



Regular meeting of the Fremont County Library System Board of Directors held on March 6, 2013 at 9:30 a.m. at Fremont County Library – Dubois, 202 1st Street, Dubois, WY.

Kevin Tippets, chair, called the meeting to order at 9:30 a.m.

Board Members Present: Barbara Gose, Kevin Tippets, Don Newton, Dorothy Remy and Jackie Meeker. Also present Matt Nojonen, Rebecca Thomas, Tom Norwood, Gloria Brodle, Barbara Oakleaf, Teresa Lucas and Jonmikel Pardo. Commissioner Stephanie Kessler was delayed.

1. Approval of Agenda – Jackie Meeker moved to approve the agenda as presented; **Barbara Gose** seconded. Kevin requested to move the Approval of Consent Agenda before the Executive session. The amended agenda was approved unanimously.

2. Approval of Consent Agenda

Minutes – February 6, 2013 Regular Board Meeting

Record of Financial Statements

General Fund – Statements as of January 31, 2013

Donation Register

Cash Flow Projection

Approval of Bills

Purchase Orders **4388**

Check Numbers: **19371 - 19460** written on the Operating Account

Exceptions: **None**

Payroll: **19374 – 19385**

Direct Deposit: **21301 – 21336**

Transfer from WYOStar **\$120,000**

Expansion/Carnegie Renewal

Finance Register

Warrants – Dubbe Moulder Architects - \$916.30

Rebecca noted that she distributed an additional check register and purchase order 4388. Jackie had a typographical correction on page 2 of the minutes and Tom had one on the last page. **Barbara Gose** moved to approve the consent agenda as amended; **Jackie Meeker** seconded. The motion was approved unanimously. Kevin Tippets, as chair, asked Rebecca to file the financial statements.

3. Executive Session – Kevin noted the public portion of the meeting will resume at 11:30am following the executive session. **Barbara Gose** moved to adjourn to executive session for personnel; **Don Newton** seconded. The motion was approved unanimously.

Dorothy Remy moved to return to public session; **Barbara Gose** seconded. The motion was approved unanimously.

4. Presentations – Commissioner Kessler and Deputy County Attorney Jodi Darrough joined the meeting. Numerous Dubois citizens were in attendance. Kevin read into the minutes the following statement from the Library Board to the Dubois community:

1. The FCLS Board is appointed by the Fremont County Commission and charged with the responsibility of oversight for the county library system as a whole.
2. Under FCLS policies, the Board hires the Director who, in turn, hires and supervises all staff.
3. Dubois Friends of the Library and the Fremont County Library Foundation are independent, non-profit organizations each with its own board.
4. The Board learned of Paula Sabatka's termination after the Director had presented her with a letter of termination and asked her to leave her office. The Director, following the advice of Deputy County and Prosecuting Attorney for Fremont County Jodi Darrough, gave the cause of termination as Paula's alleged violation of Wyoming Statute 9-13-105 (1977).
5. The Board hired attorney Joel Vincent as Hearing Officer for a closed door session in response to Paula initiating a grievance procedure as outlined in library policies. Paula was represented by advocate Mark Wingerson and the Director by Jodi Darrough.
6. The Board heard testimony from both parties.
7. Hearing officer Joel Vincent concluded in his finding of fact and law that WS 9-13-105 (1977) was the applicable statute and that Paula had indeed violated it. His order denied Paula the relief of reinstatement.
8. The Board met in executive session to deliberate its response for over two hours. When all the factors were taken into consideration, the Board concluded that support of the Hearing Officer's order to deny Paula's reinstatement was in the best interest of the library system as a whole.
9. Paula appealed the decision with the District Court arguing, through her lawyers, that WS 9-13-105 (1977) was not applicable in her case.
10. The matter is now with the District court. A decision is not expected for at least another month.
11. Once the Board had accepted the Hearing Officer's decision, the Director formed a search committee and advertised for a new Dubois branch librarian. A Dubois resident served on that committee. With the advice of the committee, the Director hired Teresa Lucas as Dubois branch manager.
12. The Board appreciates Lizzy Sanders for placing the opportunity for citizen response on our regular agenda. Each person who wishes to speak may address the Board for three minutes in the order of signing in. Members of the audience are asked to listen quietly as others speak.
13. The Board expects challenge to its decision and is prepared to listen carefully. At the same time, the Board also invites your reflections on the role of the Dubois library in your life and the life of Dubois. If it is possible at this session, we would very much appreciate your suggestions on ways the library system, as a whole, can best provide quality library services for Dubois.
14. All Board meetings are open to the public. If you wish to speak at a future meeting, please contact either the Director or the Board Chairman.

Kevin added to # 10 above, that a decision may not be forthcoming for 3 or 4 months. Kevin noted that 45 minutes is set aside for public input. He stated that the director and the Board are not here to answer questions or engage in dialog, but to hear what the citizens have to say.

Ellen Jungck noted that it is unfortunate that the Board will not answer questions. Her questions center around process and policies. She referenced a Memorandum of Understanding (MOU) between the Board and Fremont County School District #2 that was never approved by the Board or the school district. She commented that the services addressed in the MOU were above and beyond what the library system usually provides, and the school district was willing to pay for those services. She wanted to know why the MOU was not brought to the Board for consideration, why the Board did not ask for the MOU and why it did not go before the county commission if the funds transfer was in excess of \$5,000. Kevin noted that the Board will not be

answering questions. Ellen Jungck commented that the view of the community is that the Library Board and the County did not follow their own policies. Don Newton requested that questions be recorded so the Board can address them at a later date. Jodi Darrough introduced herself to the attendees and noted that the Board cannot answer questions that relate to the pending litigation regarding personnel. Jodi added that not all of the facts in this case are out in the public and as noted the Board will answer questions at a later date. Diana Shaw noted that she worked with Paula seven years ago. She was hired as a part-time Children's Librarian. She noted that Paula is the reason that the library in Dubois is as great as it is. She finds it shameful that Paula has been fired and wants the Board to reinstate her as manager of the library.

Bob Fleming noted he is a member of the Dubois Friends of the Library and asked if Ms. Darrough could answer a question regarding what it is that Paula did and what the Wyoming statute says. Jodi replied that she cannot reply to any questions regarding the pending litigation until it is resolved. Mr. Fleming asked if anyone in attendance had the Wyoming state statute that was referenced above. No one did. Mr. Fleming read a definition of criminal misappropriation of funds from Wikipedia. He noted that he assumes criminal charges have been filed against Paula along with anyone who benefited from the act. Severine Murdoch noted she is disappointed that the Board is not answering questions at this meeting. She noted that the Board's statement speaks to what is best for the community and believes the Board wants to uphold social and ethical responsibility to the community. She would like the Board to think about what their duty is for the community. Although the Board thinks it is upholding its social responsibility by terminating Paula, the community does not believe the Board is acting in their best interest. She would like to know what the Board is doing to benefit the Dubois community. In her opinion the stakeholders in Dubois are not benefiting from the Board's decision. J. Lamb noted that the Dubois community needs the library and the Board's decision to terminate Paula is negative.

Gerry Nolan, superintendent Fremont County School District #2, noted that talks started between the school district and the library system about two years ago about sharing services when both entities were experiencing declining revenues. The school system was disappointed that the MOU was not signed. The school system wanted Paula to help the school weed out old books and purchase new books using her expertise. The school district and Paula thought they had an unwritten understanding that these services would be provided by Paula, but an MOU only made it more complicated than it needed to be. The school system was willing to pay for the services; they did not expect them to be free. Paula purchased around \$500 of books for the school on the library's account. The school system paid for the items immediately and Paula did not benefit from the purchase. Paula made a clerical error. He noted that if anyone in the room was fired for a clerical error, everyone would be fired. Paula made an honest mistake. Mr. Nolan noted that he thought she was doing the right thing and added it breaks his heart because he feels he has some responsibility in the matter. We would not be here today if he had spent 15 minutes with her showing her how the school orders books. Robert Hoskins noted that he has served in the armed forces and knows what leadership is. He believes this episode has demonstrated a lack of leadership from the Board. He comes from a family of lawyers and has worked in conservation and environmental law for 20 years. He has read the Wyoming statute and does not believe there is any legal issue here. He proceeded to tell the Board how they should have handled the situation. He noted that it was her employer's duty to inform her of what the rules and regulations were. If she made a mistake the appropriate response from her employer should have been "We are going to fix it and move on". The firing of Paula has resulted in a disruption of the community and the library. He does not believe the Board cares about the people in

Dubois or the county. He believes that all of the board members should resign. It is unacceptable the way the community and Paula have been treated.

James Wade noted that he does not know all the facts but from the outside looking in it appears to be a typical government one size fits all solution. It appears to be an overreaction to a clerical error. He thanked Dr. Nolan for his comments. Twila Blakeman, mayor of Dubois, noted that this is typical of how Fremont County treats Dubois. The county just tolerates Dubois. This was an overreaction and is unfair to the community. Cynthia Boyhan noted that she sent an email to the Board regarding this issue and the Board should assess the level of support for Paula from the presence in the room. Many of the attendees left jobs to attend and many more could not be in attendance because they could not get off work to attend. That should give the Board an indication of the support and concern in the community. Janet Riley noted that she doesn't think the Board cares about Dubois and noted the level of support for Paula from the attendees. Jean Smith noted that the community wants their librarian back and the whole thing seems so unfair and unnecessary. Lizzy Sanders noted she is speaking as an individual and not as the President of the Dubois Friends of the Library. She noted that all of the taxpayers are paying for the library director's salary. She would like to know how much input did any of the board members ask from the community when they were confirming the hearing officer's results. She wants to know what research the Board did on the subject separate from the hearing officer's report. Ellen Jungck noted that there was no invitation to the community from the Board to attend the library board meeting. Lizzy Sanders noted that the Board should have come to the community before they made a decision on the hearing officer's findings in order to understand how the Dubois community was suffering after Paula's termination. She thinks this demonstrates a lack of respect for the taxpayers of the community. Once the vote was taken by the Board to uphold Paula's termination, it is their responsibility. The library board members introduced themselves to the public. Lizzy read a statement from Tony Melita: he cannot imagine an effective leader ever firing someone without providing an improvement plan or some other option so that the person that you have invested in for the last three years would not be out on the street. He hopes that if and when the Board fires Matt, he is treated in the same way with an ambush with no warning.

John Angst, president Fremont County Library Foundation (FCLF), noted that we are our neighbors. At the end of this we should still be cordial to one another. He noted that the FCLF has had about \$40,000 - \$45,000 of pledges rescinded as protest to this personnel situation. The FCLF is not going to become a party of any pending lawsuit by the Wyoming School Board Association or file an amicus brief. The FCLF would like to see a resolution. He noted that there is a process and we need to be a part of the process. He believes personally that the Wyoming Supreme Court will be determining whether the state statute cited is applicable in this case. There is no reason to stoke the malice in the room. The FCLF is reticent to make any disbursements until this issue is resolved. The library matching program set up by the state enables the FCLF to receive up to \$1.1 million and it can collect money until 2017. He is hoping things will cool down. The FCLF is a separate entity from the Library Board. Lizzy noted that Steve and Mary Lou Banks sent an email to her for this meeting. Mary Lou was the Dubois Jefferson recipient for outstanding volunteer. They noted that the Library Board will have an eye opening experience when they see first-hand the community support for Paula and against a library administrator who is not only completely out of touch with Dubois patrons, but also blatantly unwilling to consider the human aspect of human resources. Matt Nojonen's apparent rigid leadership style has negatively impacted dedicated Dubois Branch Library staff more than once (referencing Carolyn Gillette), and in my opinion flies in the face of the vision and

extraordinary effort upon which this branch and our beautiful building was founded. Amy Cross asked the Board to reinstate Paula Sabatka. Bob Fleming noted that if the founder of the library was present, she would say the meeting and proceedings were preposterous. Peggy Miller noted that she understands this is a hard job, but the community thinks they have been wronged and agrees with Amy Cross. She noted that the Carolyn Gillette human resource issue was also handled poorly. She noted that Matt has brought the community a great person (referring to the new manager Teresa Lucas) and she is caught in a mess. Twila Blakeman noted that when the library was built, no county money was used. It was built with private donations and a grant through the SLIB board. When Lander came to Dubois asking for support for building their library, the community suggested donations, but the response was that the people in Lander are not as generous as they are in Dubois, which is very true. The Board needs to realize how supportive and how passionately our community cares about each other. Kevin acknowledged the Board does see that.

Bruce Thompson noted that his background is in management as well as public service. His concern is that the "ready fire aim sequence" that is typical, especially in non-profits, should be amended going forward. Protocols should have been in place that would have allowed the library board to avoid this situation in terms of regular review protocols and goal setting. There was nothing in place and his concern is that there will not be anything in place going forward. He would like the Board to consider putting in place good business practices to review employees and goal setting so employees can be measured against those goals. Mary Rodgers noted that as soon as she was congratulating Paula on earning her Masters of Library Science Degree she was being fired. She was impressed and grateful that she was getting her degree because it could bring the Wyoming Library System into the 21st century. She thinks there is a lot of taxpayer money being spent for a \$500 clerical error and she would like to see her taxpayer dollars spent more wisely. Ron Bailey thanked the Board for being in Dubois and taking the time to hear the community and agrees with everything that has been said. He thinks maybe the wrong person was fired. Kay Jacoby noted that she has a background in human resources. She is going to cut the Board a little bit of slack because they did not learn of Paula's termination until after the director fired Paula. Matt fired her without consulting with the Board and that is not the way the Library Board is supposed to run. However, the Board went along with the director. She agrees that perhaps the wrong person was fired. Eileen Grove noted that she has written to the Board twice about this situation. She noted that Paula is a people person and the people in Dubois appreciate someone who has a great love for her constituents and is willing to go the extra mile. It is not too late for a wrong to be righted, and hope the Board will keep that in mind as the process continues. She noted that she is a school board member and a member of the Dubois Friends of the Library and hopes the Board will consider that this was not necessary and should be remedied. Dr. Gerry Nolan repeated that what Paula did was an honest mistake and it could happen to anyone. He does not believe there is any malice intent from the Library Board. We do not need to continue on this path and the Library Board has the opportunity to reconsider their actions.

Kevin thanked the community members for their time. He stated if any members of the community have questions, they can contact the board members directly. The Library Board has regular monthly meetings that are open to the public. If someone wants to address the Board further, please contact either the director or the Board chair.

5. Reports Roundtable – Jonmikel noted that the scheduling session for eBooks has been delayed because things have been very busy. It will be scheduled soon. Dorothy noted that her husband commented that Jonmikel and Shelly were extremely helpful during his workshop he held at the Lander facility. Jonmikel noted that Shelly is doing a fantastic job in her role as the tech person in Lander. Matt thanked the Board for their fortitude today. Kevin thanked the managers for their attendance at the meeting.

6. Policy Review - None

7. Action Items

Unfinished Business:

A. Carnegie Renewal Project – Matt noted that the library has received a certificate of occupancy and the room is being used. There are still some items that need to be done once the weather improves including the landscape. Don noted that there were about 25 performers and 30 more attendees at the music recital that was the first event held at the Carnegie. Everyone was extremely happy to be back in the Carnegie room. Dorothy noted that she met Kurt Dubbe and he commented on the terrific working relationship he has had with Tom and Matt during the Carnegie renovation. He spoke highly of both Tom and Matt.

B. Riverton Drainage – Matt noted that next Monday at the county department heads meeting he should receive the budget packet from the county. The feasibility study for the Riverton drainage is included in the budget. Commissioner Kessler commented that the commissioners decided not to put restrictions in the form of caps on the budget requests, but want the departments to prioritize their needs. The commission wants to know what the department needs are and the priority of those needs. The commission did not address salaries. Matt asked what the county's financial status is. Commissioner Kessler replied that the assessed valuation of the county is lower, but the county will not know the revenue picture for a while. Starting in April the additional one cent sales tax will go into effect, but that money is designated for roads. The county should also receive an additional \$300,000 - \$400,000 from the state. The county will be receiving money for roads when the state starts collecting the increased fuel tax, but that will not occur for a while.

C. Draft Budget FY 13-14 – Matt asked if anyone had questions or comments on the budget. No one did.

New Business:

Commissioner Kessler thanked the Library Board for having the public comment at this meeting and going through this process. The commission thanks, appreciates and respects the board members recognizing that their service is voluntary. She recognized that today was a difficult part of their job. Jodi noted that in most legal proceedings there is a response, but in this case of judicial review, there is none so there is no public document for the public to review. She thanked the Board for holding the public comment section of the meeting for the Dubois community. Kevin asked Jodi where in the process the district court is. She replied that she just received the transcript from Paula's attorney and has not had a chance to review it. Rebecca submitted the record to the court and Paula's attorney will submit a request to amend the record with the transcript of the audio recording. The district court judge will review the library board's decision in this matter. Jodi noted that Joel Vincent

submitted proposed findings of facts and conclusions of law, and the Library Board adopted and issued the findings of fact and conclusions of law. The judge will look at the record as a whole – everything that was entered into evidence and the transcript of the proceedings. He will determine if the decision the Board came to was supported by substantial evidence in the record. Jodi noted that in her opinion it was a well written decision and feels confident the judge will find in favor of the Library Board's decision. She has a feeling that Paula's attorney may appeal the judge's decision. The next step for Paula is filing a lawsuit for wrongful termination and then, if needed, the decision would be appealed to the Wyoming Supreme Court. Jodi noted that Paula's attorney is Clay Fulcher. They have to exhaust all of their administrative remedies before filing the lawsuit and that includes this judicial review. Jodi noted that although the findings of fact and conclusions of law focused on one Wyoming state statute, but there were several laws broken in this case. Barbara Gose asked if the judicial review decision is that Paula should be reinstated, can the Library Board appeal the decision. Jodi replied she is unsure, but will find out what are the options if the judge finds in favor of Paula. Matt noted that if a lawsuit is filed our liability insurer (Local Government Liability Pool – LGLP) will defend the library system. Bill Miller has been kept aware of this issue at every step. Jodi noted that LGLP has Cheyenne attorneys on retainer and they are very good.

Correspondence – None

Other Business – Barbara Oakleaf shared pictures that appeared in the Lander Journal of the portion of the mural that has been installed.

Kevin Tippets declared the meeting adjourned at 12:41 p.m.

Upcoming Calendar:

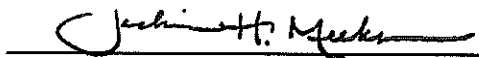
Next regular board meeting – Wednesday, April 3, 2013 in Lander, 9:30 a.m.



Kevin Tippets, Chair



Don Newton, Vice-Chair



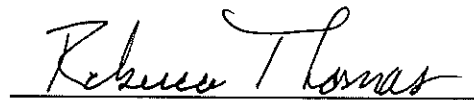
Jackie Meeker, Treasurer



Barbara Gose, Member



Dorothy Remy, Member



Rebecca Thomas
Recording Secretary