



Board of Trustees Retreat Minutes

September 24, 2022 – 9:00 a.m.

Administrative Service Center

415 Tumwater Blvd. SW

Tumwater, WA 98501

No Video Recording

Nicolette Oliver, President, At-Large, Thurston County

Jasmine Dickhoff, President Elect, Grays Harbor County

Brian Zylstra, Lewis County

Hal Blanton, At Large, Lewis County

Ken Sebby, Mason County

Toni Gwin, Pacific County

Mary Beth Harrington, Thurston County

Present Board: Nicolette Oliver, Brian Zylstra, Hal Blanton, Mary Beth Harrington, Jasmine Dickhoff, Ken Sebby, Toni Gwin

Present Staff: Cheryl Heywood, Andrea Heisel, Brenda Lane, Rose Enos-Weedmark; recorder

AGENDA:

- 1) **Call to Order:** President Nicolette Oliver called the meeting to order at 9:08 a.m.
- 2) **Approval of Agenda:** Trustee Sebby suggests an amendment to the agenda to add the Pledge of Allegiance.

22-032 – NICOLETTE OLIVER MADE A MOTION TO APPROVE THE AMENDMENT TO THE AGENDA TO ADD THE PLEDGE OF ALLEGIANCE. MARY BETH HARRINGTON SECONDED. MOTION APPROVED.

- 3) **Pledge of Allegiance** – Trustee Sebby led the pledge.
- 4) **Open Public Meeting Act (OPMA) – Morgan Damerow, Assistant Attorney General, Office of Attorney General**

A. Open Public Meeting Act (OPMA) – Refresher & What’s New

- **Overview/Basic Requirements/What is a Governing Body:** *RCW 42.30.030*
Meetings declared open and public 1) All meetings of the governing body of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in this chapter. 2) Public agencies are encouraged to provide for the increased ability of the public to observe and participate in the meetings of governing bodies through real-time telephonic, electronic, internet, or other readily available means of remote access that do not require an additional cost to access the meeting. **Governing Body** – can be in the form of Committees and Subcommittees or Advisory Bodies.
- **Meeting Definition/ Regular Meetings/Special Meetings/Emergency Meetings/Remote Meetings/Executive Session:** *RCW 42.30.020 (4)*
"Meeting" means meetings at which action is taken. Regular Meetings- Is a recurring meeting held in accordance with a periodic schedule by ordinance, resolution, bylaws, or another rule; it must have an agenda available online at least 24 hours in advance and you can modify an agenda or invalidate otherwise legal actions taken at a regular meeting where an agenda was not posted 24 hours in advance and **NEW-** Very small agencies may be exempt. Special Meetings- Called by presiding officer or majority of the members. Notice must be provided 24 hours before, in writing with time, place and

business to be transacted (an agenda). **NEW-** Exception: not required when the notice cannot be posted with reasonable safety. How: To each member of the governing body (unless waived). To each local newspaper of general circulation, radio, and TV station which has a notice request on file. Posted on the agency's website [with certain exceptions in *RCW 42.30.080 (2)(b)*, for example, if the agency does not have a website] **NEW-** Prominently displayed at the main entrance of the agency's principal location and the meeting site (if not at the same location, or not remote). Include links and phone numbers for public attendance. Emergency Meetings- Notice is not required when special meeting called to deal with an emergency.

Emergency involves injury or damage to persons or property or the likelihood of such injury or damage. Where time requirements of notice make notice impractical and increase likelihood of such injury or damage.

NEW- Remote Meetings- In the event of an emergency, an agency may: Option 1: Hold an all-remote meeting without a physical location. Option 2: Hold a meeting with governing body present but some or all the public excluded. Requirements for a remote meeting: Declared emergency at the local, state, or federal level. Agency determines it cannot hold a meeting in person with reasonable safety where members or public are in attendance. Public must be able to listen, if not, meeting prohibited except executive session. Notice of meeting must include remote participation instructions.

Individual governing body members may participate remotely during nonemergency times. Executive Session- Part of a regular or special meeting that is closed to the public. Limited to specific purposes set out in the OPMA, *RCW 42.30.110*. Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins. Time may be extended by further announcement. **NEW-** Purpose of executive session must be entered into the minutes. If going into executive session, have a plan for ensuring only invited people are allowed access, utilizing the waiting room feature on Zoom and admit participants for example.

- **Action/Final Action:** *RCW 42.30.020 (3)* "Action" means the transaction of the official business of a public agency by a governing body including but not limited to, receipt of public testimony, deliberations, discussions, considerations, reviews, evaluations, and final actions. "Final Action" means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance.
- **Public Attendance/Remote Observation and Participation/Public Comment:** A public agency cannot place restrictions on public to attend meetings subject to OPMA. Reasonable rules of conduct can be set. Cameras and tape recorders are permitted unless disruptive. **NEW-** Governing body may adopt applicable conditions determined to be necessary to protect public health or safety, or to protect against interruptions. **NEW-** Agencies are encouraged to provide remote access that

does not require an additional cost to access the meeting. Provide an online streaming option for, all regular meetings. Make audio or video recordings. Make recordings available online for a minimum of six months. This does not alter recordkeeping requirements under chapter *RCW 42.56*. **NEW**- Oral or written public comment required prior to taking final action at a regular meeting.

- **Minutes:** Minutes of public meetings must be promptly recorded and open to public inspection. Minutes of an executive session are not required. No format specified in law. **NEW**- Executive session's purpose must be recorded in the minutes. If a meeting provides a remote option, add relevant information to the minutes. Optional- Links & phone numbers. Number of remote participants.
- **Interruptions and Disruptions:** **NEW**- The presiding official may stop individuals from speaking when not recognized to speak. The OPMA provides a procedure for dealing with situations where a meeting is being interrupted, the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons. Meeting room can be cleared, and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.
- **OPMA Penalties:** Individual penalty- \$500 fine for the first violation/\$1,000 for subsequent violation. Costs and attorney fees- Final action at illegal meetings/may be declared void.

5) Break – 15 minutes.

6) **Board Development – Dan Gottlieb, Attorney, Hillis Clark Martin & Peterson P.S.**

A. Legal Background

Policy

- State Policy - *RCW 27.12.020* - In 1935, the State Legislature declared it to be “the policy of the state, as part of its provision for public education, to promote the establishment and development of public library service throughout its subdivisions.”
- Authority to Create a Library – *RCW 27.12.025* - Any county, city, town, rural county library district, intercounty rural library district, rural partial-county library district or island library district is authorized to establish and maintain a library, either by itself or in cooperation with one or more other such governmental units.
- Free Public Libraries - *RCW 27.12.270* - Public libraries shall be free for use of the inhabitants of governmental unit where located; provided, that a reasonable fee for use of duplicate copies of popular books is permitted.

Public Entities

- County/City/Town Library-A County/city/town library is not a separate taxing district from the county/city/town that created it but is a department thereof.
- Rural County Library District – *RCW 27.12.010 (7)* - A rural county library

district is a public corporation with the powers necessary to carry out its functions and the power vested in municipal corporations for taxation purposes. Library serving unincorporated area of a county, as well as any annexed city/town with a population of 300,000 or less at the time of annexation.

- Intercounty Rural Library District – *RCW 27.12.010 (2)* – Municipal corporation organized to provide library services for all unincorporated areas within two or more counties, as well as any annexed city/town with a population of 300,000 or less at time of annexation. A separate taxing district. Timberland Regional Library is, in fact, an intercounty rural library district under Washington law.
- Island Library District - *RCW 27.12.010 (3)* - Municipal corporation organized to provided library services for all unincorporated areas on a single island, but not entire county, in counties comprised entirely of islands with a population of less than 25,000 at time the district is formed, as well as any annexed city/town with a population of 300,000 or less at time of annexation. A separate taxing district.
- Rural Partial - County Library District - *RCW 27.12.010 (8)* - Municipal corporation organized to provide library services for part of the unincorporated area of a county, as well as any annexed city/town with a population of 100,000 or less at time of annexation. A separate taxing district.
- Regional Library – *RCW 27.12.010 (6)* - An entity created by agreement of two or more government entities, including counties, cities, towns, and the various other library entities, to jointly establish and maintain a library. A regional library is not a separate taxing district, but an operating entity created by separate taxing districts. Although many library systems in Washington are popularly called “regional libraries,” most are in fact either rural library districts or intercounty rural library districts under Washington law.

Establishment

- Establishment – *RCW 27.12.100* - An intercounty rural library district may be established by joint action of two or more counties proceeding by either of the following alternative methods: 1) The boards of county commissioners of any two or more counties shall adopt identical resolutions proposing the formation of such a district to include all the areas outside of incorporated cities or towns in such counties as may be designated in such resolutions. In lieu of such resolutions, a petition of like purport signed by 10% of the registered voters residing outside of incorporated cities or towns of a county, may be filed with each county auditor, and shall have the same effect as a resolution. Each board of county commissioners shall pass a resolution calling an election for the purpose of submitting the question to the voters and setting the date of said election. 2) The county commissioners of two or more counties meeting in joint session attended by

a majority of the county commissioners of each county may, by majority vote of those present, order the establishment of an intercounty rural library district to include all of the area outside of incorporated cities and towns in as many of the counties represented at such joint meeting as shall be determined by resolution of such joint meeting.

Annexation and Withdrawal

- Annexation of City or Town – *RCW 27.12.360* - Any city or town with a population of 300,000 or less at the time of annexation may be annexed to any contiguous rural county, island, or intercounty rural library district. The legislative authority of such a city or town should adopt an ordinance stating its intent to join the library district and finding that doing so is in the public interest, after submitting the proposed ordinance to the library board of the city or town or to the state librarian if there is no library board.
- Withdrawal from a Library District – *RCW 27.12.380* - The legislative body of such a city or town which has annexed to a library district, may, by resolution, present to the voters of such city or town a proposition to withdraw from said library district at any general election held at least three years following the annexation to the library district.
- Withdrawal When Land Becomes Part of a City not Annexed to the Library District – 1. “...when areas within an inter-county library district are annexed to a city, they cease to be a part of that district.” *OAG No. 49-51-121*. 2. “Any lands which enter private ownership, and which are at that time within the corporate limits ... cannot be a part of a rural county library district and are not subject to a levy by that district.” *AGO 57-58 No. 99*.
- Withdrawal and Reannexation to Protect Levy Rate and Avoid Prorationing – *RCW 27.12.355* - A rural county library district, island library district, or intercounty rural library district may withdraw areas from its boundaries upon: (i) adoption of a resolution by the board of trustees requesting the withdrawal and finding that, in the opinion of the board, inclusion of this area within the library district will result in a reduction of the district's tax levy rate under the provisions of *RCW 84.52.010*; and (ii) adoption of a resolution by the city or town council approving the withdrawal, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the withdrawal, if the area is located outside of a city or town. Similarly, a rural county library district, island library district, or intercounty rural library district may reannex such areas upon: (iii) adoption of a resolution by the board of trustees proposing the reannexation; and (iv) adoption of a resolution by the city or town council approving the reannexation, if the area is located within the city or town, or adoption of a resolution by the county legislative authority of the county within which the area is located approving the reannexation, if the area is located outside of a city or town. Such reannexation is subject to referendum upon the filing of a petition signed by 10% of the registered voters in the area to be reannexed.

Finances

- Municipal Libraries - 1) No source of funding independent of sponsoring municipality. 2) Operational costs budgeted by legislative body of sponsoring municipality and funded from its regular property tax levy proceeds (up to \$3.375/\$1,000 assessed value) and other available funds. 3) Capital costs financed from debt obligations of sponsoring municipality: a) Limited tax (councilmanic) general obligation (LTGO) bonds payable from regular levy proceeds and other available funds of municipality, up to 1.5% of assessed value without voter approval. *RCW 39.36.020 (2)(a)(ii)*. Maximum term of 40 years. *RCW 39.44.070*. b) Unlimited tax general obligation (UTGO) bonds payable from excess property tax levies of municipality, up to 2.5% of assessed value with at least 60% majority vote at an election at which number of votes cast is at least equal to 40% of votes cast at last general election. *RCW 39.36.020 (2)(b)*; *85.52.056*. Maximum term of 40 years. c) Executory conditional sales contracts (including financing leases) payable from regular levy proceeds and other available funds of municipality, up to 0.75% of assessed value without voter approval. *RCW 39.30.010*.
 - Library Districts - 1) Independent taxing districts. 2) Operational costs budgeted by library district board of trustees and funded from its regular property tax levy proceeds (up to \$0.50/\$1,000 assessed value) and other available funds, such as timber excise tax. 3) Capital costs financed from debt obligations of library district: (a) LTGO bonds payable from regular levy proceeds and other available funds of library district, up to 0.10% of assessed value without voter approval; maximum term of 20 years. *RCW 27.12.222*. b) UTGO bonds payable from excess property tax levies of library district, up to 0.50% of assessed value with at least 60% majority vote at an election at which number of votes cast is at least equal to 40% of votes cast at last general election. *RCW 27.12.222*. Maximum term of 40 years. *RCW 39.44.070*. c) Executory conditional sales contracts (including financing leases) payable from regular levy proceeds and other available funds of library district, up to 0.75% of assessed value without voter approval. *RCW 27.12.350*; *39.30.010*.
- B. **Bylaws** – items to be included for effective governance.
- Governance
 - Library name/purpose
 - Board composition/resignation/vacancy
 - Board officers/terms/powers
 - Executive Director/qualifications/duties
 - Meetings/quorum/procedures
 - Committees/standing/ad hoc
- C. **Roles and Responsibilities** – Powers/Duties of Board of Trustees – *RCW 27.12.210*
- **Basic Powers and Duties** - 1) Adopt such bylaws, rules, and regulations for their own guidance and for the government of the library as they deem

expedient; 2) Have the supervision, care, and custody of all property of the library, including the rooms or buildings constructed, leased, or set apart therefor; 3) Employ a librarian, and upon his recommendation employ such other assistants as may be necessary, . . . prescribe their duties, fix their compensation, and remove them for cause; 4) Submit annually to the legislative body a budget containing estimates in detail of the amount of money necessary for the library for the ensuing year; except that in a library district the board of library trustees shall prepare its budget, certify the same and deliver it to the board of county commissioners in ample time for it to make the tax levies for the purpose of the district; 5) Have exclusive control of the finances of the library; 6) Accept such gifts of money or property for library purposes as they deem expedient; 7) Lease or purchase land for library buildings; 8) Lease, purchase, or erect an appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor; 9) Purchase books, periodicals, maps, and supplies for the library; and 10) Do all other acts necessary for the orderly and efficient management and control of the library.

- **Annual Report to County Commissioners** - 1) "Condition of their trust during the year," 2) Sums of money received, 3) Expenditures and purposes, 4) Number of books and periodicals on hand, number added, number retired and numbered loaned out, and 5) Such other statistics, information and suggestions as board deems to be in the public interest. *RCW 27.12.260.*
- **Other Powers** - 1) May adopt "such reasonable rules and regulations as the trustees find necessary to assure the greatest benefit to the greatest numbers." *RCW 27.12.270.* 2) May exclude willful and persistent violators, or any person whose physical condition is deemed dangerous and offensive to others. *RCW 27.12.290.* 3) May permit nonresident use and interlibrary exchanges. *RCW 27.12.280.* 4) May provide library services to Indian tribes. *RCW 27.12.285.*
- **The Board as a whole** - 1) Approves the Annual Budget and policies that govern public library operations in twenty-nine (29) libraries and a Service Center located in Pacific, Grays Harbor, Mason, Lewis, and Thurston counties. 2) Collaborates and prioritizes actions for a five-year Strategic Plan as a forward analytical, strategic thinker. 3) Participates in the hiring and performance reviews of the Executive Director. 4) Works collaboratively with library administration in planning and setting goals. 5) Is informed of TRL's mission, vision, values, policies, budget, collections, programs, and services; with the ability to listen, analyze, think clearly and creatively, and work well with people and communities. 6) Represents the communities of their counties by understanding local and district wide issues to apply the information in establishing district policies; makes decisions as a governing body that benefits all five counties.
- **An Individual Trustee** - 1) Attends monthly Board meetings, annual Board meeting, standing committee meetings, ad hoc meetings, retreats, and

special meetings as requested. 2) Attends continued public library education and trainings to develop an understanding of future public library needs and trends. 3) Mentors new Trustees to build relationships and to share information. 4) Conducts oneself with the highest level of professionalism as a thoughtful leader and visionary; acting as an ambassador of TRL in the community and groups in which involved, sharing, and expanding interest about TRL. 5) Participates in developing and approving policies that govern library services. 6) Participates in focusing on policy, overall budget, and long-term planning; working collaboratively, constructively, and creatively to support the BOT to effectively advise TRL by aligning with TRL's mission and strategic plan, not operational and staff level details. 7) Participates in working with the Executive Director in planning and setting long-term goals. 8) Participates in working with library administration in planning and setting goals. 9) Reviews materials in advance of meetings, including policy and planning documents, meeting summaries, and financial analyses to understand the scope of the issues and potential approaches. These items will be mostly provided electronically and stored on a dedicated BOT drive with the TRL network. 10) Brings a valuable and informed perspective, contributing useful information to the process with regards to their respective counties and district-wide issues; being an active advocate for the library. 11) Abides by the TRL policies and participating in ongoing, continued education trainings, adhering to policies pertaining to the Board of Trustees such as the Ethics Policy, and Trustee Orientation and Development Policy.

- **Statutory Code of Ethics - RCW 42.23.070.** Prohibited Acts: 1) Use of position to secure special privileges or exemptions for self or others. 2) Giving or receiving, or agreeing to same, of compensation, gift, reward, or gratuity from a source other than municipal employer for matters related to municipal duties, except as permitted by law. 3) Accepting employment or engaging in business that one might expect would require disclosure of confidential information obtained in official position. 4) Disclosure of such confidential information or use for personal gain. Prohibited Interests in Public Contracts – RCW 42.23.030. Prohibited uses of public funds, property, or credit. Election use prohibited.
- **Twelve Golden Rules for Board Members**
 - ★ A Trustee must have an interest in the library.
 - ★ A Trustee must have time to give the library. No citizen should accept appointment as a library Trustee if they do not intend to come regularly to meetings.
 - ★ A Trustee must consider the position not a matter of prestige but an opportunity for courageous and forward-looking efforts to push the library ahead.
 - ★ A Trustee must know the law under which the library is organized.
 - ★ A Trustee serves without compensation.

- ★ A Trustee carries a full share of responsibility as a board member, assuring that a few members do not do all the work or take all the blame or praise.
- ★ A Trustee does not voice their opposition or criticism, either publicly or privately, after a policy or rule is adopted by the majority vote of the board.
- ★ A Trustee is careful to keep confidential information confidential and does not give out information regarding future board actions or plans.
- ★ A Trustee treats staff members and the Executive Director in a completely impersonal fashion. Under no circumstances does a Trustee listen to grievances of staff members or treat individual problems on their own. The Executive Director oversees the staff and has administrative control until a grievance is presented to the library board.
- ★ A Trustee should know the funding sources of the library and be familiar with the library budget.
- ★ A Trustee must know the needs of the library and community and be aware of trends and new procedures in the library field.
- ★ A Trustee knows that all powers are always vested in the library board and none in the individual board member.

D. **Direction & Elevated Support for Executive Director** - The healthy board-director relationship is about mutual understanding and respect. The healthy relationship is demonstrated in the following ways:

- The board and the director recognize that each has an important role to play in providing library services.
- The board provides the director with a written job description and evaluates the director's work in a constructive way at least annually.
- The board does not interfere with the daily operation of the library unless specifically asked to do so by the director. In other words, the board allows the director to do the job they were hired to perform.
- The director keeps the board informed about the operation of the library. They recognize when a decision goes beyond the authority of the library's staff and takes these issues to the board.
- The board solicits the director's opinions about all issues upon which it will act. The board will always show the director the professional courtesy of asking them how a specific decision might impact the day-to-day operation of the library.
- The director carries out policy set by the board even if they do not agree with it. The director, in other words, recognizes that the board has the ultimate legal authority for governing the library. (N.B.: In some states, the library board is advisory, not governing.)
- When disagreements occur, they are discussed openly and honestly between the director and board in regular or special board meetings held

pursuant to their state's open meeting law. Neither the board members nor the director discusses these problems with other members of the public behind each other's back.

For the trustee-director relationship to work, trustees need to adhere to the following principles:

- The staff is directed only by the Executive Director, who interprets board-approved policies to the staff and carries out the total library program as accepted by the board.
- Individual trustees never give orders or instructions to the staff.
- Trustees wishing to comment on the performance of the staff make these comments directly to the Executive Director.
- Trustees never interfere in the hiring process other than to agree to job descriptions and personnel policies.
- The board is a final recourse for employees who have exhausted accepted appeals channels.
- The Director was hired to run the library and has supervisory authority over the library's other employees.
- Chain of command is to be respected without exception.

Understand how the board's role and the Executive Director's role differ:

The board of trustees and the director are both involved in library governance and policy development, financial management, and personnel administration. However, the type and level of involvement must be clearly differentiated in order to avoid conflict and for the library to operate professionally and effectively.

Typically, the board establishes overall personnel policies such as guidelines for salary and benefits, hiring practices, and other personnel actions unless the library is part of a town/city and must follow municipal policy. If the library is part of a municipal system that maintains authority to hire the director, the board hires the Executive Director and sets salary and benefits.

Your Executive Director is the department head of a city service and is responsible for the day-to-day management of the library. The director acts as the professional/technical adviser to the library board on policy, finances, planning, library performance and more.

Some of the ways the roles of the Executive Director and the board differ are:

- The director may suggest or draft policies. It is the board that adopts the policies. Once a policy is adopted, the director and staff carry it out as they operate the library.
- The board hires and evaluates the Executive Director while the director hires and evaluates other staff.
- The Executive Director may draft a budget request; the board officially adopts the budget.

7) Lunch Break – 1 hour.

8) 2020-2024 Strategic Direction – Cheryl Heywood

A. Spreading Community Awareness/Advocacy

Each Trustee

- Meeting with Editorial Boards Annually by County with Executive Director
- Meets with County Commissioner(s) at a library in their county, with Executive Director
- Meets with State Representative in one of their county’s libraries, with Executive Director
- Business cards with facts on the back – Trustees Harrington and Gwin suggestions - facts on cell phones
- 2-minute elevator speech – Trustee Gwin suggestion
- Write letters to the Editor
- Radio interviews with the Executive Director.
- Have a top ten services provided by the library – Trustee Zylstra suggests
- Post on personal social media platforms – Trustee Harrington suggests

President of the Board of Trustees

- Op-ed piece in local newspapers - annually

B. Support Staff for Unity through the 2020-2024 Strategic Direction As a group, the Board of Trustees has a responsibility to:

- Be well informed on local, state, and national issues and proposed legislation, initiatives and/or referenda that may affect libraries.
- Advocate, support, defend, and speak out about library issues at board meetings or hearings as well as with citizens, government leaders, and elected officials, within the limits defined by Public Disclosure Commission rules and regulations.
- Communicate to the community on a regular basis about the library services and long-range plans.

As individuals, library trustees should:

- Be well informed, vocal, and visible in the community.
- Share the plans, policies, and progress of the library with individuals and community groups.
- Seek out and listen to the community.
- Work closely with government officials.

The Community

The trustee is a link between the library and its community. The Board of Trustees represents the needs and wishes of their communities to the Executive Director and represents the needs of the library to their communities. The Board of Trustees review and evaluate the short- and long-term goals for the five-county district.

9) Break – 15 minutes.

10) Levy Lid Lift Discussions – Jill Jean, Retired Kitsap Regional Library Director


A. Kitsap Regional Library Levy 2017 Plan


- Hire local Political Action Committee.
- Make your case to the undecided voter.

- Be sure to use effective messaging for the undecided voter.

11) Adjournment at 3:48 p.m.

Optional tour of the Service Center and departments following the meeting.

 10/26/2022
Cheryl Heywood, Executive Director

 10/26/2022
Nicolette Oliver, President