

**MONTANA STATE LIBRARY (MSL) COMMISSION MEETING
9:30 A.M., FEBRUARY 12, 2020
MONTANA STATE LIBRARY GRIZZLY CONFERENCE ROOM
HELENA, MONTANA OR ZOOM**

MINUTE LOG

Recordings are found at <https://vimeo.com/album/3267051> and https://www.youtube.com/playlist?list=PLB_J1FN8dGZfJJQ0VnGqg_NsK-RJ-3dGI. Unedited closed captioning is available at the YouTube recording only.

ATTENDEES:

Commissioners: Chairman Anne Kish, Kenning Arlitsch, Elsie Arntzen, Jamie Doggett online, Aaron LaFromboise, Bruce Newell and Ken Wall online.

MSL Staff: Marilyn Bennett, Troy Blandford online, Tracy Cook, Jessica Edwards, Jamie Faselt online, Evan Hammer, Pam Henley online, William Kessler, Amy Marchwick online, Cara Orban, Caroline Psaltis, Suzanne Reymer online, Jennie Stapp, Marlys Stark, Malissa Williams, and Nate Wold.

NHP Staff: Dan Bachen, Scott Blum, Braden Burkholder, Kay Hajek, Bryce Maxell, Jessica Mitchell, Andrea Pipp, Linda Vance online, and Lindsey Weaver.

Public: Mary Ellen Farrar online and Nanette Gilbertson.

Call to Order at 9:35 a.m. and Introductions (00:00:17)

(00:00:23) Introductions

(00:01:55) New Staff

(00:02:10) William Kessler

(00:02:49) Caroline Psaltis

(00:03:15) Nate Wold

(00:04:20) Marilyn Bennett

(00:05:27) Jamie Faselt

Consent Agenda – **Action** (00:06:13)

(00:08:58) **Motion was made by Commissioner Doggett and seconded by Commissioner LaFromboise to approve the consent agenda and the motion passed.**

State Librarian's Report (00:10:02) – Jennie Stapp, State Librarian

(00:10:10) Legislative Finance Committee Subcommittee and HB633

(00:15:46) Lidar project grant from 3DEP program of USGS

(00:20:55) Library Services Technology Act (LSTA) FY 2020 award

(00:23:12) 2021 Montana Land Information Act (MLIA) grant applications status

(00:24:05) Montana Shared Catalog (MSC) Partners follow-up
(00:32:06) Tableau Review – Jessica Edwards, Data Coordinator
(00:41:51) LSTA FY 2019 Infographic Report
(00:42:45) MLIA Grant progress report
(00:43:58) Circulation statistics

Financial Committee Report (00:46:57) – Malissa Williams, Central Services Manager
(00:47:10) Second Quarter Financial Report – **Action**
(00:48:28) Executive Planning Process
(00:50:00) Discussion regarding finance committee report from Commissioners
(00:58:04) **Motion was made by Commissioner Wall and seconded by Commissioner Doggett to approve the second quarter financial report as presented and the motion passed.**

Draft Public Library Standards (00:58:31)
(00:58:39) Background by State Librarian Stapp
(01:02:45) Tribal college libraries inclusion
(01:04:05) Materials and process discussion by Tracy Cook
(01:06:28) Commissioner questions or comments
(01:06:30) Engaging county commissioners
(01:08:36) Degree or experience discussion
(01:14:15) Updated draft process
(01:16:12) Certified board member discussion
(01:23:50) Salary requirement discussion
(01:29:25) Deferment process
(01:31:20) Personal mobility devices
(01:34:16) Public Comment
(01:37:14) Standards history

Study Administration of the Montana Natural Heritage Program – **Action** (01:38:26)
(01:38:40) Revised proposal
Written public comments will be attached to the minute log.
(01:46:42) Public Comment
(01:48:04) Bryce Maxell
(01:56:38) Linda Vance
(02:01:20) Braden Burkholder
(02:03:57) Kay Hajek
(02:05:53) Andrea Pipp
(02:08:17) Dan Bachen
(02:11:28) Commission Discussion
(02:38:14) Typed three part motion by Commissioner Newell seconded by Commissioner Arlitsch emailed to Marlys Stark (attached) and shared electronically with meeting attendees. **1. Motion by Commissioner Newell that the State Library assumes the role of MTNHP administrator. 2. This transition would include**

MSL negotiating an agreement or agreements with OCHE, allowing UM to retain its current research-based contracts, along with the project-funded staff, and ensuring that all current contract obligations can be met. 3. In addition, the State Librarian is directed to work with OCHE towards an umbrella Memorandum of Understanding (MOU), allowing affiliate campuses to administer grants and contracts in the name of the MTNHP.

(02:55:37) Amended motion by commission emailed to Marlys Stark (attached) and shared on the screen. **1. I move that the State Library assumes its statutory role of MTNHP administrator. 2. MSL is directed to develop a transition plan that would include negotiating an agreement with OCHE, allowing UM to retain its current research-based contracts, along with the project-funded staff, and ensuring that all current contract obligations can be met. 3. In addition, the State Librarian is directed to work with OCHE towards an umbrella Memorandum of Understanding (MOU), allowing affiliate campuses to seek and administer grants and contracts in the name of the MTNHP.**

(02:59:55) Friendly amendment passed.

(03:00:13) Motion by Commissioner Wall and seconded by Commissioner Arlitsch to spell out acronyms and the motion passed. 2nd draft of amended motion by commission emailed to Marlys Stark (attached) and shared on the screen. **This motion is in reference to the Montana Natural Heritage Program (MTNHP), the Montana State Library (MSL), the University of Montana (UM), and the Office of the Commission of Higher Education (OCHE).**

1. I move that the State Library assumes its statutory role of MTNHP administrator. 2. MSL is directed to develop a transition plan that would include negotiating an agreement with OCHE, allowing UM to retain its current research-based contracts, along with the project-funded staff, and ensuring that all current contract obligations can be met. 3. In addition, the State Librarian is directed to work with OCHE towards an umbrella Memorandum of Understanding (MOU), allowing affiliate campuses to seek and administer grants and contracts in the name of the MTNHP.

(03:01:37) Further discussion of current motion version and new amendments.

(03:06:17) Friendly amendment by Commissioner Arntzen. 3rd draft of amended motion by commission emailed to Marlys Stark (attached) and shared on the screen. **This motion is in reference to the Montana Natural Heritage Program (MTNHP) and its partners, the Montana State Library (MSL), the University of Montana (UM), and the Office of the Commission of Higher Education (OCHE).**

1. I move that the State Library assumes its statutory role of MTNHP administrator. 2. MSL is directed to develop a collaborative transition plan that would include negotiating an agreement with OCHE, allowing UM to retain its current research-based contracts, along with the project-funded staff, and ensuring that all current contract obligations can be met. 3. In addition, the State Librarian is directed to work with OCHE towards an

umbrella Memorandum of Understanding (MOU), allowing affiliate campuses to seek and administer grants and contracts in the name of the MTNHP.

(03:08:44) Commissioner Arlitsch made a motion seconded by Commissioner LaFromboise to approve the motion as amended and the motion passed.

Recess for lunch at 1:00 p.m. Reconvene at 1:31 p.m. (03:11:15)

Commission Goals and Objectives (03:12:32)

(03:12:33) Commission Calendar

(03:12:36) National Library Legislative Day

(03:13:00) Final minute log

(03:13:34) Updates for work plan

(03:15:46) April Commission meeting at MLA

(03:16:53) Federation attendance

(03:27:06) Big Sky GeoCon

(03:28:08) Annual Bylaw Review

(03:28:40) Election timeline discussion

(03:35:31) Rules of conduct document discussion

(03:37:53) Staff to draft document for April meeting review

(03:38:16) Additional calendar items

(03:38:22) Dinner Wednesday at MLA in April

(03:38:47) June meeting in Great Falls

(03:40:12) October meeting in Missoula

Public Comment (03:41:18)

(03:41:33) Montana NENA chapter formed

Other Business & Announcements (03:43:06)

Adjourn at 2:02 p.m. (03:43:45)

Montana Natural Heritage Program Staff Concerns Regarding Maintaining Program Function

Bryce Maxell – MTNHP Program Coordinator

(Montana State Library Commission Meeting 2/12/20)

Preamble

- Staff understand the desire of the State Librarian and the MSL Commission to do what they think is best for maintaining the functions of the Montana Natural Heritage Program and appreciate work being conducted on our behalf with regards to funding in consideration under HB633. Staff also understand the statutory right of MSL to directly administer the program. However, questions remain among staff as to whether the mission of the program is best served under direct MSL administration.
- This process has highlighted some major differences in approach, process, and documentation that seem to us to be arising from differences in science versus library training and professional motivations (e.g., (1) e.g., NEPA process and the devil is in the details that MTNHP staff are familiar with; (2) need to publish or externally fund projects that are professional motivations for science staff). We need to work more diligently to understand our respective needs to do our jobs effectively.
- This process has also highlighted to us that the many complexities of our program are not fully understood either by the State Librarian, the MSL Commission, or even staff between program areas. It will be a challenge to address these complexities in an overarching MOU, but doing so will likely be a benefit to all.

Intermediate Timeline Concerns/Questions Regarding Maintaining Program Functions

1. What are the specific guidelines for acceptable projects and is there a change from what projects were acceptable in the past? Lack of clear guidance will impact program function.
2. How quickly will projects be reviewed for approval by MSL? Anything beyond a 1 to 2-day turn will impact program function.
3. Does the 2021 biennium financial plan put core staff positions in a potential bind during the 2023 biennium if no new funding comes from HB633 or other sources during the 2021 legislative session; i.e. does it rely too heavily on current one-time-only funding, return of recovered indirect dollars from UM, or UM supplemental core contribution? Laying off core data management staff in the 2023 biennium would clearly affect program function.

Long Term Concerns/Questions Regarding Maintaining Program Functions

1. Will the program be given discretion as to how to spend funds when full funding is available for science program lead positions? For example, could a program area split core funding into two co-lead positions in order to truly reduce workloads and stress levels in a program area?
2. If program science leads are fully funded what mechanisms will ensure appropriate focus on statewide programmatic vision of products produced for partners rather than taxa or research of more personal interest?
3. How will the function of science program leads and project managers be hampered when conducting fieldwork as a result of the inevitable accrual of comp time during what are often limited windows of time to document species or communities?
4. Will science program leads under direct MSL administration be able to continue the important function of gathering field information that feeds into ranking of species and habitats; in many cases we are the only ones gathering this type of data through funding from our partners?
5. Jennie is the first State Librarian who has taken a strong direct interest in the operations of the MTNHP. What mechanisms will ensure that future State Librarians treat the MTNHP as a co-equal program of the State Library when it will likely not be viewed as a traditional Library program by many individuals who might apply for the position?
6. Hiring of all science leads under MSL seems to leave UM/MUS with a decreasing stake in the program over time. What mechanisms would be put in place to prevent this in order to:

- a. Avoid erosion of desired political support in the legislature and governor's office from the Office of the Commissioner of Higher Education
 - b. Avoid loss of supplemental core funding provided by UM
 - c. Avoid impacts to the Spatial Analysis Lab through waived rent on the UM campus and use of the off campus indirect rate of 25% for state projects and 26% for federal projects as compared to the on-campus rate of 45% which would directly impact partners who may not be willing to pay those higher indirect rates. This also has the very real potential to disproportionately place pressure on SAL Director and staff to oversee (as Principal Investigator) all university-based projects and raise additional project dollars through academic funding sources resulting in an impact to SAL core program functions.
7. Will staff be able to purchase supplies while in the field at a moment's notice using project dollars? Not being able to do this with something like a credit/pro-card would change program function.

A Final Question:

1. What are the specific measures of success for the proposed transition?

Linda Vance Testimony (Montana State Library Commission Meeting 2/12/20)

I want to start by saying that I think the current plan is a significant improvement over the first plan presented in December, and I want to thank Jennie, Evan, the Commissioners, OCHE and Scott Whittenburg for their efforts in developing this new framework.

That said, I don't think we are there yet with the current plan. During the last couple of months, the plan's focus has shifted from ensuring the program's fiscal viability to giving the Library authority over the program's strategic direction. I fully understand that the Library and Commission want to have authority over something for which they have responsibility. I think all of us share that desire in our professional and personal lives. But the current plan is still drastic, with far-reaching financial and organizational impacts that are still shrouded in fiscal uncertainty. And, as we have heard, it does not remedy the original illness, that is, the loss of core funding.

It is not clear to me that the Library's goal of assuming more authority for the Program requires this kind of dive into risky waters. If the Library wants more say in the strategic direction of the program, surely there are ways to give the Library and Commissioners more authority over strategic without a complete overhaul of the structural and financial arrangement that has been working well for Heritage Program staff and partners since it was implemented back in 2006. For example, the Heritage Program Strategic Plan is currently in its final year, with an end date of 2020. Is this not the perfect opportunity for the Program Managers, MSL Staff, and interested Commissioners to work together to rebalance the lines of authority?

In this regard, I want to say that whatever is decided about the future administration of the Program, I would like to see the Commissioners encourage more participation and more transparency in Strategic Planning than has been the case in the past. And here I am pointing a finger at myself. At the December meeting, I raised concerns that the structure of some of the current Ecology contracts meant that they could not transfer from the University to the Library. I had not explicitly discussed these issues before that. At the Commission work session in January, I offered up a brief history of why the Ecology Program has recently taken on mapping, inventory and Monitoring projects in adjacent states. Those undertakings were part of a strategy, as I told you, but at the same time, it was one that had never been discussed with Library staff, never included it in a Scope of Work, and never articulated in detail in any kind of plan. We certainly brought these projects to Jennie and Evan's attention as they came about, but we did not attempt to engage them in the planning effort. Little wonder that MSL staff feel they have responsibility without authority.

But the solution to this issue is not to upend everything, nor to reverse the balance so that NHP managers and staff have no authority over the work for which they are responsible. I think that the new plan is overkill. I think that the Library and Commissioners have the right, and the ability, to be more involved in strategic planning for the Heritage program without having to undertake such a far-reaching and disruptive change. But even if the Commission decides to go ahead with this plan, I respectfully request Commissioners to direct MSL staff to work collaboratively with Heritage Program Managers and staff to develop a 5-year Strategic Plan together. The balance between authority and responsibility is a delicate one, and requires cooperation, transparency, and commitment from everyone involved.

Thank you. Linda

Stark, Marlys

From: Bruce Newell <bruce.newell@gmail.com>
Sent: Wednesday, February 12, 2020 12:30 PM
To: Stark, Marlys
Subject: [EXTERNAL] Motion

Categories: Commission

I move that the State Library assumes the role of MTNHP administrator.

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Stark, Marlys

From: Bruce Newell <bruce.newell@gmail.com>
Sent: Wednesday, February 12, 2020 12:46 PM
To: Stark, Marlys
Subject: [EXTERNAL] Motion.2

Categories: Commission

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Sent: Wednesday, February 12, 2020 12:48 PM
To: Stark, Marlys
Subject: [EXTERNAL] Motion.3

Categories: Commission

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Sent: Wednesday, February 12, 2020 12:55 PM
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Subject: [EXTERNAL] Motion.4

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