

**Kalamazoo Public Library  
OFFICIAL MINUTES OF THE BOARD OF TRUSTEES  
REGULAR SESSION**

DATE: April 28, 2003

TIME: 4:00 p.m.

LOCATION: Oshtemo Branch Library Meeting Room  
7265 West Main Street  
Kalamazoo, MI 49009

**PRELIMINARY BUSINESS**

President Brown called the meeting to order at 4:05 p.m.

Roll Call: Trustees present: Donald Brown, Robert Brown, Lisa Godfrey and James Vander Roest.  
Absent: Loren Dykstra, Rand Johnson and Doreen Thomas.

**I. RECOGNITIONS, RESOLUTIONS, COMMUNICATIONS**

There were no recognitions, resolutions or communications.

**II. PERSONS REQUESTING TO ADDRESS THE BOARD**

No one addressed the board.

**III. CONSENT CALENDAR**

- A. Minutes of the Board Retreat on Financial Information of March 22, 2003
- A. Minutes of the Regular Meeting of March 24, 2003
- B. Personnel Items

**Valerie Osborne** will join the staff May 1 in the position of half-time librarian I, Youth and Branch Services, assigned to Oshtemo and Eastwood Branches. Ms. Osborne is retired from Kalamazoo Public Schools where she worked in various school libraries, particularly Milwood Elementary. She is interested in continuing her career in librarianship in a part-time position.

Disposition: The board accepted the minutes and personnel items as presented.

**IV. FINANCIAL REPORTS**

- A. Financial Reports for the Periods Ending March 31, 2003

**Recommendation:** Director Amdursky recommended the board accept the Financial Reports for the Period Ending March 31, 2003.

**MOTION:** MR. VANDER ROEST MOVED AND MR. BROWN SUPPORTED ACCEPTANCE OF THE FINANCIAL REPORTS AS RECOMMENDED.

**Discussion:** In response to a question from Mr. Brown about a \$55,000 payment from Kalamazoo Township explained in the notes to the financial statements as "delinquent IFT taxes subsequent to a review of the abatement by the tax tribunal," Mr. Amdursky explained

Georgia-Pacific was granted a tax abatement at some point, but when they closed the business, they lost the abatement which resulted in this payment.

Mr. Amdursky will keep the board informed of any consequences for KPL from the Pfizer announcement about its future in Kalamazoo, which is expected April 29.



**MOTION CARRIED 4-0.**

**The Financial Reports for the Period Ending March 31, 2003 were accepted.**

ACTION ITEMS

V. A. Addition to 2002/2003 Board Meeting Calendar

**Recommendation:** **The director recommended the board schedule a special meeting on Thursday, June 26 at 4:00 p.m. for the purpose of conducting a public hearing on the 2003-2004 budget, adopting the resolution for the millage levy rate, and adopting the budget.**

Executive  
Summary:

At the regularly scheduled meeting on June 16, the board will be asked to adopt the "Resolution Calling for Public Hearing" and to review the proposed budgets. The "Notice of Public Hearing" will appear in the "Kalamazoo Gazette" subsequent to that meeting. Holding a special meeting on June 26 will allow us to meet the June 30 requirement for budget approval.

As discussed at the board retreat on March 22, new GASB 34 regulations require more precise projections of income and expenditure. By holding the special meeting for adoption on June 26, we will have more time to incorporate exact numbers as various income and budget factors become known.

**MOTION:** **IT WAS MOVED BY MS. GODFREY AND SUPPORTED BY MR. VANDER ROEST TO SCHEDULE THE SPECIAL MEETING FOR JUNE 26 FOR THE PURPOSE OF CONDUCTING A PUBLIC BUDGET HEARING, AND ADOPTING A RESOLUTION TO ESTABLISH THE MILLAGE LEVY RATE AND BUDGET FOR 2003/2004.**



**MOTION CARRIED 4-0.**

B. Request for Budget Revision

**Recommendation:** **Mr. Amdursky recommended the board revise the budget to allocate \$4,500 from the Lillian Anderson bequest for the purchase of the painting "Storybook Bride" for Oshtemo branch.**

Executive  
Summary:

The Anderson bequest, although dedicated to Oshtemo, is without other restrictions from the donor. The current balance of the Anderson fund (P110) is currently \$39,344.

An opportunity has presented itself in the form of a painting by local artist and devoted Oshtemo patron, Mary Hatch. Ms. Hatch's painting, entitled "Storybook Bride", displays a stylized form of Oshtemo Branch in the background. In the artist's description of the painting, she wrote about her appreciation and affection for "her" branch library, "*Storybook Bride* is a slightly altered view of one of my favorite places, the library. In the

township of Oshtemo, outside Kalamazoo, Michigan, my branch library looks like a postmodern fairytale castle.... When other cities were closing libraries, Kalamazoo was building more, winning the 2002 Gale/Library Journal National Library of the Year award."

The painting has been on exhibit in a New York City gallery, but has now returned to Kalamazoo. We would like to purchase the painting for display at Oshtemo Branch. An allocation of \$4,500 will cover the cost of the painting, installation, and promotion. The Arts Council of Greater Kalamazoo will handle purchase and installation arrangements.

**MOTION: IT WAS MOVED BY MR. BROWN AND SUPPORTED BY MR. VANDER ROEST TO APPROVE THE BUDGET REVISION TO THE LILLIAN ANDERSON BEQUEST TO PROVIDE \$4500 TO PURCHASE, INSTALL AND PROMOTE THE MARY HATCH PAINTING, "STORYBOOK BRIDE."**

Discussion: Ms. Godfrey confirmed this action would create a budget for the \$4500 needed to acquire the painting.



**MOTION CARRIED 4-0.**

C. Disclosure of Circulation Records for Minors

Recommendation: **Mr. Amdursky recommended the Board direct him to revise the Disclosure of Registration and Circulation Records Policy to allow staff to reveal circulation information to parents or guardians of children under the age of eleven.**

Executive  
Summary:

Libraries in Michigan are entitled to reveal circulation information to the parents of minors if the library holds parents financially liable for what their children borrow. The Kalamazoo Public Library intentionally does not hold parents liable, and believes that it does not have to reveal such records. This reasoning was shared with our legal counsel who consulted with the Library Law Specialist on the Library of Michigan staff to determine if it is legal to establish different guidelines for minors of different ages. After discussion and research, our counsel determined the library may legally establish such rules.

Terry Lason, Head of Adult and Outreach Services, and Susan Warner, Head of Youth and Branch Services, reviewed current policies and procedures. They are in concurrence that the ability to reveal circulation information to parents and guardians would simplify certain desk transactions. Terry writes,

“From the Circ Staff perspective, NOT telling a parent what a minor child has borrowed from the library has been a long standing problem. Parents present a variety of logical arguments for obtaining these records and staff defends patron privacy vigorously, yet do so with a certain uneasiness because of parental rights relating to minor children.

“Susan and I agree that some change in our children's privacy policy could be made to modify our stance on the issue and allow some easing of our restrictions.

“Based on the Unattended Children's Policy (March 22, 1993) which states that "Children under the age of seven should be attended and adequately supervised by a responsible adult..." and Susan's understanding from past workshops that a generally accepted age of accountability for one's action held by courts and lawyers is age 7, we recommend that Kalamazoo Public Library Staff be given permission to discuss a child's library record with a legal parent or guardian as long as the child has NOT reached the age of seven.

“The record of a child who reaches the age of seven or older will be subject to our current privacy policy.”

Mr. Amdursky said he also asked the Management Team to discuss this issue. There is some feeling that the age limit could be higher but general agreement that the library should protect privacy rights of children once they reach middle school. This would place an age limit through the tenth year.

The director supports a change in policy but believes the staff recommendation of seven years old is too conservative and supports the change for children through age ten. It would then follow that liability for materials for these children would be the responsibility of their parents or guardians.

He cautioned the Board that no matter what policy it chooses to adopt short of revealing the records of minors through their 17<sup>th</sup> year, there is a possibility of legal challenge.

If the board approves this recommendation, the Disclosure of Registration and Circulation Records Policy will be brought to the board for formal revision.

Discussion: Trustees had a number of questions regarding this recommendation and were not comfortable with considering it until more information is provided.

**MOTION: IT WAS MOVED BY MS. GODFREY AND SUPPORTED BY MR. VANDER ROEST TO TABLE ACTION ON THIS ITEM UNTIL AN ATTORNEY GENERAL'S OPINION IS OBTAINED REGARDING WHAT DISCRIMINATION IS POSSIBLE ON THE BASIS OF AGE AND WHAT POSSIBLE FINANCIAL LIABILITY ISSUES WOULD BE RAISED, PARTICULARLY CONSIDERING THE ELLIOTT-LARSEN CIVIL RIGHTS ACT AND THE LIBRARY PRIVACY ACT.**

Discussion: Mr. Brown was also concerned about what basis would be used to establish the age at which a child's parents are no longer able to receive information on the child's records and with a specific recommendation of how to prove the identity of the adult seeking information about a child's record. He also was concerned with what information is given to adults. (current materials borrowed only or historical information) Ms. Godfrey felt it is imperative that under the current policy information not be given to adults about a child's record. The following addition was proposed to the amendment.

**AMENDED MOTION:**

**(Added Language) MS. GODFREY PROPOSED AND MR. VANDER ROEST SUPPORTED ALSO REQUIRING EVIDENCE AS A RESULT OF EMPIRICAL RESEARCH REGARDING WHAT AGE IS APPROPRIATE FOR CHILDREN TO ASSUME RESPONSIBILITY FOR THEIR OWN PRIVACY AND INTERESTS, AND A DRAFT OF THE POLICY AS IT WOULD BE REVISED BEFORE TAKING ACTION ON THIS ITEM.**



**MOTION CARRIED 4-0.**

REPORTS

C. Possible Link with Kalamazoo Public Schools' Libraries

Presentation: Mr. Amdursky discussed his proposal to continue to investigate whether KPL should seek involvement in developing libraries within the Kalamazoo Public Schools (KPS). His proposal is to take responsibility for elementary school libraries, already under-funded and understaffed, and likely to suffer more cuts in the current and future economic climate. Elementary school libraries are not mandated by law, so are one of the few places public schools can look to eliminate costs.

Ensuring the viability of school libraries would not only be good for the health of the school system and community, but would be good in the long term for the public library. The better the school library system the more likely that students will use the public library throughout their formative years and become lifetime patrons and advocates of public library service. This idea would only be possible if state law is changed to allow district libraries to levy 6 mills rather than the maximum of four mills currently allowed. Such a change is in the works. He provided trustees with a background paper on this issue and asked for their comments.

Discussion: While trustees agreed the need for viable libraries in the schools is real and there is real potential and opportunity for KPL to make a difference, several concerns were expressed, including a desire for the acknowledgement of need and a commitment to providing strong school libraries from KPS, and a request for pragmatic evidence to support the claims of positive benefits from the presence of strong school libraries.

Even if this proposal is embraced, there would be major stumbling blocks, including a change in law and a millage campaign for an additional two mills to take over school libraries. In answer to a question about whether KPS itself has considered requesting additional mills to fund libraries, the director noted the only increases schools are allowed to seek under Proposal A are for capital improvements.

Trustees would like to know what we could do in the context of public library services to accomplish the desired goals rather than take the responsibility for functions traditionally provided by the schools. Ideas mentioned were bussing children from schools to the public library, adding bookmobile stops, and increasing school visits by library personnel.

If the law is changed to allow district libraries to seek six mills, we should be careful not to relegate to the schools during trying economic times, a funding option the library may need itself sometime in the future.

Disposition: President Brown acknowledged the concerns of trustees and will appoint a committee of three (both Mr. Brown and Mr. Vander Roest volunteered to serve) to further define what information the board needs to continue investigation of this concept.

## **VI. COMMITTEE REPORTS**

### **A. Finance & Budget Committee**

No report.

### **B. Personnel Committee**

Annual evaluation forms for the director's performance have been distributed to trustees to complete and return to Dr. Johnson, Chair of the Personnel Committee, by May 5.

## **VII. OTHER BUSINESS**

### **A. Directors Report**

Mr. Amdursky asked for guidance about how to proceed with trying to recoup the deposit made with Program Corporation of America, the booking company that failed to follow through on contracting with James Earl Jones' agent for his visit to Kalamazoo. The company is maintaining they are not obligated to return our deposit even though we ultimately had to pay the full fee to Mr. Jones' agent to secure his services. They are suggesting they will use the money paid for another speaker.

Our attorney is advising us it will be expensive to pursue this matter in civil court in New York.

Suggestions from trustees included asking our attorney to look into the possibility of a criminal complaint to New York authorities (perhaps by a New York-based law firm willing to work on a percentage of recovery contingency), obtaining an opinion on our chances to prevail in court and researching PCA to determine whether it is likely we would collect any judgment rendered in our favor, lodging a complaint with the New York Attorney General's office, finding out what the relationship is between PCA and Mr. Jones' agent, check with a New York regulatory agency about PCA's history if possible.

Trustees concurred they do not want to let the agency keep our money, but we need to investigate our options further and obtain cost estimates on any avenues we may want to pursue. Trusting PCA to supply another speaker was undesirable to the board.

Mr. Amdursky will talk with counsel about how to proceed.

Other items the director mentioned were that he will be serving as a judge for the *Library Journal* "Library of the Year 2003" award and that we will let the board know when the Dillon Video production about Kalamazoo that features KPL in one of its segments will air on PBS.

Mr. Amdursky also noted the DRA integrated information system is being changed over to the new SIRSI system this week and that particularly public service and automation staff members will be experiencing a lot of stress during the transition. He noted Mr. Lason has provided excellent training sessions for staff on the new system.

**VIII. PERSONS REQUESTING TO ADDRESS THE BOARD**

No one addressed the board.

**IX. TRUSTEE COMMENTS**

All trustees present commented on the successful visit of James Earl Jones in appreciation for the community's generous support that enabled KPL to provide the innovative services, collaborative programs and cutting edge technology that qualified us to be named national "Library of the Year 2002." They particularly commented on the work done by Marti Fritz, Community Relations Manager, to organize and coordinate this successful event and offered their appreciation for her efforts.

Ms. Godfrey also enjoyed the annual staff event and extended thanks to the staff members who participate on the Staff Recognition Committee and organized the evening.

President Brown added that he would like the board's appreciation to be extended to the staff for their part in helping to provide this event for the community.

**X. ADJOURNMENT**

Hearing no objections, President Brown adjourned the meeting of the Kalamazoo Public Library Board of Trustees at 5:30 p.m.

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Doreen Thomas, Secretary