



Board of Trustees Regular Meeting
MINUTES (approved)
Thursday, December 17, 2020 at 4:00pm
Virtual Meeting via Zoom

1. Call to Order

The meeting was called to order by President Jones at 4:02pm. By voice roll call, present were: Jones (President) attended from home in Fife Lake Township; Odgers (Vice President) attended from home in Traverse City; Sullivan (Treasurer) attended from home in Traverse City; Pakieser (Secretary) attended from home in Traverse City (left at 6:02pm); and Vickery (Trustee) attended from home in Traverse City. Wescott (Trustee) was absent. Also present were: Zeits (Counsel), Howard (Director), Radjenovich (Business Manager), Olson (Zoom Moderator), and Carpenter (Staff).

2. Pledge of Allegiance

Because an American flag was not present and available to all members participating in the virtual meeting President Jones eliminated the Pledge of Allegiance from the December 17, 2020 agenda.

3. Approval of Agenda

It was MOVED by Odgers, SUPPORTED by Sullivan, to approve the agenda as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes.

4. Public Comment

President Jones opened the floor for public comment. There was none by attendees Weaver, McKenna, and Brady, or submitted via email or chat.

5. Approval of Minutes

a. Regular Meeting of November 19, 2020

It was MOVED by Sullivan, SUPPORTED by Pakieser, to approve the regular meeting minutes of November 19, 2020 as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes.

6. Reports and Communications

a. Director Report

Howard confirmed her written report and added the following:

- Howard and Radjenovich continue to watch for any changes to the CARES Act or Families First Act as well as any EEOC information or regulations regarding vaccination for employers.
- At the local Joint Operations Committee meeting Howard volunteered the use of the Woodmere location as a vaccine administration site if needed. TADL has often been a site for blood drives and being a vaccination site would fall in line with that precedent.

- The Grand Traverse County Commission has appointed Mary Budzinski to the TADL Board. Budzinski is a retired, former Traverse City resident who has moved back to the area. She also worked at the Chelsea District Library.
- TADL inherited a collection of three unique reels of microfilm containing Native American birth, marriage, and death records from Peshawbestown. Once the information has been digitized, the originals will be given back to the Tribe.
- With sorrow, Howard reported that the son of a current, long-term employee had recently passed away due to health issues, which followed the death of his other son just a year ago. The staff is rallying around his family to help them through this difficult time.
- With joy, Howard reported that another current, long-time staff member gave birth to a beautiful and healthy baby girl. The staff was happy to have a new little member in the TADL family.

President Jones noted that Administrative Reports were included in the board packet. McKenna added that the three reels of microfilm came from a larger donation of microfilm from Northwestern Michigan College. There will be no optical character recognition since the original documents were handwritten. McKenna believes that at least one of the reels is the only copy in known existence.

b. *Financial Reports*

Radjenovich noted that, although a small amount of revenue is streaming in, there were no significant changes in the revenue or expense reports from last month since it is year end. A \$6000 grant was recently received and will be reflected in the December financials. Some 2021 property tax revenues are starting to come in but are not part of this year's budget.

c. *Member Library Reports*

Written reports, only, were provided this month from Vicki Shurly, Director of Peninsula Community Library (PCL) and from Julie Kintner, Director of Fife Lake Public Library (FLPL). No written or verbal report was provided this month from Renee Kelchak, Director of Interlochen Public Library (IPL).

d. *Committee Reports*

- Finance and Facilities and Services Committee – Sullivan noted that the committee had met and commended Radjenovich and Howard for their excellent work with the financial challenges this year. The committee will begin meeting with member libraries in the next few next months to work on expiring member library agreements.
- Policy and Personnel Committee – Vickery noted that the committee had met and discussed, and recommend for adoption, the policies later on the agenda. He noted that the committee is one member short and looking forward to a full committee after the new trustee starts. In response to Odgers' inquiry, Vickery confirmed that the committee was looking into a youth advisory board representative but that the conversation is in beginning stages. There is no plan yet for how that would work.

e. *Other Reports and Communications*

- Friends' Report – Doug Weaver, TADL Friends Board President
Weaver reported that Curbside Bag Book Sale was a success. There were 145 orders with about 500 bags sold. The Friends received many positive follow-up emails on the sale. The sale raised about \$2700 and are very close to meeting their budget this year. There may be an opportunity to raise funds with the remaining Charles Saunders Jazz Collection donated a

few years ago that had not been curated for TADL's collection. Ann Swaney and Anne Magoun, who are putting together a TADL History book, have raised about \$10,000 for the project and the Friends of TADL will be giving a \$3,000 matching donation.

7. Old Business

a. 3.7 Wi-Fi Hotspot and Laptop Lending Policy

Howard reported that laptops were purchased with a grant from the Library of Michigan. Since the lending parameters are similar to the Wi-Fi Hotspots the existing policy was revised to include the laptops. It was **MOVED** by Odgers, **SUPPORTED** by Sullivan, to adopt 3.7 Wi-Fi Hotspot and Laptop Lending Policy as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion **CARRIED** with 5 ayes.

b. 2020 Year-end Budget Amendment

Radjenovich provided detail on the year-end budget amendment and an explanation of which funds were moved to the Public Improvement Fund in order to earmark those for specific expenses. With no issues raised, it was **MOVED** by Sullivan, **SUPPORTED** by Pakieser and Odgers to approve and adopt the 2020 Year-end Budget Amendment Resolution as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion **CARRIED** with 5 ayes.

c. 1.8 Remote Meeting Policy

Zeits (Counsel) presented an update on the recent amendments to the Open Meetings Act. It was **MOVED** by Vickery, **SUPPORTED** by Odgers to approve the revision to 1.8 Remote Meeting Policy as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion **CARRIED** with 5 ayes.

8. New Business

a. United For Libraries & Trustee Training Information

Howard stated that this information was provided from the Director of Northland Library Cooperative to make sure all trustees are aware of training opportunities available to them.

b. 7.9 TADL Remote Work Policy

Howard explained that, due to the current state of emergency, Michigan OSHA requires the library to have a remote work policy in place and the policy has already been put into action as required. The contents have been reviewed and recommended by the Policy Committee and approved by Zeits (Counsel). The policy defines and clarifies essential work activities that can be performed remotely and those that cannot. Vickery suggested that the board possibly consider adopting some form of remote work policy in a non-emergency setting in the future. It was **MOVED** by Vickery, **SUPPORTED** by Pakieser, to adopt 7.9 TADL Remote Work Policy as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion **CARRIED** with 5 ayes.

c. *MERS DC Plan Adoption Agreement Addendum*

Radjenovich noted that the MERS addendum, the agreement between the TADL board and MERS, is merely housekeeping on the part of MERS. Nothing has changed in the plan. All investing members are being asked to fill out new addendums. It was MOVED by Pakieser, SUPPORTED by Odgers, to give approval to Howard, the qualified signer, to sign and send in the MERS DC Plan Adoption Agreement Addendum as presented. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes.

d. *Consideration for Library Closure on December 26, 2020*

Howard asked the board to consider closing the Main library, East Bay Branch, and Kingsley Branch Library on Saturday, December 26, 2020 and Saturday, January 2, 2021 in the interest of staff and community health and safety to help reduce the spread of COVID-19 following holiday gatherings. The Main location is already under a temporary closure through December 28, 2020 due to a positive COVID test of a staff member. All three libraries are also currently closed on Sundays. Vickery stated that the request was reasonable and the extra time off would be a nice recognition to staff during a difficult year. It was MOVED by Sullivan, SUPPORTED by Odgers, to support and approve closure of the Kingsley and East Bay Branch libraries on December 26, 2020 and closure of the Main library, Kingsley and East Bay Branch libraries on January 2, 2021. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes.

e. *Behavior Policy Appeal Hearing*

Zeits (Counsel) informed the board that she had received a signed document from the Appellant, Ms. Darcie Pickren, waiving her right to a closed session hearing and allowing her appeal, along with her patron record, to be discussed in an open session setting of the board of trustees meeting on December 15, 2020.

It was MOVED by Pakieser, SUPPORTED by Sullivan, to open Ms. Pickren’s appeal hearing. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes. President Jones opened the hearing at 5:06pm.

Zeits commenced the hearing detailing the rules that were previously sent to the full board of trustees as part of a confidential document along with attorney-client privilege information regarding the appeal.

Zeits continued to provide the known details of an alleged violation of TADL’s Behavior Policy 4.1, category B19, by Ms. Pickren occurring on October 12, 2020. Ms. Pickren allegedly was not wearing a face covering while in the Main Library and claimed to have a medical exemption. Ms. Pickren was advised of the face covering policy and that to accommodate her inability to wear a face covering she would be able to use the library services either by curbside services for materials, use the Wi-Fi services within the parking lot, or wear a face shield that covered her full face below the chin.

Zeits reviewed the Behavior Policy's subsections in question and the consequences of the violation(s) with the board, also noting that the policy provides an alleged violator the right to an appeals process. She confirmed that Ms. Pickren requested her appeal in a timely manner on October 26, 2020. In her letter or appeal, Ms. Pickren also asked that the violation be stricken from her record and to receive an apology.

Zeits instructed the board to deliberate and either affirm or reject the Director's determination and application of the Behavior Policy 4.1 for the incident involving Ms. Pickren on October 12, 2020 based on evidence and circumstances as presented.

All evidence was presented, Ms. Pickren's written statement was read into record by Ziets, and medical documents provided by Ms. Pickren's were considered. Further questions were asked of the Director and witnesses present.

It was then MOVED by Pakieser, SUPPORTED by Sullivan, to close the Behavior Policy 4.1, category B19 violation appeal hearing. A roll call vote was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes. President Jones closed the hearing at 5:34pm.

After reviewing the Director's determination, the Appellant's presentation and evidence, and other evidence, the Board finds that:

1. Category 19 of TADL's Behavior Policy 4.1 does require the wearing of Personal Protective Equipment in the Library, such as face coverings pursuant to local or state law, regulation, rule, or order.

A roll call confirmation of the findings was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

CARRIED with 5 ayes.

2. Based on the evidence reviewed and presented, including the following: a) employees witnessed Ms. Pickren not wearing a face mask while in the library; and b) video footage of Ms. Pickren in the Main Library on October 12, 2020 clearly showed she was not wearing a face mask while in the library.

A roll call confirmation of the findings was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

CARRIED with 5 ayes.

3. The following evidence demonstrates that, although Ms. Pickren was medically exempt from wearing a face covering in the library, in the interest of the health, safety, and welfare of the public, patrons, and staff, Ms. Pickren was provided the ability to receive library services via alternative methods: a) the Behavior Policy 4.1 explicitly provides accommodation for those who cannot wear a face covering in the interest of public safety which enabled Ms. Pickren to obtain library services without being inside the library without a face covering; and b) in addition to postings within the library, staff told Ms. Pickren of the alternative service options if she could not medically tolerate a face covering.

A roll call confirmation of the findings was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

CARRIED with 5 ayes.

Therefore, on October 12, 2020, Ms. Pickren did violate category B19 of TADL's Behavior Policy 4.1 and the Library Director's determination is affirmed. A roll call confirmation of the findings was taken with the following results:

Wescott – absent	Pakieser – aye	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

CARRIED with 5 ayes.

Zeits confirmed that the decision of the Board is final and the board President is authorized to execute a written decision consistent with this opinion and provide a copy to Ms. Pickren.

9. **Public Comment**

President Jones opened the floor for public comment. There was none by attendee McKenna, or submitted via email.

10. **Trustee Comment**

The board expressed their deepest condolences to the Schwartz family. And, on behalf of the board, President Jones wished everyone a happy holiday season.

11. **Adjournment**

With a motion to adjourn by Sullivan, supported by Odgers, a roll call vote was taken with the following results:

Wescott – absent	Pakieser – absent	Vickery – aye
Sullivan – aye	Odgers – aye	Jones – aye

Motion CARRIED with 5 ayes.

President Jones adjourned the meeting at 6:02pm.

Respectfully submitted,



V. Carpenter, Recording Secretary

Approved by board vote on January 15, 2021



M. Pakieser, Board Secretary