

## Harvey Public Library District's Board Minutes

August 14, 2014

President Price called the meeting to order at 6:00 p.m.

Members Present: Keith Price, Joann Nesbitt, Roberta Patterson, Sandra Flowers, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.  
Absent: Barbara Fields

### **Approval of Minutes:**

Trustee Joyce Kellogg-Weaver made a motion to approve the July 10, 2014 Board Meeting Minutes and was seconded by Secretary Patterson.

Roll Call Vote:

Ayes: Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

Nays:

Motion Carried.

### **Approval of Bills and Review of Accounts:**

Trustee Kellogg-Weaver made a motion for approval of bills and accounts from July 2014 and was seconded by Trustee William Wiley.

Roll Call Vote:

Ayes: Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

Nays:

Motion Carried.

### **Correspondence and Announcements:**

Listed in Director's Report.

### **Report of Library Director:**

Director Flowers states that she has enclosed in each Board Member's packet a Bill Reconciliation for AT&T MIS account, which explains in detail the months and amounts paid and those that were missed due to billing discrepancies. She also mentions that President Price signed an emergency check payment for this MIS Account before the Board met due to the service possibly being affected. She informs the Board that all Phone and internet bills are reimbursed by ERATE at the end of the year.

Director Flowers states that a check was also signed by President Price for ARIN, which is the internet Domain Account and for Wesley Wiley for landscape flowers planted in the Library Atrium.

Trustee Kellogg-Weaver asks why is there not an option anymore for the public to utilize free internet service at the Harvey Public Library. Trustee William Wiley responds that when the option was available there was internet dial up service, which is no longer being used. Director Flowers says that she checked into the dial up service and in order to put that option back in place the cost would be too costly because this is not a service being utilized anymore. This service would also not be reimbursed through ERATE.

Director Flowers discusses that she needs a trustee assigned to fill out the survey for the EDGE Program because two people are needed for certification. At the moment, Director Flowers is the only person who has certification. For the record, Director Flowers states that all Board Members are to read Chapter 7 enclosed in each packet, which is another requirement. Director Flowers also informs the Board Member that the volunteer to fill out survey will also have to read Chapter 7. Trustee Joann Nesbitt volunteers to be the person to fill out survey online and read Chapter 7 for the EDGE Program Certification.

Director Flowers states that the Secretary Audit Certification is due again and Secretary Patterson usually does it along with Trustee Kellogg-Weaver. Secretary Patterson and Trustee Kellogg-Weaver both agree to complete the certification again this year. They both decide to meet tomorrow August 15, 2014 at the Harvey Public Library at 3:30pm to complete the Secretary Audit.

Director Flowers presented an Engagement Letter for Trustees to sign. She applied for a fee waiver to the State of Illinois Comptrollers Office for last year's late submission penalty. She explains that since there was a change in Library Directorship, this caused issues with prompt preparation and submission of the Audit.

Director Flowers mentions that she has a two day "Disaster Preparedness" and "CPR" program scheduled for the month of August and September. The CPR class is free except for certification or fee of \$25.00.

The annual Library Fest is coming up on August 30, 2014 from 11am to 3pm on the front lawn of the Library. The Library will be closed except for the theater where movies will be projected. There will be food, games and live music available for the community to enjoy. The Harvey Fire Department will be performing demonstrations for the children and Library Card sign up will be open to the public. Director Flowers also expresses that she would like the Health Department to administer health screening on the lawn as an activity, but this has not been finalized as of yet.

#### **Report of Trustees/Committees:**

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|---------------------|---|
| Building Committee: | Trustee William Wiley states that the property discussed in previous Board Meeting for Parking Lot renovations are waiting on deeds to be recorded in order to move forward with process. |
| Planning Committee: | Secretary Patterson states that there was no recent Planning Committee Meeting because nothing new has come about.  |
| Policy Committee:   | Secretary Patterson states again that there was no recent meeting on Policy because nothing new has come about.   |

**Phone Polling:**

Secretary Patterson stated that the Director called each Board member and provided the recent phone polls. All is accurate with present polls except for one call made to Secretary Patterson where she could not be reached for a vote.

Secretary Patterson claims the manner in which Illinois does Phone Polling compared to the United States is illegal. She voices that it is illegal to do any Phone Polling with action. She goes on to explain the documents passed out among the Board members that justify her claim. Attorney Britt Isley who was referred by ILA (Illinois Library Association), Secretary Patterson reads the statement, "A phone poll is considered and illegal vote and a violation of the Open Meetings Act if action is taken outside the Board Meeting." Secretary Patterson announces, "this action is clearly illegal and if further clarification is needed the Board is welcome to contact Attorney Britt Isley or the Illinois State Library Association." She concludes by informing the Board that all the phone polls are illegal because they were acted on, therefore the votes are null and void.

President Price says that all phone polls were discussed during an open meeting.

Trustee Yassim Ali responds that it is the action that was taken that violates the Open Meetings Act.

Secretary Patterson says that a phone poll is a survey or an opinion, one can't act on a phone poll only in an Open Meeting can one act on it.

President Price Asks attending attorney to verify Secretary Patterson's claim and if it holds validity he will ratify the vote at this very moment.

The attending attorney states that the spirit of the Open Meetings Act is to conduct the business of a public entity in an open session meeting and it would include these type of items listed on the telephone poll.

The attorney states that the Attorney General's Office has not specifically addressed the issue of telephone polling, but has addressed the issue of straw polling in closed session. The attorney defines Straw Polling as taking a vote in a closed session and when open session begins there is no open session vote and has been deemed to be contrary to the Open Meetings Act. The attorney goes on to say that each Board member was contacted individually, so it wasn't as if it was a telephone conference that was conducted with all of the trustees on the phone when questions were being asked.

Trustee Yassim Ali interrupts and verbalizes that he wants to stop the attorney. He says the problem with phone polling is that an opportunity

is not given to Board members to debate amongst themselves about the issue.

The attending attorney states that even though she has not been appointed as the Board's general counsel in an Open Session Meeting, if the Board wants her general opinion as an attorney practicing law she would suggest these phone poll votes be taken into an open session meeting and ratify them. She states that telephone polling has been done by other municipalities and other local government entities, however as Trustee Ali said it is not favored because it doesn't allow for collective discussion and deliberation by the Board. As President Price pointed out, it had been discussed at a previous open session meeting. I would suggest that the Board take the vote right now in open session with the same questions asked during the phone poll and vote on it.

The members of the Board decided to come back to this matter during Executive Session. President Price moves on to the next item on the agenda.

#### Acquiring Property with Possible Action:

The Board speaks about the possible agreement to acquire the previously discussed property. Trustee Wiley suggests to table this item until next meeting in order to have an officially hired attorney present.

Trustee William Wiley made a motion to table *Acquisition of Property with Possible Action* and was seconded by President Price.

#### Roll Call Vote:

Ayes: Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

Nays:

Motion Carried.

Master Budget: President Price poses the question to the Board whether or not Jack Hayes was going to be the Project Manager for the building project.

President Price made a motion to hire Jack Hayes as the Project Manager upon review and approval of the contract by an Attorney and was seconded by Secretary Patterson.

#### Roll Call vote:

Ayes: Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

Nays:

Motion Carried.

**Bond Financials:** Alvin Boutte discusses the details of the Master Budget. He recommends to sell bonds for 5.1 to cover the entire cost of Master Budget.

President Price made a motion for Alvin Boutte to sell the bonds at 5.1 to cover all the cost of the Master Budget and the attorney fees was seconded by Trustee Joyce Kellogg-Weaver.

**Roll Call Vote:**

**Ayes:** Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

**Nays:**

Motion Carried.

**Hiring Bond Counsel with Possible Action:**

Lance Tyson introduces himself and discusses the details of what he does as bond attorney and the importance of a bond firm, which protects the tax payers and the Board members from any liabilities. He presents the Engagement Letter to the Board members for review.

President Price made a motion to hire Lance Tyson as the Bond Counsel upon review and approval of the contract by an Attorney and was seconded by Trustee Kellogg-Weaver.

**Roll Call Vote:**

**Ayes:** Keith Price, Joann Nesbitt, Roberta Patterson, William Wiley, and Joyce Kellogg-Weaver.

**Nays:** Yassim Ali

Motion Carried.

**Chapter 7 Serving our Public:** Director Sandra Flowers explains that this chapter is about the Library expenditures on programs and reiterates on Trustee Nesbitt completing the survey online in order to qualify for IPLAR Grant.

**Audience Participation:** No Audience.

**Adjourn to Executive Session:**

President Price made a motion to go into Executive Session at and it was seconded by Trustee Kellogg-Weaver.

**Roll Call Vote:**

**Ayes:** Keith Price, Joann Nesbitt, Roberta Patterson, Yassim Ali, William Wiley, and Joyce Kellogg-Weaver.

**Nays:**

Motion Carried.

The Board adjourned Executive Session at

The Board returned to Regular Session at

President Price states for the record that Trustee Fields would like to be present via telephone although she has missed the last 3 meetings, so it is at the pleasure of the Board.

Trustee Ali made a motion to allow Trustee Fields to be present via telephone and it was seconded by Secretary Patterson.

Roll Call Vote:

Ayes: Yassim Ali and Roberta Patterson.

Nays: William Wiley, Joyce Kellogg-Weaver and Keith Price.

Abstain: Joann Nesbitt

Motion Carried that Vice-President Fields will not be contacted via telephone.

Trustee William Wiley made a motion to dismiss Attorney Christopher Clark and was seconded by President Price.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley and Keith Price.

Nays: Yassim Ali and Roberta Patterson.

Abstain: Joyce Kellogg-Weaver

Motion Carried to dismiss Attorney Christopher Clark.

Trustee Kellogg-Weaver made a motion to allow Employee A to receive an \$8,000 pay out and was seconded by Yassim Ali.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley, Yassim Ali, Roberta Patterson, Joyce Kellogg-Weaver and Keith Price.

Nays:

Motion Carried.

President Price made a motion to ratify the vote for Attorney Clark to receive \$4,000 for rendered services according to the Contract/Resolution and was seconded by Trustee Kellogg-Weaver.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley, Yassim Ali, Roberta Patterson, Joyce Kellogg-Weaver and Keith Price.

Nays:

Motion Carried.

President Price made a motion for Attorney B to be the acting attorney and was seconded by Trustee Joann Nesbitt.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley, Roberta Patterson, Joyce Kellogg-Weaver and Keith Price.

Nays: Roberta Patterson

Abstain: Yassim Ali

Motion Carried.

President Price made a motion to amend his previously stated motion to Attorney B to be the General Counsel for the Library and was seconded by Trustee William Wiley.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley, Roberta Patterson, Joyce Kellogg-Weaver and Keith Price.

Nays: Roberta Patterson and Yassim Ali

Motion Carried.

President Price made a motion to adjourn Regular Session and was seconded by Trustee Nesbitt at 7:48 pm.

Roll Call Vote:

Ayes: Joann Nesbitt, William Wiley, Roberta Patterson, Joyce Kellogg-Weaver, Keith Price, Roberta Patterson and Yassim Ali.

Nays:

Motion Carried.