

MINUTES

CEDAR SPRINGS PUBLIC LIBRARY REGULAR BOARD MEETING

**MONDAY
AUGUST 28, 2023**

7:00 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 at 7:00 pm by Chair

Present: AJ Anielski, Tony Owen, Maryevelyn Vu, John Lehmoine, Tim Smith,
Mark Dykstra, Heidi Armock

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 to, or discuss, public comments unless the Chair approves. (Comments are not verbatim)

No written statements given.

Ron Howell made comments about handouts stating joint board came in 1999.

Donna Clark stated where much of the money to build the new library came from Solon. Voiced concerns on what will happen with the children. The library cannot determine who lives where.

Nicholas D'Amaro commented on board transparency. Stated he knows OMA as he sits on a college board. For your information I asked for a letter to be sent to all board members and that they should respond to him from their board emails. Did not like the Chair's response.

Mary Coon commented she knew this was a local community library, but KDL can provide many more programs, discounts, and are a better option.

Eva Miller-Videtich commented that if Solon no longer parts of the library what will the kids do for a library. this would be the first time in her life that she personally, would not have a library to go to.

Kaye commented her concern for the children in Solon and where would they

have access. Currently has access to all Lakeland libraries along with KD:
Rose commented it is not far that our kids no longer having access to any
libraries.

Donna Clark stated KDL cards can already be used her at Cedar Springs
Community Library

Shelly Ardema people are putting the cart before the horse and are not seeing
Me and the kids

IV. APPROVAL OF THE AGENDA

MOTION: “Approve the agenda” made by Owen, second by Lehmoine
Motion carried by voice vote Ayes 7, Nays 0.

V. CONSENT AGENDA

- A. Approval and affirming of July 24, 2023, Meeting minutes
- B. Approval of July 2023 Financial report
- C. Approval and affirmation of June 26, 2023, Meeting Minutes
- D. Approval of June 2023 Financial report

MOTION: “Approve the consent agenda” made by Owen, second by Smith
Motion carried by voice vote Ayes 7, Nays 0.

VI DIRECTOR’S REPORT

Armock or ranking staff member to present a report
2 new people have been hired have accepted the jobs and are in training now
Fall programs posted and lots of interest
Red Flannel Festival progressing, and library is involved
Need something from Board to be posted about the possibility of Solon losing
card access

VI. UNFINISHED BUSINESS

- A. Discussion of Staff statement to Public
There will be no change in current public postings

MOTION: “Have Dykstra do a flow chart reflecting the two options available concerning
Library cards” made by Anielski, second by Armock

Motion carried by voice vote Ayes 7, Nays 0

Dykstra to submit for Chair approval before posting on website and in the library.

VIII NEW BUSINESS

- A. No new Business

IX. COMMITTEE REPORTS

- A. Personnel Committee – Report on hiring
@ new employees interviewed on Wednesday, hired on Thursday, and
picked up forms today for employment. Lakeland has not posted the
director’s position.
- B. Policy Committee – None
- C. Bylaw Committee – None
- D. Technology Committee – None
- E. Finance Committee –None

X AGENDA ITEMS FOR MONDAY SEPTEMBER 25, 2023, MEETING

- A Contracts currently in effect status
(Chair will email attorney for direction)
- B.

XI. BOARD COMMENT

Lehmoine suggested the Township and City should be posting something on their Websites concerning status.

Owen if Solon and the City do split up the library will lose its status as a Level 3 classification and drop to a Level 1 classification. Also, several handouts on the table in back including the history of the library according to the Library of Michigan and a proclamation by the Governor making October Library month

XII ADJOURNMENT

MOTION: "Adjourn meeting" made by Owen, second by Lehmoine

Motion carried by voice vote Ayes 7, Nays 0.

Meeting adjourned at 7:48 pm

Next regular meeting scheduled for Monday, September 25, 2023, 7:00 pm at the library.

Attachments

Governor Proclamation

History of the establishment of the Cedar Springs Library

Submitted Seeley Owen
Approved 9/25/23

Michigan Library Appreciation Month October 2023 Proclamation

Whereas, the Michigan Library Association (MLA) annually designates the month of October as a statewide observance to celebrate the contributions of Michigan's public, school, academic, tribal, cooperative and special libraries;

WHEREAS, Michigan's libraries are essential institutions that serve as cornerstones of knowledge, learning, and community engagement; and

WHEREAS, libraries play a vital role in fostering education, lifelong learning, and literacy for people of all ages, backgrounds, and abilities; and

WHEREAS, libraries provide a welcoming and inclusive environment that encourages exploration, discovery, and personal growth; and

WHEREAS, libraries-offering access to a diverse array of resources including books, digital media, educational programs, and technology; and

WHEREAS, libraries play a significant role in promoting the right to read and the right to access information, enabling individuals to make informed decisions and engage in open discourse; and

WHEREAS, libraries provide essential services to underserved communities, bridging the digital divide and offering critical support for job seekers, students, and individuals seeking to improve their lives; and

Whereas, hundreds of libraries and millions of library supporters across Michigan are celebrating Michigan Library Appreciation Month this October;

Now, therefore, I, Gretchen Whitmer, Governor of Michigan, do hereby proclaim October 2023 as Michigan Library Appreciation Month. During this time, I encourage all residents, community organizations, and public officials to join in celebrating the libraries in our state, their dedicated staff, and the countless ways in which libraries enrich our lives and contribute to the betterment of society.

Hello Tony,

Below is the information on Cedar Springs establishment. Attached are the court opinions and attorney general opinion that emphasize the library board is the authorized governance of the library - and that the city has no authority to review or revise the library budget.

If you would like the articles, letters, and contract documents I used to trace the establishment, let me now and I can scan them and send those to you as well.

Cedar Springs Establishment:

Started in 1936, the library was a Village library under the City, Village, Township Library act, 1877 PA 164, MCL 397.210 <http://legislature.mi.gov/doc.aspx?mcl-Act-164-of-1877> There was a petition, and a vote for a millage.

In 1959, the village became a city, and the library would have had to transition from a Village library to a City Library. At that time, PA 164 (1877 PA 164 section 10a) stipulated those cities with populations under 10,000 could have elected boards of 6, while cities of populations over 10,000 had to have appointed boards of 5 (PA 164 section 1). Cedar Springs had 1378 people as of the 1950 census, but it seems that the city opted for an appointed board.

However, the City Council in 1960 reduced the library board to 3, and the millage was replaced by funding from the city appropriations.

It looks like between 1959 and 1974, the library was not really operated as an 1877 PA 164 city library, in terms of the board powers, which was not in keeping with the library's original establishment, and no official, approved re-establishment seems to have occurred. Also, sometime within this period, the board was increased to 7 members

In 1971, the Attorney General issued an opinion that further verified the board's (not the city's) control over a PA 164 City library.

In 1974, PA 164 was once again implicated as the establishment of the board and the board size was reduced to 5 appointed, putting the library board in compliance with a PA 164 section 1 library. News articles from the time period report tense discussions between the city and the library board over board autonomy and city control. It appears that at the conclusion of these, the city relinquished some control, but the board was still not operating as an 1877 PA 164 board should have been.

In 1984 Solon Township contracted with the Cedar Springs Public Library for library service. The contract is signed by members of the library board, which would indicate that the board exercised at least some of the autonomy of a PA 164 library. The information in LM's files does not speak to other aspects of library operations, such as financial control.

A 1997 letter from the Library of Michigan's "Library Establishment Specialist," Ellen Richardson ("library Establishment Specialist was a position somewhat similar to the Library Law Consultant position today), reiterates to the Library Director of the time, Eleanor Barber, that the Library of Michigan recognizes Cedar Springs Public Library as a City Library under 1877 PA 164 section 1 (referring Ms. Barber to section MCL 397.202, which discusses board appointments for a section 1, or section MCL 397.201, city library. This document is further evidence that the library was considered a PA 164 library. The subject of the letter was the appointment of a city official onto the library board and goes on to further emphasize the independence of that board from the municipality.

In 2003, the City of Cedar Springs and Solon Township joined to re-establish the Cedar Springs Public Library as a District Library under the District Library Establishment Act of 1989. The district Library agreement stipulated that a millage must be passed by the district area (the City of Cedar Springs and

Solon Township) before the beginning of 2004. This failed to occur, and so, in June of 2004, the District Library dissolved, and Cedar Springs Library reverted back to the city as an 1877 PA 164 City Library.

In 2005, Solon Township once again contracted with Cedar Springs for Library services, this time invoking section 15 of 1877 PA 164, which permits a PA 164 library to contract with a municipality and permits the contracted area to have board membership as a "joint board." This 2005 contract

created such a joint library board under 1877 PA 164, and further verified Cedar Springs public library as an 1877 PA 164 library. The contract stipulates an appointed board of 7 members, which was still compliant with section 2 of 1877 PA 164 (MCL 397.202).

There were additional contracts with Solon that continued this arrangement. The most recent iteration of the contract was signed June 29, 2017 and is the contract currently in force. This contract also invokes 1877 PA 164 (See Recitals subsection (C)).

Currently the Cedar Springs Public Library has 7 board members - all from Cedar Springs (according to data added to the State Aid Application/Public Library Survey). In addition the library has two millages- a

0.5 mil millage voted in 1936 (which possibly stopped being levied at some point during the years between 1959-1980 since newspapers referred to the fact that the library was supported by city appropriation?). A 1.0 unvoted millage is levied by the municipality (which is permitted only for a library established under 1877 PA 164 section 1, MCL 397.201 (see also Cedar Springs 2021 L4029 - 1.0 library "statute" millage of unlimited duration from 2013).

In Sum, as to the question of establishment, although the Cedar Springs public library has undergone changes and evolutions, it is clear the intent and general configuration has always been as a library established under 1877 PA 164 section 1, with a joint library board agreement added in 2005. As such, the Cedar Springs Library Board is vested by the legislature with the powers, authority and responsibilities stipulated in 1877 PA 164, MCL 397.201 et seq (including MCL 397.205).

Michigan courts have found that 1877 PA 164 libraries are "independent bodies," (Benton Harbor Library Bd. V City of Benton Harbor, 99 Mich.App. 62 (1980)(Court below ruled board was independent body, Court of appeals affirmed) (attached) and *"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 disturbance ...11 Bostedor v. City of Eaton Rapids, 273 Mich. 426 (1935) (attached).* The Michigan Attorney General has determined that a city may not require a PA 164 board to submit the library budget for review or amendment by the city council. The library board is specifically empowered by 1877 PA 164, section 5 (MCL 397.205) with "exclusive control" over library expenditures, including the library budget, *"the library board of directors has the authority to determine the final annual budget of a city library established under 1877 PA 164 ... "* Mich AG op. No 6924, 12/4/1996.

<https://www.aq.state.mi.us/opinion/datafi/es/1990s/op06924.htm>

The library of Michigan considers the Cedar Springs Library to be a City Joint Library under 1877 PA 164 sections 1 and 15, and therefore a government entity with independent governance as authorized by 1877 PA 164, (MCL 397.201 et seq.)

Have a great rest of your week! Sincerely,

Clare

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