

Property Tax Cap. As you've probably read in the news, the State Assembly and the Governor reached an agreement on the property tax legislation, limiting local tax levies to the rate of inflation or 2%, whichever is less. The Senate, of course, already approved the legislation in January.

According to the *New York Times* on May 24, agreement is still being sought on sunseting the law, which is planned for rent control that is apparently part of the over-all tax cap agreement, and what costs might be exempted or discounted from the tax cap, such as increased pension costs. Capital costs were already excluded from the cap.

There is no doubt the law will have a cascading negative effect on local services and impact libraries. The following table summarizes my understanding of this for libraries.

Type	Tax Cap	To Exceed Cap
Association Libraries	Without 414 or 259 funding, public funding provided under contract to an outside agency is vulnerable to cuts.	Solution: 414 or 259 funding, or becoming a special district; Initial 414 or 259 exceeding municipal or school district cap requires 60% voter approval.
Association Libraries with 414 or 259 Funding	414 and 259 funding falls under the municipal or school district tax cap and is not separate. Current amount provided is "held harmless." Any other amounts provided under contract are vulnerable to cuts.	Future increases in 414 or 259 funding that exceeded municipal or school district cap would require 60% voter approval. It's unclear whether a majority or 60% voter approval is required for increasing these funds more than 2% that do not exceed the municipal or school district cap.
Municipal Libraries	Municipal funding is subject to tax cap. Expect fewer dollars for municipal services. These libraries without 414 funding are vulnerable to cuts.	Municipal governing bodies--town, city or village boards or councils--could approve increases above municipal cap with a 60% majority vote. 414 funding exceeding municipal or school district cap would require 60% voter approval.
Municipal Libraries with 414 Funding	Separate 414 funding falls under municipal tax cap. Current amount received under 414 "held harmless."	Future increases in 414 funding that exceeded the municipal cap would require 60% voter approval. It's unclear whether a majority or 60% voter approval is required for increasing these funds more than 2% that do not exceed the municipal cap.
School District Public Libraries	Legal thinking at NYLA is library cap is 2% and separate from school district cap. Language is being drafted to clarify levies are separate.	60% of voters would be needed to approve increase beyond 2% cap.
Special District Libraries	Legal thinking at NYLA is library cap is 2% and separate from municipal or school district cap. Language is being drafted to clarify levies are separate.	60% of voters would be needed to approve increase beyond 2% cap.

Put Planning First. I would recommend that community-based planning be the absolutely first priority for libraries when addressing opportunities and challenges. Most of our focus groups placed this dead last in their list of priorities, which were 1) Funding 2) Space 3) Services 4) Management 5) Marketing 6) Planning. Attempting to address the first five priorities without planning first, is like designing a car, organizing to fuel it, determining who will drive and how it'll be maintained and then lastly determining purpose.

MHLS Planning Continues. The identification of goals and intended results in the development of the new plan of service that began at the last Directors Association meeting on May 3 continued in May with the Resource Sharing and Continuing Education and Professional Development Advisory Committees meeting to provide their input. The Marketing Advisory and Central Library and Collection Development Committees, as well as the System Services Ad Hoc Committee, meet in June in a continuation of this process.

Direct Access Plan Goes to MHLS Board. The MHLS Board of Trustees Planning and Personnel Committee also met in May and will meet again at the end of June to provide its oversight in the development of the 2012-2016 Plan. At its meeting on May 5, the Committee reviewed the Direct Access Plan. The Committee recommended that the words or phrases defined in the definition section be italicized and that a heading be added to the final section of the Plan, "Serious Inequities and Hardships." At the MHLS Board of Trustees meeting on May 11 at the Philmont Public Library, the Committee recommended that the Board consider the Direct Access Plan for approval. The Board will vote on the Direct Access Plan on July 13.

2010 Annual Report Data. I sent the statistics and data from member library 2010 annual reports to directors as an Excel file that includes seven worksheets and tables: General Information, Holdings, Circulation, Programing & Staff, Facilities & Internet, Receipts and Disbursements.

The data is what we received from Baker & Taylor Bibliostat and requiresd considerable massaging to make it presentable. Please email me with any corrections or questions.

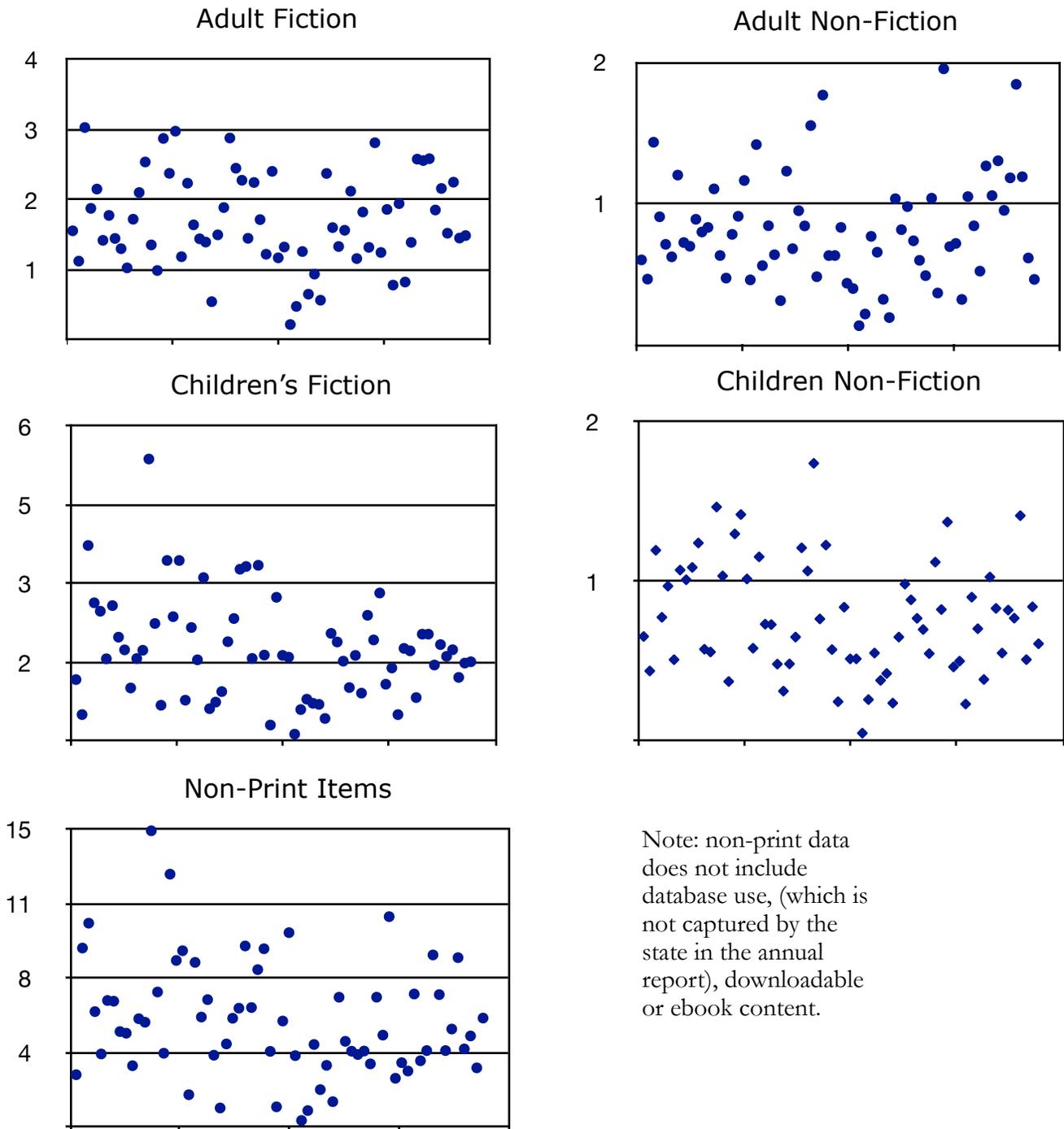
But I would share the following highlights:

- Mid-Hudson's member libraries serve a population of just over 600,000 and had over 4 million visits.
- There were a total of 2.4 million visits to member library websites.
- Just about 50% of the population served are registered borrowers.
- Total holdings topped 2.4 million items.
- Circulation was just over 4.7 million items, which is 15 items for every registered borrower.
- Mid-Hudson's 66 members have a combined paid staff of 406 who managed to offer over 25,000 programs with over 345,000 attendees and nearly 149,000 hours of service.
- Members collaborated with nearly 200 outside agencies in their summer reading programs.

One of the measures I used as a library director to gauge the health of the library's collections was the ratio of the number of items in the collection to items circulated. A summary of these ratios for the broad categories available in the annual report data system-wide are:

- Adult fiction averaged 1.69 items circulated for every item owned; median was 1.57
- Adult non-fiction averaged 0.82 items circulated for every item owned; median was 0.77
- Children's fiction averaged 1.76 items circulated for every item owned; median was 1.64 items
- Children's non fiction averaged .77 items circulated for every item owned; median was .73
- Non-print items averaged 5.35 items circulated for every item owned; median was 4.83

The distribution of these ratios can also be charted for the 66 member libraries of Mid-Hudson. The Y-axis represents the number of items circulated for items held and the X-axis represents individual members and the items each circulated for the items in their collections.



Liability for Out-of-Date Medical Materials. On the Directors Association agenda is a proposal that the central library provide a report to member libraries on member library medical collections, helping to identify out-of-date materials. There is a concern that out-of-date material is being shuttled between member libraries in delivery but then recognized by patrons as out of date and not borrowed, which adds to costs and is a potential embarrassment. Or worse, patrons may be

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using out-of-date medical materials. This recommendation was also discussed at the MHLS Board meeting in May.

One issue raised by both the MHLS Board and the Committee was professional liability. Could someone sue for harm resulting from using out-of-date materials? Professional malpractice, liability and negligence are topics discussed by law and medical librarians, but actually have very technical meanings under the law.

Paul D. Healey, an attorney and librarian, and author of the 2008 *Professional Liability Issues for Librarians and Information Professionals*, has written that he's aware of no librarian being successfully sued or found liable for any "normal professional activities." But although liability is low, it is not zero, and best practices, for example, at the reference desk is to guide patrons to materials while claiming the lack of legal or medical expertise.

Liability seems even less of an issue when patrons place holds on items themselves, items unseen, and then receive them through delivery. And although I am not lawyer, I don't think the legal jeopardy is very high in letting out-of-date medical materials sit on the shelf.

However, if a library staff knew the specifics of an individual's medical condition and need for information, and the staff person knew that the library material he or she was handing this individual was out-of-date and could possibly lead to harm, I believe the potential liability to the library would increase. But I'm only a potential litigant and not a lawyer!

Regents Advisory Council on Libraries Progress Report. The Regents Advisory Council published a brief progress report to the Regents at its May meeting on the responses it received from its initial request for comments on the development of a new statewide plan for libraries. It appears on the state education website.

One response that was discussed at the May meeting were recommendations by the Suffolk County Library System directors, which included the idea that state support for library systems be tied to member library support. Specifically:

Education Law be amended to provide a minimal base grant to each library system and to stipulate that additional funds, up to a formula based maximum, be provided to match, on a dollar for dollar basis, local library support for the particular library system;

The directors also recommended several key roles for public libraries, including that they think local when thinking digital; that they extend their reach in their communities by forming partnerships, particularly around early childhood education and outreach; and that they serve as a popular lifestyle choice.

There has been some discussion by library system directors on their listserv to develop a statewide response, but there seems little interest in this until a draft of the Council's plan is published this fall.

Mid-Hudson Library System and the Directors Association may want to review the draft plan this fall and formulate a response as well.

Other Items. NYLA's plan to partner with library systems and offer legal and fundraising options to institutional members falters; too empty a table for the proposed revisions of the statewide Internet library levels, but the NOVELNY Steering Committee's calls for comments by May 27, 2011.