

Minutes of the Meeting of the
Lafayette Public Library Board of Control

January 25, 2021

The regular meeting of the Lafayette Public Library Board of Control was held in the meeting room on the 2nd floor of the Main Library at 301 West Congress Street on January 25, 2021. Doug Palombo, President of the Board, called the meeting to order at 5:16 PM.

I. Roll Call and Pledge of Allegiance

Board Members Present: Doug Palombo, Board President; Hilda Edmond, Board Vice-President; Joan Wingate; Adele Blue; Stephanie Armbruster; James Thomas; Landon Boudreaux

Other Staff Present: Teresa Elberson, Director; Terry Roy, Library Administrator; Larry Angelle, Library Operations Manager; Danielle Breaux, Director's Executive Secretary; Benton St. Romain; Jason Gilbert; Nancy Hebert; Kelli Melancon; Danny Gillane; Daphne Boudreaux; Cara Chance; Lisa Jones; Perry Missner; Angie Hurling; Lawren Dodson; Amy Wander; Anna Gauthier; Linda Broussard; Clint Guillory; Duane Prejean

Members of the Public: Michael Hebert, Assistant City-Parish Attorney; Wayne Colvin; Jean Menard; Mike Menard; Jonas Menard; Adlih Menard; Joseph N. Abraham, MD

Doug Palombo led the board in reciting the Pledge of Allegiance.

II. New Business

A. Approval of Minutes

A motion to approve the minutes of the December 21, 2020 Regular Board Meeting as amended was made by Landon Boudreaux and seconded by Joan Wingate.

Yeas: Palombo, Edmond, Wingate, Blue, Armbruster, Thomas, Boudreaux

Nays: None

Abstained: None

Absent: None

III. Comments from the Library Board

A. Lafayette Public Library Foundation report

A handout was given to the Board showing relationships between LCG, LPL, and the Friends of LPL and the Foundation. Also given was an article entitled *Kiwanis Club, schools launch reading incentive program*.

IV. Director's Report and Comments

Staff changes were announced.

Irene Murphy, a Library Technical Assistant III working at the East Regional Library, passed away from COVID on January 16, 2021. Irene worked at the library for 16 years and was one of the branch assistants at the Youngsville branch before ERL opened.

The Library is following Phase II guidelines under the latest state guidelines set to expire on February 9, 2021. Masks are required to be worn by library staff and masks are still required for anyone entering the building. No in-person library programs are being planned for February, March, or April at this time.

First-time checkout number, which counts checkouts done in the building, was down 21% over last December, and electronic checkouts were up 8% over last December. This brings the system-wide monthly circulation down 13% from December 2019. Use of databases was up 58% over last December. Library visits were down 42% for the month over last year with no in-person programs or activities taking place in December. Drive-thru uses were up 81% over last December. Monthly statistics are posted on the Board page on the LPL website.

M.L.K. day activities at the M.L. King Center, including those planned to take place at the Butler Branch inside the center, were canceled.

Library Board appointment to fill the vacancy is scheduled to be made by Parish Council on February 9, 2021.

Teresa Elberson was informed of the possibility of putting the millage renewal on the November ballot.

Monthly branch reports were included in packets.

Larry Angelle explained that 2.4M has been collected in revenues and 3.2M has been spent.

A budget revision was processed on 12/18/2020 reflecting the 2% pay increase that became effective on 11/15/2020. The budget revision likely does not reflect an entire year, as one pay period (11/1/2020 – 11/14/2020) did not reflect the 2% raise, it also may have accounted for different floats due to vacancies in different accounts when the numbers were run.

Public Libraries in Louisiana statistical reports for 2019 were given to board members.

Teresa Elberson was informed of the possibility of putting the millage renewal on the November ballot. This could save money on election costs and would give time to go back out for a second election if needed.

Teresa Elberson addressed a question about things that were included on the agenda. Bylaws state that the Director should get the agenda out to the Board 5 days before the meeting. Typically, the Director contacts the Board President and sends a draft and it is approved and usually posted in libraries by 2:00 PM on Thursday preceding the meeting. The Board President stated that the agenda would be approved by Friday morning and his additions were sent on Thursday evening. One such addition, discussion of personnel matters by executive session, was left off of the current agenda as it did not meet executive session time restraints. Executive session can be called for a special meeting or be placed on the next board meeting agenda.

Doug Palombo asked how often the Board had entered into executive session. Teresa Elberson stated that it happened often during the most recent Director's search and once when the Board was discussing her performance evaluation. Each time, lawyers were involved in the wording and in the letters that had to be presented to the Director at least 24 hours in advance of entering into executive session.

Doug Palombo stated that this was assuming that these reasons for going into executive session were included in the exceptions to the open meetings ruling, and expressed that other exceptions do not require any notice. Teresa Elberson noted that all reasons to go into executive session have to be listed.

Doug Palombo declared that the information given was based on a conversation previously held with Legal.

Michael Hebert, Assistant City-Parish Attorney, was appointed as the Library Attorney. He was recently asked by Greg Logan, City-Parish Attorney, to brief the Board on the relationship between Lafayette City-Parish Government and the Lafayette Public Library Board of Control and also the relationship between the Board and the Library Director.

Mike Hebert noted that this first required him to explain legally how the relationships came to be. The topic is notoriously unclear and many parishes struggle with this issue. The creation of the Lafayette Parish Library System predates the current 1974 Constitution, the old Lafayette City Charter, the old Lafayette Parish Charter, and the Consolidated Charter of 1996 and therefore predates the amendment in 2020. The idea has always been legally to fold in the Library with local forms of government. For many years statutes have authorized both parishes and municipalities to create library systems. In Lafayette Parish, the Lafayette Parish Police Jury created the Lafayette Library System. What those statutes provide is that if the parish government is to create a library system, it must also create a Board of Control. The statute that provides for the creation of the Board of Control provides for some powers that the Board automatically has. What the statute provides is that the Board of Control has the authority to establish rules for its own government, and for that of the Library and to employ a librarian which has been unanimously interpreted as appointing the Director of Libraries.

This statute states that the Board of Control shall have authority to establish rules and regulations for its own government and that of the Library, not inconsistent with law, to elect and employ a Librarian upon the recommendation and approval of the latter to employ assistant librarians and other employees and fix their salaries in compensation. That is the primary authority that is explicitly stated in the statute for the Library Board of Control. How this is interpreted in practice relies upon various attorney general's opinions and issues that have been addressed locally. Most notably, the Civil Service system in Lafayette for Municipal employees that many local governments do not have.

State law requires any fire or police departments of a certain size have a Civil Service system. There is no corresponding requirement in state law that there be a Civil Service system for non-fire and non-police employees. In Lafayette, the old City government had a Municipal Civil Service system. When the two governments were consolidated

in 1996, the Civil Service system was applied government-wide and the way that's been applied to the library system is that all employees of the library other than the Library Director are under that Civil Service system. The Library Director is considered a department director for Civil Service purposes which is exempt from Civil Service.

Various Attorney General's opinions tell us that the relationship between City Parish Government and the Board of Control is that City Parish Government, with its Parish governing authority hat on, maintains fiscal control over the library, and generally has the authority to approve the budget. There are certain things that the Library Board of Control (i.e. acceptance of certain donations and things like that) that the Library Board is allowed to accept, and make expenditures for on its own but generally the City Parish Government has fiscal oversight over the Board of Control. I know you go through this budget process every year in establishing that budget so the question then becomes, under what circumstances can you make expenditures against those budgeted items.

There's a particular lack of clarity in the law about that, it is not at all clear that the Board of Control has authority on its own to enter into contracts. Mike Hebert has checked into this with the LCG Purchasing department they explained that they have a number of contracts on behalf of the Library that are signed by Lafayette City Parish Consolidated Government and from their perspective, that's the typical appearer in the contracts to avoid any questions as to whether the Board of Control in its own name had the authority to enter into contracts. Certainly, the best practice would be that the appearer in those contracts be either the Parish of Lafayette or Lafayette City Parish Consolidated Government.

The authority of the Director to enter into contracts is and can be whatever is delegated to the Director by the Board of Control. This is either explicitly by means of a written directive or implicitly by normal customary practice. Michael Hebert stated that his recommendation would be that there be a written policy for the Director's authority to enter into contracts. This could range anywhere from no authority to unlimited authority. He assumes this will be somewhere in the middle, which is to say that the Director has authority to enter into a contract, for example, for something that is in the budget and does not exceed x in dollar amount. This would eliminate any possibility of misunderstanding or lack of clarity over the scope of that authority.

Absent delegation, there is no inherent authority in that position to enter into contract. Mike Hebert implored that there be some communication with LCG, particularly the Purchasing Division, about the extent to which the Board as a whole, whether it be through delegation of the authority to the Director or otherwise, would have the authority to enter into contracts. The concern is what an auditor would have to say about entering into certain contracts.

Mike Hebert stated that he would be happy to act as the liaison between the Board and LCG as to what the appropriate contract authority is from the Board, to the Director, to LCG who ultimately has the fiscal oversight over the Board.

Teresa Elberson asked for clarification of the word contract. Mike Hebert explained that in the sense of the law, all would be considered a contract. LCG has elaborate procedures and thresholds for things to be done by Direct Payments, Purchase Orders, or more formal agreements. Purchasing treats the Library like any other department within LCG with regard to their thresholds. He suggested clarification now of authority so that it does not come up within dispute from a vendor or the Finance Department over appropriate authority.

V. Facilities Update

Larry Angelle indicated that the Library is in the process of evaluating the North Regional Library roof. The roof is 14 years old and deteriorating. He has gotten four price proposals, the lowest bid coming in at \$48,500. Funding is available in the Capital budget. He has gotten preapproval from Purchasing. He has also been working with Facilities Maintenance in the Public Works department and they are in agreement.

Repairs to date equate to roughly 20% of a full roof replacement.

Larry Angelle expects the total cost to fall somewhere between \$48,500 and \$60,000 based on insurance requirements. If costs rise above \$50,000, a performance and payment bond will also be required by Purchasing which will increase cost. This is the original shingled roof with a small flat section. An emergency repair was completed when an entire row of clay roof caps fell onto concrete during a storm. They were not fastened correctly before the repair but are fastened correctly at this time.

Landon Boudreaux asked if the 10x10 flat section was leaking at this time. Larry Angelle stated that he would look into that.

Doug Palombo asked if generally, this was something that would need board approval since it was already included in the budget. Teresa Elberson indicated that since it was in the budget she would tell the board that it was being done. If the board would vote on it, it would give added authority to move forward with the project. Teresa Elberson said that if there was a reason to dip into fund balance, then there was no question that it would come to the Board for approval. Because this was planned for, the money is currently in the Capital budget. There is no reason not to have Board approval. She stated that if the Board would like more information, the project could wait.

Stephanie Armbruster said she thought it important for Board input if modifications had to be made.

Teresa Elberson stated this would be brought back to the Board.

Stephanie Armbruster asked if Larry Angelle had ever heard back from a local upholsterer. He reiterated that while it may save money, it will take some time.

VI. Reading of Communications

There were no communications to be read.

VII. Unfinished Business

A. Library Board of Control Bylaws

Article 2. Membership, Section 3. was changed to Board Members may not serve more than twelve (12) consecutive years. A Board Member shall not seek re-appointment to their seat if their new term would extend their consecutive years of service on the Board beyond (12) years.

Legal will be asked to clarify what happens in the case of a tied vote.

In Article 4. Officers, Section 3., the last sentence stated: Any Board Member can request that an item(s) be added to the agenda. This was replaced with: A tentative agenda should be prepared by the Library Director in consultation with the President and should accompany the notice of the meeting. Board members shall also have the right to place matters on the agenda and should notify the Director of additional agenda items or agenda changes at least one day prior to the scheduled meeting.

Doug Palombo asked for clarification of when the meeting agenda needed to be posted. Michael Hebert stated that the agenda has to be posted at least 24 hours before the meeting, excluding Saturdays, Sundays, and legal holidays. That agenda is fixed and cannot be changed. There is a procedure in the open meetings law that states to add something to the agenda it requires a unanimous vote of everyone on the Board that is present to do so. He routinely advises against doing so, but it can be used for emergencies.

Mike Hebert said that while the Board President is not obliged to follow the rule, they are required to allow public comment before any agenda item is voted on. There is a public comment period at the end of the agenda, that is not required.

The current draft of the bylaws will be sent to Legal and then brought back before the board to be voted on at a later date.

Wayne Colvin stated that the shingled roof at the North Regional Library should have lasted longer than 14 years. He said that depending on the statute of limitations, maybe the library should file suit. He also suggested staying away from the same contractors that provided poor work.

Stephanie Armbruster suggested a flat roof. Larry Angelle stated that if there was a redesign of any kind, an architect would have to be hired.

B. Library Card Policy

Doug Palombo suggested tabling the Library Card Policy discussion until a later meeting, but there were two people signed in to speak on the topic.

Included in board packets was the Lafayette Public Library (LPL) Library Card Policy and the Library Mission Statement approved January 24, 2005.

Stephanie Armbruster asked for clarification of a spreadsheet included. Teresa Elberson stated that LPL issued a total of 11,618 cards in FY 18/19/. 9628 cards were issued with borrowing privileges and 18% of those cards were issued to people living outside of Lafayette Parish. Those people were working or attending school in Lafayette Parish. If every individual that didn't live in the parish had to pay for a card, the total intake would be about \$44,000.00. Eliminating one current Librarian I position would put more money into the Library's budget at an average of \$46,155.00.

Joan Wingate asked what the economic blowback could be from voiding the Bayouland agreement. Teresa Elberson stated that membership is \$200 to be a member of the Bayouland Consortium. This agreement has been in place since 1974 with a reciprocal borrowers' agreement. If LPL goes to Bayouland to tell them that LPL will no longer honor the reciprocal borrowers' agreement, Bayouland could no longer honor LPL's membership within the consortium causing LPL to lose consortium bargaining power. An estimated \$60,000 is saved by being a part of the Bayouland Consortium. These contracts would have to be negotiated at a higher cost.

Hilda Edmond asked for the impact of letting go of the Librarian I position. Teresa Elberson stated that it hadn't been decided from which branch that position would be eliminated.

Doug Palombo reiterated that the Board was trying to be proactive in a budget crisis. Larry Angelle stated that LPL is projected to be in the red by \$1M each year.

Teresa Elberson stated that the Library Mission Statement says the word community, not Lafayette Parish. LPL is funded by Lafayette Parish. LPL does not promote services beyond Lafayette Parish but does serve an entire community and is the biggest and strongest library system in the area. LPL used to house Bayouland offices.

Principal Employers of the Parish from 2019 were provided in packets. Top employers are health and government related. LEDA has stated that the town swells by 17,000 every single day by people coming into work. LPL currently employs 148 people and 20% of those are living outside of the Parish.

Joan Wingate stated that besides increasing income, the Library can cut expenses. She said that everyone needs to realize the importance of their vote.

Jean Menard, an Acadia Parish resident, spoke in opposition to ending out-of-parish borrowing privileges.

Joseph N. Abraham, MD, having just moved from Spain, spoke in opposition to changing the Library Card Policy.

A motion to table discussion of the Library Card Policy until the February meeting was made by Landon Boudreaux and seconded by Joan Wingate.

Yeas: Palombo, Edmond, Wingate, Blue, Armbruster, Thomas, Boudreaux

Nays: None

Abstained: None

Absent: None

C. Gale Analytics

Landon Boudreaux dispersed a handout to the Board including quotes from the October meeting.

Board Members expressed their disapproval of Teresa Elberson entering into a contract with Gale Analytics without formal approval.

Mike Hebert stated that he wasn't sure of the steps to unwind the Purchase Order. He hasn't seen it and doesn't know how far it has gotten. If a contract is entered into, even if it is determined later that person did not have the authority to enter into said contract, the person on the other side of the contract (in this case, Gale Analytics) could say that they relied upon the presentation in the way it was presented, that it was authorized and they would have legal basis to not undo the contract. They may undo it voluntarily.

A motion was made by Stephanie Armbruster directing the Library Director to work with LCG Purchasing to cancel the service with Gale Analytics if at all possible and report back to the board and was seconded by Landon Boudreaux.

Yeas: Palombo, Edmond, Wingate, Blue, Armbruster, Thomas, Boudreaux

Nays: None

Abstained: None

Absent: None

The motion was approved.

D. LEH Grant

Before and during the board meeting on December 21 there were opinions expressed by board members concerning the topic of this LEH program and that if the topic not be presented impartially, then the library may be criticized for having a program on the topic.

There were also questions as to why the board did not approve applying for the grant.

Both scholars involved were contacted and issued these statements:

Edelson: “These aren’t (or shouldn’t be!) partisan issues and I don’t discuss any of this with a partisan slant. I certainly encourage an open dialogue.”

Foster: “Thank you for putting together an application and coordinating this excellent opportunity for the Lafayette community. It is MUCH needed. I’m certain that the quality and content of the books chosen and conversations to be facilitated will shed new light on our collective notion of balance and objectivity as it relates to voting, history, and Black freedom struggles. I value learning more about Southwest Louisiana politics, culture, and community and look forward to this event”.

The grants manager at LEH stated that he would be happy to speak with anyone on the Library Board about the program. He stated that LEH is not a political advocacy organization and they are bound by their bylaws to stay neutral.

There is no evidence in past board meeting minutes or agendas that the LPL Board of Control was ever asked to approve LPL applying for any LEH grants in the past.

The library’s grant application process has been done various ways over the years depending on the grant and the amount of funding involved. It has been done by Resolution and by Ordinance with various authorities signing documents.

There were no clear LCG procedures in place. LPL has not applied for a grant since 2014.

The Library submitted documents electronically to apply for the grant on Tuesday, December 29, 2020, having misunderstood wording of the resolution that the application should have had the Mayor-President’s signature.

If the library is awarded the grant, a memo must be sent to the mayor asking for signature on the grant agreement.

Teresa Elberson will write up procedures clarifying for staff and future library administration the steps that must be taken to authorize the application and accepting of grants so it is done correctly going forward.

At this time, Teresa Elberson was asking the Board for approval to accept the grant of \$2700 and to work with her on clarifying steps in the grant application process.

The grant acceptance paperwork will then be submitted to the Mayor-President for signature.

Hilda Edmond reported that the Mayor-President was not in favor of accepting the LEH grant.

After board discussion, a motion was made by Landon Boudreaux to deny accepting the grant and seconded by Hilda Edmond.

Yeas: Palombo, Edmond, Blue, Armbruster, Boudreaux

Nays: James Thomas, Joan Wingate

Abstained: None

Absent: None

The motion passed.

E. Status of Director's plan to grant borrowing privileges to all ULL students

A motion to table discussion of the Director's plan to grant borrowing privileges to all ULL students until the February meeting was made by Landon Boudreaux and seconded by Hilda Edmond.

Yeas: Palombo, Edmond, Wingate, Blue, Armbruster, Thomas, Boudreaux

Nays: None

Abstained: None

Absent: None

F. Issues with newspaper services at South Regional Library

Wayne Colvin spoke on inconsistent delivery of the Wall Street Journal at the South Regional Library. He has worked with Teresa Elberson and Rebecca Libersat. The delivery to SRL has been canceled and the delivery to Main is sent to SRL each afternoon. The subscription service and the distribution center are two separate entities. LPL does not have contact with the distribution center. This will continue to be monitored.

Landon Boudreaux stated that he had recently gotten communication from a patron stating that because of recent budget cuts, some electronic resources/databases were cut including all databases that include the Washington Post. Landon Boudreaux asked the name of the database. Teresa Elberson stated that she would research this and relay the information to Landon Boudreaux.

VIII. New Business

A. Library Book Discards

The Library Board asked for clarification of what happens after book giveaways. Books not given away are recycled.

Teresa Elberson was asked to bring more data before the Board about books that are being discarded.

Also asked was which model the Library was following for weeding books.

A motion for the library to discard 1102 books having been out of use for over a year due to the books being superseded, obsolete, unused, or otherwise unnecessary was made by Joan Wingate and seconded by James Thomas.

Yeas: Wingate, Blue, Thomas

Nays: Boudreaux, Palombo, Edmond, Armbruster

Abstained: None

Absent: None

The motion did not pass.

B. Changes to Butler Branch library hours

In December, the Library Board was informed that the M.L.K. Rec. Center had changed access hours of the facility and LPL adjusted hours for the Butler Branch starting December 14 to coincide with the center's change. LPL did not make changes to the number of service hours per week.

The first week of January, LPL got the word that the M.L.K. Rec. Center had new hours effective immediately. Monday-Thursday, 4:00 PM to 9:00 PM. A Rec Center supervisor is required to be on-site when the public enter the building. Access to the building changed to 4:00 PM.

Hours have been changed at Butler as of Monday, January 11th to 4:00 PM – 7:00 PM. Only one staff member and a security guard is working so staying open after the school kids leave in the evening isn't practical. However, this is a reduction in service hours of 4 hours per week.

A motion was made by Landon Boudreaux to approve new service hours of Butler to be M-TH 4-7:00 PM adjusting as needed for summer hours and summer programs at the center and was seconded by Stephanie Armbruster.

Yeas: Palombo, Edmond, Wingate, Blue, Armbruster, Thomas, Boudreaux

Nays: None

Abstained: None

Absent: None

The motion passed.

C. Discussion of additional pro-active budget measures

Doug Palombo suggested looking into hiring freezes.

Stephanie Armbruster would like to have a meeting with Adam Marcantel and Rick Zeno to discuss furloughs of library staff to make a more informed decision.

Stephanie Armbruster stated that she would like to see a savings of \$700,000 - \$900,000.

An ad-hoc committee was formed including Stephanie Armbruster, Joan Wingate, and Hilda Edmond.

Teresa Elberson will coordinate with Adam Marcantel and Rick Zeno to set up a meeting.

D. Discussion of general statutory authority of Board and Director

This was discussed during the Director's Report.

IX. Announcements

A. Reminder that the next Library Board meeting will be Monday, February 15, 2021.

B. Reminder that yearly ethics training and sexual harassment training must be completed before December 31, 2021.

X. Comments from the public on any other matter not on this agenda

There were no comments from the public.

XI. Adjournment

There being no further business, the meeting was adjourned at 8:41 PM.

Respectfully Submitted,
Teresa Elberson, Secretary