



Regular meeting of the Fremont County Library System Board of Directors held on April 3, 2013 at 9:30 a.m. at Fremont County Library – Lander, 200 Amoretti Street, Lander, WY.

Kevin Tippetts, chair, called the meeting to order at 9:34 am.

BOARD MEMBERS PRESENT: Jackie Meeker, Barbara Gose, Dorothy Remy and Kevin Tippetts. Don Newton was absent – excused. Also present Matt Nojonen, Rebecca Thomas, Barbara Oakleaf, Gloria Brodle, Tom Norwood, Teresa Lucas and Jonmikel Pardo. Commissioner Stephanie Kessler was absent – excused. Also present Lizzy Sanders, President of the Dubois Friends.

- 1. Approval of Agenda – Barbara Gose** moved to approve the agenda as presented; **Dorothy Remy** seconded. Kevin Tippetts added under New Business item C "Library Policy on Public Access to Media" and item D "Adoption of Response Letter". The amended agenda was approved unanimously.
- 2. Presentations –** Kevin noted that Lizzy had asked to make a presentation to the Board via email and Kevin asked her to submit it in writing rather than make a presentation at the meeting. Kevin reconsidered that request taking into account public access to library meetings. He offered Lizzy a chance to make her presentation at this meeting. Lizzy replied that she was not prepared to make the presentation at this meeting.

3. Approval of Consent Agenda

Minutes – March 6, 2013 Regular meeting

Record of Financial Statements

General Fund – Statements as of February 28, 2013
Donation Register
Cash Flow Projection

Approval of Bills

Purchase Orders **None**
Check Numbers: **19461** - **19555** written on the Operating Account
Exceptions: **None**
Payroll: **19463 – 19475**
Direct Deposit: **31301 – 31334**
Transfer from WYOSTar: **\$130,000**

Rebecca noted that she distributed an additional check register. **Barbara Gose** moved to approve the consent agenda as amended; **Jackie Meeker** seconded. Jackie asked if there was any decision made on how to spend the \$10,000 donation made to the Dubois Library. Matt replied that there has not been a discussion on that matter. Barbara Gose asked if the donation was time sensitive. Matt replied no. Rebecca noted that the donation has been received and deposited in the library's account. The motion was approved unanimously. Kevin asked Rebecca to file the financial reports.

- 4. Reports – Roundtable** – Teresa thanked everyone for the opportunity to close the library for an hour on Saturday for the funeral for a Dubois 6-year old who was killed in an accident. It made a big impact on the family and the community. Gloria passed around "Poem in Your Pocket" for all to see as well as a flyer advertising the "Poetry in Your Pocket" program. Gloria noted that Tetiana Hutchison, part-time Children's Library Assistant II, has resigned to attend University of Wyoming. Tom noted that it seems like every day there is something else going wrong with the 30 year old Riverton building. The hot water heater needs to be replaced, but the replacement hot water heater part was more expensive than was first quoted to the contractor who will be doing the work. Tom is working with the contractor to try and have the total cost be within the Board approved purchase order. Jonmikel noted that he has been working with the new librarian at the Shoshoni Library and helping her with the technology needs for both public access and staff computers. Barbara Oakleaf invited the board members for a tour following the board meeting to see the floor work in progress in the Carnegie basement, the new window coverings and the portion of the mural that has been installed. Jackie noted that she is excited about the mural installation and thanked the Lander Library staff for their help in getting many ILL materials. Kevin thanked the Riverton staff for their help in getting materials for his children.

Tom Norwood left the meeting.

5. Policy Review

- A.** Draft Amendment to Board Bylaws – Kevin noted that this bylaw amendment has been in discussion for several months and was defeated 2 months ago. It is back for discussion. First Reading – **Barbara Gose** moved to adopt the amended Article III and Article IX to the Fremont County Library Board of Trustees Bylaws; **Jackie Meeker** seconded. Kevin noted that the purpose of the amendment is to define lines of communication, involvement and the chain of command. The Board has heard from branch managers in previous discussions that they have had situations where library board members were serving actively in other library groups and it makes it difficult to determine in what role the person is acting at the other library group meetings. He also noted that Dennis Christensen, the previous commission liaison, thought that this amendment was a good idea and believed it would be applicable to other offline boards. He did present this to the county commission, but they have not taken any action so far. Jackie asked if there had been changes to the amendment since its last consideration in February. Kevin replied that additional language was added to define involvement. Specifically "(involvement meaning Board Membership and voting rights)" has been added. Barbara Gose asked about article IX. Matt noted that the changes to Article IX include defining library support groups and the addition of the following sentence: "The Director shall operate under the principle that the Board recognizes the value of formal library support groups and encourages partnerships with them." Dorothy stated that she thinks the amendment is unnecessary. Her concern is that it is useful to have the board members to be liaisons with the library groups and in the past the Fremont County Library Foundation has encouraged library board members to attend their meetings. She is opposed to the amendment because it does not encourage a broader base of citizen participation. The motion was approved with Dorothy Remy dissenting.
- B.** Circulation Policy Amendment – First Reading – Matt noted that this policy has been in process for over a year and the subject of many manager meeting discussions. Matt noted that it is a lot to digest and the Board may want to take this under advisement and not consider this a first reading of this policy amendment. Matt discussed the various changes in the policy. Matt noted that the marketing group (consisting of several library staff members) has created a

brochure that will be given to every patron when they apply for a library card that details their rights and responsibilities. Dorothy asked at what age a minor receives confidentiality in their material selection. Matt replied the age is 18 in accordance with state statute. Discussion continued on what records are accessible to a patron. Matt noted that only the materials that a patron currently has checked out can be accessed by our staff. In order to access past records, a patron would need to go to the Wyoming State Library (WSL) because all of the patron records are kept in Cheyenne by the WSL. Kevin asked Matt to provide more information about patron records for the Board at the next meeting. Discussion continued on temporary cards. Gloria noted that Tom wanted to ask what about someone over the age of 18 who is disabled. Matt did not know, but will find out. The Board declined to accept this as first reading.

6. Action Items

Unfinished Business:

- A. Carnegie Renewal Project – Matt noted that they are still talking with SDI about the rest of the outside work that needs to be completed.
- B. Riverton Drainage – Matt noted that this is on hold until the commissioners decide about the next fiscal year budget. The feasibility study is the number two priority on our budget request. If the feasibility is funded, the next step would be to bring a proposal to the Capital Improvement Committee (CIMPL) once the study is completed. The CIMPL handles all capital projects that cost \$250,000 or more and it is very likely that this will cost more than \$250,000. Matt has been in contact with the State Lands and Investment Board (SLIB) about funding half of the cost of the project. Matt believes that we could get state support. The other half of the funding would need to come from the county, fundraising or other sources.
- C. Draft Budget FY 2013-2014 – Matt noted that the county has scheduled the library's budget hearing on May 13 at 3pm, and we need to submit our budget to the county by April 15. Dorothy asked if Dubois will get a self check-out station with the added technology budget. Jonmikel replied that the self check-out will be installed regardless. The equipment is here and installation should take place soon. Rebecca noted that the commission usually makes departmental requests for modifications in the budgets after they have conducted all of the budget hearings because then they have a good idea of the overall impact to the county's budget. This usually occurs sometime in June. **Barbara Gose** moved to adopt the FY 2013-2014 Budget as presented; **Jackie Meeker** seconded. Jackie and Barbara Gose thanked Matt and the managerial staff for their work on the budget. Dorothy asked as financial pressures in the county ease, perhaps additional financial support for the community libraries could be considered in future budgets. Jonmikel noted that the increase in the technology budget will trickle down to the community libraries. Matt noted that although we have improved our budgets, the technology budget request for the coming fiscal year is half of what it was in FY2009-2010, and the collection budget is not as much as it was in FY 2009-2010. Dorothy noted that it helps the board members to know where we were before the big budget cuts took place in FY 2010-2011. The motion was approved unanimously.

New Business:

- A. Communication with Library Foundation – Matt noted that the Foundation is now turning its focus from acquisition to disposition. Matt stated the draft policy for the Foundation on disbursements contains the following sentence "In assessing each request, the Board shall consider the library needs expressed by the Fremont County Library Board, the Library Director and the desires of the community utilizing the library system only as they relate to

the library system." Matt is requesting support from the Board for the position that the language about community involvement in this policy could be problematic. It could set up a conflict between the Foundation, the community, the Library Board and library management. Dorothy noted that her concern is that the intent of community members who have made donations is taken into account. Matt stated that the Foundation has made policy changes with regards to accepting restricted donations. Jackie noted that she supports Matt's concerns but would like to find a compromise. Matt commented that the Foundation has created an application form for disbursements that includes the branch managers and the library director. Ideally a community member would approach the library personnel with their idea that can be fully developed and then brought to the Foundation. The consensus among the board members was to invite the Foundation members to a library board meeting to discuss the process for disbursements, but emphasized the need for a substantial number of Foundation members to attend.

- B. Otis contract renewal – Matt noted that he was hoping to have the county attorney's review for the contract for this meeting, but does not have it yet. It is a renewal of the same contract that was signed last year. Matt is requesting permission to sign the contract if the county attorney approves it. **Jackie Meeker** moved to approve the Otis contract pending approval from the county attorney; **Barbara Gose** seconded. The motion was approved unanimously.

- C. Library Policy on Public Access to Media – Matt noted that the Rock-A-Cop program was held at the Riverton Library to improve relationships with the local officers and minors. This was the third year that the program has been held. A patron asked Gloria to turn off a game that was being played because she did not think it was appropriate for children. The patron spoke with the teen librarian, Jacob Mickelsen, who referred her to Gloria. The patron mistook Shari for Gloria, but Gloria was standing next to Shari when she responded to the patron. Shari noted that the library provides free access to library collection and services and parents have the option of not allowing their children to participate in the games if they so choose. The patron was not satisfied with the answer that the staff gave, and wrote a letter to Kevin and had two of her friends write letters as well. Matt asked all staff who participated in the incident to write an account of the incident. Matt provided information to the board members regarding legal precedents related to video games. The U.S. Supreme Court has determined that video game content is protected under the first amendment. Private industry ratings are not binding on public entities, such as libraries. We do not deny access to any materials in the library with respect to the age of any patron. Matt stated that if we start acting like parents who is to know when one parent thinks something is acceptable, but another does not. A parent is in control of what their child reads or does not read; what game their child plays or does not play, not the library.

Kevin stated that there is an understanding that the censorship of a minor regarding checking out materials or participation in library programs comes from the parents. Barbara Gose noted that she is concerned that the parents are not aware of their responsibility in this matter. She acknowledged that she assumed the library acted in loco parentis, but is wrong. Jackie noted that she did a cursory search and noted that several libraries across the country restrict minor access to materials. Jackie noted that she thinks the library board can make a policy restricting access to minors. Matt replied that the Board can adopt a policy that states that we will use private industry standards to restrict access to materials, but it is illegal. Jackie disagreed that it would be illegal and cited a 2003 U.S. Supreme Court decision regarding internet access and restricted access to minors that was upheld. Matt replied that

this case was limited to internet access. Dorothy noted that she wants to draw a distinction between circulation materials and materials that are selected for use in library programs. The board members then discussed library programs and the materials that are selected for those programs. Gloria noted that the first year the program was held it was only for teens. The second year, the program was opened up to younger children because patrons expressed an interest in participating. Jonmikel noted that maybe the advertisement of the games being played would be helpful to the public. Jackie noted that she feels strongly that the library should not be checking out materials like an R rated movie to a child under the age of 17 without the parent's permission. Barbara Oakleaf replied that the parent gives that permission by signing for a library card for their child. Barbara Gose commented that it is a matter of educating the parents and the public on their responsibilities. Matt noted that the library system can incorporate into the brochure that parents receive when their child gets a library card a statement regarding the library system's policy on free access to all library materials to any library card holder (child or adult).

Barbara Oakleaf wondered if the library system would need to determine if books were "age appropriate" for minors in addition to movies and video games. Jackie replied no because books do not have "ratings", but movies and video games do. Dorothy noted that she wants to make a distinction between access to circulation materials and the materials selected for a library program. Matt cautioned the board members from using industry standards when determining patron accessibility to library materials. Matt commented there will always be items on the library shelf that someone will have an objection. Kevin noted that the issue did catch the board members off guard, but there is no decision to be made today.

- D.** Adoption of Response letter – Kevin noted that this is a response letter that the Board intends to submit to the public media. It is a restatement of the facts that are a part of the public record. The citizens have asked some questions in reference to Paula Sabatka that the Board cannot address, but there are some items that can and they are addressed in this letter. It has been a work in progress for about a month. The letter does not reflect the view of the library staff or director, but from the Board of Trustees. Kevin read the letter into the minutes:

Fremont County Citizens,

We thank you for your continued involvement, support and patronage of the Fremont County Library System branch libraries and outreach services. Private individuals, Friends of the Library groups, the Library Foundation and others contribute significantly to making the Fremont County Library System a valued resource and an integral part of many of our lives.

The Fremont County Library Board of Directors wishes to briefly address the matter of the termination of Dubois Branch librarian Paula Sabatka in November of 2012. The decision and responsibility for this termination was carried out by Matt Nojonen who, as the Director, is charged with the oversight of library management staff. This decision was contested through a grievance hearing requested by and granted to Mrs. Sabatka. A hearing officer, attorney Joel Vincent, conducted the grievance hearing and provided The Board with *Finding of Facts, Points of Law and Recommended Action*. As is warranted in this serious situation, the Board spent many hours deliberating and considering the facts before ultimately upholding the termination decision in December 2012. The Board stands by its decision and will not revisit this issue unless mandated by the legal system to do so. Currently, Mrs. Sabatka has filed a petition for review of our decision in the Fremont County District Court.

Many questions were raised by concerned Dubois citizens at the March 6 Library Board meeting. Personnel matters are handled in executive session and there are many details of this decision that simply cannot be made public. One point of particular concern was the proposed Memorandum of Understanding (MOU) between Fremont County School District #2 (FCSD2) and the Fremont County

Library System (FCLS) regarding the possibility of creating a partnership to provide services to students in the district. The FCLS Board must review and approve all MOUs into which the FCLS enters. An initial discussion of a possible MOU between the FCLS and FCSD2 took place at the February 2011 Library Board meeting and is reflected in the minutes. At the meeting, the Board learned that the district was facing severe budget cuts that could result in the closing of its school library, and a discussion ensued regarding how the FCLS might help the district serve students. Nothing was finalized at the meeting. The last time this issue was addressed was in July of 2012 when the Board was informed that FCSD2 was not, in fact, losing its library. As a result of this development, the Board understood that an MOU was not necessary, as students in the district were regarded as any other citizen, with full access to all services that the Dubois Branch Library provides. In Wyoming, it is true that many times we do work on a handshake and a verbal agreement. An MOU serves as an "extended handshake" so that if a disagreement arises, the clarity and accountability necessary are in place to work things out. How do we avoid this situation in the future? The Board, the Library Director and cooperating entities must be diligent in providing clarification and oversight so that everyone involved in cooperative agreements are on the same page. We will be reviewing this procedure as we move forward.

Serving on a county board is an important act of public service, one which this Board takes very seriously. Making decisions on difficult and sometimes controversial issues comes with this responsibility. Fremont County Libraries are a great asset to our citizens and we will continue to work together to provide, protect and further develop this excellent resource.
The Fremont County Library Board of Directors

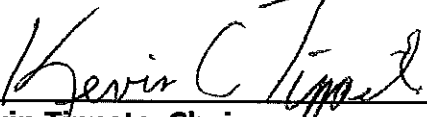
Kevin will provide a copy of the letter to Rebecca for the record.

Correspondence: None

Other Business: None

Adjournment (no vote) – The meeting was adjourned at 12:00pm

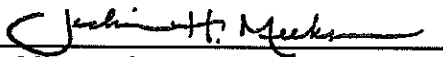
Next meeting – Wednesday, May 1, 9:30am, Dubois



Kevin Tippets, Chair

absent

Don Newton, Vice-Chair



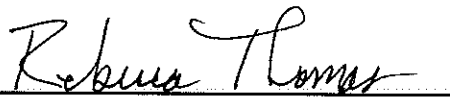
Jackie Meeker, Treasurer



Barbara Gose, Member



Dorothy Remy, Member



Rebecca Thomas
Recording Secretary