

MINUTES

CEDAR SPRINGS PUBLIC LIBRARY REGULAR BOARD MEETING

**MONDAY
MARCH 27, 2023**

6:30 PM MEETING

**CEDAR SPRINGS PUBLIC LIBRARY
107 N Main Street, Cedar Springs, MI 49319**

Cedar Springs Public Library Mission Statement

The mission of the Cedar Springs Public Library is to provide quality materials and services to educate, inform, teach, and partner with our diverse community in an atmosphere that is welcoming and promotes lifelong learning.

I. CALL TO ORDER

Meeting called to order by Chair at 6:30 pm
Attending: Tim Smith, Mark Dykstra, Heidi Armock
AJ Anielski, Tony Owen, Shelly Hilbert, Maryevelyn Vu
Absent: None
Quorum present

II. PLEDGE OF ALLEGIANCE

Chair led the pledge

III. PUBLIC FORUM

Any citizen who wishes to address the Library Board on a topic shall be recognized by the Chair and limit their comments to two minutes unless the chairperson deems otherwise. The Board will not respond, or discuss, public comments unless the Chair approves.

No oral, written, or Zoom comments made

IV. APPROVAL OF THE AGENDA

MOTION: "Approve the agenda" made by Smith, second by Armock"

MOTION: Amend the agenda" made by Owen, second by Shelly

To: Correct the numbering of item XII to XIII

To: Under X, C in Agenda Items for Monday April 24, 2023 invite all new Trustee's to a board orientation session to be scheduled shortly at an agreed upon time.

To: Under VIII, F under New Business

F: How to fill vacant executive board positions with terms ending 6/30/23.

To: Under VII, add item C under Unfinished Business

C: Ratification of March 8, 2023 Library Board actions

Motion carried by voice vote Ayes 7, Nays 0.

Original motion changed to read” Approve amended agenda” made by Smith, second by Armock

Motion carried by voice vote Ayes 7, Nays 0.

Secretary made amended adjustments to Agenda

V. CONSENT AGENDA

A. Approval and affirming of March 8, 2023, Special Meeting Minutes

B. Approval of February 2023 Financial report

MOTION: “Approve consent agenda” made by Owen, second by Vu

Motion carried by voice vote Ayes 7, Nays 0.

VI DIRECTOR’S REPORT

Director’s full report is part of Board packet

Director spoke about how well programs are going. Currently the Library is Seeking donations for the summer reading program.

VII. UNFINISHED BUSINESS

A. Approval of Budget amendments for Tech improvements (tabled from 3/8/23 meeting)

Treasurer discussed how the items in the technology plan were already covered by other line items in the budget except for a new server to be put into the 2023/2024 budget

B. Approval of Budget amendments tabled (from 3/8/23 meeting)

Treasurer reported the 2022/2023 budget does have several amendments to be made

MOTION: “Approve increase in line 801.000 Professional Service Expense by \$2,500.00 dollars” made by Owen, second by Vu

Motion carried by roll call vote Smith-Aye, Dykstra-Aye, Armock-Aye, Anielski-Aye, Owen-Aye, Hilbert-Aye, Vu-Aye. Ayes 7, Nays 0.

MOTION: “ Approve Treasurer to withdraw \$2,500.00 from Fund Balance line 390.000 Restricted – Library Operations to pay attorney retainer” made by Anielski, second by Armock

Motion carried by roll call vote Smith-Aye, Dykstra-Aye, Armock-Aye, Anielski-Aye, Owen-Aye, Hilbert-Aye, Vu-Aye. Ayes 7, Nays 0.

C. Ratification of March 8, 2023, Library Board actions.

MOTION: “Approve Ratification of March 8, 2023, Library Board actions” made by Owen, second by Hilbert

Motion carried by voice vote Ayes 7, Nays 0.

VIII NEW BUSINESS

A. Approve appointment of Tim Smith as Trustee to the Board from Cedar Springs and inviting new board members to a Board orientation session to be scheduled shortly at an agreed upon time.

MOTION: “Approve Tim Smith as new city appointment to fill out the rest of Karen Ringler term” made by Owen, second by Anielski

Motion carried by voice vote Ayes 7, Nays 0.

Secretary note: Because of all the new members a short orientation will be set up during next meeting.

B. Finance committee report

Treasurer provided a short update on the library balance sheet.

MOTION: “Accept Treasurer Hilbert’s report” made by Owen, second by Vu

Motion carried by voice vote Ayes 7, Nays 0.

C. Personnel Committee report on status of Director evaluation process

Personnel committee reported they have the form and spoke about the process of how Trustees will be able to evaluate the Director. The process should be done this month and tentatively set for April meeting. Director was informed of their choice to have an open or closed evaluating session with the Board.

D. Review of draft 2023/2024 budget

MOTION: “Approve draft budget for 2023/2024 balancing it with money from 390.000 Restricted – Library Operations and placed into appropriate line items to balance total of \$22,860.00 ” made by Owen, second by Hilbert

Motion carried by roll call vote Smith-Aye, Dykstra-Aye, Armock-Aye, Anielski-Aye, Owen-Aye, Hilbert-Aye, Vu-Aye. Ayes 7, Nays 0.

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E. Chair assignment of trustees to committees

Chair made committee assignments and tasks each committee to notify the Secretary when their first meeting will be and what time. At this first meeting pick a chair. Secretary will handout a listing of committee assignments. Personnel committee must be working on Director evaluation for next meeting. The committee shall also have proposed wage scales for the June meeting. Bylaws committee will provide recommendations for updating bylaws. Also, remember the attorney will also be reviewing these for changes. Finance committee needs to look at providing the personnel committee with recommendations for wage increases effective 7/1/23.

F. Process for filling vacant executive committee positions of Vice Chair and Treasurer with terms expiring 6/30/23.

Chair informed Board the positions open on the Executive Committee will be filled by volunteers with terms to end 6/30/23. Contact the Secretary for further information

IX. COMMITTEE REPORTS

A. Personnel Committee – Report given under new business

B. Policy Committee – None

C. Bylaw Committee – None

D. Technology Committee – None

E. Finance Committee – Reports given under old and new business

X AGENDA ITEMS FOR MONDAY APRIL 24, 2023, MEETING

- A. Appointment of volunteers to vacant executive committee positions
- B. Director evaluation
- C. Board orientation
- D. Bylaw committee recommendations
- E. Discussion of possible live streaming of Board meeting
- F. Review of Lawyers opinions

XI. BOARD COMMENT

Discussion of Lakeland coming in for a workshop on finances

Treasurer Hilbert turned in her resignation letter to Chair

Anielski spoke about the despicable act the City of Cedar Springs committed by bringing up a Trustee on charges and humiliation. The Board is reviewing the situation to see what actions are available.

Anielski provided a legal opinion concerning his appointment and the meeting he was appointed at. This will become part of the minutes.

XII Canceled Closed session of board according to MCL 15.268

To discuss complaints and attorney opinion

Secretary Note: Chair requested a closed meeting be placed on agenda in anticipation of possible lawyer opinions to be discussed with Board and possible actions the board may take. These documents did not arrive yet. Chair canceled the closed session based on no material available to support a closed session per OMA. This will be rescheduled in the future when the opinions are received from the Boards attorney.

XIII ADJOURNMENT

MOTIONL "Adjourn meeting, made by Hilbert, second by Owen

Motion carried by voice vote Ayes 7, Nays 0.

Meeting ended at 8:20 pm

Next regular meeting scheduled for Monday, April 24, 2023, 7:00 pm at the library.

Submitted by Secretary Owen

Approved by board on 4/24/23

Attachment: Legal opinion fr: Mika/ Meyers attorneys



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March 22, 2023

Mr. A.J. Anielski
Treasurer
Township of Solon
15185 Algoma Ave NE
Cedar Springs, MI 49319

Re: Appointment to Library Board

Dear Mr. Anielski:

You have requested our opinion regarding your appointment to the Cedar Springs Library Board, made at the March 8, 2023 Solon Township Board meeting. The question arises out of a concern expressed to you over potential noncompliance with the Open Meetings Act ("OMA") at that meeting. The gist of the concern is that "public comment" was not listed as an agenda item, and public attendance and public comments made at that meeting are not reflected in the draft meeting minutes.

Following review and discussion, it is our opinion that the meeting was conducted in compliance with the OMA, and that your appointment is valid.

The Township regularly holds what it refers to as "staff meetings", attended by the Township Board and representatives of the assessing, building, and zoning departments, and the fire department. The meetings are open to the public and are treated as Township Board meetings because a quorum of the Township Board is in attendance. These are regular meetings, with the schedule annually approved in advance by the Board and posted in accordance with Section 5(2) of the OMA. MCL 15.265(2). The meetings are shown on the Township calendar posted on its website. The March 8, 2023 meeting was rescheduled from the regular meeting date, and notice of the rescheduling was posted at the Township Hall and was shown on the Township's website, as required by Section 5(4) of the OMA. MCL 15.265(4).

The March 8, 2023 meeting and all staff meetings are open to the public. Members of the public do attend and are permitted to address the Board. Section 3(5) of OMA provides in part: "A person must be permitted to address a meeting of a public body under rules established and recorded by the public body." MCL 15.263(5). The OMA gives the public the right to address the body, but does not impose specific requirements and does not require that a "public comment" item be listed on the meeting agenda. Although it is customary and recommended practice to have

an agenda, there is no legal requirement that an agenda be prepared for a Township meeting. *See, e.g. Lysogorski v Charter Twp of Bridgeport*, 256 Mich App 297 (2003).

Noncompliance with the Open Meetings Act would occur only if notice of the meeting was not given, or if a member of the public was excluded from the meeting, not permitted to address the public body, or if their rights were limited or restricted except as provided by reasonable rules established by the body. None of that occurred at the March 8, 2023 meeting. In fact, Ms. Shelly Hilbert, a member of the library board, came into the meeting while it was already in progress and was permitted to address the Board. She was the only member of the public who attended the meeting.

A notation that public comments were made and a summary of those comments are not required to be included in the minutes. Section 9(1) of the OMA provides the mandatory requirements for meeting minutes as follows:

Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. The public body shall make any corrections in the minutes at the next meeting after the meeting to which the minutes refer. The public body shall make corrected minutes available at or before the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

Section 15.269(1).

Including additional information in the official minutes is a matter of local custom and practice. There is no requirement in the OMA that the minutes note or summarize comments made by the public. Although Ms. Hilbert's attendance and comments are not required to be noted in the minutes, the minutes could be corrected at the next Township Board meeting to reflect that she attended the meeting. Any inaccuracy in the draft minutes on a non-mandatory subject like this does not constitute noncompliance with the OMA.

Article VII, Section 28 of the Michigan Constitution of 1963 encourages communities to contract for the joint provision of services and allows officers of each participating community to be appointed to a joint governing body. We note that you properly abstained from voting on your appointment to the Library Board.

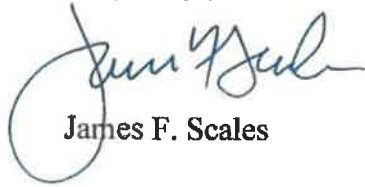
Mr. A.J. Anielski

March 22, 2023

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In conclusion, although it may be customary practice to include an item for public comment on the agenda, and to briefly note in the minutes if public comments were made, it is not mandatory and not doing so is not a violation of the OMA. The March 8, 2023 meeting was held in compliance with the Open Meetings Act and your appointment is valid.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jim Scales", is written over a circular blue ink stamp.

James F. Scales

jll

By E-mail Only

Enclosures

cc: Robert Ellick
Dorothy Willoughby
Ross Leisman