

TIMBERLAND REGIONAL LIBRARY
BOARD OF TRUSTEES
ANNUAL MEETING

December 29, 1981

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M I N U T E S

BOARD MEMBERS PRESENT:

Alice Harris, Chair - Mason County
Elmer F. Keiski - Thurston County
Donald L. Law - Member-at-Large
Larry Parsons - Lewis County
Paul Polillo - Pacific County

BOARD MEMBERS EXCUSED:

Shirleen Johnson - Member-at-Large
Dorothy Voege - Grays Harbor County

STAFF PRESENT:

Louise E. Morrison, Library Director
Virginia Barton, Associate Director for Research & Planning
Sally Loken, Assistant Director for Central Services
Tom Mayer, Supervisor-Personnel Administration
Joyce Nichols, Tumwater Librarian

Herbert H. Fuller, Timberland Attorney
Liane Bascou, Board Recording Secretary

GUEST PRESENT:

Mrs. Larry Parsons

Mrs. Harris called the meeting to order at 7:30 p.m. It was determined that there was a four-county quorum present: Larry Parsons, Lewis County; Alice Harris, Mason County; Paul Polillo, Pacific County; Elmer Keiski and Don Law, Thurston County, which, according to the Board's bylaws, is necessary for the annual meeting.

AGENDA ITEM
NO.

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| 1 | Election of Officers for 1982 |
| <u>81-113</u> | ELMER KEISKI MOVED TO NOMINATE DOROTHY VOEGE AS CHAIR AND ALICE HARRIS AS VICE-CHAIR; DON LAW SECONDED THE MOTION. LARRY PARSONS MOVED THAT NOMINATIONS BE CLOSED. MOTION CARRIED. |
| 2 | Resolution No. 81-18, Adoption of 1982 Operating Budget |
| <u>81-114</u> | LARRY PARSONS MOVED TO ADOPT RESOLUTION NO. 81-18, ADOPTION OF 1982 OPERATING BUDGET; DON LAW SECONDED THE MOTION. |

Mr. Law stated that Timberland should be very careful next year that it does not end up in a situation similar to the state. He

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suggested that next month staff put together some budget modifications which provide for certain percentage reductions in the budget, probably the last half of the fiscal year. Mr. Parsons asked Mr. Law if he can anticipate where there could be problems in revenue. Mr. Parsons said that he was concerned with timber tax but he knows this concern already is reflected in the 1982 budget.

Mr. Law said that frankly he is uncomfortable with a governmental entity of this type not proceeding with at least some plan of operation for a reduced budget should that become necessary. He stated he has no predictions on revenues at this time but this is a very serious economic time for the state. Mr. Law said he thinks Timberland has to respond to what is going on in the world and he thinks the first step toward this is thinking of where the budget could be cut if necessary. He said he thinks this method is far superior than going through what the State of Washington has had to go through just to keep in operation. Mrs. Morrison stated that if Mr. Crose were present, he would say the same thing and that is that staff has been very careful in anticipating revenues and had estimated very conservatively. Mr. Law said in one respect this could be educational if only done next year but the process in determining priorities would be valuable when putting together the next budget.

Mr. Keiski said that he thinks there could be problems in 1983 if contracting cities do not contract if annexations do not pass. He said although those amounts may not be large, they would have quite an impact in terms of coming up with alternative programs. Mr. Law stated that there are annexation elections coming up in Lacey, Olympia and Tumwater and some of the votes that have gone on in Thurston County make him nervous in terms of trying to predict things. He said those cities are a very large chunk of Timberland. Mr. Keiski commented that if these annexations fail the cities would have an opportunity to try again or the cities could continue with the contractual status quo. Mrs. Morrison said that Timberland would recoup more than it would lose in revenue from cities since Timberland is spending twice as much in those cities as it is receiving in revenue. Mr. Parsons said as he understands it, Mr. Law would like to see where Timberland's priorities are for contingency plans.

MOTION CARRIED.

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Discussion of the TRL Trustee Code of Ethics (Copy attached)

Mr. Keiski suggested that a sub-committee of the Board go over the Trustee Code of Ethics and look at it in light of other standards and values published by the American Library Association and other professional groups. He suggested that No. 2 might need some reworking since he cannot think of any national laws that would apply to Timberland other than when the Service Center was built with federal funding. Mr. Keiski said that as he reflects on No. 8, he does not know that all information communicated to the Board is of a confidential nature. He said that he thinks some information is confidential in terms of property negotiations and personnel matters, but there is other data that Board members receive that is certainly available for public record. Mr. Keiski said that a Trustee might think that No. 9 infringes upon the right of a citizen

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to join organizations. He stated that it assumes that the County Commissioners will appoint a Trustee who is pro library. He said that he questions No. 9 in terms of freedom of association. He said he has no particular "hangup" with it personally but thinks others might in the future.

Mr. Polillo noted that the Code of Ethics was proposed by Rita McArthur and he asked who she is. Mrs. Morrison stated that Mrs. McArthur was a Board member and she brought the proposed Code of Ethics to a meeting and the statement was adopted by the Board.

Mr. Parsons asked if the Board is going to ask the two new members who come on the Board shortly if they will subscribe to this Code of Ethics, and if so, if any Board members have a problem with it they should bring it up tonight prior to the new Board members' first meeting. He said that as far as No. 9 is concerned, he thinks that people on library boards should be pro library; however, he said that he thinks there could be a legality problem. He said that perhaps this document might ensure that libraries must not be a philosophical or moral part of society. Mr. Parsons said he likes this document but he can see where part of it may need to be reworded or eliminated.

Mr. Law said he was the one who had asked that this subject be on the agenda. He said his position is directed not so much to specifics, but his problem with the document is that when he came on the Board, he did not endorse this and the record will show this. He said he will not endorse any provision like this no matter how it is drafted because he views a statement of this nature to be the equivalent of a loyalty oath. He stated that the term "loyalty oath" has connotations that spring back to the McCarthy era. He said everyone knows what kind of horrors had resulted from that kind of impinging upon other people of particular beliefs. Mr. Law said he looks at this as being a democratic question. He said he believes that as a Trustee he is appointed by the County Commissioners and their selection of him as a Trustee is part of their responsibility as elected officials and he believes that the sovereignty that originates with the voters and flows through the County Commissioners inevitably is involved in that appointive process. Mr. Law said that he thinks if any oath or code, or whatever it is termed, is presented to a new Trustee with the idea that this is a standard, his answer is that he is responsible only to the County Commissioners and to the people who vote within the five counties. He said he will not have his conduct on the Board affected by Rita McArthur or any other Trustee in the past or in the present. He said that Mr. Keiski alluded to the idea that people on library boards presumably are supportive of libraries and he thinks that, basically, that is true. However, Mr. Law said he thinks a clear line should be drawn between those library boards which are advisory in nature, such as city library boards, and the TRL Library Board which is the legislative body of TRL. He said as members of that legislative body, "the buck stops here" in terms of the prioritization process that has to go forward. Mr. Law said there is a shortage of money in society and priorities have to be decided upon between fire engines and books. He said he views his responsibility on the TRL Board as the sole place where that prioritization can occur. He said if it does not occur with him there is

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no one else that can do it because the Board does not advise anyone. He said that for instance No. 10 states "I will accept the responsibility to work with the proper elected officials to insure adequate funding for growing public libraries and to maintain optimum library standards." Mr. Law said he believes if a County Commission appoints a Trustee who believes that libraries are a lower priority than other Trustees believe, he said he will not agree with that Trustee. He said there are certain things fundamental to our society and one of these is if that is the judgment of the people who are elected by the voters and they appoint that individual, then who are they (the Board) to say that the individual cannot follow that view but has to go by this Code of Ethics. Mr. Law said he does not feel this is right. He said he thought that perhaps this could be redrafted and he could personally subscribe to most of the provisions. He said he cannot subscribe to the idea of a Code of Ethics and he has severe problems with the concept that somehow or other that flow of opinion from the public to the elected officials to the appointments that are made somehow will be blocked. He said that he would move to repeal this Code of Ethics and he will not support any alternative.

Mrs. Harris asked Mr. Law if he has any suggestions for anything that he would see as suitable for a new member coming on as a solemn moment or in-depth thought other than just saying to a new Trustee, "Sit down and get to work." Mr. Law replied that a president takes an oath and sometimes elected officials take an oath where they promise to uphold the constitution. He said he has no objection to that as long as the exact language of it is very limited to that and the individual has an opportunity beforehand to examine it. Mr. Law said that he would assume that no one appointed to the Board would object to supporting the Constitution of the United States. For that reason, he would have no objection to that kind of thing. He said he would not call that a Code of Ethics, but rather a swearing in.

Mrs. Harris asked Mr. Fuller if he has an opinion on how to approach this. Mr. Fuller said that he thinks it is a policy matter for the Board and does not think there are any legal problems. Mrs. Harris said that because of the time frame, she would like this to be resolved before the next meeting. Mr. Law suggested that it would be better to discuss this further when the new members are on the Board and when Dorothy Voegel is able to be present. He suggested that the Board hold off asking the new Board members to endorse this until such time as the Board makes a determination of what should be done, and at that time, whatever the Board decides, that would be the appropriate time for the new Board members to subscribe to it, or whatever the Board decides. Mr. Keiski suggested that the Board have a Saturday work session and this be one of the matters discussed. Mr. Law suggested that everyone bring their calendars to the next meeting to that a Saturday work session could be scheduled and requested that Mrs. Morrison remind Board members of this.

The meeting recessed at 8:10 p.m. and reconvened at 8:15 p.m.

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Method of Appointing Board Members at Large

Mr. Law said he would have preferred that this could have been

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discussed prior to the appointment of the new Trustee in Lewis County. He said he wants to make it clear that raising this issue has nothing to do with the person selected in Lewis County. His feeling is that the population ratio between the counties is changing and has been changing since the inception of TRL. He said that perhaps the next Trustee at large should not necessarily come from Lewis County. He stated that Grays Harbor County is one of the counties that comes to mind and he understands that right now Grays Harbor County has the largest total population, but Lewis County has a larger unincorporated population. Mr. Law stated that when TRL was set up that was the rationale for having the at-large Trustees from Lewis and Thurston Counties. He said he is not sure that that is the right policy now. Mr. Law stated that he has no opinion one way or another about it, but because of the changing population patterns, this is an appropriate time to have the subject surface. He said that perhaps later when terms run out, this could be discussed again in a context that will not in any way reflect on the new Trustee from Lewis County. Mr. Law said he does not think this can be resolved by the Board and he knows of no guidance in the statutes as to which counties make the appointment. He said that in order to be confirmed as a Trustee, all five counties have to confirm the appointment. Mr. Parsons said he has faith in the County Commissioners and thinks that this is not something that the Board can deal with.

Mr. Law said that one thing that was obvious this past year is that Dorothy Voege has so many libraries in Grays Harbor County that she has had to work overtime in covering bases and that is one factor that enters the picture. Another is that he thinks the Board should have an acute sensitivity for the voice of the contracting cities within the district. He said he thinks that a generalized policy not necessarily set by the Board, but one which says that incorporated areas do not count in the distribution of Trustees at large in a sense is not fair. Mr. Keiski said that it is a rural library district which is the basic premise on which Timberland started. Mr. Law said that is true, but all the years he has been on the Board, the cities have been a major factor in the functioning of Timberland. He said his perspective is what is Timberland now as opposed to what it was envisioned to be when it was created. Mr. Keiski said that perhaps they should look at the whole code dealing with the library districts. The length of office of 7 years is highly unusual for any Board. Mr. Keiski said perhaps there should be 11 Trustees instead of 7, 2 from each county and 1 appointed at large on a random basis.

Mr. Parsons said that if 7 years is too long, a Trustee could quit at anytime if it got to be too much. He said that during his time on the Board, he thinks the Board has done more than its share of listening and talking with the contracting cities. He has never seen a contingent for the unincorporated area. He said the Board is acutely aware of the cities' problems and has almost gone above and beyond to try to resolve these problems. Mrs. Harris agreed that is true that Board members do not hear from the people living in the unincorporated areas. She said it is the Board's responsibility to provide as adequate a service as possible to them. Mr. Parsons said another thing to consider is which county is paying the most. For instance, Lewis County is paying timber taxes. Mrs. Harris said the Board members need to remember that they cannot solve this. They

- 4 can make recommendations for changes. Mr. Law said they have probably done everything they can on the subject.
- 5 Attorney's Opinion Regarding Participation of TRL Board Members and Staff in Annexation Election Campaigns

Mr. Fuller stated that it is appropriate to provide guidelines to Board and staff and the reason for this is that there is a very real potential for a backlash if a Board member or staff members were to do something improper. He said that local elections can sometimes become heated issues, and it is a good idea for everyone involved to be extremely careful. Mr. Fuller stated that he has reread the law and talked to someone in the Public Disclosure Commission's office. He asked the Public Disclosure Commission what kind of trouble people usually get into. Mr. Fuller said the key thing to remember is not to use any sort of library property or library staff time. He thinks staff members will have a more difficult time than Board members. With regard to staff, they have to be extremely careful, particularly staff working in the areas where elections are taking place. He said there will be a number of pressures on them by well-meaning people who want these annexations to pass. Staff has to be careful not to use a library vehicle for any annexation election purpose. Staff cannot use any library paper, postage, or equipment such as a duplicator. Mr. Fuller said that duplicating machines which are available in the libraries for the public to use would be a different matter since the copies are paid for by individuals. Mr. Fuller said that use of facilities is an exception. With many governmental agencies, people would have no right to use a facility, but in a library it is different since libraries provide meeting room space for all kinds of interest groups. The Public Disclosure Commission told Mr. Fuller that if a "pro" annexation committee wishes to use the library facilities for meetings, it should be able to do so provided it is normal use of the facilities and the approach of the people in charge is even handed and not favoring "pros" as opposed to "antis." Mr. Fuller said another exception is that it is permissible for Timberland to use agency time and money to provide a fact sheet. The fact sheet should not be an editorial and no opinions or recommendations should be expressed. The fact sheet can tell what effect voting yes or no will have and let the people know what will happen when they vote. Mr. Fuller said that Timberland can use its facilities in any normal way to prepare and distribute the fact sheet. He said this does not mean that being an employee of Timberland means that an employee is disenfranchised to participate in an annexation campaign. Staff can participate but it must be done on a private basis.

Mr. Fuller urged anyone connected with TRL not to use a telephone whether in favor or against annexation. He said that both Board and staff members have a right to be heard and a right to contribute their time and money. When contributing money, staff and Board would probably be contributing to a political committee and there are certain reporting requirements for political committees. Mr. Fuller said he is getting further information on this from the Public Disclosure Commission and will make it available to Mrs. Morrison. He said if anyone wishes to contribute money directly,

5 they can do so but if the amount adds up to over \$100, then they must file with the Public Disclosure Commission. He said the same is true of in-kind contributions. For instance, if an individual uses his/her vehicle in any way and it amounts to over \$100, this has to be reported. Mr. Fuller said all of this is based on 42.17 RCW which is the codification of Initiative 276.

Mr. Keiski said he had attended a meeting at Lacey last night which turned out to be an organizational meeting for the annexation campaign. Both Lacey Board and Friends were present and expressed some of their concerns. Mr. Keiski said he is wondering if library staff in the city libraries up for annexation really understand the annexation question. He suggested that information should be sent out. Mr. Law recommended that Mr. Fuller put together in writing a memo structured in a way that it is a handy checklist and Mrs. Morrison could send this out to all the libraries. He said he thinks it desirable that if any fact sheets are prepared by Timberland that Mr. Fuller approve them before they are published. He said that he thinks a lot of staff members will probably be asked how they feel about annexation and they can say they have received a directive and cannot comment on it.

A question was raised by Mr. Law where a librarian in a city trying for annexation were to appear in an ad in the paper which was paid for by the committee and it states that the librarian is in favor of annexation. He said no money went into it by TRL and no staff time went into it, yet TRL would be appearing in the ad since TRL is the employer of the librarian. Mr. Polillo felt this would not be a good thing to do. Mr. Fuller said he sees no legal problems there; however, there is a policy problem that administrators run into in all agencies. He said that the way the University of Washington solved this is that the staff has been advised that it is O.K. to write letters to the editor, but they should sign their names without connecting themselves to the University of Washington. Mr. Fuller said this is an internal matter and it is a good point and should be anticipated. Mrs. Morrison said that she would frankly discourage this. She said that in her view, TRL's position has to be absolutely neutral. Mrs. Morrison said she is concerned if a TRL staff member is asked to provide information at a meeting and act as a resource person to answer questions. She asked what the status of that staff person would be in that case. Mrs. Morrison said that she already has been asked to do this. Mr. Fuller said he thinks that person would be a "glorified" fact sheet. Mr. Keiski asked if a TRL staff person who is required to be present at a meeting to answer questions on annexation could use a staff car and staff time provided they take no position on the matter. Mr. Fuller said this would have to be cleared with the library director and the library director will have to determine if she wants to use library resources for this.

Mrs. Harris said she can see staff being questioned in the libraries about annexation. She said that while the management team has discussed this in depth, it is important that other staff understand it. Mr. Polillo said that staff must be very careful of what they say and how they are quoted. He feels that the less said, the better off they will be. Mr. Keiski said staff should not be discouraged or encouraged to spend their own time and money on the annexation campaigns.

- 5 Mr. Fuller said that the fact that no other cities in the state have voted down annexation could be on the fact sheet. Also if Friends have passed any kind of resolution in support of annexation. Mr. Keiski suggested also putting on the fact sheet the percentage needed to pass. The Board agreed that anything printed by TRL should be reviewed by Mr. Fuller before being sent out.


Mr. Mayer asked about a situation where a group publishes a "pro" annexation sheet and whether this could be distributed in the libraries. Mr. Fuller said it depends on whether or not the libraries allow literature on this type of thing. For instance, he asked if libraries allow literature on school levies. Mr. Keiski said he has seen literature of this type in libraries. Mr. Law stated that it would be better if the literature would be both "pro" and "con."


Mr. Law requested an Executive Session immediately after the meeting.

Mr. Keiski made a few parting remarks on his years as a Timberland Trustee. He said when he came on the Board about 9 years ago, there were three areas he tried to work in. One was improving staff morale, pay and employee relations. He said that staff now has a fairly cohesive voice at the bargaining table. He shared his concern that in the area of employee relations, the Board not take too comfortable a role, but continue to listen to the employees throughout the year so they have a feel for the issues as they see them and not filtered through the bargaining table and reported back to the Board. He said a lot can be lost through that process and he knows that Dorothy Voegel has also expressed this concern. Another area he worked in was providing service to the public and several new public service outlets have been provided to the public in the past several years. He said there has been a growth in service, and much of it was initiated by the staff. Also the situation of the Service Center in Lacey has been remedied by the new Service Center facility. Mr. Keiski said he is pleased to have been a part of that. However, he said he doesn't know if Timberland will be able to keep its employees unless the Board continues to look at the pay. Mr. Keiski said he sees a need for the library district to set up some patron advisory committees. One area that comes to his mind where these committees could be very helpful is preserving local history in the libraries, since this is often the only agency around to record and keep history. Another area he would like to see something more done is in film selection. He said there are a lot of free films that could be obtained for long-term use if Timberland had the staff time to go after them. Perhaps a patron advisory committee could be used for this purpose if there isn't staff time available. Mr. Keiski thanked staff at the Service Center and in the libraries for their support and cooperation.

Mrs. Harris presented to Mr. Keiski a Certificate of Appreciation. She said that personally she has very much enjoyed the opportunity to be on the Board with Mr. Keiski and will miss him very much.

There was no further business and the meeting adjourned at 9:00 p.m. The Board went into Executive Session.


SECRETARY


CHAIR