

LA PORTE COUNTY PUBLIC LIBRARY
BOARD OF TRUSTEES MEETING
MINUTES July 16, 2020
Virtual Meeting conducted via Zoom

ATTENDEES

Karen Ellison – President
Michelle Shirk – Vice President
Gregg Fuhlenbrock - Secretary
Scott Siefker
Corey Campbell
Marie Gilliland

ABSENT

Dave Decker

ALSO IN ATTENDANCE

Fonda Owens – Director
Mark Phillips - Legal Counsel
Cindy Lane, Treasurer
Ann Shaffer

CALL TO ORDER

President Ellison called the meeting to order at 6:30 PM.

PUBLIC FORUM

President Ellison called for questions or comments from the public. There were none.

CONSENT AGENDA

President Ellison called for a motion to approve the consent agenda as follows:

Minutes of the June 18, 2020 Board of Trustees Meeting
Department Reports
Financial Report
Approval and Payment of Claims ---per APV Batch July 16, 2020

Scott Siefker moved and Corey Campbell seconded to approve the consent agenda as presented.

President Ellison asked Cindy Lane to call for the vote by roll call.

Vote taken by roll call:

Karen Ellison	Yes
Michelle Shirk	Yes
Gregg Fuhlenbrock	Yes
Scott Siefker	Yes
Corey Campbell	Yes
Marie Gilliland	Yes

Motion carried.

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REPORTS

Director

Director Owens reported that construction on the 807 Indiana Avenue location began the week of July 15 with cleanout of the building in preparation for demolition the following week. Larson-Danielson also worked on some utility issues around the building specifically with the location of power poles and water mains, which coincides with the City's project to update utility locations. Ms. Owens is working with MKM on furnishings for the project, in order to account for any delays due to COVID-19.

The Library will be getting a new phone system as of July 22nd. There may be some interruption of service during installation, and Library staff have put notifications on social media for alternate ways to contact the Library such as through chat.

The Director and Administrative Services staff will begin work on the budget proposal for 2021. Budget estimates for the August Board meeting. The feasibility by MKM will be complete before the August meeting and recommendations from the study for the suggested capital improvements will be included in the report.

Ms. Owens completed grant reports for the Mobile Classroom and steam kits grants from Howmet Aerospace.

Ms. Owens met with representatives from People Engaged in Preservation and Indiana Landmarks regarding the possibility of relocating the Library property at 805 Harrison St. to another location for historical preservation. This topic will be discussed later in the meeting.

The mural reflecting the life and work of artist Isamu Noguchi will be installed at the Main Library location in next couple of weeks. The local artist group who donated the mural are interested in having representatives from the Noguchi Museum in New York visit the Library and speak about the artist's life and work.

Ms. Owens announced that she has joined the Rural Broadband Taskforce of La Porte County. The taskforce has applied for grant monies to fund the purchase of 500 hotspots for South County students.

The Library's Mobile Classroom has been getting some publicity including a television spotlight on WSBT news out of South Bend, Indiana.

Legal Counsel

Mark Phillips reported that he worked on the construction contract documents and assisted with the preparation of the Criminal Background Check policy draft.

UNFINISHED BUSINESS

Epidemic Response Phase Update

Director Owens reported that this agenda item is for informational purposes only. The Library will remain at the Level II status as the Indiana Back on Track Plan

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stays at Phase 4.5. She did note that some Library spaces have opened back up to the public for reservation only with social distancing requirements in place.

NEW BUSINESS

Recommendation for Change to Maker Labs Policy

Michelle Shirk moved and Marie Gilliland seconded to approve the recommendation to revise the Maker Labs Policy age limit to age 14.

President Ellison asked Cindy Lane to call for the vote by roll call.

Vote taken by roll call:

Karen Ellison	Yes
Michelle Shirk	Yes
Gregg Fuhlenbrock	Yes
Scott Siefker	Yes
Corey Campbell	Yes
Marie Gilliland	Yes

Motion carried.

Proposal from People Engaged in Preservation

Director Owens asked Dotty Rosenbaum with People Engaged in Preservation and Todd Zeiger from Indiana Landmarks to explain their proposal to relocate the Library property at 805 Harrison St. to an alternate location in order to preserve its historical significance as an example of a Craftsman style bungalow. The home was built in 1912 for Anna Elizabeth Repogle who lived in the home until her death. The home has not had many updates which increases its appeal as most of the original design is still in place. Mr. Zeiger estimated that the cost to relocate and update would be roughly \$150,000 and the timeframe to move would be late Fall.

Mark Phillips recommended that the Board postpone any decision until the August Board meeting allowing time for board consideration as well as gathering more details for relocating the building.

Marie Gilliland moved to postpone a decision on the proposal to relocate the Library property at 805 Harrison St. by People Engaged in Preservation and Indiana Landmarks. Corey Campbell seconded the motion.

President Ellison asked Cindy Lane to call for the vote by roll call.

Vote taken by roll call:

Karen Ellison	Yes
Michelle Shirk	Yes
Gregg Fuhlenbrock	Yes
Scott Siefker	Yes
Corey Campbell	Yes

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Marie Gilliland Yes
Motion carried.

Background Check Policy

The policy update was requested based on legislation that was passed in 2020. The new policy is much more detailed and clear on how LPCPL will use background checks for staff and volunteers. Director Owens noted that the proposed policy would also include background checks for Friends of the Library Board members due to the Friends organization being covered under the Library's liability policy

Scott Siefker moved and Corey Campbell seconded to approve the Background Check Policy as follows:

BACKGROUND CHECK POLICY

1. POLICY STATEMENT

La Porte County Public Library ("LPCPL") is committed to ensuring that its missions and purposes are supported by qualified staff and that its facilities are safe. LPCPL is also committed to taking meaningful actions to protect its finances, property, and other assets. This policy sets forth LPCPL's procedures for conducting pre-employment background checks for all employees and adult volunteers.

2. STATEMENT ABOUT BACKGROUND CHECKS AND DISCRIMINATION

Information discovered through the background check process will be used solely for the purpose of evaluating a candidate's suitability for employment or for adult volunteer services and will not be used to discriminate against those individuals on the basis of race, color, religion/creed, sex/gender, age, sexual orientation, gender identity/expression, national origin, genetic information, marital/ familial status, disability, military, veteran status, or any other protected status or characteristic.

3. REFERENCE CHECKING

Any post-offer background checks conducted under this policy do not replace the reference checking expected to be completed and reviewed by LPCPL's managers and/or human resources personnel prior to an extension of an offer of employment.

4. DEFINITIONS

- a. Finalist: For staff, the candidate selected by LPCPL for a regular or temporary staff position at LPCPL who has been extended an offer of employment or promotion contingent upon completion of a background check with results acceptable to LPCPL. For adult volunteers, any adult individual who volunteers to perform services under circumstances deemed by LPCPL to require background checks.
- b. Background check: Checking or verifying any or all parts of the Finalist's employment, educational, criminal, sex and violent offender, license,

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and/or credit histories. The nature and scope of the background check will be determined by LPCPL and will be appropriate to the position. The background checks in this policy may be conducted by LPCPL or a background check vendor.

- c. Background check vendor: A company engaged by LPCPL to conduct a background check. Whenever a background check vendor conducts all or any portion of a background check, LPCPL will require the vendor to comply with state and federal law, including the requirements of the Fair Credit Reporting Act (“FCRA”).
- d. Employment history check: Verifying that the Finalist worked in the positions cited or listed in the Finalist’s application, resume or curriculum vitae. This verification will include dates of employment and titles for employment for at least seven (7) years immediately preceding the Finalist’s application to LPCPL. The employment history check is not a substitute for the Human Resources department or appropriate Department Head checking employment references prior to extending an offer of employment.
- e. Criminal history check: A search for any felony or misdemeanor convictions or pleas which are acknowledgements of responsibility (e.g. plea of guilty, no contest, or *nolo contendere*) and which have not been annulled, expunged, or sealed during the seven (7) years immediately preceding the Finalist’s application at LPCPL. Criminal convictions or pleas will not automatically exclude a Finalist from consideration for employment unless they are related to the position offered and the decision not to hire is consistent with business necessity.
- f. Sex and violent offender check: A search of state and federal sex and violent offender registries.
- g. License/certification history check: Verifying, if required for the position, that the Finalist possesses the licenses and/or certifications cited or listed in the Finalist’s application, curriculum vitae, resume, or cover letter or otherwise required for the position, including establishing the current status of the relevant licenses. This includes, for example, checking any motor vehicle driver’s license required for the position, or any professional licensure required for the position. Any Finalist being considered for hire or promotion must supply current copies of all required licenses and/or certifications. Failure to do so will result in denial of employment or promotion.
- h. Adverse action: A denial of employment or volunteer position or any other

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decision made for employment purposes that adversely affects any current or prospective employee or adult volunteer.

5. PROCEDURES

a. Consent to Conduct background Checks and Confidentiality

Finalists for all paid and adult volunteer positions and will be informed during the pre- employment process that any offer of employment is contingent upon completion of a background check with results acceptable to LPCPL under this policy (see below). Prior to conducting the background check, a signed written consent will be obtained from the Finalist. Refusal to authorize the background check will make the Finalist ineligible for employment, promotion, or for adult volunteer services.

The information obtained through background checks is confidential and will be shared only with individuals with an essential business need to know. Records of the background check will be maintained in the Office of Human Resources separately from the employee personnel files.

Generally, employment in the position should not begin until LPCPL has received and reviewed the results of the background check. Exceptions may be made with the approval of the Executive Director subject to review by the Board of Trustees of LPCPL at the Board's next scheduled public meeting.

b. Determining required Background Checks for Position

Finalists for all staff and adult volunteer positions at LPCPL may be subject to standard background checks of employment, educational, criminal, and sex and violent offender histories. Criteria for identifying a position as possibly requiring license, credit, or other additional background checks include, but are not limited to:

1. Any position involving direct responsibility for the care, safety, and/or security of individuals;
2. Any position involving direct access to money, or the responsibility for handling or managing money or credit information;
3. Any position involving regular or ongoing unsupervised contact with minor children;
4. Any position involving responsibility for operating vehicles; or
5. Any position where such background checks are a requirement for a certificate, professional license, or accreditation.
6. Any position where such background checks are required by applicable Local, State, or Federal law.
7. Any position that the Board of Trustees of LPCPL determines to be subject to background checks.

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- c. Background checks for Former Employees
Background checks will not be required for former LPCPL employees who are offered a regular or temporary position within one year of ending their most recent LPCPL employment, so long as the background check or checks required for the position were completed within five (5) years preceding the rehire.
- d. Background checks for members of Board of Trustees of Friends of the Library, Inc.

Because of liability insurance issue related issues, LPCPL will conduct background checks on all members of the Board of Trustees of Friends of the Library, Inc.

- e. Current Employees and Duty to Report Convictions/Pleas
All employees and adult volunteers have an ongoing responsibility during their employment to make LPCPL aware of any felony or misdemeanor convictions or pleas. Such events must be reported by the employee or adult volunteer to Human Resources.
- f. Evaluation of Background Check Results
Once the background checks are completed, LPCPL will make final hiring/promotion/transfer decisions based upon the information gathered. Any findings of concern resulting from background checks will be reviewed only by LPCPL's Human Resources Manager and LPCPL's Executive Director. If negative information is obtained through the background check process, LPCPL's Human Resources Manager and LPCPL's Executive Director will determine whether the information is job-related and if a decision not to hire, transfer, or promote would be consistent with business necessity. In making this determination, LPCPL's Human Resources Manager and LPCPL's Executive Director will consider, among all other relevant information, the following:
 - i. For all criminal convictions or pleas, the nature and seriousness of the offense(s), the number and type of offenses, the amount of time that has elapsed since the offense(s), whether such offense(s) are related to the responsibilities of the position, and the accuracy and completeness of the information provided by the Finalist during the application process.
 - ii. For or all other negative information, the nature and seriousness of the activities or data obtained, the amount of time that has elapsed since the activities or data, whether the information is related to the responsibilities of the position, and the accuracy and completeness of the information provided by the Finalist during the application process.

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g. Adverse Action Taken Due to Background Check Results

If the adverse action is probable in whole or in part of the results of a background check covered by the FCRA, the Finalist will receive a copy of the background check report, a Pre-Adverse Action Notice, and a document summarizing the Finalist's rights under the FCRA. Finalists will be permitted to provide responsive information regarding their criminal history, including evidence that they did not commit the offense (e.g. in the case of a misidentification), evidence of rehabilitation or character, in length of time since the last criminal conviction, other factors relevant to the adverse information, and other extenuating circumstances, including but not limited to disparate legal and enforcement practices. The Finalist will be given five (5) business days to provide this information so as to not delay the recruitment process for the position. Extensions may be provided to the Finalist at the sole discretion of the Executive Director of LPCPL.

If adverse action is taken against the Finalist in whole or in part based upon result of a background check, the Finalist will receive an Adverse Action Notice indicating that the offer is rescinded. The Finalist will also receive a document summarizing the Finalist's rights under the FCRA.

h. Exceptions to the Background Check Policy

Exceptions to this policy may be made at the discretion of LPCPL's Executive Director, subject to review by the Board of Trustees of LPCPL at its next public meeting.

i. Coordination with Volunteer Policy of April 24, 2014

This Policy is intended to modify and supplant the provisions of Volunteer Policy of the Board of Trustees of Library adopted on April 24, 2014, relating to Background Checks only. In all other respects, the Volunteer Policy of the Board of Trustees of Library adopted on April 24, 2014, remains in full force and effect.

President Ellison asked Cindy Lane to call for the vote by roll call.

Vote taken by roll call:

Karen Ellison	Yes
Michelle Shirk	Yes
Gregg Fuhlenbrock	Yes
Scott Siefker	Yes
Corey Campbell	Yes
Marie Gilliland	Yes

Motion carried.

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2021 Budget Process and Timeline

Director Owens shared the timeline for due dates during the budget process so that Board members can check schedules to ensure a quorum is present for the Public Hearing in September and adoption of the budget at the October meeting.

QUESTIONS OR COMMENTS FROM THE PUBLIC

President Ellison called for questions or comments from the public. There were none.

QUESTIONS OR COMMENTS FROM THE BOARD

President Ellison called for questions or comments from the Board. Gregg Fuhlenbrock encouraged Board members to visit the Hanna Branch location for installation of a story walk illustrating historical information about the town of Hanna.

ADJOURNMENT

Michelle Shirk moved and Corey Campbell seconded to adjourn the meeting.

President Ellison asked Cindy Lane to call for the vote by roll call.

Vote taken by roll call:

Karen Ellison	Yes
Michelle Shirk	Yes
Gregg Fuhlenbrock	Yes
Scott Siefker	Yes
Corey Campbell	Yes
Marie Gilliland	Yes

Motion carried and the meeting was adjourned at 7:22pm.