

§173-1- 9. Establishing New Libraries

9.1. Representatives of a community interested in establishing a public library shall contact the Library Commission and provide the following information:

9.1.a. What area the library will serve;

9.1.b. How the operations of the library will be funded;

9.1.c. The expected effect of the new library on existing libraries in the area;

9.1.d. Comparison of services of the new library to services of existing libraries in the area;

9.2. To qualify for state funds, a newly established public library must:

9.2.a. Be established according to West Virginia Code § 10-1-1;

9.2.b. Comply with this Library Commission rule;

9.2.c. Develop a plan for library service using advice and continuing education from the Library Commission.

9.3. After meeting requirements for state funds, the newly established public library will be assigned to a Service Center Library.

§173-1- 10. Appeal Process

10.1. Any appeal of a decision related to this rule shall be submitted in writing to the Chairman of the Library Commission and the Secretary of the Library Commission.

10.2. The appeal shall include the following:

- 10.2.a. Name and address of the library
- 10.2.b. Statement of the decision being appealed
- 10.2.c. Signatures of the Library Director and president of the board of library directors
- 10.2.d. Supporting documentation
- 10.2.e. Resolution sought

10.3. Failure to submit any of the above may delay the consideration of the appeal by the Library Commission.

10.4. The Secretary will review each appeal and determine if it has been adjudicated previously. If not, The Secretary will place the appeal on the agenda for the next regular meeting of the Library Commission and inform the appellant.

10.5. The appellant shall inform the Secretary if a brief oral presentation will be made at the Commission meeting. Presentations must be limited to ten minutes unless extended by action of the Commission.

10.6. The Library Commission shall review the appeal and issue a decision no later than the next regular meeting.

10.7. Appeal of any decision by the Library Commission may be made to the Circuit Court by the appellant according to the provisions of the West Virginia Code § 29A-5-1.

**TITLE 173
LEGISLATIVE RULE
LIBRARY COMMISSION
SERIES 1
ADMINISTRATIVE RULES**

1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administering state appropriated funds that are distributed by the West Virginia Library Commission and are used to develop and enhance library services in the state. This rule applies to public libraries established according to West Virginia Code §10-1-1, unless otherwise specifically provided for in a special library law.

1.2. Authority. -- West Virginia Code §10-20.

1.3. Filing Date. -- 04/02/07

1.4. Effective Date. -- 07/01/07

1.5. Repeal and Replacement. -- This rule repeals and replaces "The Administrative Regulations of the West Virginia Library Commission" effective July 1, 1997.

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2.3. "Board of Library Directors" means the administrative authority of a public library. The board of library directors consists of five members appointed to staggered terms unless other provision is made by a special library law. Each member is called a library trustee.

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Other grants -- Funds awarded from any balance in the Grants to Public Libraries appropriation or from any other funds designated by the Library Commission.

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2.14. "Legal Service Population" means the number of people in a geographic area assigned to a public library by the Library Commission. This term is a standard data element of the Federal-State Cooperative System (FSCS) for Public Library Data, a project of the U.S. Department of Education's National Center for Education Statistics.

2.15. "Library Director" means the individual hired by the board of library directors to administer the total library program.

2.16. "Library Support Staff" means all paid staff who assist with the delivery of library services and programs; does not include janitorial staff.

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2.23. "Professional Librarian" means an individual who has received a Master's degree from a program accredited by the American Library Association.

2.24. "Public Library" means a library established in accordance with West Virginia Code §10-1-1 et seq. and in compliance with this rule, having paid staff, an organized collection, an established schedule during which services of the staff are available to the public, and the facilities necessary to support such a collection, staff, and schedule. A public library may consist of a single facility or multiple facilities.

2.25. "Quorum" means the minimum number of library trustees who must be present at a meeting for business to be conducted legally. Unless otherwise defined by a special law, a quorum is three.

2.26. "Service Center Library" means a library that provides professional and management services to libraries assigned to it by the Library Commission.

2.27. "Services to Libraries Grants" means funds distributed to Service Center libraries to assist in providing those services specified in this rule.

2.28. "Special Library Law" means a law, approved by the West Virginia Legislature, which specifies local funding appropriations to the public library. It may also establish the public library and provide for appointment of library trustees.

§ 173-1-3 Requirements for Receiving Grants

3.1. A public library must fulfill all of the requirements set forth in this section to be eligible to receive a grant from the library commission.

3.2. The public library is organized and operates in accordance with West Virginia Code § 10-1-1 et seq. or a special library law that meets the minimum requirements in the code.

3.3. The public library receives local funding to support its operations.

3.4. Local funds received in the previous fiscal year equal or exceed the maximum Grant-in-Aid established for the library. Local non-tax based funds used as matching funds cannot exceed the amount of local tax based funds.

3.4.a. In the first three fiscal years following passage of this rule during the 2007 regular session of the Legislature, Grants-In- Aid will be awarded at the maximum amount to every library meeting all other requirements.

3.4.b. Section 3.4 will be implemented in the fourth fiscal year following passage of this rule during the 2007 regular session of the Legislature.

3.5. Local operating expenditures for the previous fiscal year are equal to, or greater than, the average of the total local operating expenditures for the three fiscal years preceding that previous fiscal year. All funds included in the maintenance of effort calculation shall be expended in the fiscal year for which the determination is made and shall not include capital expenditures, special one-time project costs, or similar windfalls.

3.6. The board of library directors is the disbursing agent for appropriations received from governing authorities as described in West Virginia Code §10-1-2.

3.7. The accounting and fiscal procedures of the public library shall be conducted under the management, direction and control of the board of library directors which may delegate to the library director or to any other employee or duly designated agent such duties and functions as it deems appropriate.

3.8. The accounting and fiscal procedures of the public library, unless otherwise provided for in a special library law, include the following:

3.8.a. The fiscal year of the State of West Virginia is used for reporting to the Library Commission.

3.8.b. The board of library directors annually elects a treasurer to perform or oversee all financial operations.

3.8.c. Provision is made for at least two signatures, one of which must be a library trustee, on all checks used in payment of library financial obligations. All those with signature authority must be bonded at the expense of the board of library directors.

3.8.d. The board of library directors approves all adjustments to the budget.

3.8.e. All accounts of the library are settled within thirty (30) days after the close of the fiscal year.

3.8.f. Library funds are disbursed based on itemized invoices verified by the party duly authorized by the board of library directors.

3.8.g. The payroll is prepared in accordance with budgeted amounts approved by the board of library directors.

3.8.h. All accounting records are readily available in a form which can be audited or reviewed by the Library Commission or authorized representatives of the State of West Virginia or United States Government.

The annual audit or review is filed with the Library Commission within 30 days of the receipt of the audit.

- 3.8.i. A financial report of the preceding year is filed within 45 days from the end of that year on forms provided by the Library Commission.
- 3.9.** The public library submits, by the beginning of the fiscal year, an application for Grant-in-Aid on a form provided by the Library Commission.
- 3.10.** The public library submits, by the beginning of the fiscal year, a spending plan for the use of the state Grant-in-Aid and an annual budget on forms provided by the Library Commission.
- 3.11.** The board of library directors employs a full-time professional librarian to direct the operations of the library and to participate in meetings, workshops and conferences for which the Library Commission requires attendance.
- 3.12.** The board of library directors meets at least four times annually with a quorum present. All meetings of boards of library directors are subject to the provisions of the Open Governmental Proceedings Act, W. Va. Code § 6-9A.
- 3.12.a. Approved minutes are forwarded within thirty (30) days to the Library Commission, or if applicable, to the Service Center Library.
- 3.12.b. A report showing the status of all accounts, funds and expenditures is presented for review and approval at all regular meetings of the board of library directors or board finance committee.
- 3.12.c. Policies covering library operations, collection development, personnel, and technology are formally adopted and forwarded to the Library Commission.
- 3.12.d. The public library regularly submits to the Library Commission a development plan for a period of at least three years and no more than five years.
- 3.12.e. No member of a board of library directors is involved in any claim or contract with the public library. This does not mean that a library trustee may not be a stockholder, officer, or director of a bank designated as a depository for the public library.
- 3.12.f. Reimbursement of travel expenses for library trustees is in accordance with policies adopted by the board of library directors.
- 3.13.** The library director completes no fewer than eight (8) hours of continuing education per year. All other full time library support staff complete no fewer than three (3) hours of continuing education per year.
- 3.13.a. Continuing education hours must be approved in advance by the Library Commission.
- 3.13.b. Staff of a library assigned to a Service Center Library is required to attend the annual staff development workshop sponsored by the Service Center.
- 3.14.** The public library is open a minimum number of hours weekly based on the legal service population ranges below.

3.14.a. Fewer than 6000 – 25 hours

3.14.b. 6000-15,000 – 30 hours

3.14.c. More than 15,000 – 40 hours

3.15. The public library is open to the public at least six hours per week that are either before 9 a.m., after 5 p.m., or on Saturdays or Sundays.

3.16. The public library provides free service to residents except as provided for in the West Virginia Code § 10-1-9a.

3.17. The public library provides public access to informational services and programs provided by the Library Commission at no cost to libraries.

3.18. The public library agrees to share resources with other libraries in the state, according to local interlibrary loan policy and guidelines endorsed by the Library Commission.

3.19. The public library designates National Library Week and Children's Book Week or any other two weeks annually as grace periods during which no fines or penalties are assessed for overdue materials.

§173-1-4 Non-Compliance with Requirements

4.1. The Library Commission shall determine by review of required reports and evaluation visits whether a public library meets eligibility requirements.

4.2. A library not directed by a professional librarian will be assigned by the Library Commission to a Service Center Library.

4.3. If the maintenance of effort requirement (3.5) is not met, the Grant-in-Aid shall be reduced by a percentage equal to the percentage of the unmet maintenance of effort.

4.4. Failure to meet any requirements other than those described in sections 3.4 and 3.5 of this rule will result in the public library forfeiting a portion of its Grant-in-Aid. Such portion will be determined by the Library Commission.

§173-1-5 Waiver of Requirements

5.1. The eligibility requirements contained in section 3 of this rule may be waived if the Commission determines that due to exceptional or uncontrollable circumstances, one or more of the requirements for receiving grants contained in section 3 would impose undue hardship on a public library. For the purpose of this subsection, exceptional or uncontrollable circumstances may include, but are not limited to, a natural or man-made disaster or a governing fundi's lack of financial resources to provide adequate local funding to support a public library's operations.

5.2. The board of library directors requests a waiver by notifying the Library Commission in writing of any extraordinary circumstances and the fiscal year affected. A waiver is granted for one year.

5.3. The board of library directors and staff must work with the Library Commission to develop and implement a recovery plan.

5.4. The Library Commission determines the amount of any Grant-in-Aid distributed to a library on a waiver.

5.5 The provisions of this rule shall be liberally construed to accomplish its objectives and purposes.

§173-1-6 Requirements For Use of Grants-in-Aid

6.1. The Library Commission determines annually, on a per capita basis, the maximum Grant-in-Aid for each library. Each library must submit, by the beginning of the fiscal year, a Grant-in-Aid expenditure plan to the Library Commission for approval.

6.2. Grants-in-Aid shall be used for the following purposes:

6.2.a. Salaries, wages, and benefits; all staff must be paid no less than state or federal minimum wage, whichever is higher;

6.2.b. Library materials;

6.2.c. Equipment;

6.2.d. Travel expenses for library director, staff and library trustees to attend meetings, workshops and conferences and any other library-related activities approved by the board of library directors;

6.2.e. Bookmobiles;

6.2.f. Audits required by state or federal law, rule or regulation;

6.2.g. All other current operating expenses approved by the board of library directors;

6.2.h. Fellowships for graduate and undergraduate degrees when there exists between the sponsoring public library and the recipient of the fellowship a written agreement that includes, but is not limited to, the following:

6.2.h.1. The fellowship recipient must be an employee of the sponsoring public library;

6.2.h.2. A candidate for a graduate fellowship must attend a school accredited by the American Library Association;

6.2.h.3. The amount the sponsoring public library will pay for classes;

6.2.h.4. The expected completion date;

6.2.h.5. The trainee must agree to return to the sponsoring public library for at least two (2) years following receipt of the degree;

6.2.h.6. The trainee may be permitted by the sponsoring public library to substitute employment in any public library in West Virginia for two (2) years if a position is not available with the sponsoring public library. If no employment is available at a salary commensurate with the trainee's education, repayment of the grant may be waived at the discretion of the sponsoring library with approval from the Library Commission;

6.2.h.7. If repayment of the grant is not waived by either the sponsoring public library or by the Library Commission, the grant must be repaid to the sponsoring public library.

§173-1-7. Service Center Libraries

7.1. A Service Center Library ensures that professional librarian expertise is available to each public library. The Library Commission may assign a library to a Service Center Library if required reports or evaluation visits indicate need.

7.2. Responsibilities of a Service Center Library are:

7.2.a. To reach a formal agreement with each consortium member regarding assistance provided with the Services to Libraries Grant or administrative fee;

7.2.b. To file, by the beginning of each fiscal year on forms provided by the Library Commission, a plan for assisting each assigned library, based on the formal agreement between the libraries;

7.2.c. To employ a full-time professional librarian in addition to the director;

7.2.d. To visit each assigned library four times a year, including one board meeting, and to present at least one staff development workshop annually;

7.2.e. To evaluate the collections, fiscal management, and operations of each assigned library and report the results annually to the library with a copy to the Library Commission;

7.2.f. To account for funds or administrative fees used to assist assigned libraries. Administrative fees must be approved by the Library Commission and may not exceed twenty percent (20%) of the Grant-in-Aid for each assigned library.

7.3. The Library Commission will evaluate periodically the performance of each Service Center library. Failure of a Service Center Library to meet the responsibilities of section 7.2 of this rule may result in the Service Center forfeiting a portion of funds received from the Library Commission or administrative fees, or, in the reassignment of libraries.

§173-1-8. Other Grants

8.1. The Library Commission may distribute other grants that further library service in the state. Any public library is eligible to apply for these grants. Grant priorities and qualifications are determined annually by the Library Commission.

8.2 . Construction grant applications must meet minimum standards identified by the Library Commission for:

8.2.a. New construction

8.2.b. Expansion

8.2.c. Renovation, including

8.2.c.1. Handicapped access

8.2.c.2. Safe working conditions

8.2.c.3. Public safety

8.3. An application for a construction grant will be on forms provided by the Library Commission and will include, but not be limited to, the following:

8.3.a. Project budget, including a history of local funding for the most recent five (5) years;

8.3.b. Certification by board of library directors of all local funds available for this project. Certification includes the source of the funds, the anticipated date of receipt of funds and the method to be used to provide any additional funding needed;

8.3.c. Timeline for the project;

8.3.d. Current status of the building program, architectural development, site acquisition, and fund raising;

8.3.e. Long range plan for use of the proposed, expanded or renovated facility;

8.3.f. Statement of ownership of the new building;

8.3.g. A feasibility study if proposed construction is the expansion, remodeling or alteration of an existing building. The study is to be done by an AIA registered architect;

8.3.h. A survey and description of the Library Commission approved site;

8.3.i. Project summary including descriptions of the current facility and the new facility comparing total square footage and space needs for public service areas, staff work space, and collection, meeting room, parking, and non-assignable spaces;

8.3.j. Description of how the project will benefit the service area and provide better library service, as well as information about current services.

8.4. Construction contracts must be entered into within three hundred sixty-five (365) days following the Library Commission approval of the grant request.

8.5. Assurance must be given to the Library Commission that, for all construction projects assisted through a grant, all laborers and mechanics employed by contractors or subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and that covered workers will receive overtime compensation in accordance with, and subject to, the provisions of the Contract Work Hours and Safety Standards Act. Further assurance must be provided that contractors or subcontractors comply with any other applicable state or federal law, including but not limited to workers compensation and unemployment compensation.

8.6. Additional reports must be submitted as requested by the Library Commission during the project.

8.7. Financial accounting:

8.7.a. Local funds for construction will be deposited in an account separate from all other funds. A certification by the bank as to the amount of these funds and certification that these funds are free from encumbrances must be furnished to the Library Commission;

8.7.b. Payment of federal and state funds on a construction project will be made to the board of library directors after approval of invoices by the Library Commission;

8.7.c. Request for a federal or state share will be made on forms provided by the Library Commission;

8.7.d. A retainage of ten percent (10%) will be withheld from the federal and state share of each construction project. The creditor's invoice should reflect the total amount due in order to prevent duplication of the retainage;

8.7.e. The public library will require the general contractor or equivalent to keep on file a copy of weekly payrolls with the required certification in regard to anti-kickback provisions of the Copeland Act. These payrolls will be checked by the general contractor or equivalent against the minimum wage determination for the project and will be reviewed periodically by the Library Commission. Periodic on-the-job interviews will be made by the Library Commission to assure compliance with federal regulations. A copy of this interview will be on file at the Library Commission. A copy of the labor interview will be forwarded to the general contractor or equivalent for filing with the payroll for the week. The general contractor or equivalent will file copies of weekly payrolls with the contracting library;

8.7.f. The portion of the architect's fee, which is paid for supervision, must be based on that portion of the "Contract Completed" at the date of the request;

8.7.g. Any change from the original construction contract must be made by a formal "Change Order" accompanied by a letter of authorization by the president of the board of library directors. If the change or addition requires additional funds over and above the approved budget, the board of library directors must certify that the additional funds are available;

8.7.h. The ten percent (10%) retainage from the federal and state share will be paid only after local architect's certification of completion of the construction contract and after an audit by an auditor approved by the Library Commission is filed with the Library Commission. This audit will be made at the expense of the board of library directors and may be a part of the total project cost;

8.7.i. All records pertaining to a construction project must be kept by the board of library directors for at least three (3) years after completion of the project, or as directed by any applicable federal legislation. These records must be made available to the Library Commission or authorized representative of the State of West Virginia or United States Government on request.

§173-1- 9. Establishing New Libraries

9.1. Representatives of a community interested in establishing a public library shall contact the Library Commission and provide the following information:

9.1.a. What area the library will serve;

9.1.b. How the operations of the library will be funded;

9.1.c. The expected effect of the new library on existing libraries in the area;

9.1.d. Comparison of services of the new library to services of existing libraries in the area;

9.2. To qualify for state funds, a newly established public library must:

9.2.a. Be established according to West Virginia Code § 10-1-1;

9.2.b. Comply with this Library Commission rule;

9.2.c. Develop a plan for library service using advice and continuing education from the Library Commission.

9.3. After meeting requirements for state funds, the newly established public library will be assigned to a Service Center Library.

§173-1- 10. Appeal Process

10.1. Any appeal of a decision related to this rule shall be submitted in writing to the Chairman of the Library Commission and the Secretary of the Library Commission.

10.2. The appeal shall include the following:

- 10.2.a. Name and address of the library
- 10.2.b. Statement of the decision being appealed
- 10.2.c. Signatures of the Library Director and president of the board of library directors
- 10.2.d. Supporting documentation
- 10.2.e. Resolution sought

10.3. Failure to submit any of the above may delay the consideration of the appeal by the Library Commission.

10.4. The Secretary will review each appeal and determine if it has been adjudicated previously. If not, The Secretary will place the appeal on the agenda for the next regular meeting of the Library Commission and inform the appellant.

10.5. The appellant shall inform the Secretary if a brief oral presentation will be made at the Commission meeting. Presentations must be limited to ten minutes unless extended by action of the Commission.

10.6. The Library Commission shall review the appeal and issue a decision no later than the next regular meeting.

10.7. Appeal of any decision by the Library Commission may be made to the Circuit Court by the appellant according to the provisions of the West Virginia Code § 29A-5-1.

AN ORDINANCE TO BE KNOWN AS CHAPTER _____ OF THE
CODE OF THE TOWN OF SHEPHERDSTOWN ESTABLISHING
A PUBLIC LIBRARY AND TO PROVIDE FOR ITS
OPERATION, MAINTENANCE AND SUPPORT.

Jan 1, 1971
Ordinance

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SHEPHERDSTOWN:

CHAPTER _____. An ordinance establishing a Public Library and to provide for its operation, maintenance and support.

SECTION _____. The Town of Shepherdstown hereby establishes a Public Library to be known as the Shepherdstown Public Library, which shall be free for the use of all persons living within Jefferson County, West Virginia.

SECTION _____. The operation of said library shall be under the authority and jurisdiction of a Board of Library Directors who shall be known as the Shepherdstown Public Library Commission. Said directors shall be chosen from the citizens at large of said Town with reference to their fitness for such office, and their term of office shall be for a term of five years from the 1st day of January following their appointment, and until their successors are appointed and qualified provided, however, that upon their first appointment under this Section a proportionate number shall be appointed for one year, for two years, for three years, for four years and for five years: after all appointments shall be for terms of five years. Vacancies in the Board shall be immediately reported by the Board to the Council of the Town of Shepherdstown and filled by appointment in like manner, and if an unexpired term, for the remainder of the term only. The Director may be removed for just cause in the manner provided by the by-laws of the Library Board. No compensation shall be paid or allowed any Director.

SECTION _____. Board of Library Directors: Powers and Duties. The Board of Directors of each Public Library established or maintained under this Section shall: immediately after appointment, meet and organize by electing one member as President and one as Secretary, and such other officers as may be necessary. All officers shall hold office for one year and shall be eligible for reelection. (b) Adopt such by-laws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of this Section. (c) Supervise the expenditure of all money credited to the Library fund. All money appropriated or collected for Public Library purposes shall be deposited as the Library's Board of Directors shall direct and be disbursed by the officer designated by that Board, such officer before entering upon his duties to give bond payable to and in an amount fixed by the Board of Directors of the Library, conditioned for the faithful discharge of his official duties. The cost of such bond shall be paid from the Library fund. The books, records and accounts of the Library Board shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia. (d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such Library; and have supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for Library purposes. (e) Employ a head librarian and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the Library.

SECTION _____. Board of Library Directors: Annual Report. The Board of Directors shall make an annual report for the fiscal year ending

December 31 to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the Library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added and withdrawn during the year, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia Library Commission.

SECTION . Library Board to be a Corporation; Vesting of Title to Bequests or Donations. The Board of Directors of each Public Library shall be a corporation; and as such it may contract and be contracted with, sue or be sued, plead and be impleaded, and shall have and use a common seal.

The title to all bequests or donations of cash or other personal property or real estate for the benefit of such Library shall be vested in the Board of Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; Provided, however, that the person making the bequest or donation of cash or other personal property or real estate for the benefit of such Library shall have the right and privilege to vest the title thereto to a Trustee, or Trustees, of his own selection, and to provide for the selection of successor Trustees, and to designate the manner in which said fund or property shall be invested and used.

SECTION . Collection of Fees and Service Charges; Assessment of Fines, etc.; Sale of Surplus or Obsolete Materials or Equipment; Deposit and Disbursement of Receipts. The Board of Directors of a Library established or maintained under this Section may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages, or replacement costs for the loss or, injury to, or failure to return any Library property or material; and may sell surplus, duplicated, obsolete, or other unwanted materials or equipment belonging to the Library. All moneys received from these and other sources in the course of the administration and operation of the Library shall be deposited in the Library fund and shall be disbursed by the Board of Directors in the manner prescribed elsewhere in this Section.

SECTION . Cooperation with Jefferson County Court. The Shepherdstown Public Library Commission shall have the right to cooperate with the Jefferson County Court in the establishment of branch Libraries within the county and to offer free use of the Library to persons in Jefferson County and to receive funds from the said Jefferson County Court for said purposes.

SECTION . Cooperation with the Library Commission, State of West Virginia. The Shepherdstown Public Library Commission shall have the right and power to cooperate with the West Virginia Library Commission.

SECTION . Effective Date. This ordinance shall be effective January 1, 1971 and upon said Directors qualifying.

ATTEST:

[Clarence Wright]
TOWN RECORDER

ADOPTED: _____

BY ORDER OF COUNCIL:

[Silas Starry]
MAYOR


Nov 10, 1970
Motion carried to
pass ordinance

Regular council meeting held on Tuesday, November 11, 1970, present, Mayor Starry, Recorder Wright, Councilman, Snyder, Smith, Harris, Moore and Walper.

1. Minutes of last meeting were read and approved.
2. Treasurers report showed a balance on hand as of Nov. 7, 1970, \$7,116.13. Treasurer was instructed to pay all outstanding bills. Report accepted.
3. Mr. William Vaughn representing Shepherd College and Shepherd Forum explained plans for a series of programs on drug abuse, two in particular on Jan. 27th and Feb. 4, 1971. Funds are available in grant form from the Governor's Commission on crime prevention for programs of this nature. Mr. Vaughn requested council apply for these funds. On motion by Mrs. Snyder, seconded by Mr. Wright, council approved by unanimous vote to authorize Mayor Starry to request this grant.
4. On motion by Harris, seconded by Moore, an ordinance establishing a Public Library and to provide for its operation, maintenance and support. Was passed to its third reading, motion passed. On motion by Wright and seconded by Harris above named ordinance was passed through its third reading. Motion passed. This Ordinance will be entered as chapter _____ of the Town Ordinances, effective November 10, 1970.
5. On motion by Wright, seconded by Harris, council passed the following resolution, "Contract for trash removal at Shepherd College in the amount of \$4600.00 per annum remain in effect through June 30, 1971. Beginning July 1, 1971, a new contract will be negotiated.
6. On motion by Moore, seconded by Walper, Mayor Starry was instructed to procure a snow plow from state surplus. Cost of transportation and acquisition be paid from Town Treasury. Motion Carried.
7. Meeting adjourned.


Recorder

Clarence Wright


Mayor.

Silas Starry

RESOLUTION

WHEREAS, the Town of Shepherdstown passed an ordinance in 1970 establishing the Shepherdstown Public Library and providing for its operation, maintenance and support; and

WHEREAS, the Town Council and the citizens of Shepherdstown and the surrounding areas of Jefferson County are vitally interested in the availability of a library facility and library resources adequate for serving this community; and

WHEREAS, the Board of Directors of the Shepherdstown Public Library, who are appointed by this Town Council, have determined that the current library facility at the Historic Market House is inadequate for the purpose of a modern library and accordingly have embarked upon a project to build and equip a new library facility; and

WHEREAS, the Town of Shepherdstown has provided land for the construction of the new library facility, which has been remediated with the approval of the West Virginia Department of Environmental Services; and

WHEREAS, the Board of Directors of the Shepherdstown Public Library has now embarked on a capital campaign to finance the construction and equipping of the new Library facility through private donations,

BE IT RESOLVED that the Town Council of the Town of Shepherdstown

- fully supports the efforts of the Shepherdstown Library Board of Directors to finance, construct and equip a new library facility at the Clarion Road site donated by the Town of Shepherdstown;
- encourages the Shepherdstown Library Board of Directors in their efforts to complete the new library as soon as possible; and
- commends the project to the citizens of this area for their financial support.

ATTEST:

TOWN RECORDER

BY ORDER OF COUNCIL:

MAYOR

ADOPTED: _____

02/15/2015

From: [Hali Taylor](#)
To: [Amy Boyd](#); [Jim Auxer](#); [Bob Keller Library](#); [Jack Eggleston](#); [Rosemary Nickerson](#); [Sally Brasher](#); [Terry Kramer](#)
Cc: [JimFord Forward](#); [Cheryl Roberts](#)
Subject: RE: Shepherdstown Library Request to Appear at Finance Meeting
Date: Thursday, April 21, 2022 4:42:10 PM

Dear Amy: The Shepherdstown Public Library would like to request to be placed on the agenda for the finance committee in June. Please let me know the date and time.

Thank you,

Hali

Hali Taylor, Director
Shepherdstown Public Library
100 East German Street
P.O. Box 278
Shepherdstown, WV 25443
(304) 876-2783 (T)
(617) 710-7757 (C)

DATE: June 19, 2022

TO: Shepherdstown Town Council

FROM: Chris Stroeck, Councilperson

RE: Shepherdstown Public Library – Request for Increased Support

Purpose:

In April, 2022, Hali Taylor, Director of the Shepherdstown Public Library, made a presentation to the Town Council and requested increased funding and support for the Library. The Town is currently paying the Library \$900.00 per month. The Library has requested that the Town pay a monthly amount of \$1,600.00 and take care of mowing and snow removal at the new location. The Finance Committee is scheduled to take up this request at its regular meeting scheduled for June 23, 2022, at 2:30pm. Councilperson Stroeck has obtained and compiled certain information that might prove helpful in evaluating this increased funding and support request.

Relevant Authorities:

The Library was established by a Town Ordinance effective November 10, 1970.¹ The current applicable Town Ordinance was effective January 1, 1971.² In my opinion, this Ordinance contains the following relevant provisions, in part:

CHAPTER ____. An ordinance establishing a Public Library and to provide for its operation, maintenance and support.

SECTION ____. Library Board to be a Corporation; Vesting of Title to Bequests or Donations. The Board of Directors of each Public Library shall be a corporation; and as such it may contract and be contracted with, sue or be sued, plead and be impleaded, and shall have and use a common seal.

The title to all bequests or donations of cash or other personal property or real estate for the benefit of such Library shall be vested in the Board of Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; Provided, however, that the person making the bequest or donation of cash or other personal property or real estate for the benefit of such Library shall have the right and privilege to vest the title thereto to a Trustee, or Trustees, of his own selection,

¹ Attachment #1 – TC Meeting Minutes 11/11/70.

² Attachment #2 – Ordinance.

and to provide for the selection of successor Trustees, and to designate the manner in which said fund or property shall be Invested and used.

SECTION ____ . Cooperation with Jefferson County Court. The Shepherdstown Public Library Commission shall the right to cooperate with the Jefferson County Court in the establishment of branch Libraries within the county and to offer free use of the Library to persons in Jefferson County and to receive funds from the said Jefferson County Court for said purposes.

SECTION ____ . Cooperation with Library Commission, State of West Virginia. The Shepherdstown Public Library Commission shall the right and power to cooperate with the West Virginia Library Commission.

West Virginia Code §10-1-1, et seq., governs public libraries.³ In my opinion, this Statute contains the following relevant provisions, in part:

§10-1-1. "Public library" and "governing authority" defined.

The term "public library" as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public, except for those charges for which provision may be made elsewhere in this article. The term shall not, however, include special libraries, such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term "governing authority" shall be construed to mean county court, county board of education or the governing body of any municipality.

§10-1-2. Power of governing authority to establish and maintain libraries; financing.

A governing authority either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained, or supported by a governing authority may be financed either (1) by the appropriation from the General Funds of the governing authority of a sum sufficient for the purpose, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of section sixteen, article eight, chapter eleven of this code. Such sums as are appropriated hereunder may be transferred to the public library board for deposit and disbursement as the public library board shall direct. By such transfer the governing authority designates the public library board as its disbursing agent.

³ Attachment #3 – West Virginia Code, Chapter 10.

The Town is considered a Governing Authority for the Library, along with the County and Board of Education, which are also considered Governing Authorities for the Library. Pursuant to Chapter 10 alone, the Town, as a Governing Authority, *may* finance the Library through direct appropriation or by excess levy. Director Taylor advises that the State Library Commission uses the terms “governing authority” and “funding authority” interchangeably.⁴

Library Support to Date:

The Library received from the Town 20% of the hotel occupancy tax from July 2001 to January 2013. The total amount received for this 11.5 year period was \$89,386.18, or an average of \$7,772.71 per year, with varying monthly distributions. Beginning in January 2013, and continuing through June 2022, the Library has received \$10,800.00 annually, made with monthly payments of \$900.00 from the General Fund. The total amount received for this 9.5 year period was \$102,600.00. Thus, the total amount the Library has received in regular payments from the Town since July 2001 is \$191,986.18.⁵

Additionally, the Town has made several special payments to the Library as follows: \$50,000.00 (7/18) and \$2,500.00 (8/16). Thus, the total amount of special payments to date is \$52,500.00.⁶

The Town owns the Old Market House, where the Library has been located since it opened in 1971. The Library did not pay rent from 1971 to 1999. In October 1999, the Town and Library entered into a formal Lease Agreement⁷, whereby the Town agreed to lease the Market House (excepting the Women’s Club’s use of the second floor) to the Library for 25 years. The Town agreed that an annual rent of \$1.00 was fair and adequate consideration as benefitting both the community and public. The Lease Agreement provides that the Library was to raise funds from public and private sources to restore, renovate and maintain the Market House.

The Town later paid \$5,000.00 to the Women’s Club to vacate use of the second floor. During the Lease term, the Town paid \$44,036.99 for Market House restoration, repairs and maintenance.⁸ It is unknown how much the Library spent for these purposes. Following the hit and run in July 2021, the Town paid an additional \$87,686.33 for related repairs, and insurance then reimbursed the Town \$81,994.53.⁹

The Town donated the land where the new Library has been built. The Town Council has resolved that it “fully supports the efforts of the Shepherdstown Library Board of Directors to finance, construct and equip a new library facility at the Clarion Road site donated by the Town

⁴ Attachment #4 – Legislative Rules for Library Commission, Section 2.11.

⁵ Supporting data is available upon request.

⁶ Supporting data is available upon request.

⁷ Attachment #5 – Lease Agreement.

⁸ Supporting data is available upon request.

⁹ Supporting data is available upon request.

of Shepherdstown; encourages the Shepherdstown Library Board of Directors in their efforts to complete the new library as soon as possible, and commends the project to the citizens of this area for their financial support.”¹⁰

Library Financials:

For FY 2021, the Library received total income of \$241,585.53 from the following sources: State (38%), County (34%), Board of Education (12%), Non-Tax Revenue [donations, grants, etc.] (12%) and the Town (4%). Total expenses were \$249,220.64.¹¹

For FY 2022, the Library expects income of \$248,280.00 from the following sources: State (37%), County (33%), Board of Education (12%), Non-Tax Revenue (14%) and the Town (4%). Total expenses are budgeted at \$248,480.00.¹²

For FY 2023, the Library has projected a total operating budget of \$303,569.00.¹³

Current Request for Increased Support:

The Library has requested that the Town pay a monthly amount of \$1,600.00 (\$700.00 increase) and take care of mowing and snow removal at the new location. Any cash appropriations must come from General Funds.

Considerations:

Based upon the information obtained and in my opinion, the Committee and Council might consider the following:

1. The Town has funded the Library in some amount since it was established in 1971. Funding for the Library from the Town has increased over time.
2. The Library has additionally received annually funding from the State, County and Board of Education. Are these amounts expected to increase or decrease?
3. The Library supplements this taxed-based revenue with non-taxed-based revenue such as donations, grants, etc. Are these amounts expected to increase or decrease?
4. Considering the new facility and its location outside of Town, should the Town's annual support for the Library be adjusted in any way?
5. Should any continued support for the Library be made in cash, in kind services or a combination of both?
6. If cash payments are made, from what source?
7. What is the expected annual cost of the mowing and snow removal services?

¹⁰ Attachment #6 – Resolution.

¹¹ Attachment #7 – FY2021 ACTUALS.

¹² Attachment #8 – FY2022 BUDGET.

¹³ Attachment #9 – FY2023 DRAFT BUDGET.

8. In what other ways can the Town support the Library (grants, excess levy, etc.)?
9. Should a long-term commitment and agreement be made regarding all support to be provided by the Town to the Library to manage expectations moving forward?
10. The Lease for the Market House will expire on June 30, 2024. Does the Library intend to occupy the Market House until that date? Does the Library intend to have any presence “in Town”? Can the Lease be terminated early in order for the Town to effectively use the Market House for other purposes?

Nov 10, 1970
Motion carried to
pass ordinance

Regular council meeting held on Tuesday, November 11, 1970, present, Mayor Starry, Recorder Wright, Councilman, Snyder, Smith, Harris, Moore and Walper.

1. Minutes of last meeting were read and approved.
2. Treasurers report showed a balance on hand as of Nov. 7, 1970, \$7,110.13. Treasurer was instructed to pay all outstanding bills. Report accepted.
3. Mr. William Vaughn representing Shepherd College and Shepherd Forum explained plans for a series of programs on drug abuse, two in particular on Jan. 27th and Feb. 4, 1971. Funds are available in grant form from the Governor's Commission on crime prevention for programs of this nature. Mr. Vaughn requested council apply for these funds. On motion by Mrs. Snyder, seconded by Mr. Wright, council approved by unanimous vote to authorize Mayor Starry to request this grant.
4. On motion by Harris, seconded by Moore, an ordinance establishing a Public Library and to provide for its operation, maintenance and support. Was passed to its third reading, motion passed. On motion by Wright and seconded by Harris above named ordinance was passed through its third reading. Motion passed. This Ordinance will be entered as chapter _____ of the Town Ordinances, effective November 10, 1970.
5. On motion by Wright, seconded by Harris, council passed the following resolution, "Contract for trash removal at Shepherd College in the amount of \$4600.00 per annum remain in effect through June 30, 1971. Beginning July 1, 1971, a new contract will be negotiated.
6. On motion by Moore, seconded by Walper, Mayor Starry was instructed to procure a snow plow from state surplus. Cost of transportation and acquisition be paid from Town Treasury. Motion Carried.
7. Meeting adjourned.

Clarence Wright
Recorder

Silas Starry
Mayor.

AN ORDINANCE TO BE KNOWN AS CHAPTER _____ OF THE
CODE OF THE TOWN OF SHEPHERDSTOWN ESTABLISHING
A PUBLIC LIBRARY AND TO PROVIDE FOR ITS
OPERATION, MAINTENANCE AND SUPPORT.

Jan 1, 1971
Ordinance

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SHEPHERDSTOWN:

CHAPTER _____. An ordinance establishing a Public Library and to provide
for its operation, maintenance and support.

SECTION _____. The Town of Shepherdstown hereby establishes a Public
Library to be known as the Shepherdstown Public Library, which shall be free
for the use of all persons living within Jefferson County, West Virginia.

SECTION _____. The operation of said library shall be under the
authority and jurisdiction of a Board of Library Directors who shall be
known as the Shepherdstown Public Library Commission. Said directors shall
be chosen from the citizens at large of said Town with reference to their
fitness for such office, and their term of office shall be for a term of
five years from the 1st day of January following their appointment, and until
their successors are appointed and qualified provided, however, that upon their
first appointment under this Section a proportionate number shall be appointed
for one year, for two years, for three years, for four years and for five years;
after all appointments shall be for terms of five years. Vacancies in the
Board shall be immediately reported by the Board to the Council of the Town
of Shepherdstown and filled by appointment in like manner, and if an unexpired
term, for the remainder of the term only. The Director may be removed for
just cause in the manner provided by the by-laws of the Library Board. No
compensation shall be paid or allowed any Director.

SECTION _____. Board of Library Directors: Powers and Duties.
The Board of Directors of each Public Library established or maintained under
this Section shall: immediately after appointment, meet and organize by electing
one member as President and one as Secretary, and such other officers as may
be necessary. All officers shall hold office for one year and shall be
eligible for reelection. (b) Adopt such by-laws, rules and regulations as are
necessary for its own guidance and for the administration, supervision and
protection of the library and all property belonging thereto as may not be
inconsistent with the provisions of this Section. (c) Supervise the expenditure
of all money credited to the Library fund. All money appropriated or collected
for Public Library purposes shall be deposited as the Library's Board of
Directors shall direct and be disbursed by the officer designated by that
Board, such officer before entering upon his duties to give bond payable to and
in an amount fixed by the Board of Directors of the Library, conditioned for
the faithful discharge of his official duties. The cost of such bond shall
be paid from the Library fund. The books, records and accounts of the Library
Board shall be subject to audit and examination by the office of the State Tax
Commissioner of West Virginia. (d) Lease or purchase and occupy suitable
quarters, or erect upon ground secured through gift or purchase, an appropriate
building for the use of such Library; and have supervision, care and custody
of the grounds, rooms or buildings constructed, leased, or set apart for
Library purposes. (e) Employ a head librarian and upon his recommendation
employ such other assistants as may be necessary for the efficient operation
of the Library.

SECTION _____. Board of Library Directors: Annual Report.
The Board of Directors shall make an annual report for the fiscal year ending

December 31 to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the Library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added and withdrawn during the year, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia Library Commission.

SECTION ____ . Library Board to be a Corporation; Vesting of Title to Bequests or Donations. The Board of Directors of each Public Library shall be a corporation; and as such it may contract and be contracted with, sue or be sued, plead and be impleaded, and shall have and use a common seal.

The title to all bequests or donations of cash or other personal property or real estate for the benefit of such Library shall be vested in the Board of Directors to be held in trust and controlled by such Board according to the terms and for the purposes set forth in the deed, gift, devise or bequest; Provided, however, that the person making the bequest or donation of cash or other personal property or real estate for the benefit of such Library shall have the right and privilege to vest the title thereto to a Trustee, or Trustees, of his own selection, and to provide for the selection of successor Trustees, and to designate the manner in which said fund or property shall be invested and used.

SECTION ____ . Collection of Fees and Service Charges; Assessment of Fines, etc.; Sale of Surplus or Obsolete Materials or Equipment; Deposit and Disbursement of Receipts. The Board of Directors of a Library established or maintained under this Section may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages, or replacement costs for the loss or, injury to, or failure to return any Library property or material; and may sell surplus, duplicated, obsolete, or other unwanted materials or equipment belonging to the Library. All moneys received from these and other sources in the course of the administration and operation of the Library shall be deposited in the Library fund and shall be disbursed by the Board of Directors in the manner prescribed elsewhere in this Section.

SECTION ____ . Cooperation with Jefferson County Court. The Shepherdstown Public Library Commission shall have the right to cooperate with the Jefferson County Court in the establishment of branch Libraries within the county and to offer free use of the Library to persons in Jefferson County and to receive funds from the said Jefferson County Court for said purposes.

SECTION ____ . Cooperation with the Library Commission, State of West Virginia. The Shepherdstown Public Library Commission shall have the right and power to cooperate with the West Virginia Library Commission.

SECTION ____ . Effective Date. This ordinance shall be effective January 1, 1971 and upon said Directors qualifying.

ATTEST:

[Clarence Wright]
TOWN RECORDER

ADOPTED: _____

BY ORDER OF COUNCIL:

[Silas Starry]
MAYOR

WEST VIRGINIA CODE, CHAPTER 10

ARTICLE 1. PUBLIC LIBRARIES.

§10-1-1. "Public library" and "governing authority" defined.

The term "public library" as used in this article shall be construed to mean a library maintained wholly or in part by any governing authority from funds derived by taxation and the services of which are free to the public, except for those charges for which provision may be made elsewhere in this article. The term shall not, however, include special libraries, such as law, medical or other professional libraries, or school libraries which are maintained primarily for school purposes. The term "governing authority" shall be construed to mean county court, county board of education or the governing body of any municipality.

§10-1-2. Power of governing authority to establish and maintain libraries; financing.

A governing authority either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the General Funds of the governing authority of a sum sufficient for the purpose, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of section sixteen, article eight, chapter eleven of this code.

Such sums as are appropriated hereunder may be transferred to the public library board for deposit and disbursement as the public library board shall direct. By such transfer the governing authority designates the public library board as its disbursing agent.

§10-1-3. Regional library defined; apportionment of regional library expenses.

A regional library is a public library established and/or maintained by two or more counties, by action of their governing authorities, under the terms of a contract to which they all agree. The expenses of the regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract.

§10-1-3a. Authority of regional library board to disburse funds.

The governing authorities which maintain a regional library may contribute the apportioned sum to the regional library board, such contributions to be deposited as the regional library board shall direct and to be disbursed by the officer designated by that board. By such contribution the governing authority designates the regional library board as its disbursing agent.

§10-1-4. Contract with existing public library.

The governing authority may, in lieu of supporting and maintaining its own public library, enter into a contract with an existing public library and make annual payments of money to such library, whose library materials and services shall be available without charge to all persons living within the area represented by such governing authority. Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract.

All money paid to a library under such a contract shall be expended solely for the maintenance and support of the library.

§10-1-5. Board of library directors -- Qualifications; term of office; vacancies; removal; no compensation.

(a) Whenever a public library is established under this article, the governing authority or authorities shall appoint a board of directors with five members chosen with reference to their fitness for such office, from:

(1) The citizens of the library's service area, as determined by the Library Commission; or

(2) The county in which the library is located.

(b) The board of directors for a regional library shall consist of not less than five nor more than ten members, with a minimum of one member from each county in the region. The total number of directors and the apportionment of directors by county shall be determined by joint action of the governing authorities concerned.

(c) The term of office for a director is five years from July 1, following the appointment. Directors may serve until their successors are appointed and qualified.

(d) For a new board of directors under this article, the initial appointment of the directors shall be staggered. Thereafter all appointments shall be for terms of five years.

(e) Vacancies in the board shall be immediately reported by the board to the governing authority and filled by appointment. Vacancies for an unexpired term shall be immediately reported by the board to the governing authority and filled by appointment for the remainder of the term only.

(f) A director may be removed for just cause in the manner provided by the bylaws of the library board.

(g) No compensation shall be paid to any director.

§10-1-6. Board of library directors -- Powers and duties.

The board of directors of each public library established or maintained under this article shall:

(a) Immediately after appointment, meet and organize by electing one member as president and one as secretary, and such other officers as may be necessary. All officers shall hold office

for one year and shall be eligible for reelection. (b) Adopt such bylaws, rules and regulations as are necessary for its own guidance and for the administration, supervision and protection of the library and all property belonging thereto as may not be inconsistent with the provisions of this article. (c) Supervise the expenditure of all money credited to the library fund. All money appropriated or collected for public library purposes shall be deposited in the treasury of the governing authority to the credit of the library fund, to be paid out on the certified requisition of the library board, in the manner provided by law for the disbursement of other funds of such governing authority, or shall be deposited as the library's board of directors shall direct and be disbursed by the officer designated by that board, such officer before entering upon his duties to give bond payable to and in an amount fixed by the board of directors of the library, conditioned for the faithful discharge of his official fiscal duties. The cost of such bond shall be paid from the library fund. The books, records and accounts of the library board shall be subject to audit and examination by the office of the State Tax Commissioner of West Virginia. (d) Lease or purchase and occupy suitable quarters, or erect upon ground secured through gift or purchase, an appropriate building for the use of such library; and have supervision, care, and custody of the grounds, rooms or buildings constructed, leased, or set apart for library purposes. (e) Employ a head librarian, and upon his recommendation employ such other assistants as may be necessary for the efficient operation of the library.

§10-1-7. Free use of libraries.

Each library established or maintained by any governing authority shall be free for the use of all persons living within the area represented by such governing authority, except for those charges for which provision may be made elsewhere in this article. The use of the library is subject to reasonable rules and regulations adopted by the library board. The board may extend the privilege and use of the library to nonresidents upon such terms and conditions as it may prescribe.

The board may exclude from the use of the library under its charge any person who wilfully and persistently violates any rule or regulation prescribed for the use of the library or its facilities.

§10-1-8. Annual report.

The board of directors shall make an annual report for the fiscal year ending June thirtieth to the governing authority or authorities appointing it, stating the conditions of the library property, the various sums of money received from the library fund, and all other sources, and how such money was expended, the number of books and periodicals on hand, the number added and withdrawn during the year, the number of books lent, the number of registered users of such library, with such other statistics, information and suggestions as may be deemed of general interest. A copy of this report shall be sent to the West Virginia Library Commission.

§10-1-9. Library board to be a corporation; vesting of title to bequests or donations.

The board of directors of each public library shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

The title to all bequests or donations of cash or other personal property or real estate for the benefit of such library shall be vested in the board of directors to be held in trust and controlled by such board according to the terms and for the purposes set forth in the deed, gift, devise or bequest: Provided, however, That the person making the bequest or donation of cash or other personal property or real estate for the benefit of such library shall have the right and privilege to vest the title thereto in a trustee, or trustees, of his own selection, and to provide for the selection of successor trustees, and to designate the manner in which said fund or property shall be invested and used.

§10-1-9a. Fees, service and rental charges; fines; sale of surplus or obsolete materials or equipment; deposit and disbursement of receipts.

The board of directors of a library established or maintained under this article may fix, establish, and collect such reasonable fees, service and rental charges as may be appropriate; may assess fines, penalties, damages, or replacement costs for the loss of, injury to, or failure to return any library property or material; and may sell surplus, duplicated, obsolete, or other unwanted materials or equipment belonging to the library. All moneys received from these or other sources in the course of the administration and operation of the library shall be deposited in the library fund and shall be disbursed by the board of directors in the manner prescribed elsewhere in this article.

§10-1-10. Injury to library property; penalty.

[Repealed.]

§10-1-11. Willful retention of library property.

Any person who willfully retains a book, newspaper, plate, picture, photograph, engraving, painting, drawing, map, magazine, document, letter, public record, microfilm, sound recording, audio visual materials in any format, magnetic or other tapes, artifacts or other documentary (written or printed) materials, or all materials of any kind whatsoever belonging to any public library for thirty days after the mailing date of a written notice demanding the return of said material and giving notice of said violation, forwarded to that person's last known address, is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than \$200: Provided, That a date or dates designating a grace period for the return of library materials to public libraries shall be established, said dates to be established by the state Library Commission pursuant to rules and regulations promulgated thereto.

A conviction or payment of any fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return to the library such material. Further, a conviction or payment of any fine shall not be

construed as a waiver of any nominal daily fine which may be imposed by library rules, regulations or policies.

The parent or guardian of a minor who willfully commits any act prohibited by this section shall be liable for all damages so caused by the minor up to the amount of \$2,500, after the parent or guardian is served with proper written notice as aforementioned.

§10-1-11a. Effect of article on existing laws.

Nothing in this article shall be construed to abolish or abridge any power or duty conferred upon any public library already established by virtue of any city or town charter or other special act, or to affect any existing local laws allowing or providing municipal aid to libraries. Any library now operating under any city or town charter or other special act has, however, the privilege of reorganizing under the provisions of this article.

All powers granted herein shall be considered to be conferred upon public libraries existing at the time of the passage of this act.

Any provision concerning the disbursement of funds including the designation of the depository of the library funds or of the library board's disbursing officer contained in this article may be adopted by a library board organized under the provisions of this article, notwithstanding any other provisions of law.

§10-1-12. State Library Commission.

There shall be a state Library Commission, known as the West Virginia Library Commission, which shall consist of the Curator of the West Virginia Department of Arts, Culture and History as an ex officio voting member and eight members who shall be appointed by the Governor, by and with the advice and consent of the Senate, each for a term of four years. No more than three members may reside in the same congressional district. At least four members of the commission shall be women and at least four members shall be men. No member of the commission shall receive compensation for services rendered, nor be engaged or interested in the publishing business.

The members of the commission in office on the date this code takes effect shall, unless sooner removed, continue to serve until their respective terms expire and their successors have been appointed and have qualified. On or before the expiration of the terms for which the members are appointed, the Governor shall appoint their successors.

§10-1-13. State Library Commission -- officers.

(a) The officers of the commission are a chairman, elected from the members of the commission, for a term of one year, and a secretary, who shall be a person trained in modern library methods, not a member of the commission. The secretary shall be appointed by the commission and shall serve at the will of the commission. The commission may establish headquarters or maintain its office at any point in the state determines.

(b) The secretary shall keep a record of the proceedings of the commission, have charge of its work in organizing new libraries and improving those already established, supervise the work of the traveling libraries, and in general perform such duties as may from time to time be assigned to him or her by the commission.

§10-1-14. Same. -- Powers and duties.

The commission shall give assistance, advice and counsel to all school, state-institutional, free and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send any of its members to aid in organizing such libraries or assist in the improvement of those already established.

It may also receive gifts of money, books, or other property which may be used or held for the purpose or purposes given; and may purchase and operate traveling libraries under such conditions and rules as the commission deems necessary to protect the interests of the state and best increase the efficiency of the service it is expected to render the public.

It may purchase suitable books for traveling libraries and distribute them as needed to those persons and places in the state without adequate public library service. It may collect books and other suitable library matter and distribute the same among state institutions desiring the same.

The commission may issue and offer for sale printed material, such as lists and circulars of information, and in the publication thereof may cooperate with other state Library Commissions and libraries, in order to secure the more economical administration of the work for which it was formed. It may conduct courses of library instruction and hold librarians' institutes in various parts of the state.

The commission shall perform such other service in behalf of public libraries as it may consider for the best interests of the state.

§10-1-15. State Library Commission -- Disposition of monetary gifts.

If any sums of money are received by the commission as gifts, they shall be paid into the state Treasury and used exclusively for carrying out the provisions of this article, and paying expenses of the commissioners. The commission shall expend no sums unless they are available by gift, appropriation or otherwise.

§10-1-16. Regional libraries and library areas -- Establishment and location.

The West Virginia Library Commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the state, based on a detailed survey to be made by the commission of the needs of the various localities of the state. A region shall include two or more counties.

§10-1-17. Regional libraries and library areas -- Referral of plan to county courts; action on; alteration of plan.

On completion of the survey of any proposed region, the executive secretary of the commission shall refer the proposal to the county courts of all the counties included in such proposed region. The county courts shall act upon such proposal by resolution, and the votes of a majority of each of the county courts of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the county courts of any of the counties included in such proposed region, the Library Commission is hereby authorized to alter its plan in accordance with such action in order to provide for a region in such section of the state. The vote of a majority of each county court in the counties in such altered region shall be necessary for the adoption of such proposal.

§10-1-18. Regional libraries and library areas -- Powers of West Virginia Library Commission.

The West Virginia Library Commission shall have the following powers for the establishment and maintenance of regional areas and regional libraries:

- (a) To establish, maintain, and operate a public library for the region;
- (b) To appoint a librarian and the necessary assistants, and to fix their compensation, such appointments to be based upon merit and efficiency as determined by the commission. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library work. Said Library Commission shall also have the power to remove said librarian and other assistants;
- (c) To purchase books, periodicals, equipment and supplies;
- (d) To purchase sites and erect buildings, and/or to lease suitable quarters, and to have supervision and control of said property;
- (e) To borrow books from and lend books to other libraries;
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to cooperate with and aid generally without such contracts, public school, institutional and other libraries;
- (g) To make such bylaws, rules and regulations not inconsistent with this article as may be expedient for the government of such regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article;
- (h) To accept for the State of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the purpose of carrying out the provisions of this article, in accordance with sections eleven and

twelve, article ten, chapter eighteen of the code of one thousand nine hundred thirty-one, as amended.

§10-1-18a. Establishment of state publications clearinghouse; definitions; powers of West Virginia library commission; designations by state agencies.

(a) There is hereby established the state depository library clearinghouse which shall be under the direction of the state Library Commission.

(b) As used in this section, the following terms have the following meanings:

(1) "Public document" means any document, report, directive, bibliography, rule, newsletter, pamphlet, brochure, periodical, request for proposal, or other publication, whether in print or an unprinted format, that is paid for, in whole or in part, by funds appropriated by the Legislature and may be subject to distribution to the public;

(2) "Depository library" means a library designated to collect, catalog, maintain and make available all or particular selected state publications to the general public; and

(3) "State agency" means any state office, whether legislative, executive or judicial, including, but not limited to, any Constitutional officer, department, division, bureau, board, commission or other agency which expends state appropriated funds.

(c) The state Library Commission shall establish a state depository library clearinghouse to receive and distribute all state public documents to the depository libraries around the state.

(d) The commission shall designate a state library staff member as director of the state publications clearinghouse for librarians. The director shall hold a graduate degree in library science from an accredited institution of higher learning. The clearinghouse shall establish requirements for eligibility to become and remain a depository library.

(e) In designating a library as a depository library the clearinghouse shall consider the geography of the state and the existing federal depository libraries. West Virginia University library, Marshall University library and the state department of archives shall be designated as complete depository libraries that shall receive two copies of all public documents. The clearinghouse shall also, pursuant to the requirements it establishes hereunder, designate other libraries around the state as depository libraries, upon request from a library.

(f) Each state agency shall designate one person as its documents officer while notifying the clearinghouse of his or her identity. The documents officer shall, prior to the public release of any state public document, deposit with the clearinghouse a minimum of fifteen copies as required to meet the needs of the depository library system. If fewer than forty copies of a public document are produced, no more than two such copies are required to be deposited with the clearinghouse.

§10-1-19. Regional libraries and library areas -- Transfer of certain libraries to Library Commission.

After the establishment of a regional library area or regional library, as provided for in this article, the county court, legislative body of any city or town, the board of Education of any county, or any other governing body of any political subdivision of this state, already maintaining a public, school or county library, may notify the West Virginia Library Commission and such county, city or town, or other subdivision library may be transferred to, leased to, or used by said Library Commission for regional library purposes under such terms as may be mutually agreed upon between the said Library Commission and the respective county courts, legislative bodies of cities or towns, boards of education, or governing bodies of other political subdivisions.

§10-1-20. Aid to libraries by Library Commission.

The West Virginia Library Commission is hereby authorized and empowered to render such aid and assistance, financial, advisory and/or otherwise, to public, school, county, or regional libraries, whether established or maintained by said Library Commission or not, under such conditions and rules and regulations as the said commission deems necessary to further the interests of the state and best increase the efficiency of the service it is expected to render the public.

Having determined that the development and support of such libraries will further the education of the people of the state as a whole and will thereby aid in the discharge of the responsibility of the state to encourage and foster education, the West Virginia Library Commission is authorized and empowered to pay over and contribute to any board of library directors created and maintained pursuant to the provisions of this article or any special act of the Legislature such sum or sums of money as may be available from funds included in appropriations made for the West Virginia Library Commission for such purpose. The amount of any such payment or contribution by the commission to any such local library board of directors shall be determined in accordance with rules and regulations promulgated by the commission. The Library Commission shall have authority to promulgate rules and regulations governing the manner in which such amount or amounts of money shall be accounted for and expended.

§10-1-21. Collection and preservation of library data; surveys; employment of personnel; use of data.

The West Virginia Library Commission is hereby authorized and empowered to collect and preserve statistics and other data, concerning libraries of any sort located within this state; to make surveys relating to the needs or conditions of such libraries or the library conditions of any city, town, county, regional library area, or other subdivision of this state; and to publish the results and findings thereof in accordance with the provisions of section fourteen of this article. The commission may employ all necessary personnel for any of these purposes, such appointments to be based on merit and efficiency as determined by the commission. Such data,

surveys and findings of the Library Commission shall be available to all school, public, institutional, regional and/or other libraries within this state, whether proposed or established.

§10-1-22. Confidential nature of certain library records.

(a) Circulation and similar records of any public library in this state which identify the user of library materials are not public records but shall be confidential and may not be disclosed except:

(1) To members of the library staff in the ordinary course of business, including paid employees and unpaid volunteers upon completing a written confidentiality agreement which shall prevent disclosure of circulation records, personal information, and similar records of any public library except to the extent allowed under this subsection and obtaining written permission from the library director of the library system wherein he or she will be working;

(2) Upon written consent of the user of the library materials or the user's parents or guardian if the user is a minor or ward; or

(3) Upon appropriate court order or subpoena.

(b) Any disclosure authorized by subsection (a) of this section or any unauthorized disclosure of materials made confidential by that subsection (a) does not in any way destroy the confidential nature of that material, except for the purpose for which an authorized disclosure is made. A person disclosing material as authorized by subsection (a) of this section is not liable therefor.

§10-1-23. Library Survey; status report; and ten-year plan.

(a) The Library Commission shall survey the libraries of the state, in consultation with each library, and other interested parties, in order for the Library Commission to develop a status report on the conditions and needs of the libraries in this state, and to prepare a ten-year plan for construction and maintenance needs of public libraries: Provided, That the Library Commission may use information that it has already compiled that it would otherwise be required to survey pursuant to this subsection. On or before November 30, 2017, the Library Commission shall conduct a survey of state libraries which shall include, at a minimum:

(1) The annual maintenance and utility expenses of each library and satellite location for the past three years;

(2) A status report regarding the condition of all plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location;

(3) Estimated costs for maintenance upgrades or replacement of any plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location over the next ten years;

(4) A report regarding compliance of the structure of each library and satellite location with the Americans with Disabilities Act, and any needs for improved access thereof;

(5) A report on the technology capabilities of each library and satellite location, including, but not limited to, telephone and computer systems, telecommunication capabilities, availability of equipment to facilitate teleconferences or simulcasts, electronic media viewing capabilities, and any other technology-related information as the Library Commission deems appropriate, along with a breakdown stating whether such technology is available for public or library staff use;

(6) A report on the available public meeting space at each library and satellite location, and the process by which the public may request the use of the meeting space, and the frequency of use of such meeting space; and

(7) A report on all materials available to the public at each library and satellite location, including, but not limited to, books and electronic media available for loan, reference materials on site, access to any online accounts provided by the library that enable research of scholarly or reference materials, and any other information as the Library Commission deems appropriate.

(b) On or before January 31, 2018, the Library Commission shall prepare a report on the status of the libraries in this state, to be submitted to the Governor and to the Joint Committee on Government and Finance. The Library Commission report shall include the conditions of the libraries in this state and a proposed ten-year maintenance and construction plan for the public libraries, which shall include at a minimum:

(1) The name and location of each library and satellite location in this state;

(2) The condition of the physical structure of each library and satellite location;

(3) A report on the three-year average cost of utilities and maintenance of each library and satellite location;

(4) A cost estimate for structural repairs at each library and satellite location, including improvements for access for people with disabilities;

(5) A cost estimate for upgrades or replacement of any plumbing, electrical, heating, air-conditioning and ventilation systems of each library and satellite location;

(6) A cost estimate for improvements to the technology capabilities and a description of those needs for each library and satellite location, including, but not limited to, improvements for telecommunication services, additional computer work stations for public access, technology needs for library staff, and other technology assessments as the Library Commission deems appropriate;

(7) A report regarding the meeting space available for public use at each library and satellite location, and the process by which the public may request the use of the meeting room; and

(8) Any other information the Library Commission deems appropriate to propose for the improvement of library facilities, lending materials and needs of the library system over the next ten years.

(c) The Library Commission shall post a digital copy of the report, as required by this section, on the Library Commission website to be made available to the public.

§10-1-14a. West Virginia Program for Open Education Resources; material description.

(a)(1) The State Library Commission shall establish the West Virginia Program for Open Education Resources to encourage and facilitate the use of open education resource materials in both higher education and kindergarten through 12th grade in West Virginia schools.

(2) "Open education resource materials" means teaching, learning and resource materials in any medium, digital or otherwise, that reside in the public domain or have been released under an open license that permits low cost access, use, adaptation and redistribution by others with no or limited restrictions.

(b) The Library Commission, in consultation with the Higher Education Policy Commission, the West Virginia Council for Community and Technical College Education and the State Superintendent of Schools, or his or her designee, shall:

(1) Ascertain what institutions or faculty are currently using OER material.

(2) Identify material currently associated with core general education courses and readily available for use by faculty and institutions;

(3) Identify any statutory or other impediments which interfere with selection and use of OER material by administrators or teachers at all levels of instruction in West Virginia schools;

(4) Identify sources of potential grants for funding for teachers and institutions to use open education resources for classes and courses, and propose a competitive application system to award grant funding for those faculty and institutions seeking to use the materials;

(5) Establish a digital clearing house that will function as a publicly-accessible database for material;

(6) Develop strategies to leverage further open resource material to benefit higher education institutions and school systems, as well as private and foundation support for the project; and

(7) Report no later than July 1st of each year the program's findings, progress and recommendations to the Legislative Manager, the Governor, and the chairs of the Legislature's House and Senate Committees on Education.

§10-1-24. Library Facilities Improvement Fund.

(a) There is created in the State Treasury a special fund known as the "Library Facilities Fund". Expenditures from the fund shall be for the purposes set forth in this section. The fund shall be administered by the West Virginia Library Commission.

(b) The fund shall consist of moneys received from the following sources:

- (1) All appropriations made by the Legislature to the fund;
- (2) Any moneys available from sources outside the West Virginia Library Commission;
- (3) Repayment of loans made by the West Virginia Library Commission pursuant to this section; and
- (4) All interest and other income earned from investment of moneys in the fund.

(c) The West Virginia Library Commission shall utilize moneys in the fund to support public library facilities construction, renovation, maintenance and improvement projects. The West Virginia Library Commission shall evaluate potential recipient projects of funds from the fund on a competitive basis.

(1) The West Virginia Library Commission may provide loans to public libraries to support energy savings and critical maintenance projects with moneys in the fund.

(2) With the exception of loans made under this section, the West Virginia Library Commission may not expend any money from the fund toward a particular project unless the proposed expenditure is matched on a dollar-for-dollar basis by other sources.

(d) The West Virginia Library Commission shall propose a rule for legislative approval in accordance with §29A-3-1 et seq. of this code to implement the provisions of this section. The rule shall contain at least the following:

- (1) A process for submitting and reviewing proposals;
- (2) The content of proposals;
- (3) Criteria for evaluating proposals; and
- (4) Other provisions the West Virginia Library Commission considers necessary to administer the program in accordance with this section.

(e) Any balance, including accrued interest and any other returns, in the fund at the end of each fiscal year will not expire to the General Revenue Fund but remain in the fund and be expended for the purposes provided by this section.

(f) In a given year, the West Virginia Library Commission may not allocate an amount in excess of four percent of the balance of the fund on December 31st of the immediately preceding calendar year for administrative expenses.

(g) The West Virginia Library Commission may invest any or all of the balance of the fund with the state's Consolidated Investment Fund.

**TITLE 173
LEGISLATIVE RULE
LIBRARY COMMISSION
SERIES 1
ADMINISTRATIVE RULES**

1.1. Scope. -- This legislative rule establishes requirements and procedures for allocating and administering state appropriated funds that are distributed by the West Virginia Library Commission and are used to develop and enhance library services in the state. This rule applies to public libraries established according to West Virginia Code §10-1-1, unless otherwise specifically provided for in a special library law.

1.2. Authority. -- West Virginia Code §10-20.

1.3. Filing Date. -- 04/02/07

1.4. Effective Date. -- 07/01/07

1.5. Repeal and Replacement. -- This rule repeals and replaces "The Administrative Regulations of the West Virginia Library Commission" effective July 1, 1997.

§173-1-2. Definitions.

2.1. "Administrative Fees" means outlay for administrative and support services including, but not limited to, professional librarian advice, personnel assistance, fiscal management, planning, program management, and public relations.

2.2. "Audit" means an annual examination of the financial records of the public library completed in full accordance with generally accepted accounting procedures for governmental agencies and performed by an accountant appointed by the State Auditor.

2.3. "Board of Library Directors" means the administrative authority of a public library. The board of library directors consists of five members appointed to staggered terms unless other provision is made by a special library law. Each member is called a library trustee.

2.4. "Budget" means an itemized summary of estimated income and expenditures for a specific period.

2.5. "Collection Development" means a planned process of selecting, acquiring, and managing library materials to meet the needs of a library's community.

2.6. "Community Library" means a library that offers services to the public but is not established in accordance with the provisions of the West Virginia Code §10-1-1 et seq.

2.7. "Consortium" means a formal cooperative established and developed to improve library services and resources. It may be restricted by geographical area, established for specified purposes, initiated by the West Virginia Library Commission or initiated by a library. It requires formal agreements concerning purpose, membership, administration and procedures and may include non-library entities. Libraries may enter into any number of consortia agreements that

meet the definition of this rule. The West Virginia Library Commission must approve consortia agreements that expend funds administered by the Library Commission.

2.8. "Continuing Education" means activities, including attendance at workshops and conferences, for the purpose of maintaining and increasing job-related competence.

2.9. "Development Plan" means a document that indicates how the public library will provide quality services to the community for the next three to five years.

2.10. "Fiscal Year (FY)" means a 12-month accounting period based on the budget of the State of West Virginia, currently July 1st through June 30th.

2.11. "Governing Authority" means County Commission, county board of education, or municipal governing body. [*"Governing Authority" and "Funding Authority" are used interchangeably. hst]*

2.12. "Grants to Public Libraries" means awards determined annually by the West Virginia Library Commission from funds appropriated by the Legislature for distribution to public libraries. Grants are to enhance library services, not to reduce local funding. Grants to Public Libraries include:

Grants-in-Aid -- Funds distributed on a per capita basis to all qualifying public libraries.

Other grants -- Funds awarded from any balance in the Grants to Public Libraries appropriation or from any other funds designated by the Library Commission.

2.13. "Interlibrary Loan" means a transaction in which library material, or copies of material, is loaned by one library to another for the use of a patron.

2.14. "Legal Service Population" means the number of people in a geographic area assigned to a public library by the Library Commission. This term is a standard data element of the Federal-State Cooperative System (FSCS) for Public Library Data, a project of the U.S. Department of Education's National Center for Education Statistics.

2.15. "Library Director" means the individual hired by the board of library directors to administer the total library program.

2.16. "Library Support Staff" means all paid staff who assist with the delivery of library services and programs; does not include janitorial staff.

2.17. "Local Funds" means revenue received from local sources for operating expenditures of the public library. Local tax based revenue includes all local government funds designated by the county commission, board of education, or municipality for the public library. Non-tax based local revenue includes all other funds such as monetary donations, interest, library fines, fees for library services, or grants.

2.18. "Maintenance of Effort" means a specified level of financial effort that is required by a library over a designated time period in order to receive grants.

2.19. "Minutes" means the official record of a meeting of the board of library directors. Minutes show date, time and place of the meeting, names of those attending, actions on all motions and

expenditures, corrections to previous minutes, and other information determined to be necessary. Minutes are signed by the secretary.

2.20. "Operating Expenditures" means costs of providing on-going library services. Operating expenditures do not include capital outlay or one-time projects.

2.21. "Patron" means any person who uses the resources and services of a library, not necessarily a registered borrower.

2.22. "Policy" means a statement that articulates principles of operation for the library. The board of library directors must formally adopt all policy statements.

2.23. "Professional Librarian" means an individual who has received a Master's degree from a program accredited by the American Library Association.

2.24. "Public Library" means a library established in accordance with West Virginia Code §10-1-1 et seq. and in compliance with this rule, having paid staff, an organized collection, an established schedule during which services of the staff are available to the public, and the facilities necessary to support such a collection, staff, and schedule. A public library may consist of a single facility or multiple facilities.

2.25. "Quorum" means the minimum number of library trustees who must be present at a meeting for business to be conducted legally. Unless otherwise defined by a special law, a quorum is three.

2.26. "Service Center Library" means a library that provides professional and management services to libraries assigned to it by the Library Commission.

2.27. "Services to Libraries Grants" means funds distributed to Service Center libraries to assist in providing those services specified in this rule.

2.28. "Special Library Law" means a law, approved by the West Virginia Legislature, which specifies local funding appropriations to the public library. It may also establish the public library and provide for appointment of library trustees.

§ 173-1-3 Requirements for Receiving Grants

3.1. A public library must fulfill all of the requirements set forth in this section to be eligible to receive a grant from the library commission.

3.2. The public library is organized and operates in accordance with West Virginia Code § 10-1-1 et seq. or a special library law that meets the minimum requirements in the code.

3.3. The public library receives local funding to support its operations.

3.4. Local funds received in the previous fiscal year equal or exceed the maximum Grant-in-Aid established for the library. Local non-tax based funds used as matching funds cannot exceed the amount of local tax based funds.

3.4.a. In the first three fiscal years following passage of this rule during the 2007 regular session of the Legislature, Grants-In- Aid will be awarded at the maximum amount to every library meeting all other requirements.

3.4.b. Section 3.4 will be implemented in the fourth fiscal year following passage of this rule during the 2007 regular session of the Legislature.

3.5. Local operating expenditures for the previous fiscal year are equal to, or greater than, the average of the total local operating expenditures for the three fiscal years preceding that previous fiscal year. All funds included in the maintenance of effort calculation shall be expended in the fiscal year for which the determination is made and shall not include capital expenditures, special one-time project costs, or similar windfalls.

3.6. The board of library directors is the disbursing agent for appropriations received from governing authorities as described in West Virginia Code §10-1-2.

3.7. The accounting and fiscal procedures of the public library shall be conducted under the management, direction and control of the board of library directors which may delegate to the library director or to any other employee or duly designated agent such duties and functions as it deems appropriate.

3.8. The accounting and fiscal procedures of the public library, unless otherwise provided for in a special library law, include the following:

3.8.a. The fiscal year of the State of West Virginia is used for reporting to the Library Commission.

3.8.b. The board of library directors annually elects a treasurer to perform or oversee all financial operations.

3.8.c. Provision is made for at least two signatures, one of which must be a library trustee, on all checks used in payment of library financial obligations. All those with signature authority must be bonded at the expense of the board of library directors.

3.8.d. The board of library directors approves all adjustments to the budget.

3.8.e. All accounts of the library are settled within thirty (30) days after the close of the fiscal year.

3.8.f. Library funds are disbursed based on itemized invoices verified by the party duly authorized by the board of library directors.

3.8.g. The payroll is prepared in accordance with budgeted amounts approved by the board of library directors.

3.8.h. All accounting records are readily available in a form which can be audited or reviewed by the Library Commission or authorized representatives of the State of West Virginia or United States Government.

The annual audit or review is filed with the Library Commission within 30 days of the receipt of the audit.

3.8.i. A financial report of the preceding year is filed within 45 days from the end of that year on forms provided by the Library Commission.

3.9. The public library submits, by the beginning of the fiscal year, an application for Grant-in-Aid on a form provided by the Library Commission.

3.10. The public library submits, by the beginning of the fiscal year, a spending plan for the use of the state Grant-in-Aid and an annual budget on forms provided by the Library Commission.

3.11. The board of library directors employs a full-time professional librarian to direct the operations of the library and to participate in meetings, workshops and conferences for which the Library Commission requires attendance.

3.12. The board of library directors meets at least four times annually with a quorum present. All meetings of boards of library directors are subject to the provisions of the Open Governmental Proceedings Act, W. Va. Code § 6-9A.

3.12.a. Approved minutes are forwarded within thirty (30) days to the Library Commission, or if applicable, to the Service Center Library.

3.12.b. A report showing the status of all accounts, funds and expenditures is presented for review and approval at all regular meetings of the board of library directors or board finance committee.

3.12.c. Policies covering library operations, collection development, personnel, and technology are formally adopted and forwarded to the Library Commission.

3.12.d. The public library regularly submits to the Library Commission a development plan for a period of at least three years and no more than five years.

3.12.e. No member of a board of library directors is involved in any claim or contract with the public library. This does not mean that a library trustee may not be a stockholder, officer, or director of a bank designated as a depository for the public library.

3.12.f. Reimbursement of travel expenses for library trustees is in accordance with policies adopted by the board of library directors.

3.13. The library director completes no fewer than eight (8) hours of continuing education per year. All other full time library support staff complete no fewer than three (3) hours of continuing education per year.

3.13.a. Continuing education hours must be approved in advance by the Library Commission.

3.13.b. Staff of a library assigned to a Service Center Library is required to attend the annual staff development workshop sponsored by the Service Center.

3.14. The public library is open a minimum number of hours weekly based on the legal service population ranges below.

3.14.a. Fewer than 6000 – 25 hours

3.14.b. 6000-15,000 – 30 hours

3.14.c. More than 15,000 – 40 hours

3.15. The public library is open to the public at least six hours per week that are either before 9 a.m., after 5 p.m., or on Saturdays or Sundays.

3.16. The public library provides free service to residents except as provided for in the West Virginia Code § 10-1-9a.

3.17. The public library provides public access to informational services and programs provided by the Library Commission at no cost to libraries.

3.18. The public library agrees to share resources with other libraries in the state, according to local interlibrary loan policy and guidelines endorsed by the Library Commission.

3.19. The public library designates National Library Week and Children's Book Week or any other two weeks annually as grace periods during which no fines or penalties are assessed for overdue materials.

§173-1-4 Non-Compliance with Requirements

4.1. The Library Commission shall determine by review of required reports and evaluation visits whether a public library meets eligibility requirements.

4.2. A library not directed by a professional librarian will be assigned by the Library Commission to a Service Center Library.

4.3. If the maintenance of effort requirement (3.5) is not met, the Grant-in-Aid shall be reduced by a percentage equal to the percentage of the unmet maintenance of effort.

4.4. Failure to meet any requirements other than those described in sections 3.4 and 3.5 of this rule will result in the public library forfeiting a portion of its Grant-in-Aid. Such portion will be determined by the Library Commission.

§173-1-5 Waiver of Requirements

5.1. The eligibility requirements contained in section 3 of this rule may be waived if the Commission determines that due to exceptional or uncontrollable circumstances, one or more of the requirements for receiving grants contained in section 3 would impose undue hardship on a public library. For the purpose of this subsection, exceptional or uncontrollable circumstances may include, but are not limited to, a natural or man-made disaster or a governing fund's lack of financial resources to provide adequate local funding to support a public library's operations.

5.2. The board of library directors requests a waiver by notifying the Library Commission in writing of any extraordinary circumstances and the fiscal year affected. A waiver is granted for one year.

5.3. The board of library directors and staff must work with the Library Commission to develop and implement a recovery plan.

5.4. The Library Commission determines the amount of any Grant-in-Aid distributed to a library on a waiver.

5.5 The provisions of this rule shall be liberally construed to accomplish its objectives and purposes.

§173-1-6 Requirements For Use of Grants-in-Aid

6.1. The Library Commission determines annually, on a per capita basis, the maximum Grant-in-Aid for each library. Each library must submit, by the beginning of the fiscal year, a Grant-in-Aid expenditure plan to the Library Commission for approval.

6.2. Grants-in-Aid shall be used for the following purposes:

6.2.a. Salaries, wages, and benefits; all staff must be paid no less than state or federal minimum wage, whichever is higher;

6.2.b. Library materials;

6.2.c. Equipment;

6.2.d. Travel expenses for library director, staff and library trustees to attend meetings, workshops and conferences and any other library-related activities approved by the board of library directors;

6.2.e. Bookmobiles;

6.2.f. Audits required by state or federal law, rule or regulation;

6.2.g. All other current operating expenses approved by the board of library directors;

6.2.h. Fellowships for graduate and undergraduate degrees when there exists between the sponsoring public library and the recipient of the fellowship a written agreement that includes, but is not limited to, the following:

6.2.h.1. The fellowship recipient must be an employee of the sponsoring public library;

6.2.h.2. A candidate for a graduate fellowship must attend a school accredited by the American Library Association;

6.2.h.3. The amount the sponsoring public library will pay for classes;

6.2.h.4. The expected completion date;

6.2.h.5. The trainee must agree to return to the sponsoring public library for at least two (2) years following receipt of the degree;

6.2.h.6. The trainee may be permitted by the sponsoring public library to substitute employment in any public library in West Virginia for two (2) years if a position is not available with the sponsoring public library. If no employment is available at a salary commensurate with the trainee's education, repayment of the grant may be waived at the discretion of the sponsoring library with approval from the Library Commission;

6.2.h.7. If repayment of the grant is not waived by either the sponsoring public library or by the Library Commission, the grant must be repaid to the sponsoring public library.

§173-1-7. Service Center Libraries

7.1. A Service Center Library ensures that professional librarian expertise is available to each public library. The Library Commission may assign a library to a Service Center Library if required reports or evaluation visits indicate need.

7.2. Responsibilities of a Service Center Library are:

7.2.a. To reach a formal agreement with each consortium member regarding assistance provided with the Services to Libraries Grant or administrative fee;

7.2.b. To file, by the beginning of each fiscal year on forms provided by the Library Commission, a plan for assisting each assigned library, based on the formal agreement between the libraries;

7.2.c. To employ a full-time professional librarian in addition to the director;

7.2.d. To visit each assigned library four times a year, including one board meeting, and to present at least one staff development workshop annually;

7.2.e. To evaluate the collections, fiscal management, and operations of each assigned library and report the results annually to the library with a copy to the Library Commission;

7.2.f. To account for funds or administrative fees used to assist assigned libraries. Administrative fees must be approved by the Library Commission and may not exceed twenty percent (20%) of the Grant-in-Aid for each assigned library.

7.3. The Library Commission will evaluate periodically the performance of each Service Center library. Failure of a Service Center Library to meet the responsibilities of section 7.2 of this rule may result in the Service Center forfeiting a portion of funds received from the Library Commission or administrative fees, or, in the reassignment of libraries.

§173-1-8. Other Grants

8.1. The Library Commission may distribute other grants that further library service in the state. Any public library is eligible to apply for these grants. Grant priorities and qualifications are determined annually by the Library Commission.

8.2 . Construction grant applications must meet minimum standards identified by the Library Commission for:

8.2.a. New construction

8.2.b. Expansion

8.2.c. Renovation, including

8.2.c.1. Handicapped access

8.2.c.2. Safe working conditions

8.2.c.3. Public safety

8.3. An application for a construction grant will be on forms provided by the Library Commission and will include, but not be limited to, the following:

8.3.a. Project budget, including a history of local funding for the most recent five (5) years;

8.3.b. Certification by board of library directors of all local funds available for this project. Certification includes the source of the funds, the anticipated date of receipt of funds and the method to be used to provide any additional funding needed;

8.3.c. Timeline for the project;

8.3.d. Current status of the building program, architectural development, site acquisition, and fund raising;

8.3.e. Long range plan for use of the proposed, expanded or renovated facility;

8.3.f. Statement of ownership of the new building;

8.3.g. A feasibility study if proposed construction is the expansion, remodeling or alteration of an existing building. The study is to be done by an AIA registered architect;

8.3.h. A survey and description of the Library Commission approved site;

8.3.i. Project summary including descriptions of the current facility and the new facility comparing total square footage and space needs for public service areas, staff work space, and collection, meeting room, parking, and non-assignable spaces;

8.3.j. Description of how the project will benefit the service area and provide better library service, as well as information about current services.

8.4. Construction contracts must be entered into within three hundred sixty-five (365) days following the Library Commission approval of the grant request.

8.5. Assurance must be given to the Library Commission that, for all construction projects assisted through a grant, all laborers and mechanics employed by contractors or subcontractors will be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the U.S. Secretary of Labor in accordance with the Davis-Bacon Act, as amended, and that covered workers will receive overtime compensation in accordance with, and subject to, the provisions of the Contract Work Hours and Safety Standards Act. Further assurance must be provided that contractors or subcontractors comply with any other applicable state or federal law, including but not limited to workers compensation and unemployment compensation.

8.6. Additional reports must be submitted as requested by the Library Commission during the project.

8.7. Financial accounting:

8.7.a. Local funds for construction will be deposited in an account separate from all other funds. A certification by the bank as to the amount of these funds and certification that these funds are free from encumbrances must be furnished to the Library Commission;

8.7.b. Payment of federal and state funds on a construction project will be made to the board of library directors after approval of invoices by the Library Commission;

8.7.c. Request for a federal or state share will be made on forms provided by the Library Commission;

8.7.d. A retainage of ten percent (10%) will be withheld from the federal and state share of each construction project. The creditor's invoice should reflect the total amount due in order to prevent duplication of the retainage;

8.7.e. The public library will require the general contractor or equivalent to keep on file a copy of weekly payrolls with the required certification in regard to anti-kickback provisions of the Copeland Act. These payrolls will be checked by the general contractor or equivalent against the minimum wage determination for the project and will be reviewed periodically by the Library Commission. Periodic on-the-job interviews will be made by the Library Commission to assure compliance with federal regulations. A copy of this interview will be on file at the Library Commission. A copy of the labor interview will be forwarded to the general contractor or equivalent for filing with the payroll for the week. The general contractor or equivalent will file copies of weekly payrolls with the contracting library;

8.7.f. The portion of the architect's fee, which is paid for supervision, must be based on that portion of the "Contract Completed" at the date of the request;

8.7.g. Any change from the original construction contract must be made by a formal "Change Order" accompanied by a letter of authorization by the president of the board of library directors. If the change or addition requires additional funds over and above the approved budget, the board of library directors must certify that the additional funds are available;

8.7.h. The ten percent (10%) retainage from the federal and state share will be paid only after local architect's certification of completion of the construction contract and after an audit by an auditor approved by the Library Commission is filed with the Library Commission. This audit will be made at the expense of the board of library directors and may be a part of the total project cost;

8.7.i. All records pertaining to a construction project must be kept by the board of library directors for at least three (3) years after completion of the project, or as directed by any applicable federal legislation. These records must be made available to the Library Commission or authorized representative of the State of West Virginia or United States Government on request.

§173-1- 9. Establishing New Libraries

9.1. Representatives of a community interested in establishing a public library shall contact the Library Commission and provide the following information:

9.1.a. What area the library will serve;

9.1.b. How the operations of the library will be funded;

9.1.c. The expected effect of the new library on existing libraries in the area;

9.1.d. Comparison of services of the new library to services of existing libraries in the area;

9.2. To qualify for state funds, a newly established public library must:

9.2.a. Be established according to West Virginia Code § 10-1-1;

9.2.b. Comply with this Library Commission rule;

9.2.c. Develop a plan for library service using advice and continuing education from the Library Commission.

9.3. After meeting requirements for state funds, the newly established public library will be assigned to a Service Center Library.

§173-1- 10. Appeal Process

10.1. Any appeal of a decision related to this rule shall be submitted in writing to the Chairman of the Library Commission and the Secretary of the Library Commission.

10.2. The appeal shall include the following:

10.2.a. Name and address of the library

10.2.b. Statement of the decision being appealed

10.2.c. Signatures of the Library Director and president of the board of library directors

10.2.d. Supporting documentation

10.2.e. Resolution sought

10.3. Failure to submit any of the above may delay the consideration of the appeal by the Library Commission.

10.4. The Secretary will review each appeal and determine if it has been adjudicated previously. If not, The Secretary will place the appeal on the agenda for the next regular meeting of the Library Commission and inform the appellant.

10.5. The appellant shall inform the Secretary if a brief oral presentation will be made at the Commission meeting. Presentations must be limited to ten minutes unless extended by action of the Commission.

10.6. The Library Commission shall review the appeal and issue a decision no later than the next regular meeting.

10.7. Appeal of any decision by the Library Commission may be made to the Circuit Court by the appellant according to the provisions of the West Virginia Code § 29A-5-1.

**LEASE BETWEEN THE CORPORATION OF SHEPHERDSTOWN AND
SHEPHERDSTOWN PUBLIC LIBRARY COMMISSION**

THIS LEASE made and entered into this 12th day of October,
1999, by and between the CORPORATION OF SHEPHERDSTOWN (hereafter,
"Lessor"), a West Virginia municipal corporation, party of the first part, and
SHEPHERDSTOWN PUBLIC LIBRARY COMMISSION (hereafter, "Lessee"), a public
entity established by ordinance of the Corporation of Shepherdstown, party of the second
part.

RECITALS

1. Lessee presently occupies the Old Market House building for the purpose of operating a public library for the benefit of Shepherdstown and surrounding communities.
2. Both Lessor and Lessee acknowledge that the Old Market House building, a historic structure, dates from the early 19th century, and that the building does not meet current fire, electrical, Americans with Disabilities Act ("ADA"), and other standards.
3. Both Lessor and Lessee acknowledge that the Old Market House is inadequate in size to meet current and future needs as a library.
4. Lessor, Lessee, and library patrons desire that the library continue operations in the center of the town of Shepherdstown, preferably in the Old Market House.
5. Lessee intends to raise funds from public and private sources to restore and renovate the existing structure and bring it up to current fire, electrical, ADA, and other standards.
6. Lessee desires to continue occupancy of the building in order to assure prospective donors that improvements made with donated funds will be dedicated to library use.

7. Both the Lessor and Lessee acknowledge that the library needs to be accessible to all individuals, regardless of race, religion, color, national origin, ancestry, sex, age, blindness, or disability.
8. The Lessor acknowledges that the Shepherdstown Public Library Commission was established by the Corporation of Shepherdstown for the benefit of the public, that the Shepherdstown Public Library is currently located on the property, that Lessor desires to provide for a public library within the municipality of Shepherdstown, that this Lease Between the Corporation of Shepherdstown and Shepherdstown Public Library Commission is for the benefit of the community and public, and that, given the charitable nature of this agreement, an annual rent of One Dollar (\$1.00) is fair and adequate consideration.
9. Both Lessor and Lessee acknowledge that for the purposes of this Lease, the term "property" refers to the leased, let, and demised premises described in Paragraph One (1) below.
10. On April 13, 1999, at the regular monthly meeting of the governing body of the Corporation of Shepherdstown, the Shepherdstown Town Council granted a twenty-five (25) year lease to the Lessee of "... all of the Town's right, title and interest in and to the entire existing building, subject to the right of the Women's Club to the second floor," the terms of such lease to be set forth in a written lease agreement.

W I T N E S S E T H

In consideration of the premises, these agreements and other good and valuable considerations, it is herewith and hereby agreed by and between the Lessor and Lessee as follows:

1. **PREMISES:** Pursuant to Section 8-12-18 of the West Virginia Code, the said Lessor does hereby demise, lease, and let to the Lessee, and the Lessee hereby hires, takes, and rents from the Lessor the following property:

That certain parcel of real estate and building and improvements situate thereon, located in the Corporation of Shepherdstown, Jefferson County, West Virginia, designated as Parcel 38, on Tax Map 3A, and more particularly known and designated as the Old Market House and Town Hall, and further known as the Shepherdstown Public Library, EXCLUDING therefrom the second floor or story of said building, which is subject to the terms of the April 21, 1845 lease to the Independent Order of Odd Fellows, as recorded in the Minutes of The Shepherdstown Council, and currently leased to the Shepherdstown Public Library, Inc., pursuant to an assignment of said lease of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 255, page 506.

2. **TERM:** The Lessee will have and hold the premises, subject to the provisions hereof, for the term of twenty-five (25) years from the 1st day of July, 1999, and ending at midnight on the 30th day of June, 2024. This Lease will be considered renewed for each ensuing fiscal year during the term of the Lease, on the same terms, conditions, and provisions as contained herein, unless the Lessee cancels this Lease before the end of the then current fiscal year, by deciding not to appropriate funds for payment of rent due under this Lease Agreement. Further, in the event the subject property is not used or needed by Lessee for the purposes provided in Paragraph Four (4) below, then the Lease shall be terminated by either party giving the other written notice, without further obligation by either party to the other. If this Lease is canceled or terminated as provided herein, possession and use of the property shall revert back to the Lessor.

3. **RENT:** The Lessee shall pay the Lessor rent of One Dollar (\$1.00) payable upon execution of this Lease and, thereafter, One Dollar (\$1.00) per year payable, without demand, on July 15th of each fiscal year during the term of this Lease. The Lessor shall acknowledge receipt of the payment of One Dollar (\$1.00) due upon execution of this Lease.

The Lessor acknowledges that the Shepherdstown Public Library Commission was established by the Corporation of Shepherdstown for the benefit of the public, that the Shepherdstown Public Library is currently located on the property, that Lessor desires to provide for a public library within the municipality of Shepherdstown, that this Lease between the Corporation of Shepherdstown and Shepherdstown Public Library Commission is for the benefit of the community and public, and that, given the charitable nature of this agreement, an annual rent of One Dollar (\$1.00) is fair and adequate consideration.

4. **PURPOSE:** The Lessee shall use, operate and maintain the property as a public library or for such other activities that are related to and do not detract from the operation of a public library. Upon the Lessee's receipt of sufficient funds and approval by the Lessor for any restoration, renovation, or upgrades necessary to comply with current fire, electrical, ADA, and other occupancy standards, and upon completion of any construction resulting therefrom, the Lessee shall keep the public library accessible to all individuals, regardless of race, religion, color, national origin, ancestry, sex, age, blindness or handicap.

5. **WARRANTY OF TITLE AND POSSESSION:** Lessor covenants that it is vested with the legal title to the property and has the right to make this Lease, and that Lessor will put Lessee in complete and exclusive possession of the property. In addition to the aforesaid covenant, Lessor will provide to Lessee such further and additional proof of its right to lease or sell the property as Lessee reasonably demands.

6. **TAXES:** The property is currently exempt from ad valorem taxation. Lessee shall use the property for non-profit purposes. If for any reason the property is taxed and such taxation is upheld, then the Lessee shall pay all taxes assessed.

7. **UTILITIES AND ASSESSMENTS:** During the term of this Lease, Lessee shall pay for all utilities furnished to the property, including without limitation water, sewer, garbage, electricity, and telephone. Lessee shall also pay for all assessments against the property, including without limitation fire service fees and ambulance service fees.

8. **REPAIRS AND MAINTENANCE:** The Lessee shall be responsible for the general upkeep and maintenance of the demised premises, and the Lessee shall make all repairs necessary for the general upkeep and maintenance of the subject property, at its expense, during the term of this Lease. The parties hereby acknowledge that the tenant of the second floor, The Shepherdstown Public Library, Inc., is also responsible for the repairs and maintenance of the interior and exterior of the second story, including the roof. Lessor shall be responsible for all structural repairs to the improvements on the demised premises, subject to the provisions of section 10 below.

9. **BUILDINGS AND IMPROVEMENTS:** All improvements to the property during the term of this Lease, whether made by the Lessor or Lessee, shall become the property of the Lessor. Lessor shall allow Lessee to make such alterations, changes, renovations, expansions, and additions, beyond normal repair and maintenance, to any part or in any part of the property Lessee occupies, as the Lessee finds necessary for its purposes, at Lessee's own expense, provided that such improvements do not injure the building, are done in a skillful and satisfactory manner, are approved by the Town Council of Shepherdstown prior to any such improvements being made, and comply with all applicable state, county, and local rules, regulations, ordinances, and statutes. All such improvements shall become a part of the property and shall be subject to the same terms and conditions of this Lease. Lessor shall own all improvements on or to the property without compensation to the Lessee at the expiration of this Lease. Lessee shall keep all improvements in and to the property in good condition and repair.

It is recognized by Lessor and Lessee that the Lessee, in its program to upgrade to current standards or to expand the space available, may request additional square footage outside of the current limits of the existing structure. It is further recognized by Lessor and Lessee that such expanded square footage will require separate actions to abandon or divert from its current use a portion of the public space or street in the immediate vicinity of the structure described in Paragraph One (1) above. In the event that such action to

abandon or divert from its current use is successful, Paragraph One (1) of this Lease will be amended by Lessor and Lessee, in writing, for the purpose of including an accurate description of the expanded area and/or structure, which will be subject to the same terms and conditions of this Lease.

10. **LIENS:** In the event the Lessee causes to be made or makes any additions, repairs, alterations, or improvements of the property, the Lessee shall pay for all labor performed, materials furnished in or about any construction, repairs, alterations, or improvements, and the Lessee shall keep the property at all times free and clear from all liens for labor or materials furnished in or about any construction, repairs, alterations, or improvements. Lessee shall defend at its own cost and expense each and every lien asserted or claim filed against the premises or improvements thereto, or any part thereof for labor claimed to have been so performed, or any material claimed to have been so furnished, and Lessee shall pay each and every judgment made or given against the property or improvements thereto, or against the Lessor or the Lessee on account of any such lien, and indemnify and save harmless the Lessor from all and every claim and action on account of such claim, lien, or judgment arising out of or connected with such action or omission to the Lessee, its successors or assigns, or any of Lessee's agents, employees, or contractors in or about any construction, repairs, alterations, or improvements.

11. **LESSOR HELD HARMLESS:** Lessee shall save Lessor, its successors, and assigns, harmless and free from any loss, costs, damage, or expense arising out of any accident or any other occurrence causing injury to any person or property and due to the use or occupancy of said property by Lessee. Lessee shall save Lessor, its successors, and assigns free from any loss, damage, or expense if the Lessee fails to comply with or breaches the requirements and provisions of this Lease.

12. **INSURANCE:** The Lessor does hereby covenant that it will insure and keep insured against damage by fire and extended coverage the said building or the property during the term of this Lease in an amount not less than eighty (80%) percent of the insurable amount of the said building as same may be determined by an appropriate approval by an authorized insurance agency with a company or companies approved by Lessee, and will exhibit upon request the policies of insurance and the premiums paid for same, and will in case the building or property is damaged or destroyed, forthwith apply all sums of money received by virtue of such insurance in repairing or rebuilding the said building or property so damaged or destroyed, if deemed reasonably prudent by Lessor. In the event Lessor does not repair or rebuild the said building so damaged or destroyed, this Lease shall be terminated, without further obligation by either party.

The Lessee shall keep the contents in the building insured and shall at all times maintain general liability insurance with a responsible insurance company.

13. **ASSIGNMENT:** Lessee may assign or sublet this Lease, in whole or in part, for purposes consistent with Paragraph Four (4) and consistent with all other provisions specified herein, provided the Lessee first obtains the written consent of the Lessor. Lessor shall not unreasonably withhold consent to a request for assignment or subletting. Lessee may extend any and all licenses under this Lease to any party and for any reason without the consent of the Lessor.

14. **TERMINATION IN CASE OF DEFAULT OR BREACH:** If the Lessee fails to pay the whole or part of any rent, taxes, charges, assessments, or any part or installment thereof in this Lease provided to be paid by Lessee when the same shall fall due under the provisions hereof, and such default shall continue for the space of thirty (30) days after such rents, taxes, charges, or assessments, or any part thereof, shall become payable under the terms of this Lease, or if the Lessee shall make default in the performance of any covenant or agreements on the part of the Lessee to be performed other than those relating to the payment of the rents, taxes, and assessments, the Lessor,

in addition to all other remedies provided by this Lease, or now or hereafter provided by law, may at its option give the Lessee notice in writing that it declares this Lease, and all rights thereunder granted to the Lessee, terminated unless the Lessee shall make the payment or payments or perform the covenants or agreements in respect of which the Lessee shall then be in default within thirty (30) days. Said notice shall be written by the Lessor, or its agent, and shall specify the sum or sums of money on account of the non-payment of which declaration or termination shall be made, or the covenant or agreement on account of the nonperformance of which such declaration or termination shall be made, and shall also specify the time after the service of such notice when such termination shall occur; and at the expiration of said time after the service of such notice this Lease and all rights of the Lessee hereunder shall be terminated and ended, and all improvements to said property shall remain attached thereto and be a part of and become the property of the Lessor, and the Lessor shall have the right of immediate re-entry upon the property and to have and enjoy the same, together with all improvements thereto as fully as if this Lease had never been made, unless within the specified time after the service of said notice the Lessee shall (a) pay the sum or sums for the nonpayment of which such termination shall have been declared, including all interest and penalties assessed as a result of such nonpayment; (b) perform each and every covenant or agreement for the nonperformance of which such termination shall have been declared; and (c) pay the sum or sums not specified in said notice becoming due and payable by the Lessee to the Lessor under the provisions of this Lease after the service of said notice and before the expiration of the time specified in said notice.

15. **CHANGES, MODIFICATIONS, OR ADDENDUMS:** The Lessor and Lessee agree that none of the covenants, terms, or conditions of this Lease will in any manner be altered, waived, changed, or abandoned except by written instrument, signed, sealed, acknowledged, and delivered by the parties hereto, and not otherwise, and no act or acts, omission or omissions, or series of acts or omissions, or waiver, acquiescence, or

forgiveness by the Lessor as to any default in or failure of performance either in whole or in part by the Lessee as to any of the covenants, terms, or conditions of this Lease, will be deemed or construed to be a waiver by the Lessor of the right at all times in the future to insist upon the full and complete performance by the Lessee of each and all the covenants, terms, and conditions thereafter to be performed according to the provisions of this Lease in the same manner and to the same extent as the same are covenanted to be performed by the Lessee.

16. **SERVICE OF NOTICE:** All notices, demands, or other writings in this Lease to be given or sent, which may be given or made or sent, by either party hereto to the other, will be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed as follows:

To Lessor: 104 North King Street
P.O. Box 248
Shepherdstown, WV 25443-0248

To Lessee: German and King Street
P.O. Box 278
Shepherdstown, WV 25443-0278

The address to which any notice, demand, or other writing may be given or made or sent to any party as above provided may be changed by written notice given by either party as above provided.

17. **INSPECTION:** The Lessor or its duly authorized agent may enter upon and view at any reasonable hour the said premises, and each part thereof, and examine and ascertain the condition of all buildings, structures, and improvements thereon. Lessor shall give Lessee reasonable notice at the time of or prior to an inspection.

18. **RECORDING OF LEASE AGREEMENT:** This Lease agreement may be recorded among the land records in the office of the Clerk of the County Commission of Jefferson County, West Virginia.


19. **OPTION TO LEASE:** It is recognized by the parties hereto that the second floor of the property is leased to The Shepherdstown Public Library, Inc., by a deed dated July 25, 1962, of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 255, page 506. In the event The Shepherdstown Public Library, Inc. should assign, transfer, or release its leasehold interest to the Lessor, or otherwise terminate its lease, Lessor shall give Lessee written notice of such termination and Lessee will have the option to lease the second floor of said building upon the same terms and conditions of this Lease. Lessee will have thirty (30) days from the date of said notice to exercise its option by giving written notice to Lessor.

20. **SECTIONS:** The captions appearing under the paragraph number designations of this Lease are for convenience and are not a part of this Lease and do not in any way limit or amplify the terms and provisions of this Lease.

WITNESS the following signatures and seals:


LESSOR:

Corporation of Shepherdstown,
a West Virginia municipal corporation,

BY: 
Vincent Parmesano, Mayor

LESSEE:

Shepherdstown Public Library
Commission, a public entity,

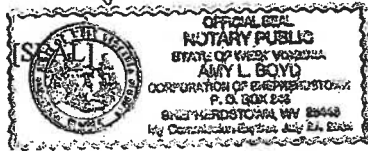
BY: 
its: President

STATE OF WEST VIRGINIA,
COUNTY OF Jefferson, to wit:

The foregoing instrument was acknowledged before me this 12th day of
October, 1999, by Mayor Vincent Parmesano, Mayor of the Corporation of
Shepherdstown, a West Virginia municipal corporation, on behalf of said corporation.

My commission expires:

July 27, 2004



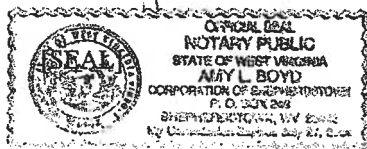
Amy L. Boyd
Notary Public

STATE OF WEST VIRGINIA,
COUNTY OF Jefferson, to wit:

The foregoing instrument was acknowledged before me this 12th day of
October, 1999, by Mary Clare Eros, President
of Shepherdstown Public Library Commission, a public entity, on behalf of said
commission.

My commission expires:

July 27, 2004



Amy L. Boyd
Notary Public

Document Prepared By:

John C. Skinner, Jr.
NICHOLS & SKINNER, L.C.
P.O. Box 487
Charles Town, WV 25414

JEFFERSON COUNTY, WV
FILED
October 26, 1999 09:09:56

JOHN E. OTT
COUNTY CLERK
TRANSACTION NO: 1999020992

BOOK OF DEEDS
Book: 00731 Page: 00461



RESOLUTION

WHEREAS, the Town of Shepherdstown passed an ordinance in 1970 establishing the Shepherdstown Public Library and providing for its operation, maintenance and support; and

WHEREAS, the Town Council and the citizens of Shepherdstown and the surrounding areas of Jefferson County are vitally interested in the availability of a library facility and library resources adequate for serving this community; and

WHEREAS, the Board of Directors of the Shepherdstown Public Library, who are appointed by this Town Council, have determined that the current library facility at the Historic Market House is inadequate for the purpose of a modern library and accordingly have embarked upon a project to build and equip a new library facility; and

WHEREAS, the Town of Shepherdstown has provided land for the construction of the new library facility, which has been remediated with the approval of the West Virginia Department of Environmental Services; and

WHEREAS, the Board of Directors of the Shepherdstown Public Library has now embarked on a capital campaign to finance the construction and equipping of the new Library facility through private donations,

BE IT RESOLVED that the Town Council of the Town of Shepherdstown

- fully supports the efforts of the Shepherdstown Library Board of Directors to finance, construct and equip a new library facility at the Clarion Road site donated by the Town of Shepherdstown;
- encourages the Shepherdstown Library Board of Directors in their efforts to complete the new library as soon as possible; and
- commends the project to the citizens of this area for their financial support.

ATTEST:

TOWN RECORDER

BY ORDER OF COUNCIL:

MAYOR

ADOPTED: _____

Shepherdstown Public Library

Budget vs. Actuals: FY2021 Budget #2 - FY21 P&L

July 2020 - June 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
4000 Tax-Based Income				
4020 State Income				
4020.2 GIA	90,845.00	90,845.00	0.00	100.00 %
Total 4020 State Income	90,845.00	90,845.00	0.00	100.00 %
4030 Local Tax				
4030.1 Board of Ed	30,000.00	30,000.00	0.00	100.00 %
4030.2 Corp of Shep	10,800.00	10,800.00	0.00	100.00 %
4030.3 Jeff County	82,500.00	82,500.00	0.00	100.00 %
Total 4030 Local Tax	123,300.00	123,300.00	0.00	100.00 %
Total 4000 Tax-Based Income	214,145.00	214,145.00	0.00	100.00 %
4100 Non-Tax-Based				
4120 Unrestricted Donations	17,129.65		17,129.65	
4120.4 Copier, Fax, Scans	56.00		56.00	
4120.5 Memorials	34.61		34.61	
4131 Fees and Fines	91.70		91.70	
Total 4120 Unrestricted Donations	17,311.96		17,311.96	
4140 FOSL				
4140.2 Membership	2,548.62		2,548.62	
4140.5 FOSL Gifts	79.95		79.95	
Total 4140 FOSL	2,628.57		2,628.57	
4150 Grants	7,500.00		7,500.00	
Total 4100 Non-Tax-Based	27,440.53		27,440.53	
Total Income	\$241,585.53	\$214,145.00	\$27,440.53	112.81 %
GROSS PROFIT	\$241,585.53	\$214,145.00	\$27,440.53	112.81 %
Expenses				
5000 Construction of New Library (deleted)				
5010 Consultant (deleted)	5,175.00		5,175.00	
5020 Contractors (deleted)	15,131.50		15,131.50	
5030 Permits/Fees/Bonds (deleted)	0.00		0.00	
5070 Landscaping (deleted)	0.00		0.00	
5080 Other Misc Expenses (deleted)	145.11		145.11	
Total 5000 Construction of New Library (deleted)	20,451.61		20,451.61	
5107 BFFC Revenue Fees (Square, PayPal)	798.77		798.77	
5200 Personnel				
5210 Salaries & Wages	146,523.40	158,744.00	-12,220.60	92.30 %
5220 FICA and Medicare	11,208.21	12,261.00	-1,052.79	91.41 %
5230 Workers Comp	546.00	700.00	-154.00	78.00 %
5240 Unemployment	2,952.39	1,080.00	1,872.39	273.37 %
5260 Retirement	1,531.66	1,532.00	-0.34	99.98 %
5270 Substitutes	1,980.00	2,000.00	-20.00	99.00 %

Shepherdstown Public Library

Budget vs. Actuals: FY2021 Budget #2 - FY21 P&L

July 2020 - June 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Total 5200 Personnel	164,741.66	176,317.00	-11,575.34	93.43 %
5300 Materials				
5310 Adult Materials				
5310.1 Books	9,992.58	7,200.00	2,792.58	138.79 %
5310.2 Periodicals	535.38	200.00	335.38	267.69 %
5310.3 DVD	381.44	750.00	-368.56	50.86 %
5310.4 CDs	544.84	1,000.00	-455.16	54.48 %
5310.5 eBooks	91.97	500.00	-408.03	18.39 %
5310.6 eAudio	2,529.62	3,200.00	-670.38	79.05 %
Total 5310 Adult Materials	14,075.83	12,850.00	1,225.83	109.54 %
5320 Children's Materials				
5320.1 Children's Books	7,162.82	7,000.00	162.82	102.33 %
5320.2 Children's Periodicals	37.05		37.05	
5320.4 Children's CD	138.28		138.28	
5320.6 Children's eAudio		500.00	-500.00	
Total 5320 Children's Materials	7,338.15	7,500.00	-161.85	97.84 %
Total 5300 Materials	21,413.98	20,350.00	1,063.98	105.23 %
5400 Programs				
5410 Adult Programs	434.95	100.00	334.95	434.95 %
5420 Children's Programs	23.79		23.79	
5430 Summer Reading Program	1,626.80	2,000.00	-373.20	81.34 %
Total 5400 Programs	2,085.54	2,100.00	-14.46	99.31 %
5500 Utilities				
5510 Water & Sewer	1,171.17	1,100.00	71.17	106.47 %
5530 Electric	1,023.01	1,300.00	-276.99	78.69 %
5540 Phone/Internet	1,372.99	1,400.00	-27.01	98.07 %
5570 Oil	3,408.00	2,800.00	608.00	121.71 %
Total 5500 Utilities	6,975.17	6,600.00	375.17	105.68 %
6000 Operating Expenses				
6014 Offsite Storage Units	2,612.00	2,400.00	212.00	108.83 %
6063 Software DonorPerfect	-51.50	2,500.00	-2,551.50	-2.06 %
6100 Professional Fees				
6100.1 Accounting	4,327.01	5,000.00	-672.99	86.54 %
6100.2 Audit	3,500.00	3,500.00	0.00	100.00 %
Total 6100 Professional Fees	7,827.01	8,500.00	-672.99	92.08 %
6200 Box Fees-JSB, PO	114.00	114.00	0.00	100.00 %
6400 Petty Cash	125.00		125.00	
6600 Dues & Subscriptions Intuit, T-Mobile, Zoom, CC, Chamber	8,478.40	1,700.00	6,778.40	498.73 %
6700 Office Expenses				
6710 Toner	909.99		909.99	
6720 Supplies	2,423.15	4,000.00	-1,576.85	60.58 %

Shepherdstown Public Library

Budget vs. Actuals: FY2021 Budget #2 - FY21 P&L

July 2020 - June 2021

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
6740 Postage	28.70		28.70	
6750 Non-Capital Technology	128.34	200.00	-71.66	64.17 %
6760 Tech Repairs	313.15		313.15	
6770 Web Maintenance	5,296.91	520.00	4,776.91	1,018.64 %
Total 6700 Office Expenses	9,100.24	4,720.00	4,380.24	192.80 %
6800 Staff Development		2,000.00	-2,000.00	
6802 Insurance, Bus	2,008.98	1,000.00	1,008.98	200.90 %
6300 BRIM Insurance		1,000.00	-1,000.00	
Total 6802 Insurance, Bus	2,008.98	2,000.00	8.98	100.45 %
Total 6000 Operating Expenses	30,214.13	23,934.00	6,280.13	126.24 %
6022 Lease Payment to Shep Corp	1.00	1.00	0.00	100.00 %
6900 Building Maintenance				
6910 Interior Maintenance	124.36		124.36	
6910.1 Cleaning	2,070.00	2,340.00	-270.00	88.46 %
6910.3 Fire/Police Inspection & Maintenance	345.42		345.42	
Total 6910 Interior Maintenance	2,539.78	2,340.00	199.78	108.54 %
Total 6900 Building Maintenance	2,539.78	2,340.00	199.78	108.54 %
Ask About	-1.00		-1.00	
Total Expenses	\$249,220.64	\$231,642.00	\$17,578.64	107.59 %
NET OPERATING INCOME	\$ -7,635.11	\$ -17,497.00	\$9,861.89	43.64 %
Other Income				
4200 Building Fund Income	1,395.00		1,395.00	
4180 Nourishing Literacy Giving Circle BFFC	16,510.49		16,510.49	
4210 Building Fund Memorials	7,096.00		7,096.00	
4250 Building Fund Donated Stock	125,949.02		125,949.02	
4260 Building Fund Investment Income	12,893.77		12,893.77	
4270 Building Fund Fundraising	993,110.27		993,110.27	
4280 Building Fund Miscellaneous	3,968.00		3,968.00	
Total 4200 Building Fund Income	1,160,922.55		1,160,922.55	
4300 Change in Investment Value	67,052.51		67,052.51	
4160 Investment Income	12,368.19		12,368.19	
4165 Capital Gain (Loss)	4,544.95		4,544.95	
Total 4300 Change in Investment Value	83,965.65		83,965.65	
Total Other Income	\$1,244,888.20	\$0.00	\$1,244,888.20	0.00%
Other Expenses				
Reconciliation Discrepancies	-37.74		-37.74	
Total Other Expenses	\$ -37.74	\$0.00	\$ -37.74	0.00%
NET OTHER INCOME	\$1,244,925.94	\$0.00	\$1,244,925.94	0.00%
NET INCOME	\$1,237,290.83	\$ -17,497.00	\$1,254,787.83	-7,071.45 %

Shepherdstown Public Library

Budget vs. Actuals: FY 2022 Approved Budget Regular Operating - FY22 P&L

July 2021 - June 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
Income				
4000 Tax-Based Income				
4020 State Income				
4020.2 GIA	68,134.00	90,845.00	-22,711.00	75.00 %
Total 4020 State Income	68,134.00	90,845.00	-22,711.00	75.00 %
4030 Local Tax				
4030.1 Board of Ed	30,000.00	30,000.00	0.00	100.00 %
4030.2 Corp of Shep	8,100.00	10,800.00	-2,700.00	75.00 %
4030.3 Jeff County	61,875.00	82,500.00	-20,625.00	75.00 %
Total 4030 Local Tax	99,975.00	123,300.00	-23,325.00	81.08 %
Total 4000 Tax-Based Income	168,109.00	214,145.00	-46,036.00	78.50 %
4100 Non-Tax-Based				
4120 Unrestricted Donations	20,544.04	14,335.00	6,209.04	143.31 %
4120.3 Fundraisers	3,518.00		3,518.00	
4120.4 Copier, Fax, Scans	18.00	2,000.00	-1,982.00	0.90 %
4120.5 Memorials		100.00	-100.00	
4131 Fees and Fines	20.00	100.00	-80.00	20.00 %
Total 4120 Unrestricted Donations	24,100.04	16,535.00	7,565.04	145.75 %
4140 FOSL				
4140.2 Membership	3,099.72		3,099.72	
4140.5 FOSL Gifts	5,000.00	10,000.00	-5,000.00	50.00 %
Total 4140 FOSL	8,099.72	10,000.00	-1,900.28	81.00 %
4150 Grants	7,500.00	7,500.00	0.00	100.00 %
Total 4100 Non-Tax-Based	39,699.76	34,035.00	5,664.76	116.64 %
Sales of Product Income		100.00	-100.00	
Total Income	\$207,808.76	\$248,280.00	\$ -40,471.24	83.70 %
GROSS PROFIT	\$207,808.76	\$248,280.00	\$ -40,471.24	83.70 %
Expenses				
5107 BFFC Revenue Fees (Square, PayPal)	873.22		873.22	
5200 Personnel				
5210 Salaries & Wages	120,867.71	162,867.00	-41,999.29	74.21 %
5220 FICA and Medicare	11,546.37	12,580.00	-1,033.63	91.78 %
5230 Workers Comp	1,092.00	696.00	396.00	156.90 %
5240 Unemployment	1,396.04	1,080.00	316.04	129.26 %
5260 Retirement	1,213.40	1,577.00	-363.60	76.94 %
5270 Substitutes	2,038.00	3,120.00	-1,082.00	65.32 %
Total 5200 Personnel	138,153.52	181,920.00	-43,766.48	75.94 %
5300 Materials				
5310 Adult Materials	321.49		321.49	
5310.1 Books	5,613.01	10,000.00	-4,386.99	56.13 %
5310.2 Periodicals	45.00	1,855.00	-1,810.00	2.43 %

Shepherdstown Public Library

Budget vs. Actuals: FY 2022 Approved Budget Regular Operating - FY22 P&L

July 2021 - June 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
5310.3 DVD		500.00	-500.00	
5310.4 CDs	22.21	500.00	-477.79	4.44 %
5310.5 eBooks	297.08	750.00	-452.92	39.61 %
5310.6 eAudio	2,442.31	3,200.00	-757.69	76.32 %
Total 5310 Adult Materials	8,741.10	16,805.00	-8,063.90	52.01 %
5320 Children's Materials	272.71		272.71	
5320.1 Children's Books	5,927.08	7,000.00	-1,072.92	84.67 %
5320.2 Children's Periodicals	42.35	600.00	-557.65	7.06 %
5320.3 Children's DVD	261.65	100.00	161.65	261.65 %
5320.4 Children's CD		200.00	-200.00	
5320.5 Children's eBooks		500.00	-500.00	
5320.6 Children's eAudio		750.00	-750.00	
Total 5320 Children's Materials	6,503.79	9,150.00	-2,646.21	71.08 %
Total 5300 Materials	15,244.89	25,955.00	-10,710.11	58.74 %
5400 Programs				
5410 Adult Programs		200.00	-200.00	
5420 Children's Programs	400.00	400.00	0.00	100.00 %
5430 Summer Reading Program		2,000.00	-2,000.00	
Total 5400 Programs	400.00	2,600.00	-2,200.00	15.38 %
5500 Utilities				
5510 Water & Sewer	739.48	1,200.00	-460.52	61.62 %
5530 Electric	477.82	1,300.00	-822.18	36.76 %
5540 Phone/Internet	996.34	1,400.00	-403.66	71.17 %
5570 Oil	2,876.00	3,000.00	-124.00	95.87 %
Total 5500 Utilities	5,089.64	6,900.00	-1,810.36	73.76 %
6000 Operating Expenses	64.64		64.64	
5700 Annual Fund Transaction Fees (Square, Paypal)	79.85		79.85	
6014 Offsite Storage Units	1,953.00	2,550.00	-597.00	76.59 %
6063 Software DonorPerfect		2,500.00	-2,500.00	
6090 Operating Hospitality	122.21	100.00	22.21	122.21 %
6100 Professional Fees				
6100.1 Accounting	3,338.20	5,000.00	-1,661.80	66.76 %
6100.2 Audit	3,500.00	3,500.00	0.00	100.00 %
Total 6100 Professional Fees	6,838.20	8,500.00	-1,661.80	80.45 %
6200 Box Fees-JSB, PO	68.40	114.00	-45.60	60.00 %
6400 Petty Cash	50.00	150.00	-100.00	33.33 %
6600 Dues & Subscriptions Intuit, T-Mobile, Zoom, CC, Chamber	2,936.44	5,320.00	-2,383.56	55.20 %
6700 Office Expenses	609.10		609.10	
6710 Toner		1,125.00	-1,125.00	
6720 Supplies	1,819.10	3,000.00	-1,180.90	60.64 %
6730 Printing	22.70		22.70	
6740 Postage		100.00	-100.00	

Shepherdstown Public Library

Budget vs. Actuals: FY 2022 Approved Budget Regular Operating - FY22 P&L

July 2021 - June 2022

	TOTAL			
	ACTUAL	BUDGET	OVER BUDGET	% OF BUDGET
6750 Non-Capital Technology		200.00	-200.00	
6760 Tech Repairs		250.00	-250.00	
6770 Web Maintenance	190.00	520.00	-330.00	36.54 %
Total 6700 Office Expenses	2,640.90	5,195.00	-2,554.10	50.84 %
6800 Staff Development	1,242.48	2,000.00	-757.52	62.12 %
6802 Insurance, Bus	408.22	1,010.00	-601.78	40.42 %
6300 BRIM Insurance		1,050.00	-1,050.00	
Total 6802 Insurance, Bus	408.22	2,060.00	-1,651.78	19.82 %
Total 6000 Operating Expenses	16,404.34	28,489.00	-12,084.66	57.58 %
6022 Lease Payment to Shep Corp		1.00	-1.00	
6025 Merchandise	256.36	200.00	56.36	128.18 %
6900 Building Maintenance				
6910 Interior Maintenance				
6910.1 Cleaning		2,340.00	-2,340.00	
6910.3 Fire/Police Inspection & Maintenance		75.00	-75.00	
Total 6910 Interior Maintenance		2,415.00	-2,415.00	
Total 6900 Building Maintenance		2,415.00	-2,415.00	
BFFC				
5073 BFFC-Project Development	19,249.60		19,249.60	
5074 BFFC Hospitality	41.05		41.05	
Total BFFC	19,290.65		19,290.65	
Total Expenses	\$195,712.62	\$248,480.00	\$ -52,767.38	78.76 %
NET OPERATING INCOME	\$12,096.14	\$ -200.00	\$12,296.14	-6,048.07 %
Other Income				
4200 Building Fund Income				
4180 Nourishing Literacy Giving Circle BFFC	16,347.72		16,347.72	
4210 Building Fund Memorials	5,135.00		5,135.00	
4230 Building Fund Grants	37,470.00		37,470.00	
4260 Building Fund Investment Income	4,889.35		4,889.35	
4270 Building Fund Fundraising	252,713.00		252,713.00	
4280 Building Fund Miscellaneous	4,138.00		4,138.00	
Total 4200 Building Fund Income	320,693.07		320,693.07	
4300 Change in Investment Value	-153.80		-153.80	
4160 Investment Income	5,042.66	200.00	4,842.66	2,521.33 %
4165 Capital Gain (Loss)	1,120.69		1,120.69	
Total 4300 Change in Investment Value	6,009.55	200.00	5,809.55	3,004.78 %
Total Other Income	\$326,702.62	\$200.00	\$326,502.62	163,351.31 %
NET OTHER INCOME	\$326,702.62	\$200.00	\$326,502.62	163,351.31 %
NET INCOME	\$338,798.76	\$0.00	\$338,798.76	0.00%

Shepherdstown Public Library

Budget Overview: FY 2022-2023 Draft Budget - FY23 P&L

July 2022 - June 2023

	TOTAL
Income	
4000 Tax-Based Income	
4020 State Income	
4020.2 GIA	101,115.00
Total 4020 State Income	101,115.00
4030 Local Tax	
4030.1 Board of Ed	30,000.00
4030.2 Corp of Shep	10,800.00
4030.3 Jeff County	90,000.00
Total 4030 Local Tax	130,800.00
Total 4000 Tax-Based Income	231,915.00
4100 Non-Tax-Based	
4120 Unrestricted Donations	
4120.1 Nourishing Literacy Giving Circle OPERATING	21,778.00
4120.2 Annual Fund Donations	16,876.00
4120.4 Copier, Fax, Scans	2,000.00
4120.5 Memorials	500.00
4131 Fees and Fines	500.00
Total 4120 Unrestricted Donations	41,654.00
4140 FOSL	
4140.1 Spring Fundraising	4,625.00
4140.2 Membership	4,625.00
4140.3 Winter Fundraising	4,625.00
4140.4 Fall Fundraising	4,625.00
Total 4140 FOSL	18,500.00
4150 Grants	
4150.2 Children	10,000.00
Total 4150 Grants	10,000.00
4170 Meeting Room Rental	500.00
4190 Dividends/Interest	1,000.00
Total 4100 Non-Tax-Based	71,654.00
Total Income	\$303,569.00
GROSS PROFIT	\$303,569.00
Expenses	
5200 Personnel	
5210 Salaries & Wages	166,983.00
5220 FICA and Medicare	12,901.00
5230 Workers Comp	700.00
5240 Unemployment	1,350.00
5260 Retirement	1,656.00
5270 Substitutes	4,120.00
5280 Payroll Processing	1,350.00

Shepherdstown Public Library

Budget Overview: FY 2022-2023 Draft Budget - FY23 P&L

July 2022 - June 2023

	TOTAL
Total 5200 Personnel	189,060.00
5300 Materials	
5310 Adult Materials	
5310.1 Books	21,106.00
5310.2 Periodicals	2,000.00
5310.3 DVD	1,000.00
5310.4 CDs	1,000.00
5310.5 eBooks	1,500.00
5310.6 eAudio	3,500.00
Total 5310 Adult Materials	30,106.00
5320 Children's Materials	
5320.1 Children's Books	14,100.00
5320.2 Children's Periodicals	1,000.00
5320.3 Children's DVD	1,000.00
5320.4 Children's CD	1,000.00
5320.5 Children's eBooks	1,131.00
5320.6 Children's eAudio	1,132.00
Total 5320 Children's Materials	19,363.00
Total 5300 Materials	49,469.00
5400 Programs	
5410 Adult Programs	1,200.00
5420 Children's Programs	750.00
5430 Summer Reading Program	2,000.00
Total 5400 Programs	3,950.00
5500 Utilities	
5510 Water & Sewer	1,500.00
5520 Trash and Recycling	540.00
5530 Electric	6,000.00
5540 Phone/Internet	1,200.00
Total 5500 Utilities	9,240.00
6000 Operating Expenses	
5700 Annual Fund Transaction Fees (Square, Paypal)	200.00
6063 Software DonorPerfect	2,700.00
6090 Operating Hospitality	500.00
6100 Professional Fees	
6100.1 Accounting	3,780.00
6100.2 Audit	3,500.00
Total 6100 Professional Fees	7,280.00
6200 Box Fees-JSB, PO	70.00
6400 Petty Cash	300.00
6600 Dues & Subscriptions Intuit, T-Mobile, Zoom, CC, Chamber	1,500.00
6700 Office Expenses	

Shepherdstown Public Library

Budget Overview: FY 2022-2023 Draft Budget - FY23 P&L

July 2022 - June 2023

	TOTAL
6710 Toner	1,000.00
6720 Supplies	5,000.00
6740 Postage	300.00
6760 Tech Repairs	1,000.00
6770 Web Maintenance	520.00
Total 6700 Office Expenses	7,820.00
6800 Staff Development	2,000.00
6802 Insurance, Bus	10,000.00
6300 BRIM Insurance	100.00
Total 6802 Insurance, Bus	10,100.00
Total 6000 Operating Expenses	32,470.00
6900 Building Maintenance	
6910 Interior Maintenance	
6910.1 Cleaning	10,800.00
6910.2 Carpet Cleaning	2,000.00
6910.3 Fire/Police Inspection & Maintenance	1,540.00
6910.4 Pest Control	200.00
6910.5 Security System	340.00
Total 6910 Interior Maintenance	14,880.00
6920 Exterior Maintenance	
6920.1 Landscaping	2,000.00
6920.2 Mowing	1,000.00
6920.7 Snow Removal	1,000.00
6920.8 Retention Pond	500.00
Total 6920 Exterior Maintenance	4,500.00
Total 6900 Building Maintenance	19,380.00
Total Expenses	\$303,569.00
NET OPERATING INCOME	\$0.00
NET INCOME	\$0.00