

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

June 3, 2014

I. CALL TO ORDER AND ROLL CALL

Ms. Bregar, President, called the meeting to order at 3:03 p.m. in the Ryals Room at the Rawlings Library.

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

Board Member Absent: Lyndell Gairaud

Guests Present: Jacqueline Murphy (presenter), Colorado State Library; Cendy Fry and Liz Schneider, Spanish Peaks Library District Board (Walsenburg)

Attorney Present: Nicholas Gradisar

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

II. DISCUSSION ITEMS

A. Opening

Mr. Walker introduced and welcomed Jacqueline Murphy from the Colorado State Library. Mr. Walker announced that the session was being video streamed and would be available on the library's website (http://www.pueblolibrary.org/video_librarylawworkshop).

Ms. Murphy distributed packets and a copy of the 2011 Colorado Public Library Standards Colorado. Ms. Murphy provided her background as an attorney that led her to the State Library. Although she does not hold a legal position with the State Library, her legal background has been very helpful.

After a brief introduction with Board members providing their background with the Board and favorite library memories, Ms. Murphy provided an agenda for the session and briefly reviewed what she would be covering.

B. Board Essentials

Ms. Murphy said the main distinction she makes when talking with Trustees is that the Board provides the "what," and the Director provides the "how." It is the Director's role to implement the Board's vision for the library.

Ms. Murphy reviewed "Six Essential Tasks for Boards of Trustees" provided in the packet and noted that these provide best practices for Library Boards. The Board has six essential tasks that arise from Title 24 of Library Law. Those six tasks fall into the following categories:

- Fiduciary, seeing to the financial well-being of the organization
- Governance, providing "big picture" direction and oversight
- Planning, or creating a vision for the organization
- Outreach, educating the community
- Fund Raising, to financially support the organization
- Staffing, hiring and setting performance standards for the Executive Director

C. Library Law

Ms. Murphy included a Colorado Library Law Quick Guide. Colorado Library Law is found in C.R.S. 24-90-102, and includes the powers and duties of the Board of Trustees. The Board's duties are clearly spelled out in the state statute and all tie back to those essential tasks, e.g., employ a library

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director, adopt a budget and make appropriations, power to hold and acquire property and authorize bonds, conduct an annual audit, and adopt policies. The Director's job is to make recommendations and implement the tasks included in the Board's duties.

Ms. Murphy suggested the Board keep in mind that the hiring entity is the Library District, and it is important that hiring decisions are made by the district. Specific duties of the Board include participating in Board proceedings and insuring minutes of those proceedings are kept. With respect to public comment, Ms. Murphy said Board members should never feel they have to solve a constituent's issue on the fly, but should take the matter under advisement and follow up with staff.

Ms. Schneider asked if it is the Board's place to fill a position, or is it to ratify the person recommended by the Director to fill a position. Mr. Stuart noted that the Director makes employment decisions but regularly informs the Board. There was discussion whether employment decisions require formal Board action, and Ms. Murphy suggested it could be a Consent Agenda item; however, the Board should decide what types of personnel the library needs but not get bogged down in personnel decisions. Mr. Miltner explained that every quarter the Board is given the opportunity to meet new employees so the Board has a sense of who the staff are. Ms. Murphy said that makes a lot of sense and is also an acknowledgement of your role as a Board.

Ms. Murphy pointed out the Colorado Public Library Board & Trustees Pocket handout provided which is a handy reference resource for the Board's meeting binder.

Ms. Murphy discussed the overall legal framework provided in Title 24. Ms. Murphy emphasized that libraries are not considered "Special Districts" which have a distinctly different legal meaning, and it is important not to refer to the library as a special district.

Ms. Murphy provided a brief review of the provisions contained in Title 24 which include the powers and duties of the State Library, the formation of new libraries, etc. There was a brief discussion on the background leading to library districts being separated from city/county oversight. The policy reason is that as libraries embark on long range strategic plans, libraries could not make necessary commitments if the funding was subject to the city's budget priorities. The law also provides for regional libraries and methods for mill levy elections.

Ms. Murphy then offered to respond to questions.

Mr. Walker requested a brief explanation of a capital facilities district, and Ms. Murphy explained that a capital facilities district allows for capital savings specifically for capital improvements such as brick and mortar projects.

Dr. Mancha asked about the Colorado Virtual Library and keeping up with constant changes. Ms. Murphy said open records and open meetings are clear examples where the law has not caught up with how we do business. The Colorado Virtual Library is an office within her unit and was included to allow for our own Interlibrary Loan system as well as other state-wide library systems.

We have talked about the general framework for governing libraries.

Ms. Murphy said when three or more Board members meet, it is considered a meeting and minutes should be taken. She gets questions on how Boards may interact via email in terms of open meeting laws. She suggested individual Board members communicate to the Director who can communicate with the Board as a whole, and be careful about using "Reply to All" when responding to emails sent to the entire Board. The pitfall to be avoided is having email interaction among Board members, and a meeting is created without fully realizing it.

Dr. Mancha asked about Skype. Ms. Murphy said the general best practice for any taxing entity is to insure there is a quorum in the room. Others may participate by phone or Skype, but the critical piece is to have a quorum in the room. Ms. Murphy commented on the importance of decision makers being able to fully participate, listen and be involved.

Ms. Murphy spoke about a recent change to the Colorado Open Records law. A taxing entity may charge a per-page fee and charge for staff time spent gathering the information, but the law

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requires there be a policy for that. She maintains a policy “bank” so if a Board is working on a policy, for open records for example, the template would incorporate the latest library law.

Ms. Murphy provided examples of privacy protections and the necessity of staff being trained to require the police to provide a subpoena to obtain any customer information. Those provisions are included in the Library Law because libraries support freedom of expression and access.

Dr. Mancha asked about the Patriot Act which permits the government to request information, but you cannot even discuss the request, much less object. Ms. Murphy said that is a Federal Law.

Ms. Murphy said there are also privacy issues preventing a husband from picking up a hold for his wife, which can be a frustration for the patron.

There was a discussion of First Amendment issues with respect to providing space on an equal basis, providing election materials representing both sides of an issue, and precautions for promoting library ballot issues. The policy behind it is that it is inappropriate to use tax funding to advocate for an issue.

Another pitfall to avoid is to make sure patrons who are suspended are informed of what part of the code was violated and the appeal process to the Board.

Ms. Murphy discussed City or County’s role in filling Board vacancies and the importance of redress and transparency if an issue arises on how the Board is using library funds. In Pueblo, the Board may recommend candidates, but the City/County manage the approval process.

D. Self Regulation

Ms. Murphy raised a discussion of self-regulation and asked the Board how it looks at itself as a Board. Ms. Bregar said they have a two-prong evaluation. Part is personal where Board members rate themselves individually and keep that for their own use. The other part asks Board members to rate the Board on a five-point scale. Those are collated, and the Board Development Committee reviews those and uses it to plan professional development, which is how this workshop was requested. Ms. Bregar said they have tinkered with the set of questions, and they look at the instrument too. Ms. Murphy responded that is a comprehensive system that she could not improve upon, but she has a form available that serves as a report card of sorts.

E. Strategic Planning

Ms. Murphy discussed Strategic Planning, and part of that is understanding the community you serve. Ms. Murphy referred to the spiral binder provided that contains the Colorado Library Standards created in 2011. These are not strict regulations and provide some good benchmarks going forward.

Mr. Walker said the library creates a five-year Strategic Plan which is almost complete, and toward the end of the year they will be starting a new one in Pueblo to update it.

Mr. Stuart explained that this organization uses the Strategic Plan as they prepare the Annual Plan to stay on track. The Strategic Plan represents where the library wants to be in five years. One of the biggest problems he sees is when organizations create a Strategic Plan but never again refer to it. Mr. Stuart said that is what has allowed Pueblo to build three libraries. Ms. Murphy said having the mission and vision on the meeting agenda and having specific items with those goals listed can be a good way to keep you accountable to the plan. Dr. Mancha added that every year the Finance Director ties the Annual Plan to the budget so the Board understands the amount of money set aside for Strategic Plan initiatives.

F. Staying Current

Ms. Murphy said in terms of staying current, the main muscle the Board has is the power to adopt policy. Ms. Murphy showed resources available on the State Library website to provide templates for policy review which is available at:

<http://www.cde.state.co.us/cdelib/librarydevelopment/publiclibraries/Policies.htm>

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Ms. Murphy suggested a brief exercise using the Policy Worksheet and samples provided. Board members teamed up and picked a policy to discuss further and consider what kind of definitions you need to create.

Mr. Stuart suggested she address the difference between policy and procedure because they often see procedures creeping into policies. Ms. Murphy said the Board's job is to create the policy, and the staff translate that into procedure to tell staff how to implement that policy. Ms. Murphy used the example that the Customer Code of Conduct procedure would have clear written processes for how the customer can appeal the staff decision. Procedures are more detailed. The Board creates the basic policy, and it is also important to review policies on a periodic basis.

After pairing off to discuss the exercise, Ms. Murphy asked the teams what was most on their minds. The subject of unattended children led to definitions of what constitutes an unattended child and whether there is an age limit. Another team talked about electronic devices in view of the new devices and the new libraries coming up, and they need to define if the new devices will check out at the new libraries in the same way. Another policy to consider is some libraries are incorporating maker spaces that are unique. Ms. Murphy said she tries to keep the policy bank up-to-date, and she encouraged Board members to call her if they cannot find what they need. The third group also discussed unattended children as the summer months approach.

Mr. Stuart pointed out that because some policies are more volatile, the Board has started to set a date for when a policy needs to be reviewed.

G. Question & Answer / Evaluation

Ms. Murphy invited Board members to address any questions they may have.

Ms. Murphy concluded with some scenarios to test what had been covered. The scenario that sparked additional discussion was of a local newspaper requesting voluminous construction contracts. Mr. Walker said the library does have a policy, and the Board may be taking that up as a Board later this month. Mr. Gradisar asked Ms. Murphy her judgment about a request that the documents be provided electronically in order to avoid the copying charge. Mr. Walker relayed a recent example where an out of state agency requested voluminous documents to resell, and he commented on whether there is a distinction between the public's right to know and a company in Florida making an onerous request that would be difficult to comply with. There was a question whether there is a different responsibility to the taxpayers who pay to keep the library operating. Ms. Murphy said the Open Records law does not make that distinction, and it puts a burden on us in terms of the total request.

Ms. Murphy offered to serve as a resource to help the Board do their job better. She also pointed out the sheet about Executive Sessions included in the packet which can be a handy reference to have at Board meetings. The packet also provided links to laws and information on libraries. Finally, she asked Board members to complete and return the Workshop Evaluation before leaving. Ms. Murphy had provided her contact information so she can serve as an ongoing resource.

III. ADJOURNMENT

There being no further discussion, the Special Work Session adjourned at 4:46 p.m.

Respectfully submitted,

Jane Carlsen
Secretary