

January 23, 2020

Board President Larry Jirsak called the meeting to order at 5:00 p.m. in the library auditorium.

Roll Call

The following board members were present: Larry Jirsak, Earl Underwood, Tom Adamson and Shari Kment. Mandy Ostdiek was absent. Also present was Library Director Tina Walker, and Senior Office Associate Tracy Parr. Tracy will be recording the meeting minutes.

Notice of Meeting and Agenda

The meeting was preceded by publicized notice in the Fremont Tribune and the agenda is posted in the Administration Office at Keene Memorial Library, 1030 North Broad Street and online at www.fremontne.gov/library and distributed. A copy of the open meetings law is posted continually for public inspection and is located near the entrance of the library conference room and library auditorium.

Agenda

Motion to adopt current agenda for January 23, 2020 regular meeting. Board Member Underwood moved, seconded by Board Member Kment to adopt the agenda for January 23, 2020 Library Board Meeting. Ayes: Jirsak, Kment, Underwood, Adamson. Motion carried.

Motion to amend the agenda and move 7d to #5 and 6d to #6 in the agenda for the January 23, 2020 regular meeting. Board Member Kment moved, seconded by Board Member Underwood to move the order of the agenda for January 23, 2020 Library Board Meeting. Ayes: Jirsak, Kment, Underwood, Adamson. Motion carried.

Reading of Minutes

Board Member Underwood moved to dispense with and approve the October 2, 2019 minutes, seconded by Board Member Adamson. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.

Reports

No reports available.

Executive Session

Board Member Underwood moved, seconded by Board Member Adamson to go into executive session to discuss personnel issues, for the prevention of needless injury to reputation and is for the protection of individual employees. Board President Jirsak invited the Library Board, Director Tina Walker and the Director of HR Jennifer McDuffee. HR Director McDuffee requested that the City Attorney (CA) Molly Miller also be invited. Board President Jirsak advised that wasn't what CA Miller & he discussed & agreed to, but that he would allow her to attend at this time. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried. Library Board, Director Walker, HR Director McDuffee & CA Miller moved into executive session at 5:07 pm.

Board Member Kment moved, seconded by Board Member Underwood to return from executive session at 6:02 pm. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.

Unfinished Business

1. Discussion & recommendation for City Council proposed edits to Article 7 of City Code.
 - a. A lengthy discussion was held in regard to 4 items presented to the board: 1) Council staff reports/Documents from 12/10/2019 meeting including the CA's version of Ordinance 5518 and Council Member Yerger's version of Article 7 rewrites, 2) Council Bylaw Changes Document from 11/13/2012 meeting – newest Library Board Bylaws approved by council, and 3) Library Board draft edits to Article 7 from early 2019
 - b. First item discussed was Ordinance 5518 written by City Attorney Tim Buckley. Board Member Underwood asked if a city attorney had the authority to present an ordinance at city council. CA Molly Miller stated “the attorney did the research and drafted the ordinance as is the attorney's job to draft ordinances”. Board Member Underwood also requested the city attorney to review the authority of the Library Board in regard to funding for the library. Does the Library Board have the authority to decide how funds are to be used? Is there a library fund separate from the General fund as indicated in this document? CA Molly Miller stated the city attorney's position is that the Library Board currently is advisory only and has no authority over hiring and firing.
 - c. Next discussion was held on Council Member Yerger's version of the Article 7 rewrite. CA Molly Miller identified the section in this document regarding personnel issues is incorrect due to due process and state and federal laws. Board Member Underwood made a motion to pass pages 46-48. Failed due to lack of second. Discussion was held on what additional duties this rewrite version would give to the Library Board. CA Miller indicated that this new version doesn't limit hiring and firing to just the Director, but to all library staff. Assistant City Administrator (ACA) Shane Wimer stated “that's a lot to take on. If you want all that power and responsibility, I think that's important for the council would know that. Or if you say, no we don't want that authority, we don't want to deal with all that, we want to be advisory”. Both ACA Wimer and CA Molly Miller advised the board, if they go with more authority, they will be taking on not only all the hiring and firing and all HR duties, but also all the financial responsibilities. ACA Wimer stated “The way I see this is you are going to take on all responsibilities, you will be the hiring and firing board and HR won't have anything to do with it. If you make a hire, HR is left out of that process. If you do the firing, HR is left out of that process. The city will basically write you a check and whatever that number is, \$1.2 million or whatever, that number is, that responsibility goes to you, to basically run the library, off that money and that authority is completely up to you. Board

Member Kment asked Board President Jirsak how this has worked in the past before 2012 and he said it wasn't much different than it was now. Director Walker stated she disagreed with this description and that the funds would have to remain with the city by state statute. She also referenced the 2012 Library Board by-law's approved by council giving the hire/fire authorization to the library director, which was written & approved as a result of the 2012 changes.

- d. Discussion continued on how the library budget is set. Director Walker advised the board that a big portion of what Council Member Yerger's section is to give (the Library Board) back the authority over the Director. This section would change how many people, people report to and they would be involved in the evaluation process which they are not now. Board President Jirsak asked if the board would be able to seek advice from HR and City admin if they have a problem. Director Walker advised that the board is appointed by the Mayor so that should be available to them. ACA Wimer replied, "not necessarily". Board Member Adamson asked how does the current issue with the IT person get resolved? Director Walker advised that topic was not on the agenda so should refrain from discussion. Board Member Adamson said he strongly recommends the position be filled. Board Member Underwood made a motion to send to council, the edits the Library Board made to Article 7, seconded by Board Member Kment. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.
 - e. Board Member Underwood made a motion that the item coming before City Council, 5518 not be approved. Seconded by Board Member Adamson. Vote failed with board members Jirsak, Kment & Adamson abstaining and Board Member Underwood aye. Discussion continued on this item that the board wants City Council to know they abstained because they don't want this item to pass but they don't have enough information on this item and have been confused.
 - f. Board Member Kment made a motion to recommend to City Council to continue this item to allow for the council and board to meet. Seconded by Board Member Adamson. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.
 - g. Board Member Adamson made a motion to amend above motion to add "Article 7" in reference to Council Member Yerger's document. Seconded by Board Member Kment. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.
2. Director Walker advised the board that current copies of the Library Board Manual from the Nebraska Library Commission are available on Tracy's desk if they need a copy.
 3. Director Walker advised that the new Policy Handbook is under review and some items have been updated so it needs legal review before going to council.
 4. Director Walker presented Board President Jirsak with the NLC Certification certificate good until 12/2022. The board met the requirements for educational credits in 12/2019.

New Business

1. Director Walker advised the board that Board Member Mandy Ostdiek submitted her resignation in November. The Library Board voted to accept the resignation of Mandy Ostdiek from the Library Board. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried. Director Walker advised the Board that Susan Allen has asked for quite some time to serve on the board and she asked the board to recommend Susan Allen to the Mayor for appointment on the Library Board. Molly Miller, CA, advised that the item is not on the agenda for January 28, 2020 as the mayor has a pool of people to speak to before appointment. A vote was taken to recommend Susan Allen to the Mayor for appointment to the Library Board. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.
2. Director Walker advised that she was informed before the meeting that the Mayor reached out to Board Member Kment, and asked if she wished to continue on the board as her appointment ends at the end of January. Board Member Kment stated that she accepted to continue on the board for another service period. After discussion, Director Walker advised that she would get the staff report submitted for approval at Council.
3. Director Walker reported that the library received a donation from the Raymond G. and Sedona M. Knapp Trust, in the amount of 5% or about \$196,000. Director Walker asked the board for a recommendation to the city to earmark these funds for the expansion project. Board Member Kment moved for the board to recommend to the Finance Director to hold these funds from the Knapp family for the expansion project, seconded by Board Member Underwood. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.
4. Discussion was held on moving the Library Board meeting time and date. Board Member Adamson advised that his schedule changed and doesn't allow him to attend Mondays at 3:30. Board Member Underwood moved that the board meet the 3rd Monday of the month at 6:30pm, seconded by Board Member Adamson. Ayes: Jirsak, Kment, Underwood & Adamson. Motion carried.

With no further business, motion to adjourn was made at 7:57 p.m. with Board Member Adamson making the motion and Board Member Underwood seconding it. Motion carried.

Next meeting will be held at the library on February 17, 2020 at 6:30 pm.

(Signed) by Tina Walker, Library Director