

Draft

Rockingham Free Public Library
Board of Trustees Meeting
October 28, 2014

Present: Doreen Aldrich, Carol Blackwood, Hope Brissette, Kain Fischer, Patricia Fowler, Carolyn Frisa, David Gould, L. Raymond Massucco and Jan Mitchell-Love, Trustees; Celine Houlne, Mary VanHartesveldt, Library

Others: Ian Eddy, Debbi Wetzel, Adam Wetzel, David DeRusha, Arnold J. Clift, Polly Montgomery, Joel Love, Elayne Clift, Diane Brown, Debbie Bump, Betty Haggerty, Deborah Wright, Susan Warner, Edward Warner, Susie Peters, Kathy Michel

Press: Alison Teague, Commons; Susan Smallheer, Rutland Herald; Dominic Polli, Brattleboro Reformer; FACT TV Joe Powers

Meeting was Called to order at 6:20 pm by Chairperson Carol Blackwood.

Public Comments:

Polly Montgomery, president of the Friends announced that the Friends will be sponsoring a holiday party on December 6th from noon-1:30pm. A 50/50 raffle will be held along with raffles of gift certificates and other items to benefit the Friends. She asked people to sign up to bring snacks and to solicit items for the raffles.

Arnold Clift spoke regarding what he sees an excess of public records requests. He noted that over 22 individual requests have been made in recent months and that they are time consuming. He suggested that the board not respond and to let the complaints go to court. He suggested that the Library Director be named as the official custodian of records and he asked that his comments be entered into the official record.

Joel Love said that making the director the custodian would be illegal and that a custodian cannot be designated by the trustees. He also asked Frisa to provide the past two years of her e-mails.

Frisa said that the board needs to have a clear policy for handling public records requests, and it was suggested that this be taken up by the policy committee.

Additions to Agenda:

Blackwood assured Mitchell-Love that items Mitchell-Love had requested to have put on the agenda had been included, although she might have used different language when listing them.

Two items added to the agenda were 1) clarification of the custodian for public records requests and 2) a letter from Deborah Wright that some board members had not yet seen.

Blackwood spoke of the need for practicing civility and following an organizational structure in order to keep our focus on getting business done. She requested one week's notice for agenda items, and said that when submitting an agenda item, we need to do our homework such as having attachments and complete information so meetings can be efficient and organized.

Trustees voted in favor of adopting the agenda.

Approval of Minutes

Gould moved to accept the September minutes. Mitchell-Love was opposed, all others voted in favor.

Directors Report

Highlights

Houlne noted recent memorial and landscape donations. She encouraged people to participate in the survey the library is currently conducting on its services. She noted that she recently waived a small fee for fulfilling a public records request, but clarified that in the future there would be a charge.

Financial

Mitchell-Love requested an explanation of spending that is currently surpassing 25% of the amount budgeted for the fiscal year. Houlne and VanHartesveldt explained that some bills come only once or twice per year, some amounts were from the past fiscal year, phone for new staff had not been budgeted, and overages for children's program are being covered by the Friends.

Blackwood requested input from finance committee. After some discussion of wording, Fowler moved that the board approve the recognition of expected overages, per worksheet of 10/22/14, so expenditures can be paid if they occur. Mitchell-Love and Brissette abstained, all others voted in favor.

Committee Reports

Personnel

Gould provided information regarding differences in benefits for RFPL and town employees for review and future discussion with recommendations being contingent on budget. Gould also noted having met with Houlne on 10/9.

Policy Committee re: By-law Revision

Brief public comments were taken, then Blackwood invited board members to indicate the articles they wanted to discuss individually. Selected articles were discussed with brief public comments taken on each and changes were made as seen in the updated revision of the by-laws.

Finance Committee

Fowler moved to close out the matured CD at the Merchants Bank and move the entire balance to an existing money market account at River Valley Credit Union. The board

voted unanimously in favor of this.

Blackwood asked that we begin considering an wish list of possible expenditures for the next 3-5 years for discussion at the January meeting.

The next regularly scheduled meeting occurs the week of Thanksgiving. Polling indicated that enough board members will be available to have a quorum.

The board voted to schedule a special meeting for Tuesday November 18th at 6:15pm for the single purpose of discussing FY '16 budget. Mitchell-Love was opposed, all others voted in favor.

Meeting adjourned at approximately 9:45 pm.

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Respectfully Submitted,
Karin Fischer
10/31/14

ARNOLD CLIFT

STATEMENT TO RFPL BOARD OF TRUSTEES (Oct 28 2013)

I have two points to make:

First, Public Records Requests

I understand that since the new Board of Trustees was reconstituted after the March Town Elections earlier this year, Ms Deborah Wright, a former Board member, has submitted several Public Records Requests to Trustees seeking information either from a particular Trustee or from each of them. This has necessitated over 22 separate responses from individual Trustees. In addition, Ms. Wright has made two Public Requests to the Library Director. As a former Trustee, Ms Wright is well aware of the time consuming effort needed to respond to such requests, especially as some of them were very broad in scope. One can only surmise as to the real motive behind making so many requests.

As provided in the Public Records Law (I VSA 319 d (3)), and Vermont Procedure No 11, the Court may impose penalties and sanctions against any litigant whose complaint is deemed by the Court to constitute harassment. I suggest that the Board of Trustees consider not replying to any further Public

Records Requests from Ms Wright at this time and instead allow Ms Wright to pursue the matter in Court where it may be juridically resolved.

Second, "Custodian" of Public Records

The Public Records law does not define or indicate who is, or should be, the custodian of official documents. There has been discussion among the Trustees as to who should be the custodian of official Library documents either "produced or acquired" by the Trustees and the staff. To clarify the situation I respectfully suggest that the Board pass a motion to the effect that for the purposes of the Public Records Request law, the Library Director be appointed the custodian of official records; that all official library documents, produced or acquired, by Trustees or staff be deposited with the custodian and that all Public Records requests be handled and responded to by the Custodian.

ROCKINGHAM FREE PUBLIC LIBRARY

BYLAWS

ARTICLE I: Trustee Election

The affairs of the Rockingham Free Public Library shall be conducted by a board of nine (9) trustees. Three Trustees shall be elected by the voters of Rockingham each year for a term of three (3) years at the Annual Town Meeting. New Trustees shall immediately take an oath of office and assume their duties. Shall a vacancy occur for any cause, other than normal term expiration, the Library Board of Trustees shall make a recommendation to the Town Selectboard to fill such vacancy. The Selectboard will appoint an interim Trustee to fill the position, until the next Town Meeting when a replacement Trustee will be elected for the remaining term, if any, in accordance with 1 V.S.A. § 963 as amended.

ARTICLE II: Meetings

The Library Board of Trustees, as a first order of business after each new election cycle, shall adopt a set of rules for governance of meetings, such as Roberts Rules of Order.

All meetings shall be conducted as open meetings except as allowed by 1 V.S.A. § 313 as amended, for executive session. Reasonable public comment will be allowed at all public meetings.

The Library Board of Trustees shall meet in regular session a minimum of nine (9) times per year in accordance with 1 V.S.A. § 213 as amended. The first meeting after an election cycle shall occur within seven (7) days, at a time and location agreeable to two thirds or more of the Trustees. Subsequent meetings will be held at an agreed upon regular schedule. The Chair shall schedule other Library Board of Trustee meetings in accordance with 1 V.S.A. § 312 as amended.

Notice (either via mail or electronic communication) shall be provided specifically to each Trustee at least five (5) days prior to regular meetings, three (3) days prior to special meetings, and twenty four (24) hours prior to emergency meetings. Emergency meetings will only be called in extreme, urgent circumstance. Notification will include date, time, place and agenda of meeting. Public notification of all meetings will be done with a goal of maximal dissemination to the community and in accordance with 1 V.S.A. § 312 as amended.

ARTICLE III: Quorum

A quorum shall consist of five (5) Trustees, and may include the Chair.

ARTICLE IV: Motions

For any motion to pass it must be seconded and receive an affirmative vote from a majority of the Library Board of Trustees or Library Trustee Committee members.

ARTICLE V: Attendance

So that the Library Board of Trustees may function effectively and with continuity, Trustees are expected to attend meetings on a regular basis.

ARTICLE VI: Governance

The Library Board of Trustees shall make all necessary rules for the governance of the library, and shall conduct the same in a manner best calculated to serve the purposes for which the library was established.

ARTICLE VII: Budget

The Library Board of Trustees shall develop and approve an annual budget and submit it to the Town of Rockingham Selectboard, to be presented to the voters as a separate appropriation request at the Annual Town Meeting.

The Library Board of Trustees shall submit an annual report for publication in the Annual Town Report.

ARTICLE VIII: Officers and Committees

The Library Board of Trustees as a first order of business after each new election cycle, shall elect from its members: Chair, Vice-Chair, Secretary and Treasurer, with terms to expire at the next election cycle. To be elected, candidates must receive an affirmative vote from a majority of the Library Board of Trustees . Additional elections may be conducted during the year, if one of the officers resigns, or when the Library Board of Trustees votes to elect a new officer.

The Chair may appoint committees which shall include a minimum of two (2) Trustees and may include community members and library staff to work on areas of particular interest. Committees will include Finance and Policy. Other committees may include, but are not limited to Fundraising, Long Range Planning, Personnel, Buildings and Grounds, and Historical Collections.

ARTICLE IX: Library Director

The Library Board of Trustees shall hire and supervise a Library Director who shall be responsible for direct oversight of library functions, library staff and maintenance of its assets. The Library Board of Trustees will conduct a written evaluation of the Library Director annually, and additional written or oral evaluations as determined by the Library Board of Trustees.

The hiring or termination of the Library Director shall require a two-thirds majority vote of the Library Board of Trustees.

Article X: Record of Proceedings

A Secretary or designee shall keep a written record of the Library Board of Trustees proceedings at all meetings, including all committee meetings. The minutes shall be made public in accordance with 1 V.S.A. § 312 as amended.

Article XI: Borrowing Privileges

Borrowing privileges shall be granted to any person meeting the provisions of Rockingham residency or non-resident requirements as defined in the Library Operational Policy Manual.

Article XII: Library Policies

The Library Board of Trustees shall review Library policies at least every three (3) years and shall update as necessary after soliciting recommendations from library personnel.

Article XIII: Payment of Funds

No library funds shall be dispersed by the Town, unless the order, draft, or bill is reviewed by the Library Director and signed by the Treasurer of the Library Board of Trustees or two (2) Trustees if the Treasurer is not available.

Article XIV: Donations and Gifts

The Library Board of Trustees shall accept monetary donations and other gifts as appropriate in accordance with the Library Operational Policy Manual.

Article XV: Historical Collection

The Historical Collection shall be a permanent part of the library and shall be properly maintained and cared for in accordance with the Historical Collection Management Policy Manual.

Article XVI: Bylaw Amendments

The Library Board of Trustees shall review these bylaws at a minimum of every three (3) years. Proposed changes must be provided to the Library Board of Trustees and to the public at least thirty (30) days in advance of the meeting at which the amendments are to be considered. Two separate votes, each having a two thirds majority vote and not less than 30 days apart shall be required to amend or revise the bylaws. Library Board of Trustees bylaws, as amended, supercede all previous versions.