

**INDIANAPOLIS-MARION COUNTY PUBLIC LIBRARY
MINUTES OF THE REGULAR MEETING
NOVEMBER 15, 2007**

The Indianapolis-Marion County Public Library Board met at the Fountain Square Branch Library, 1066 Virginia Avenue, Indianapolis, Indiana, on Thursday, November 15, 2007 at 6:40 p.m., pursuant to notice given in accordance with the rules of the Board.

1. Call To Order

President Mahern presided as Chairman. Secretary Rothe was present.

2. Roll Call

Members present: Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Member absent: Mr. Bacon.

Mr. Mahern announced that this morning the ex-officio members of the Marion County Board of Commissioners, which is composed of the County Auditor, the County Assessor and the County Treasurer, met in regular session and took a vote to fill what they believed to be a vacancy on the Library Board for the position that is currently held by Mr. Pizarro.

Upon notification of this meeting, the Library Board reviewed Mr. Pizarro's documentation and consulted with the Board's attorney. It was noted that the Certificate of Appointment for Mr. Pizarro, filed with the Clerk of the Court on November 20, 2003, certifies that the Board of County Commissioners, by virtue of its authority under the laws of the State of Indiana by official action at its meeting of November 20, 2003, appointed Peter Pizarro to the office of member of the Indianapolis-Marion County Public Library Board of Marion County beginning November 20, 2003 until November 20, 2007.

Mr. Mahern stated that the Commissioners were operating under an incorrect assumption that the expiration date of Mr. Pizarro's term of office was November 7, 2007. He pointed out that, as Mr. Pizarro's Certificate illustrates, this is not the case. He mentioned that the Commissioners also assert that there is a statute in existence that would possibly void Mr. Pizarro's term limits.

Mr. Mahern advised that the Commissioners' representative will be allowed to address the Board on this matter during the Public Comment section of this meeting.

3. Branch Manager's Report

Peggy Wehr, Manager, welcomed everyone to the branch and then briefly reviewed her Report to the Board.

Ms. Wehr also mentioned that the branch is in a Cultural District and is able to showcase art from the local community at the branch. The artwork is changed out every two months. Last month the branch participated in the annual "Scare in the Square" program which is sponsored by the Fountain Square Merchants Association ("FSMA"). Over 450 children participated. Another program, "Santa in the Square", will be held December 15, 2007. Along with the branch, National City Bank, Fountain Area Community Team, FSMA, the Friends of Historic Fountain Square, the Indiana State Police Alliance and White Castle will sponsor this program.

A copy of Ms. Wehr's Report is attached to these minutes.

4. Public Comment and Communications

a. Public Comment

Greg Bowes, Marion County Assessor/County Commissioner, requested that the Board seat the Commissioners' newly named appointee, Elsa Kramer, to replace Mr. Pizarro. Mr. Bowes advised that, pursuant to her Certificate of Appointment, executed today, Ms. Kramer's term runs from November 15, 2007 through December 31, 2008. Mr. Mahern pointed out that Mr. Pizarro's term did not officially end, pursuant to his Certificate of Appointment which had been filed with the Clerk of the Court, until November 20, 2007. Mr. Bowes acknowledged that the Commissioners had a copy of Mr. Pizarro's Certificate with the November 20, 2007 term expiration date and that they normally don't make it a practice to remove a member of the Board whose term has not expired. But, he pointed out that Ms. Kramer was in attendance at tonight's meeting and was willing to begin her term. After some additional discussion concerning the legality of the terms of previous appointees by the Commissioners, Mr. Mahern declined Commissioner Bowes' request.

b. **Dear CEO Letters and Responses** were circulated.

c. **Correspondence** was circulated for the Board's general information.

5. Approval Of Minutes: Executive Session, Regular and Special Meetings

a. Special Meeting, August 7, 2007

The minutes from the Special Meeting held August 7, 2007 were distributed to the Board.

The minutes were approved as written upon the motion of Mr. Jordan, seconded by Mr. Pizarro, and the "yes" votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

b. Executive Session, October 18, 2007

The minutes from the Executive Session held October 18, 2007 were distributed to the Board.

The minutes were approved as written upon the motion of Mr. Jordan, seconded by Mr.

Pizarro, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

c. Regular Meeting, October 18, 2007

The minutes from the Regular Meeting held October 18, 2007 were distributed to the Board.

The minutes were approved as written upon the motion of Mr. Jordan, seconded by Mr. Pizarro, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

COMMITTEE REPORTS

6. Finance Committee (Gregory Jordan, Chair; Louis Mahern, Mary Lou Rothe)

a. Report of the Treasurer –October, 2007

Becky Dixon, Chief Financial Officer, briefly discussed the October, 2007 Report of the Treasurer. She stated that for the month of October, 2007, actual expenditures, less investments, were \$148,000 less than projected. Actual revenue was \$48,700 more than projected.

October, 2007 expenditures were 8% more than October 2007. October, 2007 receipts, less taxes, were \$6,300 less than October, 2006. Fines revenue is down by 9% compared to October of 2006.

Year-to-date fines revenue for 2007 is \$1,392,850 compared to year-to-date 2006 of \$1,512,316.

Year-to-date expenditures for 2007 are \$26,405,303 compared to year-to-date for 2006 of \$25,598,817 (3% increase).

Year-to-date revenues for 2007 are \$18,422,934 compared to year-to-date for 2006 of \$21,569,305 (15% decrease).

Mr. Jordan made the motion that the Report of the Treasurer be filed for audit.

Motion carried.

The Report is attached to, and made a part of, these minutes.

b. Resolution 170 – 2007 (Resolution for Authorizing 2008 Temporary Loans)

After full discussion and careful consideration of Resolution 170 – 2007, the resolution was adopted upon the motion of Mr. Jordan and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- c. **Resolution 171 – 2007** (Resolution for Authorization to Award Contract for the Printing of the Library’s Monthly Newsletter, *Reading in Indianapolis*)

After full discussion and careful consideration of Resolution 171 – 2007, the resolution was adopted upon the motion of Mr. Jordan, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- d. **Finance Committee Notes – November 5, 2007** were distributed to the Board for their general information and are attached to these minutes.

7. Diversity, Policy and Human Resources Committee (Jesse Lynch, Chair; Gregory Jordan, Louis Mahern)

- a. **Briefing Report – Policy Revision Update – P230-239 – Work Schedules**

Janet Gartin Moore, Director, Human Resources, noted that the Report contains the proposed revisions to the policies on Work Schedules and Payroll – Sections 230 – 239. After review and any additional revisions, these policies will be presented to the Board for their final approval at the December Board Meeting.

A copy of the Report is attached to these minutes.

- b. **Resolution 172 – 2007** (Approve Policy Sections 343-344)

After full discussion and careful consideration of Resolution 172 – 2007, the resolution was adopted upon the motion of Mr. Jordan, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- c. **Resolution 173 – 2007** (Salary Resolution)

After full discussion and careful consideration of Resolution 173 – 2007, the resolution was adopted, as amended to change a reference from “regular staff” to “benefit eligible staff”, upon the motion of Mr. Jordan, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- d. **Diversity, Policy and Human Resources Committee Notes – October 9, 2007** were distributed to the Board for their general information and are attached to these minutes.
- e. **Diversity, Policy and Human Resources Committee Notes – November 5, 2007** were distributed to the Board for their general information and are attached to these minutes.

8. Building Committee (Gary Meyer, Chair; Richard Bacon, Peter Pizarro)

- a. **Central Project Construction Team Update** – Larry Summers, the Owner’s Representative, discussed the Central Library Project.

A copy of the Update is attached to these minutes.

Mr. Summers noted that the monthly invoice for SPS was \$172,496.50 and Reynolds was \$100,180.19.

- b. **Construction Manager Monthly Report** was distributed to the Board at the meeting for their information.

- c. **Confirming Resolutions:**

- 1) **Resolution on Central Library Project Change Order Report - Fund 40 (Resolution 174 – 2007)**

After full discussion and careful consideration of Resolution 174 – 2007, the resolution was adopted, upon the motion of Mr. Meyer, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- 2) **Resolution on Central Library Project Change Order Report for Garage Related Items – Fund 41 (Resolution 175 – 2007)**

After full discussion and careful consideration of Resolution 175 – 2007, the resolution was adopted upon the motion of Mr. Meyer, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

- d. **Resolution 176 – 2007** (Authorization for CEO to Review and Approve Outside Vendors Use of Images of Central Library for Marketing and Promotional Materials per Policy 140.4)

After full discussion and careful consideration of Resolution 176 – 2007, the resolution was adopted upon the motion of Mr. Meyer, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

e. **Briefing Report on Library Services Center HVAC Repairs**

John Leffler, Manager, Facilities Management, discussed the Briefing Report. He mentioned that since 1992 when the Library Services Center was built, we have experienced problems with the HVAC system. Compressors, etc. associated with the system have needed to be replaced every year. To date, these replacements were covered under the system's extended warranty. The original vendor for the system has now been acquired by another company. The system failed again a few months ago and the new company advised that they could no longer offer replacements. After investigation by the Library, it has been determined that it would be most cost effective to replace the entire system. A Request for Proposal will be issued to obtain pricing on a replacement.

Mr. Leffler stated that Board approval would be sought at a later date when all the information on the replacement cost has been received and evaluated.

A copy of the Report is attached to these minutes.

f. **Branch Status Report – October 31, 2007** was distributed to the Board for their review and information. A copy of the Report is attached to these minutes.

g. **Building Committee Notes – November 1, 2007** were distributed to the Board for their general information and are attached to these minutes.

9. Library Foundation Update (Peter Pizarro, Library Board Representative)

November 2007 Library Foundation Update – Mr. Pizarro reviewed the Foundation's activities during the month of October 2007.

Last month the Library Foundation received many contributions. The top corporate and foundation gifts came from the following:

- Gala: 500 Festival, Inc., AFSCME Council 62, Borshoff, Bridgestone/Firestone Trust Fund, Allen Whitehall Clowes Charitable Foundation, Inc., Fifth Third Bank, General Motors Corporation, The Indiana Rail Road Company, Mansur Real Estate Services, Inc., Metropolitan School District of Pike Township, Sommer Barnard, St. Vincent Indianapolis Hospital, Stenz Corporation, Structural Preservation Systems, Wurster Construction Co.
- Program Endowment: David M. Cook Foundation, National City Bank of Indiana
- Children's Programs: Fox 59/CW4 Community Fund, Indiana Farm Bureau Insurance

The local rock station 92.3 WTTS is hosting Rock to Read Christmas with The Kooks, a concert benefiting the Library's children's reading programs. It will take place on Tuesday, December 11 at

the Vogue in Broad Ripple. Tickets are \$15.00 and went on sale Friday, November 9, 2007. Forum Credit Union and MediaSauce are co-sponsors of this event.

The Central Library Grand Gala raised over \$100,000, including matching contributions from the National Endowment for the Humanities and the Library Fund, a fund of The Indianapolis Foundation, a CICF affiliate. Proceeds will support the Library Foundation's Cultural and Community Outreach endowment, which will fund Library programs held throughout the entire system.

A copy of the Update is attached to these minutes.

10. Report Of The Interim Chief Executive Officer

a. Statistics – October, 2007 were distributed to the Board.

Laura Bramble, Interim Chief Executive Officer, advised that the dip in door count/circulation figures still reflect Central Library's closure. Ms. Bramble stated that she was happy to report that staff has recently filled approximately 12,700 title requests from patrons.

She reminded everyone that the December Board Meeting would be held at Central Library on December 13, 2007.

b. Update on Central Library Grand Opening

Laura Johnson, Director, Community Library Services, discussed the Grand Opening festivities planned for the transformed Central Library. She reminded everyone that the Grand Opening will take place on December 9, 2007 at 1:00 p.m. Ms. Johnson advised that the branches that are typically open on Sundays will be closed that day and most staff will be assisting with the Grand Opening. Parking will be available in the Library's parking garage, on surrounding streets and also at the Safeco parking garage. Shuttle buses will be utilized to transport patrons back and forth from the Safeco garage and the Library. Events begin promptly at 1:00 p.m. at the St. Clair Street entrance with a ceremonial opening of the Riley gates at the front of the building. There will be brief remarks from the Library Board and Foundation Board Presidents and from Mayor Peterson. A reading by local author and poet, Mari Evans, will be presented. In addition, there will be a variety of music and entertainment, as well as demonstrations at the Learning Curve, the Computer Lab and the Language Lab. Patrons will also be able to check out books and sign up for new library cards.

Ms. Johnson expressed her hope that everyone would attend the Grand Opening.

c. Central Library Presentation: Preparing for Business As Usual

Cheryl Wright, Interim Director, Central Library, stated that Library staff has been conducting dry runs of various systems and services to prepare for the re-opening. This exercise has proved beneficial. Staff reviewed such items as the phone and Vocera systems, and how to generally use the building. Certain items have been identified that require improvement. All the desks are set up and ready to go but some of the technology still needs to be installed. Staff orientation sessions are being conducted on a weekly basis to familiarize everyone with the building. It is the goal that all staff working at Central should be able to answer questions

about any part of the building.

d. Confirming Resolutions:

1) Resolution Regarding Finances, Personnel and Travel (177 – 2007)

After full discussion and careful consideration of Resolution 177 – 2007, the resolution was adopted upon the motion of Mr. Meyer, seconded by Ms. Rothe, and the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Motion carried.

The resolution is appended to, and made a part of, these minutes.

OLD BUSINESS

11. None.

NEW BUSINESS

12. Selection of a Permanent Chief Executive Officer for the Indianapolis-Marion County Public Library

Mr. Mahern advised that the Board would now vote on the selection of a permanent Chief Executive Officer (“CEO”) for the Indianapolis-Marion County Public Library.

Mr. Lynch moved that the selection of a permanent CEO for the Indianapolis-Marion County Public Library be tabled until a later date. Due to the absence of a second on the proposed motion, the motion died.

Mr. Mahern noted that over the last few months, the Library had advertised for candidates for the position of CEO. Approximately five or six individuals applied and of those, only three met the criteria for the position. These individuals had their resumes circulated to the Board. They also were interviewed by the Board. They met with the Executive Committee and other Library staff. They also met with the general public. During these meetings, the candidates each gave short presentations and then were available for questions/answers.

The final three candidates for the position are: Laura Bramble, Jackie Nytes and Mike Williams.

He stated that the Chairman would entertain a motion to vote on these candidates. The candidates will be taken in alphabetical order and the members of the Board will indicate their support for a particular candidate by raising their hand. A Board member may not vote for more than one candidate.

Mr. Lynch made a motion, which was seconded by Ms. Rothe, that the vote for the candidates be conducted in reverse alphabetical order. The motion was approved on the “yes” votes of Mr. Jordan, Mr. Lynch, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe.

Mr. Mahern advised that if no candidate receives a majority on the first round of voting, then the low

person would be dropped from consideration and another vote would be taken.

Ms. Rothe questioned that since one of the Board members was not in attendance at tonight's meeting, what would the process be if there is a tie vote?

Mr. Lynch noted that is one reason he had suggested tabling the vote. Additionally, he mentioned that he wished to voice his objection to the process utilized for the CEO selection. Mr. Lynch stated that he felt that the selection process engaged in by the Board was flawed from the beginning.

Robert Scott, the Board's attorney, advised the Board that if a tie vote does occur, it is considered a no vote. A candidate must receive a majority of the votes – 50% plus one. In other words, a candidate needs to receive four (4) votes.

Mr. Mahern noted that the first candidate presented (in reverse alphabetical order) is Mike Williams. Mr. Mahern asked for a show of hands of those Board members wishing to vote for Mr. Williams. It was noted that there were zero (0) votes for Mr. Williams.

Mr. Mahern noted that the second nominee presented (in reverse alphabetical order) is Jackie Nytes. Mr. Mahern asked for a show of hands of those Board members wishing to vote for Ms. Nytes. It was noted that there were two (2) votes for Ms. Nytes. Those votes were cast by Mr. Lynch and Ms. Rothe.

Mr. Mahern noted that the third nominee presented (in reverse alphabetical order) is Laura Bramble. Mr. Mahern asked for a show of hands of those Board members wishing to vote for Ms. Bramble. It was noted that there were four (4) votes for Ms. Bramble. Those votes were cast by Mr. Jordan, Mr. Mahern, Mr. Meyer and Mr. Pizarro.

At this time, Ms. Rothe moved that the Board cast a unanimous ballot for Laura Bramble's selection as the permanent CEO. The motion was seconded by Mr. Meyer.

Mr. Lynch stated that he had attempted for the last month or so to try to make the Board understand that there are procedures and processes associated with everything the Board does. He noted that he has been overlooked and put aside in this matter. Mr. Lynch explained that he was the Chairman of the Diversity, Policy and Human Resources Committee of the Board and at no time was he notified that there was going to be an ad placed in the newspaper about the CEO selection. Mr. Lynch commented that one individual on the Board bypassed the Committee structure and that this individual chose not to include him and be part of the process as Chair of that Committee. He was not allowed to assist in the development of the process. Mr. Lynch stated that it appeared that these developments were acceptable to everyone else on the Board. It appeared to him that the Board was concerned that he might cause problems for the Board publicly if he raised his concerns. He continued by stating that he cannot sleep at night without letting people know that Jesse Lynch, the Chairman of the Diversity, Policy and Human Resources Committee, was not an integral part of the selection process. Originally, it was announced that the selection of a permanent CEO would be undertaken after Central Library was completely open. That was not done. He feels that the comments made during the Library's most recent appearance before the Municipal Corporations Committee are why that ad was placed in the newspaper the next day by one individual on this Board. This individual should have come back to the entire Board with a request to place the ad. Mr. Lynch inquired if this is the process the Board wishes to use when they have a Committee structure and a seven (7) member Board.

Mr. Jordan stated that he had been aware of Mr. Lynch's concerns about this situation. He knew that apologies were made to the Board about how the process was handled and that a majority of the Board felt that there were adequate steps taken for publication, for interviews and for people to meet

the candidates. Mr. Jordan commented that he wanted to make certain that people understand that he appreciates and understands Mr. Lynch's concerns but he believes that after the initial "glitch", the Board has followed a procedure and that the Board has been informed every step of the way on what was going to be done and how the process was going to work.

The vote on the motion before the Board was as follows: Mr. Jordan, Mr. Mahern, Mr. Meyer, Mr. Pizarro and Ms. Rothe voted "yes." Mr. Lynch voted "no."

AGENDA BUILDING

- 13. Future Agenda Items** - This time was made available for discussion items not on the Agenda, which were of interest to Library Board members and the opportunity was made to suggest items that should be included on future Library Board Meeting Agendas.

Items suggested for upcoming Board Agendas are as follows:

December, 2007 - To Be Determined

INFORMATION

- 14. Materials**

The following materials were distributed to the Board for their general information:

- a. *Public Libraries* (September/October 2007)
- b. *FOCUS on Indiana Libraries* (October 2007)

- 15. Board Meeting Schedule 2007 (Notice of Date and Place of Meeting) and Upcoming Events**

- a. **Schedule of Board Meetings – 2007** – *Current calendar will be updated each month, as necessary, and additional information highlighted.*
- b. Library Programs and/or Free Upcoming Events through December 12, 2007 were distributed to the Board.

- 16. Notice of Special Meetings**

None.

- 17. Notice of Next Regular Meeting**

Thursday, December 13, 2007, at the Central Library, 40 East St. Clair Street, at 6:30 p.m.

- 18. Other Business**

None.

19. Adjournment

The Secretary announced that there was no further business to come before the Board.

The Chairman declared the meeting adjourned at 7:40 p.m.

An audio recording and video tape/DVD of this meeting are on file in the Library's administration office.

Mary Lou Rothe, Secretary to the Board

