

MINUTES OF THE REGULAR MEETING OF THE
BOARD OF LIBRARY TRUSTEES OF THE
COOK MEMORIAL PUBLIC LIBRARY DISTRICT

October 16, 2018

Call to order: The regular meeting of the Cook Memorial Public Library District was held on Tuesday, October 16, 2018 at the Aspen Drive Library, 701 Aspen Drive, Vernon Hills, Illinois. The meeting was called to order by President Bonnie Quirke at 6:31 p.m. Trustees present at roll call in addition to Ms. Quirke were: Phyllis Dobbs, Jim Larson, and Wendy Vieth. Nate Johnson, Ann Oakley and Rob Schuler were absent.

Staff members present were Library Director David Archer, Business Manager Russ Cerqua, and Administrative Assistant Gabriella Pantle.

Mr. Johnson joined the meeting at 6:32 p.m. immediately after roll call.

Public Comment: None.

Selection of Firm to Provide Financial Advisory Services for Funding of the Aspen Drive Library Construction Project: Mr. Cerqua handed out an overview of the four firms that were recently interviewed by administration to provide financial advisory services for the funding of the Aspen Drive Library construction project. The firms were PMA, Speer Financial, Meristem, and Piper Jaffray. He explained that these overviews provide the firm's qualifications and other selected information on the debt issuance process to enable the Board to select a firm for the upcoming debt offering. Also included in the overviews are samples of possible funding scenarios that the firms presented during initial meetings with administration. He noted that once a firm is selected, different scenarios will be run based upon the Library's needs and current market conditions. Ms. Quirke announced that the Finance Committee would not be providing a committee recommendation tonight on which firm to choose because they did not have a quorum at their last meeting. For that reason and also because two trustees are absent tonight, Ms. Quirke would feel more comfortable waiting when the Finance Committee can meet again and also when Mr. Schuler and Ms. Oakley are present to make a final decision. The other trustees agreed and settled on Tuesday, October 30 as the date for a Finance Committee meeting and a special board meeting with the time and place to be determined.

Mr. Archer then proceeded with updates on the expansion. He reported that soil testing has been completed and was positive, the architects are working on the finishing touches to the design and construction documents, and the project is still scheduled to go out to bid in November to get optimal pricing.

Approval of the Minutes: Having no changes to the minutes of the Budget and Appropriation Hearing on September 18, 2018, it was the consensus of the trustees present to approve them. Having no changes to the minutes of the regular meeting of September 18, 2018, it was the consensus of the trustees present to approve them.

Approval of the Bills: Mr. Johnson made a motion, seconded by Ms. Dobbs to approve the Bills Paid Report from September 15, 2018 through October 12, 2018 in the amount of \$775,466.85. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Report of the Director: After updating the board on statistics for the month, Mr. Archer went over an analysis he created of libraries in Lake County that collect late fees for overdue materials and those that don't just as an FYI for trustees. Out of 18 libraries, only four do not charge late fees.

Approve Report of the Director: Ms. Vieth made a motion, seconded by Mr. Johnson, to approve the Report of the Director. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Report of the President: Ms. Quirk praised library staff for offering such a wide variety of programs.

REPORTS OF COMMITTEES AND REPRESENTATIVES

Finance & Employee Practices: Ms. Quirke announced that the committee is having a meeting on at 9:30 a.m. on October 30.

Policy Review: Mr. Johnson reported that the Policy Committee recently had a meeting and reviewed the following six policies:

Gift and Donations: This policy was revised by Library attorney Jim Ferolo to add content related to sponsorship and naming rights, and gifts of real property. It is the Committee's recommendation to approve. Not requiring a second, roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. The policy is approved as presented.

Confidentiality and Privacy (currently "Patron Records Policy"): This policy has been reviewed a total of three times in the last year by committee members and the full board regarding how much access a parent has to their 14-17 year old child's account information. CMPLD currently has a procedure in place (but no policy) that limits parents or guardians of children 14-17 years of age to only receive account information for the purposes of recovering overdue material and settling accounts for lost, late, or damaged material, and for other matters related to the recovery of material or charges incurred by minor children for which a parent or guardian may be considered liable. The philosophy has been to provide a level of confidentiality and privacy for teens aged 14-17. Administrative staff has made a recommendation to formally adopt this practice as part of the newly named Confidentiality and Privacy Policy. During the last review process by the full board in April, 2018, a majority of trustees expressed the desire to amend this section to permit parents or guardians of any child, 17 years or younger, to access account information on their child's card. Additionally, Trustee Dobbs raised the

concern that this provision of the policy violated the Illinois Library Records Confidentiality Act. Based on these questions and concerns, the Library asked attorney Jim Ferolo to review the legality of releasing a minor's circulation records to a parent. In a memo dated July 5, 2018 by Mr. Ferolo, he states that while the IL Library Records Act does not distinguish between minors and adults, a plain reading of the Act would support full confidentiality for minors, affording minors the same privacy rights and rights to free intellectual inquiry as adults. Because Illinois courts have yet to address this issue, the Library should be aware that any such policy that allows the disclosure of a minor's account information may be rejected by a court if challenged. Therefore, Mr. Ferolo's opinion is that, although the Act does not distinguish between minors and adults, the Library's proposed privacy policy, which allows parents to access the records of minors under the age of 14, is likely enforceable based on parents' constitutional and common law rights to control and oversee their children. However, if the Library wishes to make a change from no disclosure to disclosure to parents or guardians of children 13 years of age or under, Mr. Ferolo would strongly suggest leaving the age restriction at 13 rather than increasing it to 17. The relationship between a minor's privacy and First Amendment rights and the parents' right to supervise and control their child changes with age so that as the minor grows older, his or her privacy and free speech claims grow more weighty in relation to his or her parents' claim to a right of supervision. Courts have recognized that a high school student's First Amendment rights are greater than that of an elementary school student. As such, in order to give the Library the best chance to prevail on possible challenges under the Act, Mr. Ferolo recommends leaving the proposed policy provision at the age of 13 or under rather than amending it to include all minors under the age of 17. It is a committee recommendation to approve the policy as presented including the proposed policy provision. Not requiring a second, roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. The policy is approved as presented.

ADA: This policy was reviewed by legal counsel and required only minor changes. It is a committee recommendation to approve. Not requiring a second, roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. The policy is approved as presented.

Personnel: Mr. Johnson explained that two new sections were added to the policy. The first one is a Driving section to address employees who use a personal or library vehicle on a regular basis in connection with the responsibilities of their position. The second one is a Whistleblower section to protect employees of the Library who report an activity that he/she considers to be illegal or dishonest. Both sections were reviewed by legal counsel. Trustees proceeded to make additional changes to Article VII, Section 4 and Mr. Archer made them aware of a change that staff is recommending in Article VII, Section 2. Mr. Archer announced that due to the extensive changes made to the policy, a motion is required. Mr. Johnson then made a motion, seconded by Ms. Dobbs to approve the Personnel Policy as amended. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Collection Development: This policy was reviewed by legal counsel and required only minor revisions. Per state statute (75 ILCS 16/30-60), this policy is required to be reviewed every two years and approved by resolution. Mr. Johnson made a motion, seconded by Ms. Dobbs to approve Resolution 2018-2019/2 to adopt a revision of the Collection Development Policy of the Cook Memorial Public Library District. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Use of the Library: This policy was reviewed by legal counsel. Notable changes include revisions to Article II and the addition of a new section V. Article II was revised to reflect changes in state law that extends library service privileges to those who lease or rent taxable property within the library service area for commercial purposes without the payment of a nonresident fee. Article V was added to address free notary services that the library provides. It outlines guidelines and establishes limitations on the type of notary services that the Library is able to offer. Per state statute (75ILCS 16/30-60), this policy is required to be reviewed every two years and approved by resolution. Mr. Johnson made a motion, seconded by Ms. Dobbs to adopt a revision of the Use of the Library Policy of the Cook Memorial Public Library District. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Building and Grounds: No report.

Development: No report.

Resources, Services and Long Range Planning: No report.

Village of Libertyville Parking Commission Representative: No report.

Friends' Representative: No report.

RAILS Representative: No report.

Historical Society Representative: No report.

Technology Committee: Mr. Johnson announced that a meeting is scheduled for November 7 at 6:30 p.m. at Aspen Drive Library.

Adhoc Committee for Cooperative Opportunities: No report.

Other Business: The resolutions listed on the agenda were approved in REPORTS OF COMMITTEES AND REPRESENTATIVES under the Policy Committee.

Communications: Trustees and Mr. Archer briefly discussed an email communication received by a patron.

Public questions: None.

Adjournment: Ms. Vieth made a motion, seconded by Mr. Johnson to adjourn the meeting. Having no further business, the meeting was adjourned at 8:08 p.m. Roll call was as follows: Ayes; Ms. Vieth, Mr. Johnson, Ms. Dobbs, Mr. Larson, and Ms. Quirke. Nays; none. Mr. Schuler and Ms. Oakley were absent. Motion carries.

Respectfully submitted,

James Larson, Secretary

Bonnie Quirke, President