

BARTLETT PUBLIC LIBRARY DISTRICT
REGULAR BOARD MEETING MINUTES
Electronic Attendance Authorized Pursuant to Illinois
Open Meetings Act (5 ILCS 120/7)
Location: Online Zoom Meeting
Monday April 19, 2021

The regular meeting of the Bartlett Public Library District Trustees was called to order at 7:00 p.m. by President Barry.

ROLL CALL: Present were President Dave Barry, Vice President Peggy Bucaro, Treasurer Heidi Hopkins, Secretary John Sias; Peggy Deyne, Lynn DeSmidt, and Joe Olsen, Trustees.

STAFF PRESENT: Director Karolyn Nance, Human Resources Generalist Dina Castelvechi, IT Manager Bridgett DeJohn, Facility Manager Nathaniel Aye, Adult and Technical Services Manager Mary Jane O'Brien.

Patrons: Monica Boyer, Rozanne Porter, Karen Segó, David Cassara.

Guests: Roger Ritzman and Mark Ritzman, Library counsel.

PLEDGE OF ALLEGIANCE RECITED

TOWN HALL: No patron comments.

President Barry stated the meeting is being held as a virtual meeting given that the Illinois Governor declared the coronavirus pandemic a disaster. He determined that an in-person meeting is not practical or prudent because of this disaster.

EXECUTIVE SESSION: The trustees received an email from the Library's attorney about the appropriateness to go into Executive Session at this time. Roger Ritzman stated the lawyers would charge the Library for the attendance of only one lawyer at this meeting.

Discussion was had that the Closed Session exception of the Open Meetings Act relevant to litigation states that the board may go into closed session to discuss pending litigation and/or probable or imminent litigation.

Mr. Ritzman recommended the Library discuss in open session the two subjects that are relevant: One, the relationship with the

accounting firm McClure, Inserra & Company; two, the contract with NIU. After this discussion, the board can determine whether to go into Executive Session. The Board can amend its agenda and take the items out of order, or take them in order that they appear on the agenda.

Mr. Olsen moved to discuss the McClure, Inserra contract, follow that with a discussion on the NIU agreement; and finally, if determined necessary, go into executive session. Seconded by Ms. DeSmidt.

Roll Call Vote - Yes: Olsen, DeSmidt, Deyne, Sias, Hopkins, Bucaro, Barry. Motion carried.

1. McClure Inserra & Company Contract (Action Item taken out of order): Director Nance indicated it is imperative that the board consider renewing the contract for the next three months so that the Library is not without accounting services until the end of June and that the FY 20-21 financial reports can be completed in July. The Library is in the process of creating a proposal to hire a new accounting firm starting July 2021. The existing contract with McClure Inserra for FY20-21 was signed in August 2020.

Discussion was had whether to pursue litigation and whether it would be necessary to go into Executive Session.

Ms. Deyne stated she does not see litigation in order here, that the Library needs the accountants through the end of the contract term, and the Library needs to monitor all of McClure Inserra's fees from present until the end of June, which would also include the end of July for fiscal year-end reporting purposes. She believes that McClure Inserra insulted the intelligence of one of the library staff, and they owe an apology to her.

Ms. DeSmidt received a letter from Karolyn that states it was the contract until the end of June 2021 that was emailed to the trustees. The FY20-21 contract was supposed to be charging the Library \$875.00 per month; subsequently the fees escalated because McClure Inserra stated there was additional training they were providing. In March the board asked for an hourly listing for each of their services. A new contract prepared by the firm is broken down by hourly rate for individual accounting personnel.

Mr. Olsen stated that at the March meeting he specifically asked the accountants for detailed billing going back to the beginning of the fiscal year. There were questions on the part of staff in terms of whether the accountants had performed the additional services; and McClure Inserra's response was that they would provide that information going forward. Mr. Olsen believes that the Library has a valid contract for \$875.00 a month, and the fact that McClure Inserra is unwilling to provide the detail for what inflated their charges suggests to him they can't support the charges. Mr. Olsen started raising the question about why the accounting fees were so high as early as the September 2020 board meeting.

Mr. Sias said unless something compelling comes up tonight, his vote would be not to sue.

Ms. Bucaro said she would be concerned about the cost involved in litigation and whether that cost would be recoverable by the Library.

Ms. Hopkins stated she would say no to litigation; she thinks it would cost more in time and expense trying to get back the overpayment than the value of the overpayment itself.

Ms. DeSmidt said she would say not to litigate, and instead would like to see Director/administration reach out to the accounting firm and discuss the overpayment and why no itemization has been received by the Library from the accountants; arrive at an amicable resolution; and continue with the remainder of the contract for the fiscal year. She did not know the accounting firm was going to draft a whole new contract when the current contract in place has not reached the end of its term. The original letter which Mr. Inserra stated was drafted last year to explain the extra charges has never been received by the Library.

Mr. Barry stated he does not believe litigation is necessary at this time, and there is plenty of time to look into the matter, determine how much money is owed to the Library, and determine a course of action.

Mr. Ritzman stated he is unsure whether a valid contract is in place, and if it is, what its terms are. The Library ought to be able to get clarification and confirm in an email exchange or letter saying that for the balance of this fiscal year their

services will be provided at X dollars per month, clarify what the current terms are on a dollar basis, and include a nonwaiver of any claims related to past services.

In the March minutes it states that Mr. Inserra will draft a document outlining the 10% discount he mentioned and the hourly rates and provide the document to Director Nance. A copy of a letter from the accounting firm, dated March 22, 2021, was included in the board packet, Pages 51 through 54.

The overcharge amount is \$4500. Trustee Olsen created a spreadsheet breaking out all of the costs which were charges based on the terms of the contract that was in effect.

Mr. Sias moved to include in the new proposed agreement what the prior charges were, the nonwaiver of claims related to past services, the discounted rate for services, and that the agreement be reached for services through the end of the fiscal year; seconded by Ms. DeSmidt.

Director Nance will provide this information to the Library's attorney, have him review it and add the nonwaiver language. This process will remove the need to go into Executive Session at this time to discuss this issue.

Roll Call Vote - Yes: Sias, DeSmidt, Deyne, Olsen, Hopkins, Bucaro, Barry. Motion carried.

2. Strategic Plan Update (Discussion Item taken out of order): Discussion was had regarding possible litigation against NIU for the Survey and Planning project and NIU's failure to perform their end of the agreement.

The Board discussed the Library's dissatisfaction with the services provided and its consideration of terminating the contract. The Library would advise NIU in writing of the contract termination based on NIU's breach for failure to provide the services they agreed to, and therefore the Library would be released of any further performance, namely, paying the balance due.

Staff provided the Board the draft document received from NIU, which had another library's name, several typos, and another library's demographics that have nothing to do with Bartlett. The document did not meet the Library's expectations based on

NIU's reputation for survey and planning work nor based on the amount of money paid by the Library.

Library Staff believe communication with NIU in follow-up to receipt of the draft document was unproductive. The product achieved to this point has been primarily achieved through the work of the management team; and staff believe they have spent as much time in-house achieving the results to date as they did when the entire process was accomplished in-house in the past.

The 2020 U.S. Census was recently completed, and the government is saying results possibly will be available in September. The information that is currently being used to develop the strategic plan is a five-year extrapolation based on the 2010 Census.

Board discussion addressed the desire not to expend additional monies to create a plan using stale data; that NIU has not yet performed any of the focus groups using the staff-developed survey questions; that the project could be delayed to utilize the 2020 Census data when it is available; and that the Library may ask for some sort of financial credit going forward.

The contract that was signed is simple and does not include typical early termination provisions or remedies upon termination; but it does include language stating no attorney fees are chargeable to a nonbreaching party.

The threshold decision for the Board to make is does the Library work with NIU to complete the project, addressing the issues about getting credit against the total price for work that library staff did, and perhaps extend the duration of the contract -- which is currently set to expire November 30, 2021 -- to utilize updated census data; or terminate the agreement in its entirety at this time.

Mr. Olsen moved to terminate the relationship with NIU and ask the Library's counsel to work on behalf of the Library to try to negotiate the best exit for both parties; seconded by Ms. Bucaro.

After the vendor is contacted and an attempt made at negotiating a resolution of the relationship or termination of the relationship, the ultimate decision will come back to the Board for approval at the May meeting.

Roll Call Vote - Yes: Olsen, Bucaro, Deyne, Sias, DeSmidt,

Hopkins, Barry. Motion carried.

Mr. Roger Ritzman and Mr. Mark Ritzman left the meeting at 8:20 p.m.

(The Board took a 5-minute break.)

APPROVAL OF ITEMS ON CONSENT AGENDA:

1. Items to be included in the Consent Agenda:

- a. Minutes from the March 15, 2021 Regular Board Meeting
- b. Approval of Bill List: April 19, 2021
- c. Approval of Transfer of Funds: April 19, 2021 (No Transfer Needed)
- d. Designation of Two Trustees for May Monthly Bills Approval (Hopkins, Deyne)
- e. Travel Reimbursement Approval (None)

2. Consideration of item(s) withheld for separate action (If Any): Ms. DeSmidt asked for Item a, Minutes from the March 15, 2021 Regular Board Meeting to be removed from the Consent Agenda.

Ms. DeSmidt stated that Action Item 1, Page 3, should include her stating: "Where is the letter, the missing letter?" (The letter was to present a new contract, different from the active contract dated through June 30, 2021.); and that Trustee DeSmidt stated, "There is email, phone calling, and certified mail, and you chose to mail the letter which was never received by the director."

Action Item 13, Page 6, correct the spelling of Woman's Club; and that Trustee DeSmidt stated "two baskets were donated for the Community Care Collective, and presented by Trustee DeSmidt on behalf of the Friends of the Library."

Ms. DeSmidt moved to approve the Minutes as amended; seconded by Mr. Olsen. Roll Call Vote - Yes: DeSmidt, Olsen, Deyne, Sias, Hopkins, Bucaro, Barry. Motion carried.

3. Consent Agenda Approval (Roll Call Vote): Ms. Bucaro moved to approve the balance of the agenda; seconded by Mr. Sias. Roll Call Vote - Yes: Bucaro, Sias, Deyne, Olsen, DeSmidt, Hopkins, Barry. Motion carried.

REPORTS, QUESTIONS, AND COMMENTS - President and Trustees

Mr. Barry commended the candidates in the recent election.

ACTION ITEMS

1. McClure Inserra & Company Contract (Roll Call Vote): Item covered on Page 1 under the "Executive Session" heading.

2. 2021-2022 Budget Draft 1 (Roll Call Vote): Director Nance asked whether there were any comments, suggestions, or corrections regarding the proposed budget.

Discussion was had regarding the following sections of the budget:

1, Tuition Reimbursement - no one is interested in tuition reimbursement at this time; but Ms. Nance will add it back in, and if needed, funds can be added to the line item. 2, Mr. Olsen had asked Director Nance to provide the Board with a copy of the tax levy to confirm the Library was getting the full funds that it is entitled to. The numbers were confirmed to be correct. 3, Mr. Olsen wanted to verify that the Library had adequate funds budgeted for materials to address a need brought forward by Manager for Adult Services, Mary Jane O'Brien, that the reference services materials needed to be updated. Director Nance added \$20,000 under Adult Services for databases for adults, youth, and children.

An estimate of number of lost volumes was slightly over 1,000 items at a cost of a little over \$17,000. An inventory report was prepared six years ago; and each department has the capability of reviewing and deciding, based on whether there are holds or not, whether the book, or a more recent copy of the book, will be replaced, and whether there are adequate funds to do so. Some of the missing items have previously been replaced or determined not to need replacement over the past six years.

Employee professional fees have been increased from \$3500 to \$4500, and a line has been added for dues and subscriptions of \$1,000, so that the district patrons know how much is being spent on memberships.

Trustee DeSmidt inquired about the personnel salary line item, and a possible change in the marketing line. This line may be modified in May or June if needed. Mr. Olsen stated that there has been an adjustment in the tech services and the marketing lines that was booked in March but applying back to the beginning of the fiscal year because a part-time person was moved out of marketing, but payroll had continued to be coded and charged in

marketing.

Mr. Olsen would like to see the budget reflect the number of full-time equivalents for the total budget. This would be valuable for the Library to compare budgeting and staffing needs of Bartlett against a community of similar size.

Mr. Olsen would like at the June board meeting for the trustees to move to Special Reserve the amount of the funds that were committed to in FY20-21 budget year for IMEG and the building projects but will be unexpended at the end of the fiscal year, which should be about \$50,000. Director Nance stated that the auditor and the accountant suggest that the Library have six months' to one year of operating expenses in the general fund in case of emergency; after that, then the Library could freely move any money left over to the Special Reserve. Mr. Olsen stated the Board made a commitment at the beginning of the current fiscal year to expend \$200,000 towards those capital-related projects; and he does not believe that any portion of the \$200,000 should be rolled over to general operating surplus.

Ms. DeSmidt moved to approve the 2021-2022 Budget Draft 1; seconded by Mr. Olsen. Roll Call Vote - Yes: DeSmidt, Olsen, Deyne, Sias, Hopkins, Bucaro, Barry. Motion Carried.

DISCUSSION ITEMS:

1. Strategic Plan Update: Item covered on Page 1 under the "Executive Session" heading.
2. Pandemic Response Report: Director Nance thanked the managers and all staff that gave input to the report. Director Nance is very pleased and proud of the work of all library staff and the board for their efforts.
2. Lawn Care Maintenance Contract: Trustee DeSmidt had requested that the updated contract with the current amounts be in the board packet.
3. Mitigation Updates: Director Nance said there was a great turnout -- 3,000 people -- who went to the Park District to receive their vaccinations, and she commended the Village and the Park District for arranging the event.
3. Financial Report: Director Nance stated that Trustee Olsen previously covered the marketing and the tech services lines coding issue.
4. Director Goals: Director Nance said she was disappointed that she could not attend the trustee forum last Saturday; and that she would like to continue including her goal updates in the

reports to keep herself on track.

5. Bartlett Joint Taxing Meeting (Wednesday, May 12, 2021): Director Nance believes the meeting will be at the Senior Center at 7:00 p.m.

6. Trustee Timeline: The document was laminated for the trustees and included in their board packets. The document provides a quick glimpse of things that the board needs to do each month. Mr. Olsen indicated the timeline is missing, under Open Meetings Act, a required six-month review of closed session minutes, and it should be listed as a separate item. Ms. Nance will have new documents printed with the correction and distributed to the trustees.

7. ILA Update: ILA has been building momentum for the Build America's Libraries Act. Trustee Deyne and Trustee Olsen provided Ms. Nance information about another funding opportunity, and she is looking into that.

8. Trustee Forum Training Update: The ILA trustee forum update had a great meeting on Saturday, April 17, 2021, which was attended by several Bartlett library trustees. The forum included conversation and education, and then attendees broke into small groups that were very diverse.

Mr. Olsen noted that the library, according to the Annual Closure Calendar, has continued to close on Easter Sunday, although some people in the community do not celebrate the holiday. The Library should be conscious about DEI and not discriminate against a portion of the community, including employees, whose cultural/religious holidays are not observed by a library closure. The topic will be revisited prior to creating the 2022 closure calendar.

9. FOIA Requests: None.

10. Friends Update: The report is in the board packet. Donations for the Friends sale are coming in strong.

11. Foundation Update: President Barry stated that O'Hare's Pub & Restaurant will hold a Dine & Donate all day on August 14, 2021. They will provide the Library with updated artwork to market the event, and the Library will be the recipient of those funds.

NEW BUSINESS: Ms. Bucaro complimented the marketing department on the brochure that they sent out, and suggested that anything that goes out from the Library include a listing of the library director and trustees.

Ms. DeSmidt is hoping that Director Nance as well as the board will consider holding the Author's Book Fair in the future, with

the Friends possibly hosting the event. Mr. Barry said the Foundation was going to host the event, but it was postponed due to the pandemic.

Mr. Olsen stated that the most recent mailing from the library was not delivered to his neighborhood. Director Nance will contact the post office and file a complaint.

TOWN HALL: None.

ADJOURNMENT: Ms. Bucaro moved to adjourn at 9:02 p.m.; seconded by Ms. DeSmidt. Roll Call Vote - Yes: Bucaro, DeSmidt, Deyne, Olsen, Sias, Hopkins, Barry. Motion carried.
Adjourned.