

WEBER COUNTY LIBRARY

BOARD OF TRUSTEES

MINUTES

Date: October 6, 2020

Board Members

In Attendance: Cynthia Mattson
Diana Allison
Jim Harvey
Kathleen Jensen

Board Members

Excused: Sandra Crosland
Reed Spencer
Spencer Stokes

Mattson called the meeting to order at 5:00 p.m.

Approval of September 1, 2020 Meeting Minutes:

Mattson called for action on the September 1, 2020, meeting minutes. Allison moved approval of the minutes as mailed. Jensen seconded the motion. There being no requests for discussion or corrections, Mattson called for a vote. All voted in the affirmative.

Board Training Vignette: Marcia Harris:

Harris began her presentation by asking if anyone knew of a major library collection that was organized using a convention other than the Dewey Decimal Classification (DDC) system. After a brief discussion concerning collections that were not classified at all, Harris explained that the law library collection was originally classified under "K," the broad category used by the Library of Congress (LCC) for legal materials. The DDC is used primarily in small academic and public libraries while the LCC is used in large academic, special, and research libraries.

The Weber County Law Library was originally housed in the Ogden Municipal Building and was under the direction of the County Clerk. The Law Library was transferred to the public library's administrative umbrella during the 1980s and moved to the Weber Center when it opened in 1995. Over several decades, the size of the collection had grown to unwieldy proportions and, in a move to save costs and improve service, the Law Library was moved to the Main Library and augmented by digital subscriptions provided by Westlaw and LexisNexis. By the time the Main Library was closed for renovation in 2016, the original print collection had shrunk from 12,000 volumes to around 3,000, which are now housed in the reference area on the third floor of the Main Library, along with a circulating collection of legal materials classified using the DDC.

Randy Mueller oversees legal services at the Main Library. In addition to graduate degrees in accounting and library and information science, Randy is a trained paralegal.

While Library employees do not provide legal advice, they do provide access to statutory, case, regulatory and administrative law in both print and electronic formats. The public also makes use of do-it-yourself items on topics ranging from landlord tenant law to divorce. Non-contested divorces can be filed in the library which also provides notary services for legal documents of all kinds. Mueller and his staff help between 10-15 people per day with legal materials while additional community members receive notary service in all five libraries.

Weber County's access to law library materials and services is just one more way area residents receive an extra measure of value for their tax dollars that is in addition to what is provided by other public libraries in the intermountain area, Harris concluded.

Assignment of Training Vignette for October:

Diana Allison will present the training topic during the November meeting.

Commissioner's Report:

Harvey reported that the County 2021 budget was coming together nicely and was on target to incorporate plans discussed with the Board throughout the year. A tentative budget was due to be approved in November. He will update the Board during their next meeting.

Director's Report:

Wangsgard presented output measures, comparing August, 2020 with August, 2019. Despite layoffs and the fiscal uncertainty brought by the pandemic, a total of 16,587 items were added to the collection, only about 500 shy of the 2019 total. The number of Library cards issued during the month had decreased from 2,446 to 1,421. The number of items borrowed fell from 206,297 to 175,047; however, the workload associated with loaning materials had increased substantially since every item, print and non-print, was being sanitized and quarantined before reshelving. Visits totaled 70,679 during August 2020 compared to 91,193 a year earlier. One-hour computer sessions totaled 6,402 compared to 18,181. Programs had been moved almost completely online except for a few at Ogden Valley Branch where downsized and socially distanced after-school classes were being restarted along with drop-in Discovery Time preschool activities. Meeting rooms accommodated 66 groups, 1,168 people, compared to 357 groups and 9,131 people a year earlier. All of these activities required more intense staff intervention to keep people safe by sanitizing facilities and equipment after each use.

There was nothing noteworthy to report on either the income or expenditure side of the budget ledger.

The hearing for the Board's 2021 budget was completed with Mattson and Spencer attending. Mattson indicated the Commissioners were very receptive and encouraging after engaging in a thorough budget presentation. They are aware of the need for, and the probable costs of, the Board requested salary survey.

Wangsgard reported the salary survey was underway in cooperation with the County Human Resources Director. The results and recommendations will be completed and forwarded to the County Comptroller by the end of the week; that is, before Commissioners meet October 13 for their budget wrap-up meeting. Benchmarking salaries to a market salary will help with retention which is becoming a significant operational expense.

Harris asked if people were leaving for higher salaries or for full time work.

Wangsgard said both were resulting in a talent drain. Worst case, people were not even showing up for work on the first day, having found something better during the time it takes to complete the hiring process. Best case, people were working for six months or a year, getting valuable training and experience, and then moving on to a full time position, or a position with a more appropriate salary. Three part time individuals had resigned to take better paying or full time work during the previous three weeks.

Voter Registration and Ballot Deposit Boxes:

Allison noted this November has been called the perfect storm for election challenges, powered by the pandemic, postal service cutbacks and stresses, state government cutbacks, international malfeasance, and anticipated voter suppression. Anything the Library can do to help remedy this situation has to be worth the effort. Sandra and Jack Crosland had proposed partnering with Friends of the Library by providing funding for a voter information campaign to encourage local citizens to vote early and vote by mail. Voting by mail is the best tool for combating the host of challenges about which area residents may be concerned, she noted.

With the help of the Crosland grant, Friends of the Library and the Board could help publicize and educate voters about the professionalism with which our County's elections are conducted and also about the ballot drop boxes permanently installed at all County libraries and city offices. It is important for voters to know that these stainless steel boxes are secure and that they will be open 24 hours a day until 8:00 p.m. on November 3. The public should also be assured that employees of the County Clerk's office pick up all the ballots on a routine basis. Use of these drop boxes negates the need for postage. If mailed, ballots need to be postmarked, not just dropped off at the post office, no later than November 2, not November 3 which is Election Day.

Allison complimented the Library staff in doing a great job of registering voters, answering questions, and reminding them of the registration deadline on October 23. As the ballots are mailed and received by voters, the staff could also make an effort to remind people to vote early, remember to sign their own ballot, and follow all instructions on the return envelope.

Harris noted that voters will also be able to track their ballots on a State website (<https://votesearch.utah.gov/voter-search/voter/home/track-mail-ballot>).

Allison asked for other suggestions of how the Board could facilitate building confidence in the County process at a time when there was so much angst against vote-by-mail in the news.

Jensen noted it is important for voters to know that the County has been running vote-by-mail elections for several years. This is not a new process. It is very professionally managed and secure.

Bertilson agreed, noting the first vote-by-mail election in Weber County took place in 2013 on the issue of whether general obligation bonds should be used to finance the Library five-year capital plan.

Harvey suggested pointing people to the short video provided by the County Clerk on all Library digital signs (http://www.weberelections.com/registration/vote_by_mail.php). Others suggested installing outdoor signs, creating bookmarks, and reminding people of the outside collection boxes as they enter County libraries.

Additional discussion ensued concerning ways in which the funding provided by the Croslands' might be used to enhance voter understanding of the process while pointing them to official drop boxes. Allison said she would donate additional funding if it were needed to complete a robust information campaign.

Library Board's Authority to Establish Rules for the Operation of the Library:

Baron presented a PowerPoint, detailing the Board's authority to establish rules for using the Library during an emergency, such as the current COVID-19 pandemic. Wangsgard noted the training was presented to employees during a recent general staff meeting. The training had been very helpful in guiding staff members' responses to questions raised by members of the public who questioned whether their constitutional rights were being infringed upon when they are asked to wear a face covering, use hand sanitizer, and socially distance in order to enter a library.

Baron's slides included:



UNITED STATES CONSTITUTION

- 10th Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"
- The authority to regulate in the area of public health is largely left to the states
 - Abortion laws
 - Smoking laws
 - Marijuana legalization
 - Immunization exemptions
 - COVID-19 restrictions



IS IT LEGAL?

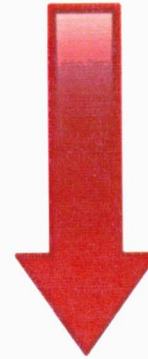
Process to test the legality of state regulations:

- State passes a regulation (library patrons must wear masks)
- State enforces the regulation (library patron is arrested for entering the library without a mask)
- Lawsuit to challenge the constitutionality of the law (library patron sues)
- The court uses a tiered system (based on the right at issue) to decide if the regulation is constitutional



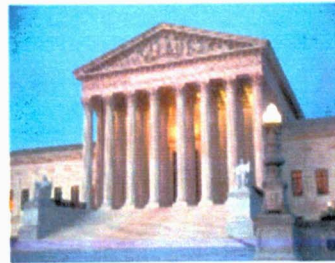
LEVELS OF SCRUTINY TO DETERMINE CONSTITUTIONALITY

- **Rational Basis Review (lowest)**
 - The law must be rationally related to a legitimate governmental interest
 - Very deferential to the government
 - Business regulations
- **Intermediate Scrutiny (medium)**
 - The law must be substantially related to an important government interest
 - Gender equality, commercial speech
- **Strict Scrutiny (highest)**
 - The law must be narrowly tailored to further a compelling government interest
 - Higher burden on the government to justify the law
 - Freedom of speech, freedom of religion, discrimination



REAL WORLD EXAMPLES

- *Compagnie Francaise de Navigation a Vapeur v Louisiana State Board of Health* (1902) the Supreme Court upheld a Louisiana Board of Health resolution that imposed and enforced a quarantine on areas where the population was infected with a contagious disease.
- *Jacobson v Massachusetts* (1905) the Supreme Court held that the state can require vaccinations to prevent the spread of smallpox.
- *Machovec v Palm Beach County* (2020) the trial court denied a request for an injunction against a mask mandate stating that "the ongoing public emergency caused by COVID-19 is precisely the sort of exigent circumstance that justifies governmental intrusion into individual autonomy."
- *South Bay United Pentecostal Church, et al vs Gavin Newsom, Governor of California* (2020) the Supreme Court upheld a California executive order that restricted gathering, among other things, during the pandemic.
 - "Our Constitution principally entrusts the safety and the health of the people to the politically accountable officials of the States to guard and protect. When those officials undertake to act in areas fraught with medical and scientific uncertainties, their latitude must be especially broad."



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AMERICANS WITH DISABILITIES ACT

- What if someone has a disability that prevents them from wearing a mask?
- The government is required to offer a reasonable accommodation
 - Curbside pickup and drop off
 - Online services
 - Wireless internet
- Accommodations that impose an undue hardship are not required (significant expense or difficulty)



Utah Example #1

UTAH GOVERNOR'S EXECUTIVE ORDER

- Utah Code § 53-2a-204(1)(a) authorizes the governor to utilize all available resources of state government as reasonably necessary to cope with a state of emergency.
- Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary for the purpose of securing compliance with orders made pursuant to the Disaster Response and Recovery Act.
- Executive Order 2020-59 requires face coverings in all state facilities.



Utah Example #2

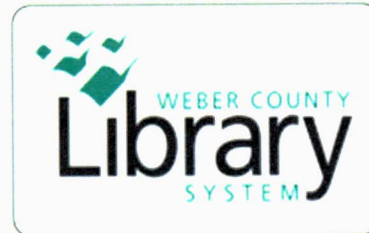
LEGAL AUTHORITY FOR LIBRARY BOARD

- Utah Code § 9-7-504(1) The library board of directors shall . . . (a) be responsible for: (iii) the operation and care of the library
- Utah Code § 9-7-504(2) The library board has those powers and duties as prescribed by county ordinance.
- Utah Code § 9-7-505(1) Each library board shall make library rules in a manner consistent with county ordinances, policies, and procedures for governing of the library.
- WCO 2003-07 § 248.040(A) the Board is hereby granted responsibility for: (2) Establishing and revising policies in cooperation with the library director for the use, operation, maintenance, and care of the library, library facilities, equipment, staff, and other such resources.



LIBRARY BOARD EMERGENCY RESPONSE POLICY

"In times of crisis, libraries play invaluable roles in supporting their communities both in person and virtually. To facilitate the Weber County Library System in helping to minimize the deleterious effects of a public emergency, the Library Board of Trustees delegates authority to the Library Director to prepare and implement plans and administrative procedures with the intent of protecting and supporting employees, facilities, collections, equipment, and members of the public."



ADMINISTRATIVE PROCEDURE: PANDEMIC HEALTH AND SAFETY RESPONSIBILITIES

Rules that must be followed during the pandemic.

1. Individuals who have a cough, fever, shortness of breath, or are feeling unwell must stay away from the Library.
2. Individuals must apply hand sanitizer each time they enter the Library.
3. Individuals must wear a face covering over the mouth and nose at all times while inside the Library. Face coverings include masks, gaiters, bandannas, or scarves. They do not include coverings made from mesh, lace, or that otherwise have holes or openings in them. This rule does not apply to those under the age of two. Face shields may be worn in conjunction with a face covering but are not a substitute for a face covering on their own.
4. Individuals carrying legitimate medical documentation listing a mask exemption will be offered a reasonable accommodation such as curbside pickup of materials, but they will not be permitted to enter the Library.
5. Individuals must cover their sneeze or cough with a cloth tissue, or the inside of their elbow even when wearing a mask.
6. Individuals must stay at least six feet away from anyone who is not a part of their family group.

Visitors and patrons who do not follow the above-listed rules, may be asked to leave the Library and may be forcibly removed and trespassed from the property if they refuse to leave voluntarily.

Employees who do not follow the above-listed rules may be disciplined up to and including termination.

QUESTIONS?

Please call or email me with any questions or concerns.

- Bryan R. Baron
- bbaron@co.weber.ut.us
- 801.399.8471



Mattson thanked Baron for his professional support of the Library Board, administration, and employees in addressing the challenge of keeping libraries open while also maintaining a safe environment for the staff and members of the community.

Staff Development Day Plans:

The general staff meeting held in September went well, Wangsgard noted, with virtual presentations to the staff by Harvey, Mattson, and Baron. Ricky Hatch, Weber County Clerk/Auditor, also made a presentation. Employees gathered in three large meeting rooms and presenters spoke from the Board room. However, Wangsgard expected a tightening of restrictions on the size of meetings as the weather cools and holidays tempt people to gather inappropriately. If spread of the coronavirus begins to escalate, she recommended the staff development day training scheduled for November 11 be canceled and the staff be given the holiday off. Meaningful training would be difficult if social distancing were to be limited to small groups.

Board members agreed this would be an acceptable option.

Other:

There being no further business, Jensen moved adjournment. Allison seconded the motion. The motion passed unanimously.

Respectfully submitted: *Julia Valle* *01 December 2020*
Julia Valle Date