

**PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES**

**WORK SESSION MINUTES**

**2:00pm, Tuesday, July 19, 2022**

***This meeting was conducted inside Kelly Room B at the Rawlings Library, 100 E. Abriendo, Pueblo CO. An online session was conducted and an online link for the meeting was made available by contacting Rose Jubert at 719-562-5633 or [rose.jubert@pueblolibrary.org](mailto:rose.jubert@pueblolibrary.org)***

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

Mr. Quintana called the meeting to order at 2:01p.m and roll call was conducted by Ms. Jubert.

Board Members Present: Fredrick Quintana, President  
Doreen Martinez  
Stephanie Garcia  
Lyndell Gairaud  
Marlene Bregar  
Jacquelyn Keith

Board Members Not Present: Dustin Hodge, Vice President

Attorney Present: Bart Miller – Collins, Cole, Flynn, Winn, & Ulmer

Staff & Guests Present: Jon Walker, Executive Director  
Sherri Baca, Associate Executive Director  
Terri Daly, Director of Human Resources  
Amy Nelson, Director of Rawlings Library  
Missy Mantelli, Accountant  
Eric Tiffany, IT  
Rose Jubert, Secretary to the Board of Trustees

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

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

There were no corrections or modifications to the agenda.

**III. DISCUSSION ITEMS**

**1. Library Board of Trustee Terms**

OVERVIEW: The terms of Library Trustees were reviewed and included notice of upcoming term expirations.

A copy of the Library Board of Trustee terms was provided in the Board Packet. Two Trustees' terms are set to expire on December 31, 2022, they are Lyndell Gairaud and Marlene Bregar. Ms. Gairaud will be leaving the Board and Ms. Bregar's undecided about reapplying. The Board president will send a letter to both appointing boards, City Council and the Board of County Commissioners informing them of Ms. Gairaud's decision and that Ms. Bregar was still deciding. It's stated in the bylaws that this letter must go out in July.

**2. Executive Director Hiring**

OVERVIEW: An update report was provided.

The hiring process was going along smoothly and on schedule. The position's been posted and there has been interest. Applications continue to be received and it's anticipated that more would be received in the coming month. The hiring firm was confident that there would be approximately 20-30 qualified applicants for the position before it closes. Applications would be accepted through August 7<sup>th</sup>. The next "red letter day" for

the Board members would be August 22<sup>nd</sup>, the final pool of candidates would be presented at this meeting and 6-9 semifinalists would be selected. Based on the posting there had been individuals directly reaching out to Mr. Walker, those individuals were referred back to Bradbury Miller. Questions about the history and operations of the library were addressed by Mr. Walker.

Ms. Garcia voiced that she thought that the entire board would be included in the interviews not just the search committee. Mr. Quintana asked if the Board wanted all Trustees included in the final interviews and the semifinal interviews or just the final interviews. Ms. Garcia recommended that the entire Board be involved in the entire process. Mr. Quintana shared that he would contact Karen with Bradbury Miller to discuss how to effectively include all of the Board members in that process. Mr. Quintana was aware that the entire Board was included in the final interviews but he would find out how everyone could be included in the semi-final interviews.

### **3. Pueblo Library Foundation Board of Directors**

OVERVIEW: A report and recommendation for reappointment was provided regarding the current three-year term for Library Foundation Director Iris Clark ending effective July 31, 2022, and the Board of Directors nomination for her to serve a second three-year term.

Ms. Gairaud shared that Ms. Clark has been an active and welcomed member to the Foundation Board and she was eager to serve another three-year term. Ms. Gairaud recommended that the Board accept Ms. Clark's nomination to serve a second term.

This item was added to the Board's regular agenda for approval.

### **4. Pueblo Urban Renewal Update**

OVERVIEW: An update report on upcoming Tax Increment Financing projects was provided.

Ms. Bregar reported that Urban Renewal and NeighborWorks had partnered with Mitchell Park South and the East Side projects on their residential fill in projects. They would start work on the vacant lots and work on sidewalks and the removal of hazardous material. NeighborWorks has an interesting finance model called The Shared Equity Model to get people into homes in those areas as they are built.

It was noted that the Pueblo Regional Planning Rules and Regulations were out of date, some had not been updated since 1940. City Council has directed the planning commission to review and update these regulations.

There were two things Ms. Bregar wanted the Trustees to be aware of, one of them was the Blocks on the Bluff Project. This project is located just off of 4<sup>th</sup> Street by Tea Palace II and runs along the river towards the Rawlings Library. The Water Conservancy District deeded the land over for the project. The project is about ready to go to the taxing entities who may be asked to fast track the process. It is not affordable housing; it is meant for people who have well-paying jobs who may be working virtually.

Pikes Peak West is the NeighborWorks west side project. The project consists of 600 affordable homes and apartments which will attract families. An impact study is being completed. The Library at the Y is anticipated to be affected by the large increase in housing from this project. This is a 25 year TIF project that would allow time to plan for possibly a store front library to replace the Library at the Y. There would be allocated commercial space that would allow for the possibilities of a new library. There are written standards for libraries that are used when TIF areas are being developed that can be provided to Urban Renewal.

The Colorado Smelter Project would be broken up into three phases; Eiler's, Bessemer and the Grove. The project would focus on infrastructure and clean up and little to no increase in population. This project should not impact the library district. The project was delayed due to hazardous waste that was found in the area.

There are Sunnyside lots that were being turned back to Urban Renewal, little was known on this project. An update would be provided once more information was received.

## **5. Colorado Family and Medical Leave Insurance (FAMLI)**

OVERVIEW: A report was presented on this recent law in Colorado as it pertains to PCCLD.

Terri Daly presented a detailed report on FAMLI that was published in the Board Packet for the Trustees to review.

Colorado's Family and Medical Leave Insurance Program (FAMLI) ensures that all Colorado workers have access to paid leave during certain life circumstances. It will be administered by the Division of Family and Medical Leave insurance. Contributions to the program will start January 1, 2023 and benefits will become available on January 1, 2024. Employees become eligible to take paid leave after they have earned at least \$2,500 in wages within the state within the last 4 calendar quarters.

FAMLI leave can be used to manage an employee's own or a family member's serious health condition, to care for a new child, to make arrangements for military deployment or to address immediate safety needs with impact of domestic violence or sexual assault. It works concurrently with FMLA and mirrors some of the FMLA guidelines.

FAMLI offers other protections for both employees and employers. For employers include: a 30-day advance notice if need for leave is foreseeable, the appeals system includes both administrative and judicial review, penalties for fraud are outlined in the ballot language and oversight is provided through an annual report to the Colorado Legislature. The employee's additional protection includes; mandated job protection if the employee has worked for 180 days for the same employer, clear prohibition against retaliation, rights to civil action, and mandated posted education about the program and benefits.

Additional benefits to employers includes; it is easy to administer, it provides a benefit employees want so it makes the employer to better compete for talent, it is cost effective and it provides happier, healthier employees.

FAMLI would be funded by premiums. If an organization has 10+ employees, then it can be funded by an employer premium or an employee premium or a combination of both. The initial .9% FAMLI premium rate is fixed through 2024. For 2025 and beyond, the director of FAMLI Division sets the premium rate according to formula based on the monetary value of the fund year. The premium rate is statutorily capped at 1.2%.

During their leave, employees will receive between 37% and 90% of their wages depending on their weekly wage. Benefits are capped at \$1,100 per week.

FAMLI mirrors the guidelines of FMLA. The benefits are designed to run concurrently with FMLA. Employees are not required to use paid time off before taking leave under FAMLI, but employers may allow employees to use their accrued PTO to cover the remaining balance to their weekly wage. Benefits under FAMLI are individually portable and are determined by length of time employed in Colorado, not by length of time with the same employer.

Employers and employees are both responsible for funding the program and may split the cost 50/50. Premiums are set to .9% of the employee's wage with .45% paid by the employer and .45% paid by the employee. Employers can pay the full amount as an added employee perk. If Local Government employers opt in, then all employees must participate. While an employee is on leave, employers are not responsible for paying wages at that time.

Local government's options to participate include the following.

If you participate in FAMLI, you pay the employer share of the premium, .45% of wages if you have 10+ employees and 0% of wages if you have fewer than 10 employees. You remit employees' share of the premium and submit wage data to the FAMLI Division once a quarter.

If you decline all participation in FAMLI, your local government must vote not to participate. You have to revisit

the decision to opt out every 8 years. You could be at a disadvantage when competing for talent with employers who do offer FAMLI.

If you decline the employer participation in FAMLI, you still have the option to assist employees who want to individually participate in FAMLI. Local government would facilitate voluntary payroll deductions, remit the employee share of the premium, and submit wage data once a quarter.

Local governments that choose to fully participate in FAMLI after previously voting to decline participation, as well as individuals who self-elect coverage, must remain in the program to pay premiums for a minimum of three years.

The approximate cost to PCCLD for the first year would be \$23,814.93.

The FAMLI timeline was reviewed. July 2022, the public education campaign started, January 1, 2023 is the deadline for local governments to notify FAMLI of a decision to opt out. Employer can begin remitting FAMLI premium payments, April 2023 the first quarterly premium payments are due, January 1, 2024 covered workers can begin submitting requests for FAMLI leave.

The next steps as an organization for PCCLD would be to conduct employee education sessions, administer an employee survey to determine how many employees would like to participate and then analyze this feedback. Once that step has been computed, the Board of Trustees would be given the employee feedback and the organizations recommendations in either August or September. The Board would be asked to vote to adopt the proposal.

It was explained that if a business decided to opt out they could opt in at any time. A business is required to visit their decision every 8 years. If a business or employee decided to participate then the business would be committed to participate for 3 years. The State would certify the leave and the amount of time that could be used. The process was compared to the State's Workman's Compensation process. If an employee decided to leave their place of employment and work for a business that did not participate in the program, the employee would still have access to the funds they contributed. It was uncertain if the employer paid funds would follow the employee as well.

It was noted that the impact on the institution's financials would be approximately \$24,000 and would not be overly consequential compared to the overall salary budget of approximately \$6 million.

Mr. Miller shared that a majority of his clients had opted not to participate, he thought that they did not research it as well as PCCLD had. He felt that it was a policy decision for the Trustees to make. He felt that he could easily see the library district going into the program since it does employ a number of people and it does offer an option to deal with situations where employees need time off. This would provide an additional paid option and the financial effect on the library district would not be huge. He shared that there was an option where the employer could opt to pay the entire .9% premium and all employees would be included.

## **6. A Resolution Authorizing Dissolution of the Nonprofit Shell Corporation Named Pueblo City-County Library District**

OVERVIEW: A report and recommendation was provided regarding the proposed dissolution of the non-functioning nonprofit corporation known as Pueblo City-County Library District.

The Trustees were reminded that PCCLD was a local government that existed under laws of the state of Colorado. Mr. Walker shared that it was decided that the nonprofit corporations known as Pueblo City-County Library was redundant, it was unnecessary and costs time and money to file tax forms, form 990. It is a shell corporation that is non-functioning.

Mr. Miller had done the legal research along with another attorney who specializes in tax issues in order to protect the library district's 501C3 status which does have some benefits in regard to donations that are occasionally received. The dissolution of the nonprofit corporation would not affect this. He personally recommended that it be dissolved.

Mr. Miller shared that the nonprofit corporation was something that was created in 2011 to ensure that the library district's name, Pueblo City-County Library District, was protected. The nonprofit status was not needed to protect the name because the name was registered as a trademark and being a government entity, the name does not need to be protected. PCCLD is already a nonprofit corporation along with the Friends of the Library. The tax attorney is also looking into not having PCCLD fill out a tax form 990 any longer since it is not needed for a library district.

It was recommended by the staff for the Board to adopt the resolution to dissolve the non-functioning nonprofit corporation known as Pueblo City-County Library District.

This item was added to the regular Board meeting agenda for action.

## **7. Barkman and Lucero Libraries' Renovation and Expansion Project**

OVERVIEW: An update report was provided.

It was announced that the contract had been completed with HBM Architects for them to be the architectural design team for both projects.

Some of the different attributes of both libraries were reviewed in a meeting with Mr. Walker, Ms. Baca, HBM, and the two managers for the branches. In 2019 preliminary design work had been done and was used as a starting point for the discussion.

Barkman updates included a larger community meeting room, reorientation of the entrance and relocation of the children's area. Lucero's updates were similar to include a minor expansion to the building reorientation of some of the service points.

Three design charrettes were scheduled, one at each of the branches and one at Rawlings for board members. Stakeholders would have the opportunity to provide input to HBM regarding the designs. Interviews for the construction manager were scheduled for Wednesday, July 20<sup>th</sup> at 2pm. Designs would continue for the remainder of 2022 with construction on one of the projects scheduled to commence in early 2023.

The decision on what project would commence first had not been decided. There are great opportunities at both locations but there are also limiting pieces. One issue would be the storm water sewer at Barkman and Lucero has limited parking space available. Neither project would start until the Rawlings Renovation was completed, which is scheduled for the end of 2022.

## **IV. ADJOURNMENT**

Prior to adjournment Mr. Quintana extended an invitation to the Trustees to attend the Career Online High School Graduation scheduled to take place on Saturday, September 24<sup>th</sup> at 10:30am at Pueblo West Library.

The next regular meeting of the Pueblo City-County Library District Board of Trustees is scheduled to take place beginning at 5:30pm, Thursday, July 28, 2022, at the Lucero Library, 1315 E. 7<sup>th</sup> Street, Pueblo CO. An online session will be conducted. The online link for the meeting is available by contacting Rose Jubert at 719-562-5633 or [rose.jubert@pueblolibrary.org](mailto:rose.jubert@pueblolibrary.org)

The meeting was adjourned at 3:39pm.

Respectfully submitted by,

Rose Jubert  
Secretary to the Board of Trustees