

Scenic Regional Library
Board Minutes – May 18, 2021

Scenic Regional Library Board of Trustees met at the Scenic Regional Library Union Branch on May 18, 2021 at 7:00 pm. Board President Susan Richardson presided at the meeting. Board members attending the meeting were Paula Sutton, John Cheatham, John Barry, Robert Niebruegge, Karen Holtmeyer, Linda Andrae, Joy Dufrain, Carla Robertson, Kathleen Ham, and Michele Fehlings. Board member Martha Lindsley was absent. Library Director Steven Campbell, Assistant Library Director Megan Maurer, Business and Human Resource Manager Kjersti Merseal, and Administrative Assistant Erica Mosley were also present. Several members of the public also attended.

Board President Susan Richardson welcomed everyone to the meeting, as this was the first Board meeting since the start of the pandemic with everyone in the same room and no one on Zoom. She announced the meeting's agenda would be rearranged to accommodate the members of the public who were present primarily to discuss the Library's proposed COVID liability waiver.

Unfinished Business

In light of new CDC guidelines, Director Campbell recommended that the Board remove the face mask requirement for patrons, effective immediately. He pointed out that the majority of staff (72% according to a recent survey) were in favor of ending the requirement.

**Library Face Mask
Policy and COVID
Restrictions**

Joy Dufrain made the motion to eliminate the requirement for patrons to wear face masks in Library buildings, effective immediately. Robert Niebruegge seconded the motion. All voted Aye. The motion carried 11/0.

Director Campbell briefly summarized the Board's concern over legal liability related to COVID, as well as his conversations with the library's attorney and with the Board which resulted in the plan for a possible COVID liability waiver, first mentioned to Library staff in late April.

Director Campbell said that the information in the Board packet regarding the COVID Liability Waiver was no longer accurate, following the latest phone conversation he had with the attorney earlier that day. Director Campbell had been under the impression the biggest legal threat was from patrons contracting COVID from an unvaccinated Library staff member and suing the Library. But the bigger risk, according to the attorney, is in fact Library staff contracting COVID at work and suing the Library.

Since late April two important events have occurred, Director Campbell said. First, the CDC loosened its guidelines for mask-wearing in public. Second, a law passed in Missouri protecting businesses from COVID lawsuits. However, the Library's attorney is still recommending the waiver in light of the new law, because the law is not retroactive before it is signed by the Governor in August, and because of specific wording in the law which in the attorney's opinion is not very protective of businesses.

Director Campbell said he though signing a liability waiver would be a good compromise for staff who decline vaccination, and that it would be preferable to requiring vaccinations. However, there has been some public pushback

against a liability waiver, and a few staff have threatened to quit if forced to sign a waiver. Director Campbell said his goal is to protect the Library from a lawsuit that could potentially cost \$1 million or more. He asked the attorney, if the Library does not require vaccinations or a waiver, would the insurance company still cover the Library in the event of a lawsuit. The attorney said yes, but only if the Library can demonstrate it had an official COVID safety policy and protocols in place.

Director Campbell said the Library has been practicing extensive safety protocols throughout the pandemic, and has already been doing everything that would be in a potential policy. However, an official COVID safety policy has not been drafted and passed by the Board, which the Board can and should do now.

Director Campbell then asked the Board how they would like to proceed, and said it depends on how much liability the Library wants to take on. The ideal scenario, according to the attorney, is to require vaccinations, the signing of a waiver, and to have a safety policy in place, which would result in zero liability for the Library. If the Library is willing to take on slightly more liability, just a waiver and safety policies would suffice. However, if the Library is willing to accept even more liability and pay the \$10,000 deductible in the event of a lawsuit, then it can forego the waiver. Bare minimum, according to the attorney, is to have a safety policy in place. Director Campbell said he is neither recommending or not recommending the waiver. He said he initially thought the waiver was a good plan, but he would rather not push for it if it causes hostility from staff and patrons, and he does not want staff to feel bullied or manipulated.

Director Campbell distributed to the Board the transcript of the phone conversation with the lawyer, as well as a screenshot of a social media post from a local group protesting the waiver.

Robert Niebruegge said, in the overall Library budget, he did not think \$10,000 was significant, although he would like to know if the deductible is per incident or per year. Director Campbell said he will clarify this point with the insurance company. John Cheatham suggested the Library write official COVID safety protocols, to review and vote on at the next Board meeting, and move on to the next order of business. Michele Fehlings agreed. The Board did not make a motion regarding the COVID liability waiver.

Susan Richardson invited the members of the public to share their comments. One patron (name not recorded) thanked Director Campbell for his statements and said she appreciated his taking the time to explain the situation. She said her family is trying to be more involved in the community, and came to the Board meeting after seeing the social media post. She said she came with an open mind, hoping to see what she did in fact see occur at the meeting. Another patron, Dave Aguilar, said he has refused to wear a mask throughout the pandemic, and voiced disagreement with the CDC. A third patron (name not recorded) said his group is not necessarily against the vaccine, but urges everyone to use their Missouri common sense.

Public Comments

The Board then reviewed the remaining COVID measures on the agenda.

Director Campbell said he was no longer recommending the Board lift the face mask requirement for staff, after his conversation with the attorney. He said the COVID safety policy should be in place first. He did recommend the Board end the library's Temporary Sick Leave Policy, which was only intended to be in place during the pandemic. He added that it has not be used very much the past two months.

John Barry made the motion to end the Temporary Sick Leave Policy for staff, effective immediately. Paula Sutton seconded the motion. All voted Aye. The motion carried 11/0.

Director Campbell asked the Board to allow the Library to continue the library's temporary service hours. This will allow staff time to complete RFID tagging by July.

John Cheatham made the motion to continue temporary service hours until the June Library Board meeting, where they can be revisited. Paula Sutton seconded the motion. All voted Aye. The motion carried 11/0.

Director Campbell said notary and passport service will resume June 1, and that patrons will be required to wear masks to receive these services. Public computer access will not change for the time being; every other computer will remain closed. John Barry asked if Library staff will do any extra cleaning of the children's areas when they reopen on June 1. Director Campbell said no, because according to the CDC additional cleaning is not required. Staff will resume normal cleaning of the children's areas.

The Board then returned to the original order of the agenda.

Approval of Minutes

Karen Holtmeyer made the motion to accept the April 20, 2021 minutes as written. Kathleen Ham seconded the motion. All voted Aye. The motion carried 11/0.

Director Campbell reported that the Library is 83.3% through the fiscal year, and only 79.93% through the budget. Some individual budget lines (Electronic Materials and Periodicals) are at 99%. This is due to databases like Ancestry.com and Chilton, and magazines, which are paid once a year. Director Campbell said administration is aware that the line would run \$10,000 over budget due to the addition of Creative Bug and Kanopy. The Library has exceeded revenue projections for the year, and total budget revenue is currently at 101.7%, with more property tax revenue expected in May and June, potentially \$100,000.

Financial Report

Robert Niebruegge made the motion to accept the Financial Report. Michele Fehlings seconded the motion. All voted Aye. The motion carried 11/0.

Director Campbell presented the Librarians Reports to the Board. Robert Niebruegge updated the Board on the health of former Board member Diann Wacker.

Reports

There was no new business.

New Business

Director Campbell said there were no new developments in the pending legal matter that would warrant the Board entering into Executive Session.

**Closed Session-
RSMo 610.021 (1)
legal**

Susan Richardson thanked the members of the public for coming and showing interest in the Library.

There being no further business, Board President Susan Richardson adjourned the meeting at 8:33 pm.

Adjourn

Secretary

Approved: _____
President, Scenic Regional Library Board of Trustees

Date: _____