

Negaunee Public Library Board
10:15 a.m., August 16, 2022
Michigan Room, Negaunee Public Library

1. Call to order
2. Secretary's Report
3. Public Comment
4. Financial Report
5. Librarian's Report
6. Communications
7. Unfinished Business
 - a. Board status and township negotiations
 - b.
8. New Business
 - a. Upcoming events
 - i. New storytime, Thursday mornings
 - ii. September 12, 5 p.m. – Friends potluck, Jackson Park pavilion
 - b. Superiorland Library Cooperative board appointment
 - c. Budget
 - d.
9. Adjourn

Next meeting: September 20, 2022

Officers:

President: Al Sundine

Vice President: Laura Jandron

Secretary: Eyre Becker

Negaunee Public Library Board
Minutes for July 19, 2022

Members present:: E. Becker, L. Jandron, A. Sundine, M. Sylvester and J. Holman, Library Director.

Meeting called to order at 10:22 a.m. by Pres. A. Sundine. Minutes of the meeting on June 14, 2022, as submitted by E. Becker were approved.

Public Comment: None.

Financial Report: All bills were paid as of July1, 2022.

Librarian's Report: Librarian's report was provided in the board packet. J. Holman reported that the summer reading program has 92 registrations with many adult book reviews. The table at the farmers market is proving to be a worthwhile endeavor. More than \$1000 was raised at the Pioneer Days book sale, but the author visit was poorly attended.

Communication: None.

Unfinished Business:

1. The Library of Michigan confirms that the city paying for J. Holman's insurance is enough to warrant the full amount of state aid.
2. Dillon Geshel from the SLC will sit down with J. Holman and the city attorney to discuss the township contract at a date to be determined.

New Business:

1. Upcoming events for the library include:
 - a. J. Holman will host a Wings of Fire party open to the public July 20.
 - b. The Summer reading program ends July 30.
 - c. Kids' summer reading party will be August 1
 - d. Tween/teens' reading party will be August 2.
2. J. Holman will take a vacation August 4-7.
3. L. Jandron made a motion to approve the Part-time Personnel Policy as a means to create more equity and adherence to days/time off. M. Sylvester seconded the motion and it passed unanimously.

The meeting was adjourned at 10:38 with the next scheduled meeting to be held August 16, 2022.

Respectfully submitted,



Eyre Becker

Negaunee Public Library Advisory Board Secretary

Negaunee Public Library

Financial Report

August 16, 2022

All bills were paid through August 1, 2022.

Bills to be paid September 1, 2022:

Baker & Taylor	358.06 (books)
Book Farm	317.10 (29 children's books, most discounted)
Charter/Spectrum	48.98 (monthly internet)
MicroMarketing	34.40 (audiobooks)
	22.09 (large print)

Negaunee Public Library Board

July 19, 2022

Librarian's Report

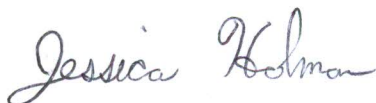
On July 21, I attended a seminar on "Challenges to Intellectual Freedom," hosted by the Peter White Public Library, presented by the Michigan Library Association and sponsored by the Superiorland Library Cooperative. Challenges to the freedom to read are becoming increasingly common; thankfully, Michigan librarians are being proactive. This includes the grassroots coalition MI Right to Read (www.mirighttoread.com), which educates the public and opposes any legislation that infringes upon First Amendment rights and intellectual freedom. The most important thing library staff and board members need to keep in mind, if faced with a challenge to the library collection, is to defend the Constitution – not the items being challenged. If you have someone approach you about whether the library should have a book in its collection, remind them that freedom of speech and freedom of the press are First Amendment rights. If it's on our shelves, there is a need within the community for that item.

Summer reading has ended. A few youth are still collecting prizes, but we had 177 entries in the adult summer reading drawings (the most ever); 93 youth participated; and 44 youth completed their summer reading goals. The kids' finale ice cream party drew in 33 people, while the tweens/teens cupcake party brought in 12. Everyone had a good time at both parties.

City Manager Nate Heffron invited me to give a presentation about the library at the Rotary Club dinner on August 2, at River rock Lanes & Banquet Center. This was attended by about a dozen Rotary Club members. It went well, and a few members expressed interest in possibly holding a "Rotarians Read" storytime at some point in the evenings at the library.

Next week, I will be attending the open houses for Lakeview Elementary and Negaunee Middle Schools. These are great opportunities for outreach. I also gave a tour to a small group of summer school students last week, and signed up one of the teachers for a library card.

Respectfully submitted,



Jessica Holman, director

MEMO

FOSTER SWIFT
FOSTER SWIFT COLLINS & SMITH PC || ATTORNEYS

TO: Superiorland Library Cooperative
FROM: Anne Seurnck
DATE: August 15, 2022
RE: Public Act 164 Questions

The Superiorland Library Cooperative has requested our opinion on the City of Negaunee removing funds from the library fund and the status of the Negaunee Public Library (“Library”) as an independent authority. This memo is in response to that request.

I. Library Fund.

The Negaunee Public Library is a city library created under Section 1 of the City, Village and Township Libraries Act, Public Act 164 of 1877, MCL 397.201, *et seq.* (“Act 164”). The City of Negaunee’s Code of Ordinances established the 5-person Library Board. (Ordinance, Section 276.01). Specifically, the Ordinance provides that the Library Board has the “complete responsibility” for the management of the Library and “shall have such other powers, duties and responsibilities as asset forth in M.C.L.A 397.205.” Based on the Ordinance, the Library was established under Section 1 of PA 164.

The Library’s responsibilities and authority are listed in Section 5 of Act 164 as follows:

Said directors shall, immediately after appointment, meet and organize, by the election of 1 of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. **They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund,** and of the construction of any library building, and, of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: **Provided, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board.** Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary

assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

MCL 397.205. (Emphasis added). Pursuant to Act 164 and the opinions interpreting it, all money collected for the Negaunee Public Library must be placed into the "Library Fund" located in the City of Negaunee treasury. This fund includes money collected from property taxes. This fund also contains penal fines and State Aid contributions. Only public libraries are eligible to receive State Aid. MCL 397.566. Further, the Michigan Constitution provides that "all fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law." Mich Const. Art 8 § 9. Thus, pursuant to state law and the Constitution, the money in the Library Fund must be administered by the Library Board exclusively for Library purposes.

II. Roles and Responsibilities.

According to Act 164, the Library Board and the City's statutory roles are summarized in relevant part as follows:

A. Library Fund. Even though the Library Fund is held in the City treasury, the Library Board has exclusive control over how the money from the Library Fund is spent. The City does not have any legislative oversight of the Library's expenditures. Put another way, even though the City holds the money, the City has no substantive role in how the money is used by the Library because Act 164 contemplates an independent Library Board. *Benton Harbor Library Bd v Benton Harbor*, 99 Mich App 62; 297 NW2d 619 (1980). Thus, the day-to-day operations and the authority of the Library Board will be the same as presently exercised by the Library. The City Council has no authority to further approve or act on the Library Board's decisions on expenses. However, the City Treasurer will have a ministerial role of verifying the authorizations and disbursing the money from the Library Fund.

B. Location of the Fund. All money collected for the Negaunee Public Library must be placed into the "Library Fund" located in the City of Negaunee Treasury. The money includes tax collections, state aid, penal fines and any donations. Any endowment accounts would have to be transferred to and set up separately in the City Treasury in the same manner as the "Library Fund." The Library Fund and any endowment funds are accounted for separately by the City Treasurer.

C. Budget. The Library Board has the authority to set the budget for the Library. OAG, 1995-1996, No. 6924, p. 236 (December 4, 1996).

D. Investment Policy. The Library may adopt its own investment policy or adopt the policy of the City for Library Fund investments.

E. Personal Property. Under PA 164, the Library Board has the authority to determine how personal property is managed:

Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees. MCL 397.209.

In fact, no determination by the City can void that decision: "It was evidently the purpose of the Legislature in authorizing and regulating such libraries by general law to remove the same from politics and factional disturbances." *Bostedor v Eaton Rapids*, 273 Mich 426, 429; 263 NW 416 (1935).

F Real Property. The Library has exclusive control of the construction of any Library building and the exclusive control of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. The Library has the authority to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of the Library. MCL 397.205

G. Employment. Power to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees. MCL 397.205

H. Additional Authority. The Legislature also gave the Library the power in general to carry out "the spirit and intent of this act in establishing and maintaining a public library and reading room." MCL 397.205.

III. Procedure For Change.

As stated above, the Library Board is not a purely advisory Board or a department of the City. The Library Board has specific and exclusive control to manage the Library. As a result, the Library should meet with the Treasurer to explain the above rights and responsibilities. The Library should also develop a process by which the City receives and disburses funds upon receipt of the "properly authenticated vouchers." The City may not remove any money from the Library Fund without Library Board approval.

If you have any further questions or concerns, please contact me.

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BUDGET WORKSHEET

CITY OF NEGAUNEE

Janice

Month: 6/30/2022	Prior	Current Year			(6)	(7)	(8)
	Year Actual	Original Budget	Amended Budget	Actual Thru June	Estimated Total	Dept Request	Mgr Recomm Council Adopt
Fund: 101 - General Fund							
Expenditures							
Dept: 738 Library							
702.000 Personal Services	41,809	46,000	46,000	20,016	0	48,000	
704.000 Part-Time Salaries	7,676	9,000	9,000	3,760	0	10,000	
713.000 Soc Sec & Medicare	3,912	4,400	4,400	1,915	0	4,400	
718.000 Sick Leave	568	750	750	180	0	750	
723.000 Personal/Vacation	1,239	1,900	1,900	1,078	0	1,400	
727.000 Office Supplies	936	1,000	1,000	561	1,000	1,500	
850.000 Communications	9,949	12,000	12,000	7,465	10,000	12,000	
864.000 Training, Travel	0	100	100	0	100	100	
875.001 Pension	911	1,000	1,000	453	1,000	1,000	
920.000 Utilities	1,980	1,980	1,980	825	1,980	1,980	
955.001 Programs-Special Events	879	1,000	1,000	566	1,000	2,000	
956.000 Dues, Memberships & Subscripti	732	1,000	1,000	359	1,000	1,200	
970.000 Capital Outlay	731	800	800	0	800	1,000	computer
978.000 New Books	5,984	6,000	6,000	4,342	5,000	7,000	
980.000 Office Equipment	0	1,250	1,250	336	1,250		phone lines?
Library	77,306	88,180	88,180	41,856	88,180	92,830	0

goal to make
state aid
\$101,786
(with \$1,000 extra
from donations)

~ 8585.52 insurance

92,830
+ 8,586
101,416 ✓