

**PUEBLO CITY-COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES
WORK SESSION MINUTES
2:00pm, Tuesday, May 17, 2022**

This meeting was conducted inside the Executive Conference Room 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

I. CALL TO ORDER AND ROLL CALL

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

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

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
Nick Potter, Director of Community Relations and Development
Amy Nelson, Director of Rawlings Library
Robert Childress, Director of IT
Kayci Barnett, Manager – Giodone 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.

It was requested that *Item 5. Audit Committee for the 2021 Audit* be added to the discussion items. The Board approved the addition.

III. DISCUSSION ITEMS

1. Executive Director Hiring

OVERVIEW: There was a report on the PCCLD Executive Director hiring process.

The Board approved to enter into an agreement with the recruiting firm of Bradbury Miller and Associates. There were minor modifications to the contract and Karen Miller was named as the main contact person for the firm. The Search Committee is scheduled to meet with Ms. Miller for a kick off meeting on June 1st at 9:30am. Members of the Search Committee include, Fredrick Quintana, Marlene Bregar and Doreen Martinez. The meeting on June 1st is open to the public, all Trustees will be provided a link to join if they choose to do so. The meeting will be to talk about the outline and set up the calendar for the Executive Director search.

2. Laptop Procurement

OVERVIEW: A report and recommendation for laptop procurement will be presented.

The PCCLD Chromebook/Laptop RFP process was presented. It was recommended to update Chromebooks and laptops for the library district.

\$110,000 is allocated to procure 82 Chromebooks and 12 laptops. The money is made up of \$72,000 from the IT capital budget and \$38,000 in state funding. A breakdown of what libraries would receive the 82 Chromebooks and 12 laptops was given. The libraries receiving the Chromebooks included Giodone, Greenhorn Valley, Lucero, and Rawlings. Laptops would be distributed to Pueblo West, Lucero and Rawlings.

An RFP was posted on April 22, 2022 and responses were due on May 12, 2022, PCCLD received fourteen responses. The RFP had specific specifications for both the Chromebooks and laptops, a high level summation was given.

A rundown of the fourteen RFP's was given to include warranty specs match, tech specs match for both the Chromebooks and the laptops, and the total cost. Dell provided the winning response with a total cost of \$79,355.04. Budgeted for the project was \$110,000 so their total came in under budget at \$30,644.96.

It was asked if there were any local/Colorado vendors that responded to the RFP. It was explained that Dell has presence in the state. PCCLD does try to support local business when they can but larger vendors are able to offer products at a reduced cost due to the volume of work they do.

It was the staff's recommendation that the Board consider adding a not to exceed award amount of \$79,355.04 to Dell Technologies. This item was added to the next agenda.

3. Architectural Design

OVERVIEW: An update report was presented on selection of architectural professional services for the Barkman and Lucero Libraries expansion and renovation projects.

An update was presented on the status of hiring an architectural firm for the Barkman and Lucero renovation projects. The schedule that was presented was on target. An evaluation committee comprised of Jon Walker, Sherri Baca, a Trustee, branch managers for both Lucero Library and Barkman Library and two Foundation Board members was used in the selection of the architectural firm. Proposals were requested on March 8th and due on April 19, 2022. The evaluation period was underway and goes through May 26th. It's hoped that selection of a firm will be completed/approved on May 27th and a contract negotiated on June 1, 2022.

There were seven proposals received. Evaluation criteria was reviewed to include qualifications, scope of work and compensation. Each of the bullet points was given a score with 100 points possible per vendor. Second stage evaluation/interviews with the top three scoring firms was scheduled for May 24, 2022 and the committee would select a front runner to present to the Trustees for approval at their May 27th board meeting.

Pending the interviews on May 24th the Board may need to take action on this at their May 27th meeting.

4. SB21-088, the 2021 Child Sexual Abuse Accountability Act

OVERVIEW: A report on this new state law was provided.

This Colorado legislation passed in 2021, SB21-088, affects public libraries and has implications for public library policies. In summary:

The act creates a statutory cause of action for a victim of sexual misconduct that occurred when the victim was a minor. The victim may bring a civil claim against the actor who committed the sexual misconduct and against an organization that operates or manages a youth-related activity or program (youth program) if the organization knew or should have known of a risk of sexual misconduct against minors and the sexual misconduct occurred while the victim was participating in a youth program managed by the organization. The act waives sovereign immunity for the claim so a victim may bring a claim against a public employee or public entity that operates a youth program, including an educational entity operating an educational program or a district preschool program.

The cause of action is available to a victim of sexual misconduct that occurred on or after January 1, 1960. A person who was the victim of sexual misconduct that occurred between January 1, 1960, and January 1, 2022,

must commence an action before January 1, 2025. There is no limitation on the time to bring a claim for sexual misconduct that occurs on or after January 1, 2022. A person may not, prior to an incident of sexual misconduct, waive the right to bring a civil action; any purported pre-incident waiver is void as against public policy.

An overview of the effect of the bill was given by the PCCLD attorney and steps that the library district would be taking were presented.

The analysis of how this bill applies to the library is very straight forward. If a minor is sexually abused they have the right to bring a cause of action essentially forever, there is no limitation on the time to bring a claim for sexual misconduct that occurs on or after January 1, 2022. They can sue public employees and public entities, with no statute of limitations. The law is very far reaching; it covers anything that would happen in a library facility regardless if a library employee is involved. It was suggested that a law like this would require a heightened level of staff training to try and avoid these types of cases. There is no governmental immunity with this law and there are no waivers of liability.

Along with seeking legal advice PCCLD is also reviewing their insurance coverages and are in consultation with their insurers. They are also working with other like institutions to include other local governments. Staff is being informed and the bill is being reviewed with them at scheduled meetings. HR has been in contact with the Employers Council and has heard from other HR directors regarding this bill. New employees (regular and volunteers) will be on boarded and trained with regard to this topic and there will be annual refresher training.

This training would be taught alongside sexual harassment training. Staff will be required to sign off on this training and this information will be kept on file. PCCLD is waiting on possible policy template language from the State Library with regard to this topic that could be incorporated into the PCCLD policies. PCCLD HR has already been checking the child abuse registry and doing background tests during the hiring process. A memo was sent to the public service managers to start the dialog to ensure that PCCLD staff and volunteers have an idea that this would be an organization wide effort.

Independent contractors and programmers will not be left alone with minors to conduct their programming; a staff member will always need to be in attendance. All staff and volunteers will be advised to never be with a minor alone one on one. A minor is a person 0-18 years of age. Staffing will be reviewed so that no staff member or volunteer is ever left alone in their department, especially the Youth Services Department. PCCLD will also be working with the Child Advocacy Center to train staff.

It was suggested by a Trustee that HR also check the CAPs/Colorado Adult Protective registry when hiring new staff members and bringing on new volunteers. It was asked if a non-staff person were to abuse a minor in the library would the library be liable. If a person chose to bring about a civil or criminal lawsuit it could affect the library.

Another aspect to this would be if the library knowingly employed a staff person or had a volunteer with a past record of child sexual abuse would the library be liable if anything happened to a child. The law would want to make sure that businesses aren't harboring individuals who would want to do harm to minors.

The caps (\$387,000/individual and approximately \$1 million/entity) on damages in the governmental immunity law do apply to the library district as well as employees who would possibly be involved. The insurance company will look at this.

The mandatory reporting law is separate from this. Directors and officer's (Public Officials) insurance will also be reviewed to make sure that the limits are in line.

5. Audit Committee for 2021 Audit

OVERVIEW: A replacement person was discussed to fill the position left by Trustee Dr. Philip Mancha

This is the time of year that the auditor, CLA-Clifton Larson Allen, and the audit committee meet to discuss the annual audit. It was asked if there was a Trustee who would be interested in filling the seat left by Dr. Mancha. Trustee Jacquelyn Keith offered to fill the seat. Trustees Fredrick Quintana and Marlene Bregar both agreed to stay on the committee. The committee will meet with the auditor on June 14, 2022 at 1pm.

IV. ADJOURNMENT

Dustin Hodge, Vice President of the Board adjourned the meeting at 3:03pm.

The next regular meeting of the Pueblo City-County Library District Board of Trustees is scheduled to take place beginning at 5:30pm, Thursday, May 26, 2022, at the Barkman Library, 1300 Jerry Murphy Road, 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

Respectfully submitted by,

Rose Jubert
Secretary to the Board of Trustees