

RECORD OF PROCEEDINGS

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES

OF THE

BOULDER PUBLIC LIBRARY DISTRICT

Held: Tuesday, October 24, 2023, at 6:00 p.m. at Boulder Public Library, 1001 Arapahoe Avenue, Boulder, Colorado.

Attendance

The regular meeting of the Board of Trustees of the Boulder Public Library District was called and held as shown above in accordance with the statutes of the State of Colorado. The following Trustees, having confirmed their qualifications to serve on the Board, were in attendance:

Katharine (Joni) Teter
Sam Fuqua
Jennifer Yee (via Zoom)
Sylvia Wirba (via Zoom)
Benita Duran

Not present: Cara O'Brien, Doug Hamilton
(absences excused)

Also present were Kim J. Seter, Esq., Marissa Peck, Esq. (via Zoom), and Kelly Hansen from Seter & Vander Wall, P.C.; David Farnan, Director of the Boulder Public Library; Jennifer Phares, Deputy Director of the Boulder Public Library; Chris Barge, Executive Director of the Boulder Public Library Foundation; and Amber Carlson from the public.

Call to Order

Trustee Teter called the meeting to order at 6:03 p.m. noting that a sufficient number of appointed trustees were present to create a quorum authorized to act on behalf of the District.

Consider Approval of Minutes of October 17, 2023

Following motion from Trustee Fuqua and second from Trustee Wirba, the October 17, 2023 minutes were approved unanimously as presented.

Public Comment

None.

Staff Employment & Benefits Program

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- Final Presentation & Review

Mr. David Farnan asked for questions regarding the Program, and requested a nod of approval from the Board to move forward with its implementation. He indicated his belief that the District has put together an innovative and creative package. This includes some novel benefits in both the health care and benefits programs. He expressed his thanks for all those involved in developing the Program, including consultants, Board members, and staff.

Trustee Teter asked for any overview of any major changes to the Program since the last draft the Board reviewed. Mr. Farnan explained that the only significant change is an increase in the number of sick hours.

Trustee Yee asked where the “compensation philosophy” link will navigate to. Ms. Jennifer Phares explained that she is working with a consultant to develop this and once it is resolved, she will communicate that to the Board.

Ms. Phares explained that hiring rates for new employees still need to be established. She assured Trustee Fuqua that she is focusing on the hiring of employees who are bilingual.

- Consideration of Board Approval

The Board expressed its support for the Program.

2024 Budget

- Second Reading

Mr. Farnan noted that no major changes were made to the 2024 Budget since the Board’s last reading. Trustee Duran had various comments and questions about the budget as it relates to Trustee matters. This includes the Trustee’s administration and business. She requested that this budget line item be pulled out from the “administration” heading as an independent item, perhaps under the non-personnel budget line-item.

Trustee Wirba asked questions about whether Mr. Seter represents the Board, or the District. Mr. Seter explained that he represents the Board, which is not a separate entity from the District. The Board controls the District, which is the entity.

Trustee Duran had further questions regarding legal expenses. Mr. Farnan explained where these expenses would show up on the budget going forward.

Mr. Seter provided an overview of when and how a budget must be amended, and the process for doing so. Namely, a special

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public hearing is required for amendments to the Capital, Operation, and Debt Fund budgets.

Mr. Seter also answered questions regarding grant revenues, which can be problematic under TABOR because of overall budget restraints imposed by the law. Any governmental grant that exceeds, in value, 10% of the District's budget requires a budget amendment and public hearing.

- Second Public Hearing

Trustee Teter opened the public hearing on the budget. Mr. Chris Barge, Executive Director of the Boulder Public Library Foundation expressed his happiness with the work the Board and Library Staff put into developing a budget that delivers on the promises made to voters. He noted all the highlights in the budget, stating that the budget is a "generationally significant document" that presents a new future for the library. There being no further public comment, the public hearing was closed.

- Board Consideration of Resolution No. 2023-10-2

Upon motion by Trustee Yee, and second by Trustee Duran, the budget was approved, funds were appropriated, mill levies were certified, and the budget resolution was passed and approved unanimously.

Mr. Farnan noted his deep appreciation for the work of the Board and the District, including significant progress towards the goals of Boulder's Master Plan. He noted high levels of community engagement and input, and progress towards goals that were established ten years ago.

Trustee Teter further expressed her appreciation for the work done to complete the budget.

Director Update

Mr. Farnan provided several highlights and updates. First, he is in the process of looking at auditors. The Finance Subcommittee should have an auditor to recommend at the November 7th meeting. Further, he will be meeting with insurance brokerage firms to find property and liability coverage for the District.

Next, job offers were sent and the return rate is good, thus far. Once returns are received, he will post new positions and begin the process of making new hires.

The IT work is going well. Computers were ordered last week and the cost for these computers was lower than expected.

Trustee Fuqua asked which rate current staff, applying to new

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positions that include the same responsibilities but are posted at a higher compensation rate, will receive. Mr. Farnan explained that they will be hired at the higher rate.

Trustee Duran asked about the timing of the library closures before the end of the year. Mr. Farnan noted that the library will be closed from December 19th to 25th, and will reopen on the 26th of December.

Subcommittee Updates

To keep Library Commission members involved in District transition matters, Trustee Duran is organizing a tour of the New NoBo Library site with the Library Commission. She requested that Trustees provide their availability so that this can be scheduled.

Trustee Yee provided an update from the Finance Subcommittee's last meeting, where it discussed the deferred payment to the city and the possibility of investing money for gains. J.P. Morgan will send one of their investment advisors to the next Finance Subcommittee meeting to provide an overview of investment options/possibilities.

Trustee Teter provided updates on policy and governance work, including drafting bylaws and policies related to basic structure and operation of the Library. Staff is looking at the library's operational and administrative policies to determine which need to be updated, abandoned, or carried over.

Thus far, staff and Trustees have identified financial policies as one such set of policies. Trustee Teter expressed her preference that the budget, finance, and governance subcommittees participate in the process of redeveloping the library's financial policies.

Trustee Teter further introduced the idea that it might make sense to develop a subcommittee who reviews newly drafted or amended policies before they are submitted to the Board for review and acceptance.

Trustee Duran suggested the Trustees invite the Library Commission to attend one of the December Board meetings to discuss and provide an overview of policy development matters. Trustee Teter agreed.

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Trustee Matters

- Changes to Meeting Schedule After motion by Trustee Fuqua, and second by Trustee Yee, the Board unanimously approved a meeting schedule through the end of the year. Further, the Board considered moving meetings to a remote format. The meeting schedule, including information regarding which meetings will be held virtually, is posted on the District's website.

Legal Counsel Status Report

Mr. Seter first presented the 3-party IGA, including providing updates on negotiations with the City. Next, he addressed the 2-party IGA, and likewise provided updates.

The Board engaged in lengthy discussion regarding the appointment process, including the composition of the body that will appoint future Trustees. Further, the Board discussed the best way to address the potential risk of future book banning requests/challenges. Trustee Yee suggested tweaking some of the language to make the appointment language less oriented around the verb "control." Mr. Seter agreed to re-work this language.

Per Trustee Teter, the initiation of the appointment process will begin in January, with application questions being developed then. The selection committee will be formed in January. The questions will be given to the selection committee in February. The package will be concluded and the library will post the questions and do the applications in February. In March, packages will be given to selection committee for their review so that the committee can have appointments done by the middle of April.

One remaining question in the IGA relates to insurance matters. Mr. Seter explained that this will likely be a significant last hurdle in the negotiations.

Trustee Teter posed questions regarding the NoBo lease, namely the timing of the release of property, which cites a different amount of time than that listed in the IGA. Mr. Seter agreed to reconcile the documents.

She also had questions relating to snow removal on the sidewalks. She requested that Mr. Seter provide clarity on this matter via his negotiations with the City.


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Mr. Seter provided an update on the timing of City review and approval of the IGAs, leases and licenses.

Upon motion by Trustee Duran, and second by Trustee Fuqua, the Board voted to unanimously approve the 2-party and 3-party IGAs, substantially in the form presented and discussed on October 3rd, 2023, including all attachments.

Adjournment

There being no further business to come before the Board, and upon motion duly made, seconded and unanimously carried, the meeting was adjourned at approximately 7:32 p.m.


Secretary for the Meeting
