

**PUEBLO CITY-COUNTY LIBRARY DISTRICT
BOARD OF TRUSTEES MEETING MINUTES
March 28, 2019**

I. CALL TO ORDER AND ROLL CALL

Stephanie Garcia, Vice President, called the meeting to order at 5:31 p.m.

Board Members Present: Marlene Bregar, Lyndell Gairaud, Phil Mancha, Stephanie Garcia, and Frederick Quintana. Doreen Martinez late.

Others Present: Sean Miller- I.T. Department, Sherri Baca-Chief Financial Officer, Sara Rose-Chief Operations Officer, Terri Daly-HR Manager and Jon Walker-Executive Director.

II. CORRECTIONS AND MODIFICATIONS TO AGENDA

The Board or Executive Director may suggest corrections or modifications to the agenda at this time.

none

Motion made to accept agenda by Lyndell Gairaud, motion seconded by Fredrick Quintana.

All in favor 5-0 (Doreen Martinez not present during this vote.)

III. APPROVAL OF MINUTES

OVERVIEW: Minutes of the Library Board Work Session held on February 19, 2019 and Minutes of the Regular Library Board meeting held on February 28, 2019 were provided to Board members prior to the meeting.

RECOMMENDED ACTION: That the Library Board approve:

- Minutes of the Library Board Work Session held on February 19, 2019
- Minutes of the Regular Library Board meeting held on February 28, 2019

Phil Mancha made a motion to approval the minutes, Marlene Bregar seconded the motion.

All in favor 5-0 (Doreen Martinez not present during this vote.)

IV. REPORTS

A. Executive Director Report

Jon Walker introduced Bart Miller (attorney with firm Collins, Cockrel, and Cole) via Skype as well as Steve Weltchert who has been working with PCCLD on community engagement. Steve attended meeting via phone. Bart Miller provided a report on Colorado library elections. (Hand-out from Collins, Cockrel & Cole provided to each Trustee)

Bart Miller:

Jon Walker asked me to address three primary issues, the timelines for this kind of an election if you decide to go forward, the election ethics rules as far as what you can and cannot do after you put a question on the ballot and finally a discussion about some of the options you have for the kinds of questions you can put on the ballot. Let me talk a little bit first about the deadlines. Jon Walker has passed out a coordinated election calendar for 2019. The calendar is very detailed and I am only going to talk about a few of the deadlines because they are the important ones that you as Trustees have to keep in mind. By July 26th of this year we have to notify the County Clerk and Recorder if we are going to have a question on the ballot. So that is the first big deadline. On August 27th is the deadline to actually enter into an intergovernmental agreement which is a contract with the County Clerk and Recorder to conduct that election if we are going to have it. Those are the two big deadlines that are coming up. There are informal deadlines that are not required by law, but they are fairly important and beginning now with this conversation on this idea of whether or not you want to put a Tabor question on the ballot this November is the first start to working with deadlines. My informal deadline for you all to be approving a question or at least seriously discussing it would be the June and July period of time. That is because we have to be nailing down exactly what you want to have the question look like. Do you have any questions regarding this handout of deadlines that I can answer?

Jon Walker:

No questions at this point.

Bart Miller:

So that calendar is a basic outline of the deadlines that we are acting under for this kind of a ballot question. You should have also received a short memo on campaign issues. (Trustees acknowledged having the memo.) The Colorado Fair Campaign Practices Act is essentially what you are dealing with in terms of what you can do as a government entity and what you cannot do after you put a question on the ballot. This memo is designed to give you enough information so that you won't inadvertently violate the Fair Campaign Practices Act. In general the rules are fairly simple. Once you have decided to put a question on the ballot and you have taken formal action to do that, the Library District itself cannot spend any public dollars on campaigning for or against the ballot question. Of course, the Trustees and the employees of the library don't automatically lose their 1st Amendment Rights. The employees can't be doing things to advocate one way or the other during their work time. They can do whatever they like when they are not at work or on their own time. You as Library Trustees really operate under those same guidelines. You can't be spending Library District money on advocating but you are free to advocate any way that you would like to. Those are the essential rules.

Stephanie Garcia:

Could an Issues Committee be formed to accept donations and register with the Secretary of the State's office? Are there any limits on the amount from one individual donor that they can collect?

Bart Miller:

On the second page of the memo that question is referenced and the answer is yes. An Issues Committee can be created and you should create one if you are going to go forward in this direction. That can be done easily through the Secretary of the State's office and I think you will be working with Steve Weltchert on that.

Jon Walker:

The other part of that question was are there limits on cash contributions?

Bart Miller:

There are no limits on the amount of money that an Issues Committee can accept. There are thresholds for when you have to start reporting those amounts to the Secretary of State.

Jon Walker:

At what point does the election kick off?

Bart Miller:

What the Trustees will do is adopt a resolution that sets the ballot question, and at that point you have taken an official action to have an election on that question. That is when these campaign laws will start to be followed. You will be working with the Pueblo County Commissioners. They will need to sign off on your question going on the ballot.

Stephanie Garcia:

Do we need City Council approval?

Bart Miller:

In your situation, no. Since the Library District covers an entire County, it is the County Commissioners who will be signing off.

Bart Miller:

The next issue is all the different options for presenting a question to the voters and what those could be. Your options of how to present this kind of an issue are pretty much limited to the types of questions that you have presented in the past. Basically you will be deciding how much of a mil levy increase you want to have. Currently you have a Mil levy and you also have what we call a refunds and abatements Mil levy, and the County is collecting a Mil levy for debt service on your bond issue. Of course the bond issue Mil levy will be expiring at the end of the year when you have completed the payments on those bonds. So you will be looking at what the needs of the Library District are and how much you need to increase the Mil levy to satisfy those needs and what you think the voters would be willing to approve. Another aspect that you will be looking at is whether or not you will be de-Brucing whatever revenue you raise and that means you will be exempting that revenue from the spending

limits under the Tax Payers Bill of Rights. Another thing that Jon Walker and I have talked about is de-Gallaghering the Library District, so that as the state wide residential assessment rate gets lowered by the State Legislator you would be able to increase your Mil levy to recapture that revenue. Those will be issues we will be looking at as you move forward.

Jon Walker:

We have been meeting with elected officials and in one of the meetings while talking about asking for the same amount of tax, the elected official said “you should be asking for more”. Remember as we polled, we polled on no tax increase and that polled very well. We did not poll on the question of an increase. The thought is that asking for a continuation is an easier yes then asking for an increase. Could you go over the de-Gallagher language and how that would affect our revenue going forward?

Bart Miller:

The Gallagher Amendment is kind of confusing because what it does is it freezes the percentage of property taxes state wide that can come from residential property. Putting wording into a ballot question that would ask the voters to waive the requirements of the Gallagher prevision in the Constitution for you, would essentially hold the Library District harmless if the statewide assessment rate is lowered by the State Legislature. The pattern over the last 10 to 15 years has been to constantly lower that. It will probably go down again fairly soon if the State Legislature makes that decision. The de-Gallagher language would allow you let your Mil levy rate float up if the Trustees made the decision to do that.

Jon Walker:

The current residential assessment rate is 7.2% and it is projected to drop to 6.95% with action of the State Legislature in May. Just a couple of years ago it was 7.96% and it started at 20% so it has continuously gone down. My understanding is that if we were to adopt this language then the Library District has the potential to be held harmless from any further reduction in the residential assessment rate by floating our Mil levy up to compensate for that reduction.

Lyndell Gairaud:

Since we are talking about three concepts, would that be in one question or in multiple questions on the ballot?

Bart Miller:

You can do it in multiple questions. I think in this particular situation I would advise you to do it in one question because it is simpler to explain to the voters that way. In your case, to be totally clear, currently the Mil levy that you are getting for debt service on your bonds is actually a County Mil levy. So if we are going to transfer that over to the Library District, the question is going to say shall the Library District taxes be increased by this amount of money which is from a Mil levy in the same amount as what the County is currently doing to pay off those bonds. I would probably try to say it a little simpler in the ballot question, but that is basically what you are asking.

Bart Miller:

The only other information that I think that is important for the Trustees to know, is that in creating this type of a ballot question you can get very specific with the uses of the money. It is common for Library Districts to list out the types of services that they want to use the additional revenue to provide. It is a good thing to put into the ballot measure, because it enables you to sell it better to the public. It also gives you a clear understanding of what the additional revenue is going to be used for. I have provided Jon Walker with a few examples of Library Districts who have recently done this. They have been really good at listing out the proposed uses. The way they have done it has enabled some flexibility in the uses, but it still gives people a very clear idea of what you are proposing to do with the additional revenue.

Jon Walker:

For example, one of the things that I think is important for our Library District moving forward is the notion of books. We reduced our materials budget last year for the 1st time in my experience to below 15% due to budgetary constraints. I think it is important personally, that as you contemplate a ballot measure going forward that you talk about the notion of providing books. I am not sure of the words just yet, or how you might choose to say that, but I think that it is an important notion. To balance the budget we had to make a cut in an area that is an essential part of our service. Some language that is more appropriate than that, but it comes down to that. Other things would go into that as well. Technology is clearly very popular in our libraries. Information technology that users can have access to and use to better their means to information. I think it is those kinds of things that we should talk about. Another part we want to address is that we want to assure that our facilities remain fresh and vibrant. Part of the public library experience is having inviting facilities that the community can enjoy.

Phil Mancha:

We have a lot of information about what the public is interested in. We have good information that can guide us.

Bart Miller:

I know that people will have lots of questions as we move forward, and I am happy to answer those. I look forward to working with you and your staff as well as the Board of Trustees as we go forward with this.

Doreen Martinez:

Thank you Bart Miller on behalf of the Board of Trustees for your presentation. She also thanked Steve Weltchert for attending via phone.

B. Friends of the Library Report

none

C. Pueblo Library Foundation Report

none

D. Attorney Report

none

E. Employment Changes

OVERVIEW: The Board is asked to ratify the February 2019 Employment Changes as presented by the Executive Director.

RECOMMENDED ACTION: That the Library Board ratify the February 2019 Employment Changes as contained in the March 28, 2019 Board materials.

(Board of Trustees were able to access the document via PCCLD website titled: Employment Changes February 2019)

Jon Walker:

It is a standard report as you have seen before. I don't have any other things to add.

Frederick Quintana made a motion to ratify the employment changes as presented, Lyndell Gairaud seconded the motion. All in favor 6-0

F. Financial Report

OVERVIEW: The Board is asked to ratify the February 2019 bills and accept the February 2019 Fund Statements. Sherri Baca, Chief Financial Officer, will provide a synopsis of the Financial Report and will be available to answer any questions.

RECOMMENDED ACTION: That the Library Board ratify the February 2019 bills and accept the February 2019 Fund Statement as contained in the March 28, 2019 Board materials

(Board of Trustees were able to access the document via PCCLD website titled: February 2019 Financial Report. Sherri Baca also presented from a slideshow.)

Sherri Baca:

February is pretty standard report, but please feel free to ask any questions as I present. As far as audit changes go, you will see that the column where fixed assets are listed, those are now adjusted for what was disposed of in 2018 and what came on in 2018. We didn't buy a lot of assets in 2018. We also adjusted our COP debt and our compensated absences. The compensated absences represents all of the unpaid vacation time for all Library District employees. *Explanation was given to board on each column from the financial report provided.* Really the balance sheet is typical for this time of year. *She pointed out a couple of items in the capitol fund.* The activity in spending for the month, you will see architect fees. These are for the Rawlings and branch refresh design work. Again, very standard report for February.

Frederick Quintana made a motion to ratify the February 2019 bills and accept the February 2019 Fund Statements. Stephanie Garcia seconded the motion.
All in favor 6-0

V. BOARD COMMENT

none

VI. PUBLIC COMMENT

none

VII. OLD BUSINESS

none

VIII. NEW BUSINESS

A. Announcements

- ☐ The next regular Work Session of the PCCLD Board of Trustees is scheduled for 2:00 p.m., Tuesday, April 16, in the Ryals Room at the Rawlings Library.
- ☐ The next regular meeting of the PCCLD Board of Trustees is scheduled for 5:30 p.m., Thursday, April 25, at the Lamb Library.
- ☐ The American Library Association 2019 Annual Conference is scheduled June 20-25, 2019, in Washington DC. Trustees interested in participating may make arrangements by contacting Sonya West at 562-5633.

B. Action/Discussion Items

1. Legal Services RFP

OVERVIEW: The Trustees have reviewed a proposed RFP to solicit legal services.

RECOMMENDED ACTION: That the Library Board take action to authorize the RFP for posting.

(Handout: Regular Meeting Action Discussion Item III.B.1 – Legal Services RFP, also posted on PCCLD website with same title. Jon Walker presented from slide show.)

Jon Walker:

There have been a few changes from the time you saw this document before. Thank you Frederick Quintana, Sherri Baca and Sara Rose for meeting on Tuesday and going over this document. The first change you will see are some dates. At the bottom of the first page it states the proposal will be issued on April 1st which is next Monday. It will be due on May 3rd. When you move to the second page you will see the RFP schedule. What you saw before had question marks or blanks in this area. Now you will see a schedule with dates has been created and inserted. As you see any submittals will be sent to our finance office to Sherri Baca. We added an option at PCCLD's discretion to interview selected firms. The award date would be June 28th which corresponds to your June 27th board meeting, with services to commence on July 1st. Next go to page three, this is an omission. There had been a paragraph G which was "non-appropriation" and because this is an at-will engagement, the idea of the non-appropriation clause seemed to be irrelevant and was removed. Next on page four under item 3.C.1 under the "Established Business" paragraph we added language talking about being in good standing with the Colorado Bar Association. Next on page six under number 8, which starts the "Scope of Work" we removed the word "periodic" as Marlene Bregar had suggested for meeting attendance. In addition, as we looked at the sentences in the beginning of this section you will see it states "the law firm/attorney should be able to demonstrate experience with Colorado law as it relates to PCCLD to include, but not limited to, CORA, the Sunshine Act, Colorado Urban Renewal Law, Colorado Library Law, Special District Law, local government law, and other pertinent local, state, and federal laws and ordinances". That whole sentence was added. These are things that have come up pretty regularly and that we think will set some law firms apart from others, and they are important for the work that you do and the work we do administratively for the Library District on a regular basis. In that same paragraph, I want to point out that we added "the Executive Director or his/her designee will be authorized to request legal work", in the earlier version it simply said executive director. It is not uncommon for Sherri Baca or Sara Rose to be designated to contact the law firm, so that language was added as well. And finally, we added a note about Roberts Rules of Order, and that is further up on that same

page. We commonly look to the attorney for clarification in regard to operations of the Trustees meetings, so that just assures that there is knowledge of Roberts Rules of Order. Those are all the changes from what you saw before on the previous RFP.

Marlene Bregar:

We found a couple of changes that need to be corrected. The first one is on page four C.1 in the last sentence “be ” needs to be added to the last sentence that reads: The attorney/law firm must have possessed a law license for a minimum of five years prior to the release date of this RFP and be in good standing with the Colorado Bar Association.. The other is in the “Scope of Work” on page six, fourth line from the top, change to “but not limited to”.

Frederick Quintana:

I would recommend that we approve this RFP and set it for posting. A lot of work was done and I was grateful to Jon Walker, Sherri Baca and Sara Rose for their assistance.

Doreen Martinez:

It is the recommendation action that the Library Board of Trustees take action to authorize the RFP for posting. Do we have a motion to that effect?

Frederick Quintana made motion to authorize the RFP. Lyndell Gairaud seconded motion.
All in favor 6-0.

IX. ADJOURNMENT

Doreen Martinez adjourned the meeting at 6:56 p.m.