



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Christine B. Neiderer, Assistant County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: September 8, 2020

Subject: Resolution No. 31-20 confirming nominations to the Board of Trustees of The Public Library Association of Annapolis and Anne Arundel County, Incorporated

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Resolution No. 31-20, which confirms the County Executive's nominations to the Board of Trustees ("Board") of The Public Library Association of Annapolis and Anne Arundel County, Incorporated ("PLAA").

Background. Section 23-401 of the Education Article of the State Code authorizes the governing body of each county to establish a county public library system that maintains freedom from political influence. MD. CODE ANN., EDUC. § 23-401(a). Subsection 23-401(b) provides that each county public library system shall be governed by a board of library trustees, but further indicates that a charter county may (1) establish a library agency with some or all of the powers conferred to the board of trustees under subsequent provisions of the Education Article or (2) permit the board of trustees to provide for the board's own selection and powers. MD. CODE ANN., EDUC. § 23-401(b). In general, a county library's board of trustees must consist of seven members appointed by the county governing body from nominees submitted by current members of the library's board of trustees. *See Id.* §23-403(a).

Anne Arundel County's Department of Libraries, the PLAA, however, is an independent entity that is managed by a self-sustaining board, pursuant to MD. CODE ANN., EDUC. §23-403(a)(2) and Section 552 of the County Charter. Subsection 23-403(a)(2) authorizes an independent corporate entity, existing under a corporate charter established before 1945, to continue as the county library's governing board of trustees so long as (1) it maintains at least

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

seven members; (2) “the members are chosen on the basis of character, ability and demonstrated interest in library matters”; and (3) the members are representatives of the area the library serves and residents of the county the library services. MD. CODE ANN., EDUC. §§ 23-403(a)(2) and (b). Section 552 of the County Charter makes clear that the County’s intent in establishing a Department of Libraries was to confer the County’s library governing authority on the already existing PLAA, which was established under private Articles of Incorporation in 1936. *See* Section 552 of the County Charter.

Consequently, PLAA is provided complete discretion regarding its selection of its Board’s members so long as it comports with MD. CODE ANN., EDUC. §§ 23-403(a)(2) and (b). Pursuant to PLAA’s Fifteenth Amendment and Complete Restatement of Bylaws dated January 17, 2019 (the “Bylaws”), PLAA’s Board is comprised of twenty-four (24) members, and the number of trustees shall eventually be reduced and limited to seventeen (17) members total, a number which may be increased or decreased pursuant to PLAA’s Bylaws.

The Bylaws further provide that the PLAA’s Board includes up to eight members who are nominated by the County Executive and confirmed by resolution of the County Council, prior to final appointment by the Board. Seven of the eight members nominated by the County Executive and confirmed by resolution of the County Council shall represent each of the County’s councilmanic districts, and the eighth member shall be at large. Members of the Board serve for a three year term up to a maximum of three consecutive 3-year terms. In addition, any new trustee filling the seat of a trustee who resigns shall serve out the term of the resigning trustee and thereafter may serve no more than three consecutive 3-year terms.

The Board is charged with the responsibility of the governance of the PLAA. The powers and duties of the Board are set forth in § 23-405 of the Education Article of the State Code, which permits the Board to (1) establish and operate libraries at any location in Anne Arundel County; (2) determine the library’s policies; and (3) adopt reasonable rules, regulations, and bylaws for the use of the library and the conduct of its business. MD. CODE ANN., EDUC. §23-405(c). The Board is also permitted to advise in the preparation and approval of the library’s budget. *Id.* § 23-405(d)(1).

Proposed Legislation. Deirdre Anne Hendrick, appointed to serve as the member of the Board from Councilmanic District 5 for a term of 3 years ending June 19, 2022, has resigned due to a recent move from the area. In addition, the position of the member of the AACPL Board of Trustees from Councilmanic District 6 is vacant. The County Executive has nominated M. Brooke Toomey, a resident of Councilmanic District 5, to serve as the member of the AACPL Board of Trustees from Councilmanic District 5 for the remainder of the term expiring June 19, 2022, beginning upon final appointment by the Board, and Dalix Cruz, a resident of Councilmanic District 6, to serve as the member of the AACPL Board of Trustees from Councilmanic District 6 for a term of 3 years beginning upon final appointment by the Board.

The Office of Law is available to answer any additional questions regarding the Resolution. Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-de Bruin, PhD, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Government Affairs Officer
Jim Beachamp, Budget Officer
Kaley Schultze, Boards and Commissions Coordinator and Legislative Assistant