

**PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES  
WORK SESSION MINUTES**

**March 18, 2014**

**I. CALL TO ORDER AND ROLL CALL**

Ms. Bregar, President, called the meeting to order at 3:07 p.m.

Board Members Present: Marlene Bregar, President; Fredrick Quintana, Vice President; Philip Mancha; Roy Miltner; Donna Pickman; Jim Stuart

Board Member Absent: Lyndell Gairaud

Attorney Present: Nicholas Gradisar

Staff Present: Jon Walker, Executive Director; Jane Carlsen, Executive Assistant; others not recorded

Others Present: Crystal Stark, guest working on a class project

**II. CORRECTIONS OR MODIFICATIONS TO THE AGENDA**

Mr. Walker suggested the addition of Discussion Item III.E. for reports from the PLA Conference.

**III. DISCUSSION ITEMS**

**A. Policy Review: Marijuana and E-Cigarettes**

Ms. Bregar said staff has gathered information and discussed recommendations for policy revisions needed due to the use of e-cigarettes and the recent legalization of recreational marijuana use. Proposed policy revisions have been prepared for Board consideration.

Mr. Walker referred to changes presented in the Employee Guidelines on Drug and Alcohol Use (02.08.04). The proposed revisions include marijuana as well as, "prescribed medications that impair the employee's ability to perform his/her job satisfactorily or to maintain a safe work environment." The next paragraph describes consequences for violations of the policy which may include disciplinary action to include termination and also may require the employee to participate in treatment or testing program as a condition of continued employment. Finally, the revision includes the statement that, "There are no exceptions to this policy except as authorized by the Executive Director or his/her designee." Mr. Walker noted that it would be unusual to grant exceptions; however, alcohol served at the All Pueblo Reads Black Tie Ball might be an example of an exception.

Mr. Walker then referred to another revision in the Employee Guidelines on Smoking (02.09.08) which has been expanded to include, "...or other tobacco use (including the use of smokeless tobacco products, e-cigarettes, and unregulated nicotine products)." The addition of the phrase, "or within 20 feet of an entrance" was also added to comply with local ordinances with respect to smoking.

Mr. Stuart asked about the source of the original wording, and Mr. Walker said they used Mountain States Employers' Council.

Dr. Mancha raised the concern about authorizing the Executive Director to grant exceptions, and noted that it should be written for the use of future Boards who may deal with different Executive Directors than Mr. Walker. There was a discussion of the potential for misuse. Mr. Walker noted that similar statements are contained in other policies, but he would be happy to make any changes. There was some discussion surrounding the fact that the Board would choose the next Executive Director, and if a Director did not use the authority properly, the Board could deal with that issue; however, the consensus was that the Executive Director needed to have the authority to make decisions without the necessity of involving the Board. Following the discussion, Dr. Mancha withdrew his concern.

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Mr. Quintana raised the issue of THC in liquid form being used in e-cigarettes. Mr. Walker said the library is banning e-cigarette devices as well as the use of drugs in the previous policy, and he expects those to cover any drugs including prescribed drugs. Mr. Walker noted that the policies may continue to evolve, particularly as the issue of marijuana continues to unfold.

Mr. Walker said both of those policies deal with employee behavior, and the section that addresses customer behavior is contained in Guidelines Governing Use of the Library (03.06.01.G1). Mr. Walker reviewed the changes which expanded “Smoking or other tobacco use...” by adding, “(including the use of smokeless tobacco products, e-cigarettes, and unregulated nicotine products).”

There was additional discussion on the importance of the revision to support public service staff in a way that does not require them to know what is contained in an e-cigarette device.

Dr. Mancha referred to the last bullet point and asked how the library is going to enforce “possession” without “use.” Mr. Walker said someone rolling joints or having a bottle of alcohol in the library were examples of times when someone would be asked to leave, and it gives security guards and staff the ability to say to someone they cannot have those in the library.

Mr. Miltner suggested a grammatical adjustment to the last bullet point and noted that it is good for the Board to review these.

The Board requested these policy changes be added to the agenda for the next meeting.

### **B. Review of TIF Agreement**

Ms. Bregar said work has been underway for some time in collaboration with other taxing entities in Pueblo to come to an agreement with the Pueblo Urban Renewal Authority regarding the impact of Tax Increment Financing (TIF) on PCCLD revenue. A status update would be provided.

Mr. Gradisar provided a presentation and distributed draft agreements that have been under discussion. In November, the taxing entities made a presentation to the Pueblo Urban Renewal Authority (PURA) and laid out the agreements they had been working on over the last two years in an effort to move forward. Mr. Gradisar said there have been some changes to the PURA Board with new leadership since that presentation, and there has been some outreach to the Library District and other taxing entities. The taxing entities plan to present these agreements and recommend they enter into some TIF agreement similar to what has been proposed.

Mr. Gradisar displayed a graph showing the money that has been diverted by PURA. Although it went down slightly in 2012 because one project was retired, as they develop new projects, the numbers will continue to rise. Mr. Gradisar explained the taxing entities’ position has been that PURA can retain the TIF only if it has incurred debt to fund improvements, and when the debt is paid, all taxes “shall be paid into the funds of the respective public bodies.” PURA’s reading is that they can take the money to reinvest it in the neighborhood and use it for administrative expenses or to loan money collected in one area to another area.

Mr. Gradisar said the taxing entities talked to PURA about two paths forward—a hard way or an /easy way. The hard way would involve referendums on future Urban Renewal Areas, litigation on t/he use of TIF in future and existing Urban Renewal Areas, and legislative battles to amend Urban Renewal statutes. The easy way would involve an Intergovernmental Agreement regarding TIF for future Urban Renewal Areas and a Cooperation Agreement template specific to each new or expanded Urban Renewal Area.

Mr. Gradisar said the library would prefer to follow the easy way. Mr. Gradisar said the agreements provided include the Intergovernmental Agreement and the Cooperation Agreement Template.

Mr. Gradisar explained that the Cooperation Agreement template is specific to each Urban Renewal Area because each project is unique. Administrative expenses are negotiated. PURA is entitled to a TIF percentage after a project commences and debt is issued to finance the project. After administrative expenses, the percentage to be paid to the taxing entities is agreed upon.

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The Intergovernmental Agreement applies only to future Urban Renewal areas and not to any existing areas. It requires PURA to provide 90 day notice to taxing entities prior to a public hearing on any new Urban Renewal Plan so the taxing entities have an opportunity to weigh in on the plan. It provides for good faith negotiations with respect to the nature and extent of planned improvements, costs, to what extent TIF revenues will be shared, administrative costs, and the TIF allocated to each taxing entity. Mr. Gradisar said the taxing entities' problem with the north downtown area was PURA needed to have a plan that could be discussed. The use of TIF allocated funds would be subject to negotiation. It is important to the library and the other taxing entities that all the taxing entities agree. Mr. Gradisar said in the St. Charles project, the City arranged for PURA to repay city taxes while the other taxing entities lost their taxes. Mr. Gradisar said in some cases that might be appropriate, but everyone should agree that is how it should be.

There was additional discussion regarding the proposals, details on how hearings are conducted, how administrative costs were determined, and past difficulties. PURA's position has been that it is not the taxing entities' money, and if any money is returned it should only be used to address blight. Mr. Quintana questioned what would trigger the "hard way," and Mr. Gradisar responded that he has a complaint drafted and ready for a judge to decide, but it would be in everyone's best interest to reach an agreement. It was also noted that a new Urban Renewal Area has not been approved since the taxing entities started lobbying efforts.

### **C. Library Law Workshop**

Ms. Bregar said a workshop for PCCLD Trustees on library law has been recommended by the Board Development Committee. Potential dates/times for this workshop will be presented for discussion.

Mr. Walker has been in touch with Jacqueline Murphy with the State Library, and she has provided possible dates to hold a workshop on Library Law in June. A polling form had been provided for Board members to indicate their availability and return to the Board Secretary. Mr. Walker will get back in touch with Ms. Murphy to finalize the details and report back to the Board of Trustees.

### **D. PCCLD Trustee Committee Guidelines**

Ms. Bregar said the PCCLD Trustees recently established the Legislative and Governmental Committee, and the Board Development Committee has made the recommendation for the Board to establish written guidelines for standing committees. A draft document to be added to the Governance section of the Policy Manual has been prepared for Board consideration.

Mr. Walker referred to the Committee Guidelines (02.01.01.G1) provided in the Board packet. The guidelines had been drafted based on past discussions. The Legislative and Governmental Committee was established last month, and the Audit Committee and Board Development Committee have been ongoing. Mr. Walker said the idea is that this document would track the proper membership, appointment, and activities of each committee.

Mr. Walker suggested Board members consider this, make any necessary corrections, and take a vote. Mr. Walker said the Audit Committee is referred to in the Finance section of the Policy Manual, but the current statement is somewhat limited. This goes beyond that to include meetings and discussions with the auditor.

Mr. Quintana said it seems to encompass all the discussions the Board has had, and he did not see the need for any fixes at this point, but it could easily be changed as needed.

The Board indicated this should be added to the March meeting agenda.

### **E. PLA Conference Report**

Ms. Bregar said Mr. Quintana, Dr. Mancha, and Ms. Gairaud had attended the PLA Conference last week, and Dr. Mancha had prepared a report.

Dr. Mancha started by saying it was an absolutely great conference and the PLA Conference will be held in Denver in 2016. Before they left, Mr. Walker was asked to provide some notes about what they should be looking for at the conference, and the three of them managed to cover those.

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Dr. Mancha said the library is getting ready to embark on the next five-year planning process, and he tried to get some insight that might lead the library in a slightly different direction. The library is currently doing everything, and he did not discover anything the library is not doing. Instead, Dr. Mancha suggested the library may put a different emphasis on what the library is already doing.

Dr. Mancha provided three recommendations. The first is to increase focus on the community and establishing partnerships with other organizations to digitize additional historic resources in the community such as those at the Bessemer Historical Society and funeral homes to link research with obituary sources available from the library now. There are also artifacts the library may be able to preserve using the 3-D printer. Dr. Mancha discussed Digital Commons as a potential resource for that effort.

Another recommendation was to bring the world to Pueblo and find out what the real problems are in the community in order to strengthen the library's position within the community. Dr. Mancha said Harwood Institute located in New Jersey offers training and resources to help identify what problems in the community could be addressed by the library. Dr. Mancha expects this effort to bring people into the library that might not use it otherwise.

The third initiative would be centralizing or organizing more research for the benefit of the community, and he used the example of partnerships with small businesses to offer research assistance.

Dr. Mancha said visiting with vendors was an interesting experience. He talked with vendors about furniture, and they will be sending a catalog. OverDrive the library already has, but they also have a product to supplement streaming of movies. Harwood Institute is very committed to problem-solving in the community and innovation, and they have a series of resources available.

Dr. Mancha said he certainly enjoyed the conference and suggested the Board focus more on getting to know each other in a more relaxed, easy way than just Board meetings.

Mr. Quintana said Dr. Mancha provided a very good summary, and it gave them a chance to think about where the library should be going. Focusing on community outreach overall will enable the library to take a more proactive approach to building community after building the libraries.

Ms. Bregar said these will be important considerations as the library creates a new strategic plan.

### **IV. ADJOURNMENT**

Ms. Bregar reminded Board members that the Regular Board Meeting will be held on Thursday, March 27, 2014 at 5:30 p.m. at the Lamb Library, 2525 South Pueblo Boulevard. The Audit Committee will meet at 4:30 p.m. at Lamb, immediately prior to the Board meeting.

There being no further discussion, the Work Session adjourned at 4:21 p.m.

Respectfully submitted,

Jane Carlsen  
Secretary