

**PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES**  
**REGULAR MEETING MINUTES**  
**5:30pm, September 24, 2020**

The meeting took place in the Ryals Room at the Rawlings Library with an interactive public session in abidance with social distancing guidelines hosted in the InfoZone Theater at the Rawlings Library, 100 E. Abriendo, Pueblo CO.

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

The regular session of the Pueblo City-County Library District Board of Trustees was called to order at the Ryals Room in the Rawlings Library at 5:31 p.m. by Doreen Martinez, President. Ms. Martinez welcomed everyone and asked Rose Jubert to conduct roll call.

Board Members Present:	Doreen Martinez, President	
	Lyndell Gairaud	
	Phil Mancha	
	Fredrik Quintana	
	Dustin Hodge	via Google Meets
	Stephanie Garcia, Vice President	via Google Meets
	Marlene Bregar	via Google Meets

Attorney Present:	Bart Miller, Collins Cockrel & Cole	via Google Meets
-------------------	-------------------------------------	------------------

Staff & Guests Present:	Jon Walker, Executive Director	
	Sherri Baca, Associate Executive Director	
	Alexandria Romero, Controller	
	Rose Jubert, Executive Assistant	
	Dennis Flores, Pueblo City Council, President	
	Fred Galves, Independent Consultant/Professional Mediator – City of Pueblo	
	Mattie Prodanovich, Hilltop Securities	via Google Meets

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

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

Mr. Walker reported that there were no corrections or modifications to the agenda.

**III. APPROVAL OF MINUTES**

OVERVIEW: Minutes of the Library Board regular meeting held on August 27, 2020, and the Library Board Work Session held on August 18, 2020, were provided to Board members prior to the meeting.

RECOMMENDED ACTION: That the Library Board approve the meeting minutes held on August 27, 2020, and August 18, 2020.

Mr. Mancha made a Motion, seconded by Ms. Gairaud to approve the minutes of the August Board Meetings. The minutes were approved by unanimous consent.

**IV. REPORTS**

**A. Executive Director Report**

Ms. Martinez reported that Mr. Walker, Ms. Baca and Mattie Prodanovich with Hilltop Securities will present the Executive Report.

Certificates of Participation

Mr. Walker presented the Pueblo City-County Library District, Distribution List – Certificates of Participation. He

mentioned the following businesses and their involvement with the certificates; Kutak Rock, LLP as the bond counsel, UMB is the bank trustee and the bank that is used for the current certificates of participation (COPs), Collins, Cockrel & Cole is the district counsel, Hilltop Securities is the financial advisor, based on a recent decision Stifel, Nicholas and Co. is the current underwriter.

#### Calendar of Activities

Mr. Walker made special note of the calendar of activities. He shared that over the past couple of weeks the municipal market, which is what the Library is participating in with their certificates of participation, has become increasingly pre-occupied with the upcoming election. After the 2016 election, interest rates took a quick jump up after the results of the election. Currently the interest rates are at all-time lows, the interest rate for our transactions are currently at 1.6% – 2.3%.

Mr. Walker shared that he, Ms. Baca and Alexandria Romero will participate in a document review call with the parties previously mentioned to review the documents that have been drafted to date. They will also have a meeting with Moody's Investors Services to look at the Library's credit rating which is a big part of this transaction.

Mr. Walker emphasized to the Board the importance of the October 13<sup>th</sup> work session. He stated that this would still be a work session but is asking that they call a special meeting for the purpose of considering the adoption of a resolution that would give the Trustees authorization for this transaction to proceed. Mr. Walker hoped that his presentation today would provide the Board confidence to move forward with the adoption of a resolution at their October 13<sup>th</sup> work session.

Mr. Walker directed the Board to the October 29<sup>th</sup> – Closing and Delivery of Proceeds date. He shared that on this date the delivery of 7.5 million dollars to the library closes and the proceeds are delivered prior to the election date. The focus is to expeditiously consummate this transaction in order to take advantage of the current bond market.

#### Resolution

The resolution was presented on the screen. Mr. Walker shared that the purpose of the resolution is to provide proceeds for the renovation of the Rawlings Library. He stated that the library is refunding the Library District's certificates of participation from 2012 as a part of the transaction in addition to generating the 7.5 million dollar in additional funds. Mr. Walker said that by refunding the certificates from 2012, the library would be generating the 7.5 million dollars in additional funds and saving 1.4 million dollars, approximately \$100,000/year over the term of the remainder of the current 2012 issue. Annually the Library makes a payment of about \$810,000 - \$820,000 in debt payment for the 2012 issue. If it is decided to move forward, the Library would experience a significant savings.

Mr. Walker explained how the resolution contains a lot of information on what constitutes a cost of participation (COP) transaction. Instead of going through every detail of the resolution Mr. Walker simply stated that the Library District is pledging the Rawlings Library as collateral on this issuance. It is a 14-million-dollar issuance when you talk about refunding of the current COP's plus the 7.5 million dollars in additional funds. This is approximately a 14-million-dollar bond sale/debt on the part of the Library, the old debt and then the issuance of the new debt.

Mr. Walker mentioned that the lease program on the resolution basically collateralizes the Rawlings Library in return for the bond. He also pointed out that on the top of page 2 of the resolution that the 2012 Certificates are currently outstanding in the aggregate principal amount of 8.215 million dollars and bear interest at the rates ranging from 3.00% to 5.00%. The average interest rate the Library is now paying on this is 3.49% this will be going down to a rate of approximately 2%, that is where the 1.2 million dollars in savings over the term will come from on the reissuance of the current certificates.

#### Delegation and Parameters

Mr. Walker focused on page 4 of the resolution, point 3. The Delegation and Parameters and stated that this is an important paragraph for the Board to take into consideration. The Board delegates to the President of the Board the authority to determine the Final Terms Certificate within certain parameters described in paragraphs a-f of item 3. The parameters talk about the 2020A certificates at 7.7 million dollars that is the new money that is being generated. The 2020B certificates are the re-issue of the 2012 certificates. Mr. Walker stated that he believed the

Library would come in below those amounts.

#### Long Range Financial Plan

Mr. Walker said that the Board of Trustees is very familiar with this sheet, the 10-yr financial projection. He reminded the Board that column "M" is the 2019 audited financials and column "O" is the 2020 estimated financials and then noted that the sheet projects out to the next 10 years.

#### Debt Payments

Mr. Walker directed the board to look at line 20, the debt payment line. Current debt payments are at \$800,000. This amount was paid in 2019 and is part of the 2019 audited number. Final payment of \$813,325 will be paid in November, 2020. The amount then jumps to \$1.17 million for the 2021 projected amount, this is the reissuance of the 2012 debt and the \$7.5 million in renovation costs.

An important point is that the revenue amounts stay in the black for the entire 10-year projection even with the increased debt. Debt Service as a percent of total revenue stays below 10%, the highest it gets is 9.5% in 2021 and then decreases.

#### **Questions:**

Doreen Martinez – Ms. Martinez asked Ms. Baca to reiterated the benefits of finalizing this transaction before the November election date.

Sherri Baca – Ms. Baca stated the benefits if the Library closes before the interest rates change, they are; the new issuance would come in at a 2.3% interest rate, COPs at a 1.6 % interest rate. The final interest rate is dependent upon when the municipal securities are sold. The reissuance/resell of the COPs would result in a 1.1 - 1.4-million-dollar savings. Anything can change from now until end of October.

Jon Walker - Mr. Walker said that the Library is being advised by financial counsel to close prior to the election in early November since the election can potentially have a negative effect on interest rates.

Phil Mancha- Mr. Mancha questioned the capabilities of the financial institutions to handle the many demands that will be forth coming prior to the election.

Mattie Prodanovich – Ms. Prodanovich shared that there are a lot of issuers trying to take advantage of this prior to the election. From a market perspective there is still a lot of demand so there has been more cash flowing into the municipal bond market, there has been more money coming in than bonds being sold. Mattie expects a lot of issuances in the last two weeks of October, so she is trying to get the library to close prior to these two weeks in order to get out in front of everyone else. Ms. Prodanovich stated that the resolution doesn't require the Library District to do anything, so if the market does start to shift earlier than expected we can put this temporarily on hold and see how the market recovers until we enter the market again.

Fredrik Quintana – Mr. Quintana is in favor of doing this early and does see the financial benefits to the District. He stated that if the soonest we can get his done is October 13<sup>th</sup>, he is in favor of doing that.

Doreen Martinez – Ms. Martinez stated that she will set this as an action item at the Oct 13<sup>th</sup> work session and include it on the agenda. She asked for direction from Mr. Walker.

Jon Walker – Mr. Walker shared that the protocol for the October 13<sup>th</sup> work session will be; the Board of Trustees will hold a special meeting for the discussion of the resolution this meeting will adjourn and then the Board will reconvene for the regular work session. There will be two separate agendas.

#### **B. Friends of the Library Report**

Doreen Martinez – Ms. Martinez introduced the current President, Erik Segall.

Erik Segall – Mr. Segall reported that 14 of the 15 seats board seats are filled and 4 new members joined. He stated that he also volunteered at the store to see their operation and how it works.

Erik Segall - Mr. Segall gave a breakdown of the quarterly report that Jim Stuart had provided. Mr. Stuart reported that profits were down by 50 percent for the first and second quarters. They received a check for \$6,049 for the for the first six months, profits are normally at \$11,000-\$12,000.

Due to Covid protocol the number of shoppers allowed into the Books Again book store has been limited and the books by the bag sales were stopped. The sales will resume October 12<sup>th</sup> with Covid rules in place. A week prior to the event a letter will be sent to Friends of the Library members explaining how the sale will be conducted.

Mr. Segall reported that the Friends' programs and contests have either been cancelled, delayed or they are being done virtually. The number of participants have been down.

**C. Pueblo Library Foundation Report**

Ms. Gairaud reported that there was nothing to report.

**D. Attorney Report**

Bart Miller – Mr. Miller reported that he is reviewing the construction contract for the Rawlings Library. He is also working with Mr. Walker to update the Data Privacy Policy.

**E. Employment Changes**

OVERVIEW: The Board is asked to ratify the August 2020 Employment Changes as presented by the Executive Director.

RECOMMENDED ACTION: That the Library Board ratify the August 2020 Employment Changes as contained in the Board materials.

Jon Walker – Mr. Walker shared that there was one important change to the employment changes, staff member Linda Pacheco retired earlier this last month. She had been employed with the Library for over 20 years and will be sorely missed.

Mr. Hodge made a Motion, seconded by Ms. Bregar to approve the employment changes for August. The employment changes were approved by unanimous consent.

**F. Financial Report**

OVERVIEW: Sherri Baca, Associate Executive Director, will provide a report on the August 2020 bills and fund statements.

RECOMMENDED ACTION: That the Library Board ratify the August 2020 bills and accept the August 2020 Fund Statement as contained in the Board materials.

Sherri Baca – Ms. Baca presented the August 2020 Financial Report. Ms. Baca started with the Combined Balance Sheet and stated that it looked very typical for this time of the year with little changes from the previous report; cash holdings are strong. There are a few timing issues as far as liabilities that is not unusual, fund balances are holding strong, assets and collections look good.

*Revenue and expenditures*

*Revenue*

Ms. Baca reported that 8 months into the year the target percentage collected or spent is 67%. Revenue Collections is at 92% collected year to date, at this time last year the amount collected was at 95%. Ms. Baca stated that a number of the categories are going to trail, this is due to Covid.

*Expenditures*

The Library's year to date target is to be at or under 67% spent at this time of year. Personnel is at 59% spent this time last year we were at 63% spent. Employee training costs are down, largely due to the fact that trainings are now being held virtually. Materials are at 64% spent as compared to last year which was at 62% spent, this slight increase can be attributed to digital expenditures (eBooks, streaming videos etc.). This shows that our library patrons are taking advantage of eResources. Total expenditures for this year are at 57% spent compared to last year the Library was at 61% spent. This is largely due to Covid and its impact on operations. Ms. Baca stated that there were no problems or concerns.

*Capital Fund*

Ms. Baca reported that this is the fund where we book purchases and improvements of assets. Ms. Baca reported on the interest income that was received and various expenses for the month. Ms. Baca stated that a majority of the future expenses will be due to the Rawlings renovation.

Payment history, the listing of checks and expenditures was shown and Ms. Baca stated that if there were any questions to please contact her.

Ms. Baca stated went over the cash needs for the month of August. The Library's payables –approximately \$448,000 and payroll – approximately \$382,000 which totals \$830,000 for the month of August.

Ms. Baca presented the P-Card transaction detail, the report showed P-card transactions by employee.

Stephanie Garcia – Ms. Garcia commented that one of her advocates was working with a homeless student who did not have access to a hotspot, Ms. Garcia reached out to the library for assistance. Jon Walker and Jill Kleven provided a hotspot to the student, without it she would have been turned in to truancy court. Ms. Garcia shared this story to show how the Library's budget can impact the community.

Mr. Mancha made a Motion, seconded by Mr. Quintana to approve to ratify the August 2020 bills and accept the August 2020 Fund Statement. The changes were approved by unanimous consent.

Sherri Baca requested to have Alexandria Romero present the tax collections for August 2020.

#### *Tax Collections*

Alexandria Romero – Ms. Romero presented the tax collections for August 2020. She showed on the screen the 2019/2020 Property and Specific Ownership Tax Comparison.

##### *Property Tax*

In 2019 the Library was at 98.61 % collected and in 2020, 98.28%, slightly lower than last year. The dollar amount to be collected by the end of the year is approximately \$186,000.

##### *Specific Ownership Tax*

In 2019 the Library was at 64.76% collected and in 2020, 63.36% collected. This tax has been coming in slower than it has been. Currently the Library is approximately \$350,000 under budget.

##### *2020 Combined Totals*

The percentage of total collected to budget to date is 95.44%.

Doreen Martinez – Ms. Martinez shared that she did not have any questions but remarked that she liked the way Alexandria is presenting the information, the format is easy to understand.

#### **V. BOARD COMMENT**

None

#### **VI. PUBLIC COMMENT**

None

#### **VII. OLD BUSINESS**

None

#### **VIII. NEW BUSINESS**

##### **A. Announcements**

1. The next regular Work Session of the PCCLD Board of Trustees is scheduled for 2:00 p.m., Tuesday, October 13, 2020, at the Rawlings Library.
2. The next regular meeting of the PCCLD Board of Trustees is scheduled for 5:30 p.m., Thursday, October 22, 2020, at the Rawlings Library.

Doreen Martinez – Ms. Martinez stated that unless there are changes in Covid protocol the Board will conduct the meetings for October in the same manner as they were conducted in September. The Board will convene in the Ryals room and the public in the InfoZone, both meetings will have the ability to attend remotely.

## **B. Action/Discussion Items**

### **1. City of Pueblo Council President Presentation**

OVERVIEW: Pueblo City Council President Dennis Flores will address the PCCLD Board of Trustees concerning the plaza area in front of the Rawlings Library.

RECOMMENDED ACTION: That the Board of Trustees hear the report and any recommendations from City Council President Flores.

Doreen Martinez – Ms. Martinez introduced Pueblo City Council President Dennis Flores and Mediator Fred Galvez. Mr. Galvez is the mediator who is working with the City of Pueblo, the Indigenous Group and the Italian American Group to rectify the disputes concerning the Christopher Columbus statue.

Councilman Flores – Mr. Flores thanked the board for allowing both Mr. Galvez and him to make a presentation. He said that he and Mr. Galvez would be breaking up the conversation into four parts. He asked Mr. Galves to introduce himself and to give a background of the situation and how it has evolved.

Fred Galves – Mr. Galves stated that he is a lawyer, law professor and professional mediator. He is currently residing in California but is from Pueblo. He shared that in this portion of the presentation he will give a brief background about himself and then talk about how he became involved with helping to resolve the issues concerning the Christopher Columbus Statue.

Mr. Galves stated that he is a graduate of Pueblo South High School, Colorado College and Harvard Law School. He clerked for Federal District Court Judge Kane and then work for a large litigation group, Holland and Hart, both were located in Denver, Colorado. While at Holland and Hart he also taught law at Colorado College. After leaving Colorado he continued to teach law at other Universities, many of the classes were litigation courses. He became very familiar with litigation and started to consult for law firms and helped them resolve lawsuits, in turn he became a mediator.

Mr. Galves stated he was familiar with the Columbus day rallies that happened once a year on Columbus Day. This past summer protests became more prevalent in the United States and historical statues were being either torn down or removed and placed in museums. Mr. Galves reported that protests around the Christopher Columbus statue had become more acute and right winged groups became involved to the point where police were brought in to protect the statue as well as the protestors and businesses.

Mr. Galves stated that in mid-July and was apprised of the Christopher Columbus statue situation, and the possibility of it being torn down. Mr. Galves went to City Council and stated that maybe the situation could be mediated. He shared that if both sides met and discussed what the underlying concerns were that there may be a resolution that could satisfy both sides and alleviate some of the tension. He stated that both sides of the dispute were engaged and both sides were reminded that if you left the statue up or tore it down it would not rectify the situation it would only amplify the problem. Both sides worked together to come up with a unique Pueblo solution. Both groups were encouraged to look at how they would tell their full history and how to display that story to the community. It was decided to leave the statue up and have a Native American statue commissioned that would be located across the street from the existing statue. The group also suggested to have a third statue commissioned, possibly of Martin Luther King, to show the racial history of Pueblo. Mr. Galves explained that the Italian American community saw the statue as more of a “coming to America” message not a message of genocide. The Indigenous group had no problem with this and could identify with the immigrant message. They felt that instead of erasing or tearing down history why not give a complete history of each side.

Mr. Galves shared that the Mayor and the President of City Council joined the mediation and were happy with the talks and were ready to move forward. The talks were not shared with other City Council members since they were confidential. Other members of City Council, because they were not aware of the plans that were being discussed, felt the mediation talks had failed and decided to put the issue on the ballot and allow the citizens to decide what to do with the statue. Mr. Galves met with the rest of City Council and gave a progress report and brought them up to date on the current state of the issue. Mr. Galves shared that the location of the statue would be located near/on



library grounds. The City would like to partner with the library to create this vision. The Mayor and City Council feel that this is the best solution for Pueblo.

Councilman Flores – Mr. Flores shared that the first thing he had to do was to explain that in a normal situation he would have never approach this problem in this fashion, there would have been deliberation, discussion and consensus from everyone involved in the process. He stated that he felt that he owed the board an apology by following a different method by, “coming in the back door.” He said that it was an idea that popped up as a result of the Indigenous People making a comment at the last mediation meeting. The Indigenous People never had a problem with Christopher Columbus being put into a museum or being put in the right historical context. It was that statement that planted the seed in rectifying the issue with the Christopher Columbus statue since the statue is located across the street from a museum. Mr. Flores continued by saying he did some research and he found out that the Library had a designation as a museum. He stated that since he did this process backwards he wanted it to be clear that City Council, Fred Galves and the two parties have no power to move this idea forward, that there was a lot of work to be done.

Mr. Flores said that he and Mr. Galves met with prominent Pueblo African American leaders and gave them the presentation. There was some confusion but in the end the leaders along with Mr. Flores and Mr. Galves came to an understanding and they recognized that this was a good idea.

Mr. Flores stated that he wanted to make it clear that he has no power over the Board, that they had their own autonomy. He said that the Library had a decision to make and he hoped they would partner with the City on this idea.

Mr. Flores said that he saw an opportunity and he took it. He shared that his ultimate goal is to bring the community together versus dividing the community. He said that the opportunity created itself in a very strange way he said that the night of the City Council meeting there was an agenda item to put the question of tear the monument down or keep it in place on the ballot. The reason it was time sensitive was that the Friday after the City Council meeting the was the deadline to put items on the November ballot. Mr. Flores stated that he opposed putting this item on the ballot from the beginning because he did not feel it was going to solve the problem. He shared that there was another idea and it was to allow the seven city council members to make the decision. He felt that this decision had the same ramifications as the election and the problem would not have been solved.

Mr. Flores felt that the idea to keep the statue and commission other statues was a better idea. He shared that the Christopher Columbus monument was not paid for or cared for by taxpayers but by the Sons of Italy, an Italian American group. The reason the City is involved is because the monument is located in a median in the middle of a City owned road. There is no additional room on the median to add the Indigenous People or African American People’s statues, those would have to be located on the site of the Library. The City would then give the property, under an agreement, to the Library under what is called a revocable permit. Mr. Flores felt that by adding a statue of Martin Luther King it would help with the potential violence, he thought King would provide a sense of peace around the monuments because of his message. Mr. Flores envisioned a cover that went over Abriendo Avenue from the Columbus monument to the other two monuments along with a kiosk where each group could tell their historically correct story. He stated that as the City develops this ordinance the groups will be allowed to hire professional consultants in order for them to have the ability to create their own vision of what they want their monument to look like and the message it would convey. Mr. Flores shared that both side were agreeable to this idea, a historical outside museum. Mr. Flores reiterated how this idea came from a comment the Indigenous People made, but the Indigenous People envisioned the statue being relocated to the El Pueblo Museum. Mr. Flores stated that the linchpin to his idea is the Library.

Fred Galves - Mr. Galves said that although there is total agreement between the groups on a long term vision, there are two very important points brought up by the Indigenous People and they are:

- The Indigenous People want the monuments in a museum or museum setting so that a full history can be provided about each monument.

- The other point is that while these discussions are taking place the Indigenous People would like to have the monument covered. The Italian American People feel that this is disrespectful and could lead to the monument’s removal. Mr. Galves thought that the temporary fix would be to put up signage that reads, “this is the future site of...” and would explain the outdoor museum concept. There would also be correct historical signage on the

Christopher Columbus statue noting he was an explorer but also have his legacy of cruelty and death in regard to the Indigenous People.

Councilman Flores – Mr. Flores stated the logistics of moving forward with the idea.

- Pass an ordinance that would put a representative from the Library, an Indigenous person, an Italian person and an African American person the Mayor a representative from the City and from the County on a commission.

- Money needs to be raised to commission the monuments and create a canopy.

- A separate ordinance will be created for the money that will be donated by Councilman Flores in order for the commission to hire professionals to assist with the project. The amount would be \$25,000.

- Nothing will go forward unless there is complete agreement amongst all parties.

Mr. Flores reported to date, the city has spent over \$200,000 in overtime for policemen because of the protests.

### **Questions:**

Doreen Martinez – Ms. Martinez opened the floor for questions. She shared that there is still some planning to be done.

Stephanie Garcia – Ms. Garcia's stated that since the Library has not been a part of the conversations, if something fell apart would the Library be locked in? She commented that there are a lot of questions. She listed the following topics of concern; finances, road maintenance, how does the Library engage police as quickly as City Council if there are protestors.

Councilman Flores– Mr. Flores responded by saying that the commission chairman should come from the Library Board. He realizes that the Library would be making the biggest commitment and that there are a lot of questions to be answered. He hopes the commission is successful and that all of the pieces are put together. In response to Ms. Garcia's comment about being locked in, Mr. Flores stated that if the plan is does not look plausible because of something that comes up, or the Library not wanting to take on the risk of something happening to the monuments yes the Library could change their mind. If it is too risky the Library Board would have the ability to stop the whole process.

Stephanie Garcia – Ms. Garcia responded by saying if this is the case then would it be wise to hold off on the transfer of the property until all of the questions have been answered? She stated that if the transfer of property happened on the front end, how does the Library transfer it back?

Councilman Flores – Mr. Flores shared that the transfer of property would be one of the last things to be done, and there would be no reason to bring that issue into all of the responsibilities this commission would have. The most important obligation this commission would have is the design of what the site would look like, the cost, and the discussion about whether the historical context is being driven properly by each side. By developing this commission there will be bumps in the road. He stated that when the Library Board makes this decision they have to be totally on board and committed. He reiterated that as a Board if you feel you can't go down that road anymore you always have the power because this structure would be located on the Library's property and the Library would be responsible for the structure.

Fred Galves – Mr. Galves explained that the revocable permit is largely symbolic of the idea and the idea is not meant to push off responsibility or liability to the Library, the City is just trying to say the monument is no longer on City property and it is part of a museum. He stated that they could work with the City Attorney to make sure that there is a relationship where the Library isn't taking on extra liabilities or that the City is trying to push off liabilities. The City would still be responsible and the Library would be operating as a partner.

Councilman Flores - Mr. Flores shared that he thought the City may be willing to provide such a thing as a Hold Harmless agreement [a Hold Harmless Agreement is a legal agreement that states that one party will not hold another party liable for risk, often physical risk or damage. The Hold Harmless Clause can be one-way (unilateral) or two-way (reciprocal) agreements and can be signed before or after an activity takes place.] where the City could technically take responsibility. He stated that by using a Revocable Permit does not remove the City from the line of fire on a liability claim, because the City is still technically involved with that piece of ground it just deeds it



over to the Library under an agreement so that they can make the museum whole. If they keep it separate, then it is not a part of the museum but still a part of the City.

Phil Mancha – Mr. Mancha asked what the backup position was if the Library says no.

Councilman Flores - Mr. Flores stated that there was no backup position, they would be back to square one. The issue would continue every year, there will be protests. He said that there is no way in his mind that the community would vote to take down the Christopher Columbus monument, he did not know if there were enough votes on City Council to take it down. He shared that the Mayor does have special power, if it becomes really dangerous, if a life is lost, or there are a lot of injuries he could declare an emergency and potentially remove the monument that way. Mr. Flores reiterated that there was no backup position that this was a very fragile idea to begin with.

Fred Galves – Mr. Galves shared that there is no realistic backup position. He stated that he is a mediator and hopelessly optimistic that they could go back to the drawing board but it would be very difficult because the agreement is so tenuous and so balanced on so many issues. He said that if part of keeping it up is saying that it is part of a museum or at least in a museum type context that is very powerful because it says that the City is not keeping up the monument to revere it but putting it in a museum context. Mr. Galves shared that in one of the meetings questions were asked why there wasn't a statue of Hitler in Germany and would you put a statue of Jews next to statue of Hitler and say, ok that solves the problem? What the group then discussed was how to figure out a different way to deal with the many issues they talked about. Mr. Galves stated that it was very difficult for the two groups to get to this position and that is why it is so balanced. This could really help solve the issue for Pueblo and the Library could be part of the solution.

Doreen Martinez – Ms. Martinez dove tailed onto what Mr. Mancha asked in regards to a Plan B and questioned if the idea of housing the monuments in the El Pueblo Museum was still being considered as a solution?

Councilman Flores – Mr. Flores replied by saying that the Italian Community refused to remove the Christopher Columbus bust from its present location, the option of moving it to El Pueblo Museum was never an option.

Doreen Martinez – Ms. Martinez asked Mr. Flores if he was asking the Library to bring the museum to the bust and be inclusive of two other groups, the African American Group and the Indigenous group?

Councilman Flores – Mr. Flores said, Yes. He shared that both sides have agreed that this would be an acceptable decision. He said that the Italian American Group and the Sons of Italy the feel they need to be part of the historical perspective of Columbus they think there is a lot of misinformation about him and that there are a lot of good things that he did. The Indigenous People are for it because it was their idea. He said that both sides have implicitly agreed that this is a solution. He stated that it was his thought to bring in the African American community because he was thinking more of the issue of racism and George Floyd and it would provide a symbol in this area that depicted a person of non-violence and peace.

Fred Galves – Mr. Galves added that both groups felt that by having that third group was very important, it helped bring unity to the solution.

Councilman Flores – Mr. Flores shared that this solution has the potential to bring the community together instead of dividing the community. He asked that the board envision the dedication of this with the Black Community, the Indigenous People and the Italians dedicating this museum it would say something about the community. He stated it could become national news because we took a different approach to a very big problem.

Stephanie Garcia – Ms. Garcia reiterated for her clarification, the ask of the Library right now is just a willingness to listen, because we don't know what we don't know, this project is fluid and moving. The ask is if the Library would join in on the conversation and if it falls apart by any party it falls apart. Ms. Garcia also asked what the timeline was on getting an answer from the Library Board.

Councilman Flores - Mr. Flores stated that in regards to City Council, the way an ordinance like this works is there is a first reading. He hoped to have a first reading on October 3<sup>rd</sup> and then there would be a public hearing on

October the 26<sup>th</sup>, the last Monday of the month. Mr. Galves corrected Mr. Flores by stating that the first reading would take place on October 13<sup>th</sup>. Mr. Flores shared that ironically October the 12<sup>th</sup> is Columbus Day. The City Council meeting was moved to Tuesday, October 13<sup>th</sup>. Mr. Flores shared that October 26<sup>th</sup> would be a Public Hearing. He explained that what the ordinance would be doing is putting the commission together and allocating on another ordinance for the \$25,000 to begin the planning process. Mr. Flores emphasized that he wanted to be clear that if this timeline does not fit the Library Board's timeline and another month is needed to make a decision as to whether or not the Library wants to move forward, the Library is in the driver's seat. He said the dates he presented were his timeline schedule but at this stage the Library Board needs to talk and think about it and embrace the idea or not.

Fred Galves – Mr. Galves reminded the board that the City and the City Attorney would work with the Library and be very open to making sure that the Library would be comfortable, working with the Library's attorneys or counsel to ensure that liability and negative exposure would be limited. He said that it is not the intention of the City to have the Library share in the negative aspect but to share in the positive aspect.

Doreen Martinez – Ms. Martinez commented that it had been twice mentioned that the negative exposure would be taken on by the City and the Library would take on positive exposure. She asked what negative exposure would be anticipated and how would it be managed? The other question Ms. Martinez had was if the mediation process had concluded.

Fred Galves – Mr. Galves answered Ms. Martinez's first question about negative exposure as a slip and fall situation and the person involved would sue the Library. He said that the City could indemnify any kind of loss, that they could work with the attorneys to work it out. In regard to the question about mediation, Mr. Galves said that the agreement is all there, the mediation is over in terms of trying to get the longer term solution, there is a possibility that they may still meet to negotiate what they do in the interim. These discussions in the interim can be negotiated or be part of the ordinance and to say how it is going to be handled. He shared that the City said that although they are engaging in the mediation process, they are not implicitly giving either side a veto pen to say unless you do X, Y and Z at this time, we are going to bring down the whole thing. He said that the City can now say that they have done what the need to do to get each sides input but at a certain point the City needs to move forward and take responsibility.

Councilman Flores – Mr. Flores shared that he thought Mr. Mancha had a question. Mr. Mancha stated that he did not want to offer up his question yet.

Doreen Martinez – Ms. Martinez thanked Mr. Flores and Mr. Galves for being in attendance and sharing their presentation. She shared that October 13<sup>th</sup> is the Board's next Work Session meeting. Ms. Martinez stated that for the sake of brevity for the evening's meeting, the Board would need to table further discussion until the Board has the opportunity to meet. She stated that this will be an agenda item for the October 13<sup>th</sup> Work Session. Ms. Martinez shared that she wanted the Board to hear this topic first hand from Mr. Flores and Mr. Galves, she did not feel she could present this as a third party. She is confident that there will be more questions and stated that she would be happy to have Mr. Walker reach out to them with the questions that need to be answered.

Mr. Galves – Mr. Galves stated for the sake of brevity and clarity, that it might be helpful if the Board could provide a list of questions or concerns in writing.

Councilman Flores – Mr. Flores shared that he did not want his calendar to interfere, if more time is needed that is fine. He emphasized that without the library there is no idea. Mr. Flores felt that logically something needs to be done, first presentation can be the October 26<sup>th</sup>. He said that if more time is needed that can be arranged.

Doreen Martinez – Ms. Martinez stated that once the Board has the chance to speak as a group, they will be able to give more of an answer. She expressed that this is the Board's first time hearing the presentation so she is not going to pressure them. She shared that the very best she can offer at this time is that the Board Work Session is the 13<sup>th</sup> and then they meet again on the 22<sup>nd</sup> that is Board's timeline. She stated that if there are any questions the Library's Executive Director's office will reach out to Mr. Galves and Mr. Flores and the Board will try to get those in place before the Board meets for the sake of efficiency.

**2. Library Board Secretary**

OVERVIEW: The Board of Trustees reviewed a recommendation to appoint Rose Jubert, Executive Assistant, to serve as the Secretary to the PCCLD Board of Trustees.

RECOMMENDED ACTION: That the Board of Trustees take action to appoint Rose Jubert, Executive Assistant, to serve as the Secretary to the PCCLD Board of Trustees.

Mr. Quintana made a Motion, seconded by Mr. Mancha to approve the recommendation to appoint Rose Jubert, Executive Assistant, to serve as the Secretary to the PCCLD Board of Trustees. The recommendation was approved by unanimous consent.

**3. 02.06.04 Sick Leave Policy**

OVERVIEW: The Board of Trustees reviewed at their September 15 work session a recommended update to PCCLD employee policy 02.06.04 Sick Leave Policy in order to align it with the recent Colorado Healthy Workplace Families Act.

RECOMMENDED ACTION: That the Board of Trustees adopt the revised 02.06.04 Sick Leave Policy as included in the Board packet.

Ms. Gairaud made a Motion, seconded by Mr. Mancha to adopt the update to PCCLD employee policy 02.06.04 Sick Leave Policy in order to align it with the recent Colorado Healthy Workplace Families Act. The update was adopted by unanimous consent.

**4. Library Trustee Award for Exemplary Performance**

OVERVIEW: The Board of Trustees reviewed at recent meetings a proposal and resolution in recognition of exemplary employee performance.

RECOMMENDED ACTION: That the Trustees take action to adopt the resolution as contained in the Board packet.

Mr. Quintana made a Motion, seconded by Mr. Hodge to approve the proposal and resolution in recognition of exemplary employee performance. The resolution was adopted by unanimous consent.

**5. Executive Session (estimated time: 20 minutes)**

OVERVIEW: The Board of Trustees will enter into Executive Session pursuant to section 24-6-402(4)(e), C.R.S., for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators relating to the EVRAZ Urban Renewal Project.

There was a Motion made and seconded to move into Executive Session. There was unanimous consent and the Board moved into Executive Session at 7:38pm

**IX. ADJOURNMENT**

Mr. Quintana made a Motion, seconded by Ms. Bregar to return from Executive Session. There was unanimous consent to return.

Ms. Martinez adjourned the meeting at 8:08am.

Respectfully Submitted,

Rose Jubert, Secretary to the Board