

FORT LUPTON PUBLIC AND SCHOOL LIBRARY
LIBRARY BOARD MINUTES
Thursday, July 15, 2021

I. Call to Order Ms. Inge Called the meeting to order at 6:30 pm.

II. Roll Call Ms. Kopfman called roll.

Present at the meeting were Lia Inge, Teri Kopfman, Gerri Holton, and Chantel Hays. Sharon Day and Sharon Ceretto were remotely present.

Also present were FLP&S Library Interim Library Director Thomas Samblanet, Attorney John Chmil, and Administrative Assistant Mary Edens taking notes.

III. Approval of Agenda Teri Kopfman made a motion to approve the agenda. Sharon Ceretto seconded the motion. The motion passed unanimously.

IV. Approval of Minutes Chantel Hays made a motion to approve the June 17, 2021 minutes. Sharon Day seconded the motion. The motion passed unanimously.

V. Public Comments Two members from the community were present. They did not want to sign in to speak.

VI. Reports -

i. City Report--No one was present from the City hence there was no City report.

ii. Weld Re-8 Report--No one was present hence there was no School District report.

iii. Director's Report (written) Lia Inge mentioned that everyone had received Sarah's report with the packet. Thomas Samblanet added to the written director's report stating that the new adult and teen librarian, Julia Dandio, started Monday and she will meet board at the August meeting. Thomas continued that Julia has started working on programing and creating a teen advisory board for the start of the school year to help guide teen programing. Thomas said that he has been in communication with AIMS to provide ESL courses at the library again on Saturdays starting August 28th until December. Thomas also shared that he is serving as the Interim Director therefore will be continuing with Sarah Frank's last orders until the Director is officially hired.

iv. Committee Reports

1. Sunshine Fund (Ms. Holton) Gerri Holton said that there is \$1.00 left. Gerri asked if someone would sign off on it and Teri volunteered to make the appropriate notation.

VII. New Business

i. Director Search- Lia Inge gave the report saying that the interviews for the Director are happening at City hall today between 1:00 pm and 5:30 pm. Lia continued to report that there are three finalists selected from the applicants and they will be interviewed by a panel consisting of City Administrator Chris Cross, Weld Re-8 Superintendent Alan Kaylor, HPLD Executive Director Matt Hortt, and FLP&S Library Board president Lia Inge. HR prepared the questions and the panel added other questions that were included.

Lia continued to say that a survey of current library staff was taken to see what the staff would like in the new director. Chris Cross is going to review the survey and compare with the candidates as he wants to have the information compiled for a meeting on Monday or Tuesday so that a decision can be made next week. Gerri Holton commented that according to the bylaws and policies, the board makes a recommendation to the City and the School District on hiring the director and asked how that process is being carried out. Lia said that she understood that our bylaws and policies have not be ratified by the City and School District the way they are supposed to be. Lia continued that the board members had the opportunity to share their questions, comments, and suggestions with her as a representative on the interview panel and she added that she felt good about the panel taking all the library board's input with no restrictions. Gerri said that she is a City representative, and she will probably reach out to her city council person about this. Lia said that all library board members are also community members, and everyone has a council person that they could contact if they wished to do so. Gerri stated that this first time in history done this way. Lia said that she understood what Gerri was saying but she felt that we (the library board) were represented fairly but if individuals disapprove of the process they would need to contact their City council person.

VIII. Continuing Business

i. John Chmil - Thomas began the discussion saying that he had asked John Chmil to attend the meeting to discuss certain bylaws and personnel policies. John Chmil began his discussion with the board and said that Sarah had reached out to him previously because the library board was going over policies and bylaws that she would take to the City council. John continued that there was some level of discrepancy between what Sarah and the City Manager would recommend as opposed to the board's proposals. The City is aware that there are other possibilities from what has been recommended. John said that there was not necessarily a conflict, but questions were raised about the supervisory component of the director. The IGA makes clear that the library employees are City

employees and are subject to the City's evaluation and supervision of the City's HR policies. John continued that the City attorney, Andy Asmus, reached out to him concerning a particular policy and the library board's role. John added that the City doesn't want to approve anyone else in the supervisory role of their employee and they are reluctant to approve anything that conflicts with their policies. John stated that he had not received comments or revisions from Andy Asmus. Thomas Samblanet said that the bylaws and policies have not been voted on yet, but the City Council will be voting on them this coming Tuesday. Gerri Holton shared that the bylaws and policies need to be approved by School District as well and John Chmil agreed stating that ratification of Bylaws and Policies would require both entities approval. Chantel Hays asked what would happen if there is a conflict with state library law.

Gerri Holton said that the board was given a diagram of appropriate member library communication that was made specifically for HPLD member libraries and on that diagram the director communicates with the library board and staff but not the governing authorities. Gerri commented that the governing authorities may have ability to create bylaws and policies but they don't know the specifics about the library such as our Strategic plan so their evaluation of bylaws and policies may be not effective or sensible. Teri Kopfman asked how other libraries function and if they own their building and do the hiring and supervision. Gerri Holton wanted to find out if a member of the library board could visit with City council about what is going on. Gerri Holton said that what the library board was doing had been working and asked about the reason for these changes because there had been no reasonable explanation or communication from City and the City has been missing key communications.

Lia Inge asked John Chmil if it is state law or standard to ratify bylaws and policies by governing entities. John Chmil said that this is where things get tricky and unique for Fort Lupton regarding library law. John Chmil continued to explain that primarily the specificity in the library law deals with independent governing entities such as HPLD that is its own local government entity, that stands alone, and has its own taxing authority. He said there's no board above the HPLD as they have created its own entity. Lia Inge asked if Library Law is more for the HPLD level. John Chmil agreed and said there are a couple of ways libraries can be created. John Chmil continued to explain that Fort Lupton is extremely unique in that it is a joint library with both City and School so is not a School Library or a Public Library, it was created by a contract of two governing entities. He said this is where the law gets gray in what the expectations are because it leaves it up to the governing entities to agree by contract how the library is going to function. Therefore, you'll hear a lot of reference going back to the IGA and how the City and School District set up the expectations. Initially the School District had more of the over-arching authority of how the library was going to function top down. He continued that it was switched in 2013 in the contract where the City became the fiscal agent and the City being the employer for all the library employees. That's where the base line set up rules of how the library is intended to function are created.

John Chmil explained that this is very different than other situations where something like Weld County or HPLD typically start the process when it's going to become its own legal entity and then they take it to a vote to create and organize a new governmental unit and typically also to approve a tax that goes along with the funding mechanism. Once that happens, the County or City doesn't have any role anymore. The issue of independent action or expectations of who does what is not spelled out for a joint library. That's really where the issue arises regarding library law in what the expectations are. The law says that an entity can be created essentially by agreement of two government entities to create an authority. Typically, there is the same idea to have a board who makes day to day decisions, but the financing component or major vision component is brought in by the member governing entity. The issue is that in library law there is not a section about what a joint library's role is supposed to be. The only section about a joint library is the creation that references creating the contract and within 90 days to have IGA with governing entities. That's why we as a joint library has always been a "moving target" with hiring process where there's some level of discussions about how the governing entities feel it's appropriate for the library to run and the library board's expectations. It's very difficult the way FLP&S Library was established for the library board to exert its authority to change the position of the City. The FLP&S Library doesn't have a situation where we can point to a specific statute. The entities can state that we created the joint library through an IGA and the IGA says all library employees are City employees, so we feel we need to play the significant role of hiring. At that point it's about communication as much as possible and getting on the same page. As far as forcing the City to do anything, it's a very difficult position to be in. They primarily have a say in how the library operates.

John Chmil explained that the process of the member library concept began when Weld County started the WCLD and included any municipality that had a municipal library at that time. These municipalities could opt in and become a HPLD member library which in Library Law is

described as how one creates a library district. John said that he understood that resolutions that reflect who opted in were simply municipal libraries and were part of their City government. The libraries interact with their City and they are treated in their City just like the Parks and Recreation department and not their own entity. John explained that Fort Lupton is unique with how it was created and how it functions so there is not a good comparison. The detailed components of the Library Law are not clear in FLP&S Library context. FLP&S Library was created by contract so the governing entities will dictate operational components and it depends on the City or the School Board which, John emphasized, goes back to the communications component. John continued that it's a fact that we are dealing with two elected bodies that can change how they feel the library should operate or how they should engage in the community. Inherently it has to be a dialog with all entities. The library board may dig their heels in and say this is how we're going to operate, and the City and School Board may say they don't agree with that. The City that is acting as the fiscal agent requires how the budgets are proposed and broken down.

Lia Inge asked if anything in Library Law says we have to ratify bylaws or policy? John Chmil said he'd have to look through the statutes for all authorities on what they are to do but he didn't think so. John Chmil also said he thinks that it is section 108 that states the statute for the authority for a library board of trustees. John continued that there's a statute or many statutes about what you're supposed to do such as hiring and adopting bylaws and policies. The question really becomes because the library law doesn't have specificity on joint library functionality, the question legally becomes how much can be dictated by the agreement that creates the joint library. John stated that with other experiences with similar entities the organizing entities can do whatever they want.

Lia Inge said that she had heard that the library board is appointed and not elected so it does not have governing or hiring powers. Gerri Holton said that the board should have input and be able to advise on hiring the director as in past and not be excluded as to what is happening. Gerri continued that when the School District was the fiduciary agent, they did not have any involvement in library operations at all, they didn't dictate operations, and the superintendent was a part of the board so there was great communication. Gerri stated that there has been no one from the City at this library board's meetings for months, she asked why changes are being made if the board wants to stay same, and she asked how does this happen. John Chmil said that the City must be consistent with IGA which clearly states that library employees are City employees and so are evaluated and supervised by the City. John stated that the City doesn't want to have a library board policy that would contradict the IGA or City policies. Gerri Holton stated that she thinks that the IGA is contradictory, she questioned how we can get more participation from the City and School District with the library and the library board when both entities have the opportunity to be at the meetings to listen and contribute but they don't attend.

Sharon Ceretto agreed with Gerri and shared her thoughts. Sharon said that she was on the committee when it was decided to combine the City and the School District Libraries with a focus on quality library access to the entire community. She continued that the City didn't have a hand in it because they didn't want to be responsible or have anything to do with it. Sharon stated that the library board was attacked by High Plains Library District and had to take legal action to remain in the district and to have some autonomy of our own in Fort Lupton primarily because we are a unique situation. She shared that this is not what happens in all cities, it happened in our city primarily because of need, and that need still exists today. Sharon said that all of the sudden everything that we've been doing for years and years primarily with the cooperation of all people involved is now changed to the library being told that you're going to have to do and told what applies and doesn't apply. Sharon then asked when, how, and why were these decisions made and who was involved in making the decisions. Sharon stressed that the library board meetings need representation from the City, there has not been anyone from the City for months, and if not the mayor it certainly could be someone else from City. Sharon continued to say that we need input from the city, we are not having communication with the city, we have no dialog, we are told what it is going to be. She continued to say that whether board members are elected or not, members are placed in those roles to represent not just two entities but the community as a whole. She stated that we must work collectively and that doesn't happen when people are dictating. Sharon realizes that people are new to the community and go off on what that they think is current, but if they knew our history from day one it would help to figure out why and how we are a unique library. Sharon said that Fort Lupton Library has a wonderful reputation all around Weld county. She asked if there are no written laws why the changes happened and have not been explained by the School District or the City.

Gerri Holton said to solve this issue we could have a committee to review policy and bylaws and asked if it would be helpful to have someone from council and school board on the committee. Gerri thought that we could get input from the beginning of committee meetings with a goal to be available to work with each other, to work closely together, and increase communication that would

work well for all three parties involved. Lia Inge said we could extend an invitation to just look at certain sections.

Gerri Holton asked John Chmil if the library board should be listed as the default on the land contract. John Chmil said certainly we could have that, but he stated that the library is not a legal entity and can't hold title, but the fiduciary agent is the City but it is clear that the new library was purchased with library funds dispersed from the library. John Chmil continued that it really would come down to the City and the School District on who can take title, one or both. John stated that if there was never any question the fact is that the library was built with library funds. John said that if the City and the School District decided they don't want a library in Fort Lupton, at that point they can end the library and then you'd have the situation they would deal with High Plains. That is an extreme example to say that Fort Lupton will not have library, the community would probably react negatively. The library maintains the funds to operate, there is no budget drain on City or School District. The reality is at some point facilities will fulfill its useful life and likely a sale asset of the building would go into financing a new parcel and building. The funds that are mil levy money would be placed in library accounts intended for library purposes. Legally it would be fine as far as you can sell it and just roll assets into accounts to fund a new library to build a new facility. Ultimately after 40-50 years a new library might be needed so John feels it is not practical sense and it is very unlikely therefore a non-issue.

Gerri Holton mentioned that she would like it to be very clearly stated and that the board hasn't seen the title. John answered that they are simple documents and both entities are stated to be the owners of the property. There is no context for ownership because the title shows the ownership and right now the City and School own it. There could be an agreement like a MOU or some type of documentation that states that it is understood that the city and school district took title, but library funds were used to purchase the parcel and building. Gerri asked if he would recommend doing that and John said he didn't think it was necessary and he was not sure how City and school would react to it because it has already occurred. John added that we could have a one page understanding to recite how the transaction occurred. Lia asked for a motion that our attorney create a document that the land and the building was purchased with library funds and if in the future if there is a sale of that property the funds would be returned to the library not the City or the School District. **Chantel Hays made a motion to have a document created stating that the library was purchased with library funds and if there is a sale of the property the funds would be returned to the library. Gerri seconded that motion. The vote was unanimous to pass the motion.**

- John Chmil had completed his advisory period to the board and left the meeting at 7:30 pm.
- ii. Updated on email to Mayor – Lia reached out to the Mayor on June 22 by sending an email to her City email. Lia read the email expressing that the library board was concerned that there has been no city representative at the library board meetings. Lia Inge welcomed any person to represent the board at the city meeting and when the next meeting would be. Lia received no reply from the board. Evelyn Harlan, a member from the public, addressed the board and said on July 7 she applied for the open city position, but the mayor replied that she was too busy with library business. Lia asked the board if they thought that someone should go to a council meeting or workshop.
 - iii. High School Library remodel funds – Thomas Samblanet said that Leann is beginning the process for moving funds for the remodel and Lia Inge confirmed that is for \$1.5 million that was approved last month.
 - iv. Land Update – Thomas Samblanet said the purchase of the land is proceeding as planned. The owner's rep reviewed the soil report sent by the developers and determined that we are ready to continue the planning of the building. Thomas continued that we would do a soil report specifically where the building will be existing on the land once the design has been finalized.
 - v. Building Update – Thomas Samblanet reported that City Council voted to approve the additional \$300,000 for the purchase of the land that was proposed to them. Thomas let our owner's rep know that and we are continuing with the design. Teri and Thomas have a meeting on the 28th with the owner's rep, the builder, and architect to go over the most recent changes. They are planning a meeting on August 11 for public updates and comments at 5 pm. Teri added that it's been almost two years ago since the last public meeting so there may be more input and they wanted to bring it back up to speed about what has happened and what will happen. Gerri asked if there can be copies of our Strategic Plan at the meeting. Gerri is also planning to have the Strategic Plan available at the city council and the school board meetings. Lia Inge asked if we would be having refreshments and Thomas said we would be providing light refreshments such as coffee, water, cookies, or crackers. Lia requested that one of the Spanish speaking staff is in attendance and Thomas agreed and mentioned that he was trying to work with the owner's rep to get a professional translator here. Gerri said that the public meeting is after National Night Out where we can let people know about our events. Thomas said that he has informed staff and asked them to let people know at our events and he mentioned that we will list in on Facebook and in the newspaper.

- vi. **Bylaw Committee- Section 8 Powers & Duties**—Thomas said that the committee did not meet because timing was an issue and they wanted to talk with John Chmil. Thomas continued to say that Sharon Ceretto had prepared a good amount of information and wanted to have ample time for discussion.
- vii. **Policies Changes**—Thomas reported that as previously mentioned no vote as of yet. He wanted to remind board that policy and bylaws need to be ratified by the city and school, but none have been ratified so he feels that we need to make it a priority. Lia said that a lot of them are fine. Thomas said that there is a very short list that Sarah Frank and Chris Cross have identified some as problem points and they are the ones that need to be discussed but the vast majority of them we could approve very quickly. Gerri asked if we could get on the schedule for a City council meeting agenda for ratification. Thomas said that the city hasn't indicated they are looking for them but he just recently became aware of this and he feels it's an issue that the board should address. Lia said the bulk of the bylaws and policies are fine, but we could look at all of them and identify the ones that we could send for ratification and then the committee works on the ones that we have issues. Gerri said that High Plains have staff go through their Bylaws and Policies to submit ideas about improvements, pick out outdated information and include rational to keep them the same or which need change. Gerri continued that the HPLD board receives all the information and rational for changes all on one document. Lia asked about getting the majority done and sending them to the City them when they are ready. A discussion followed about whether the city wants piece by piece or all at once. The bulk of the bylaws and policies were done in May 2019 and a discussion followed about when and how to send them to the city.

Lia Inge asked to back track a little bit and she asked Gerri about the bylaw committee and inviting a school board member and city council member to participate. Gerri mentioned that she would propose to form a committee that could involve a staff member, a school board member and a city council person to discuss the bylaws and policies. Lia asked how do we do this, do we email everyone or how exactly do we propose this invitation. Teri said this is an election year and it's unknown who will be on board/council to make the contacts. Chantel Hays and Sharon Ceretto agreed with the idea to open an invitation to all council and school board people. It was further discussed whether the email should come from Lia Inge, from Thomas, or from the library board. Gerri and Sharon Ceretto gave their opinion that the invitation should come from the board. Lia said that she will get this done and email the official email addresses. Lia suggested to share that the bylaw/policy committee is formed with library board members and that the board would like input from City council and School Board. Teri Kopfman suggested to say that we need more input from the city and the school district. Gerri said that perhaps we could include the strategic plan in the communication. Lia asked about including the Superintendent and the Mayor in her emails. The board discussed that any member of the school board or city council would be welcome.

viii. **Bylaw Changes--**

IX. Board comments Lia commented that she had a meeting on Tuesday with Thomas to discuss the agenda.

Lia continued that FLP&S Library will be hosting the HPLD board meeting on the 19th of July at 5:00 pm.

Lia told the library board that the board had received a thank you card from Sarah. It will be in Mary's office for members who have virtually attended the meeting.

Gerri asked if we could get information about the increase in workman's comp from Leann Perino, the city's financial officer. Thomas said she will reach out to Leann and report on this next month.

X. Development of next meeting agenda

- Land
- Building
- Director
- Bylaw/Policy committee
- Batch approval of policy and bylaws of the ones we have worked on previously and approved
- Calendar for board
- Trapper's day and the quilt show virtual format
- Petting Zoo for Trapper's Day
- MOU from John Chmil

XI. Adjourn Sharon Ceretto made a motion to adjourn the meeting at 8:00 pm. Chantel Hays seconded the motion. The motion passed unanimously.

Next Meeting: August 19, 2021 at 6:30 pm.

Submitted respectfully by Mary Hoffman Edens