



LEELANAU
TOWNSHIP LIBRARY

119 Nagonaba St. Northport, MI 49670

www.leelanautownshiplibrary.org

**Leelanau Township Library Meeting of the Board of Trustees
Wednesday Nov 20, 2024 7-9 pm in the Library and on Zoom**

Meeting ID: 482 391 5571

- 1. Call to Order**
- 2. Approval of October Minutes**
- 3. Public Comment**
- 4. Directors Report**
- 5. Financial Report**
- 6. Old Business**
 - 1. Strategic Planning**
 - 2.**
- 7. New Business**
 - 1. Facilities**
 - 2. Township Library Authority**
- 8. Public comment**
- 9. Adjournment**

Next meeting: Monday Dec 16, 2024 at 7pm

DRAFT Leelanau Township Library Board of Trustees Meeting Minutes for October 23, 2024

Present: Mark Morton, Rick Gans, Jamie Scripps, Amanda Kruk, Dale Lersch

Absent: Mary Robertson

Staff present: Julie Alpers-Preneta, director

Friends and public present: Porter Abbott, Alana Osumi, and via Zoom: Patty Noftz

- I. Mark Morton called the meeting to order at 7:03pm.
- II. Approval of Minutes
 - A. Minutes were amended to change section VI. Old Business 3. To remove the last sentence.
 - B. Dale moved to approve the minutes as amended, Rick seconded. The minutes were approved unanimously.
- III. Public Comment: None
- IV. Director's Report
 - A. Julie Alpers-Preneta reviewed the Director's Report for September 2024. Visitor numbers strong. Weeding, especially non-Fic, going well. The circulation numbers still need some research. Entering the cost of each book added to the collection pre-2019 to the Apollo record is an ongoing project. Rick asked about fax usage in the library, and Julie confirmed the fax was used weekly this past summer. Jamie asked if there was any policy to notify Julie before coming in to use her as a notary, and Julie clarified that the website says to "call first;" however, a relaxed approach has not caused any issues so far.
- V. Financial Report
 - A. September marked the halfway point for the fiscal year, and the numbers are in good shape. A couple of the items discussed include:
 1. 709. Health Insurance. There is less than half left; however, this is due to how it is billed. Mark asked if there has been any notification of an increase for the following year as Leland's library was notified of a 15% increase. Since the renewal is not until April, there has been no notification so far.
 2. 850. Communications. The phone bill needs to be checked to see if the billing is accurate.
 - B. Rick looked at the library reserves, and the library has a little over \$200k. This amount of reserves, combined with the expected increase in revenue next year going up about 7%. The biggest short term capital expense in mind is a reconfiguration to the entrance of the library. Additionally, in the short term Rick would like to have at least \$100k total in CD's. The exact numbers and CDs (which range from 3-11 months) will need to be determined.
 - C. Dale moved to accept the Financial Report, Jamie seconded. Unanimous approval.
- VI. Old Business

- A. Strategic Planning: There was good feedback received from the strategic planning retreat and the strategic planning process continues. Drafts from the session are expected before the next meeting and will be made public.
- B. Audit: The Audit Report completed by Tobin & Co. dated September 19, 2024 was reviewed by the board and discussed. Rick moved to accept the audit report. Amanda seconded. Unanimous approval followed.
 - 1. Mark will follow up and confirm how frequently the audit reports are needed - yearly or biyearly, including the financial statements.

VII. New Business

- A. Foster Swift Engagement Letter: The board briefly discussed the engagement letter and confirmed the letter is fairly standard. The hourly rate is capped at \$245/hour.
 - 1. Rick moved to accept the Foster Swift Engagement Letter dated September 23, 2024. Jamie seconded. Unanimous approval followed.
- B. Board emails and bios
 - 1. With election day approaching, Julie realized there were no updated biographies of everyone on the board as the most recent ones were on the township website and a couple years old. Julie will send these electronically to be edited and saved going forward.
 - 2. Julie will investigate options for the board to have emails created and used for official business
- C. ALA Libraries Transforming Communities Grant: Mark brought this grant opportunity to the attention of the board.
 - 1. The board discussed the need for a public bathroom having been identified as a major area for improvement at the recent strategic planning session. Board members volunteered to reach out to local contractors to inquire for quotes in time for the December 11 grand application deadline.

VIII. Public Comment

- A. Pattie confirmed that Mary was not in attendance and on vacation. Pattie also confirmed the 2 construction companies that were discussed as potential options for the bathroom remodel: Lord & Lady Construction, Mark Kellogg Carpentry, and Chris Frank.

- IX. Rick moved to adjourn at 7:53 pm.


The next meeting is scheduled for Wednesday, November 20, 2024 at 7pm.

Notes recorded by: Alana Osumi

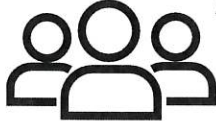
Minutes respectively submitted by: Amanda Kruk, Secretary




Visitors

| | | |
|-------------|---|-------------|
| 2023 |  | 2024 |
| 1196 | | 1324 |

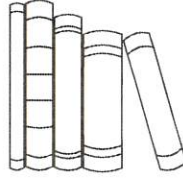
Programs

| | | |
|-----------|---|------------|
| Offered |  | Attendance |
| 17 | | 102 |

Circulation

| | | |
|------------|---|------------|
| 2023 |  | 2024 |
| 968 | Adults | 922 |
| 338 | Children | 381 |
| 321 | Libby | 325 |
| n/a | Hoopla | 66 |

Collection Development

| | | |
|------------|---|------------|
| Added |  | Weeded |
| 112 | | 690 |

| | | |
|------------|--|-----------|
| Borrowed |  | Loaned |
| 149 | | 64 |

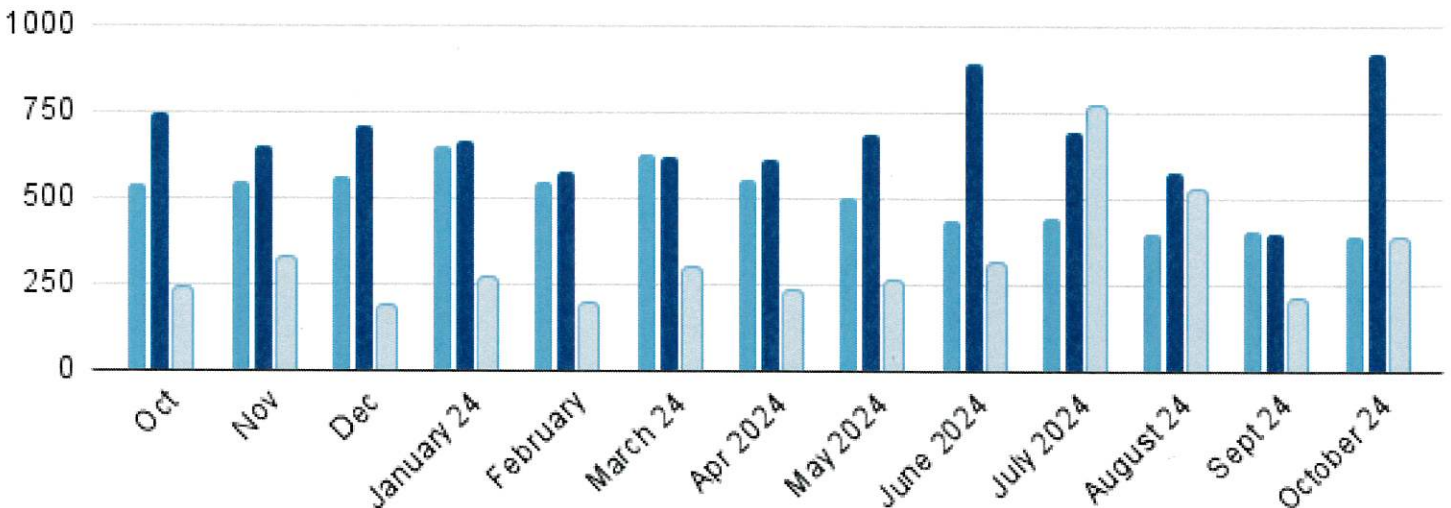
 = **New Card Holders 10**



Notary Services 2

2023-2024 Circulation

■ Digital ■ Adult ■ Children



What's happening at the Leelanau Township Library

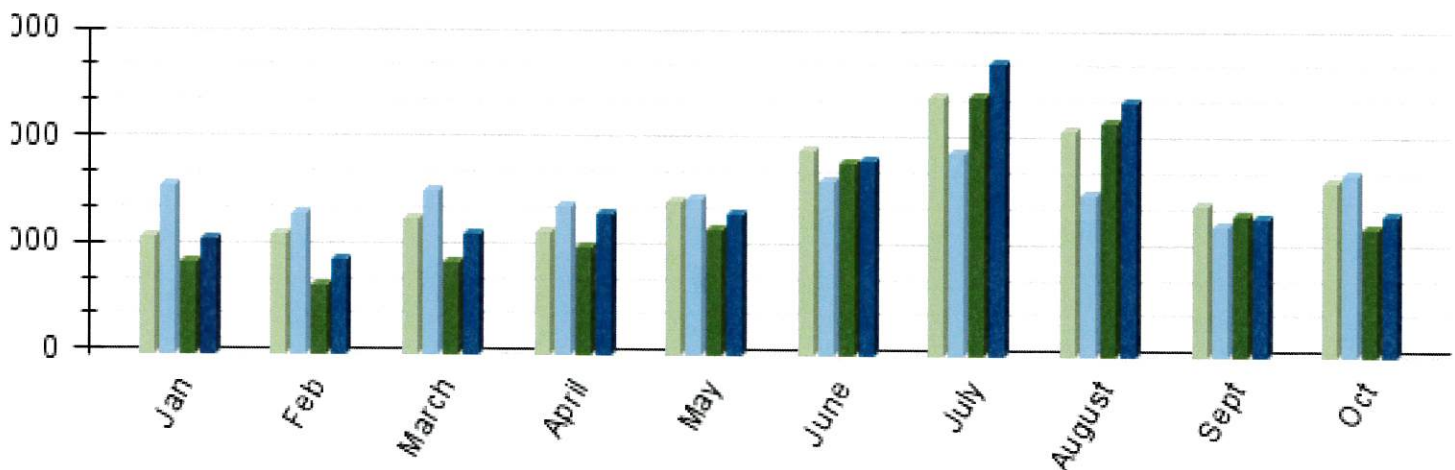
- Tech Tuesday: Corey Buchan iPhone basics
- Book Group was held on Oct 23 to discuss Rachel Joyce's *The Music Shop*
- Pre Great Decisions Discussion Group
- Thorough weeding of Non-fic & moving books again
- Adding values to all the pre 2019 materials
- New families joining us for Wigglers!
- Michigan Library Association Annual Conference

Upcoming

- Tech Tuesdays November: Media Literacy on Nov 5
- Sewing Class with Marie Elena Gaspari on Nov 16
- Book Group *Life* by Keith Richards on Nov 20
- Northport Tree Lighting Day Activities Nov 30

2023 vs 2024

■ Circs 23 ■ Circs 24 ■ In Person Visitors 23 ■ In Person Visitors 24



MEMO

ATTORNEY-CLIENT PRIVILEGE/CONFIDENTIAL

TO: Leelanau Township Library
FROM: Anne Seurynck
DATE: November 15, 2024
RE: Township Library Authority

The Leelanau Township Library has requested our opinion on status of the Library's authority to control its own money. This memo is in response to that request.

I. Library Fund.

The Leelanau Township Library is a township library created under Section 10 of the City, Village and Township Libraries Act, Public Act 164 of 1877, MCL 397.201, *et seq.* ("Act 164"). The Library's responsibilities and authority are listed in Section 5 of Act 164 as follows:

Said directors shall, immediately after appointment, meet and organize, by the election of 1 of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules, and regulations for their own guidance and for the government of the library and reading room, as may be expedient, not inconsistent with this act. **They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund,** and of the construction of any library building, and, of the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose: **Provided, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board.** Said board shall have power to purchase or lease grounds, to occupy, lease, or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation; and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

MCL 397.205. (Emphasis added). Pursuant to Act 164 and the opinions interpreting it, all money collected for the Library must be placed into the "Library Fund" located in the Leelanau Township treasury. This fund includes money collected from property taxes. This fund also contains penal fines, donations, and State Aid contributions. Only public libraries are eligible to receive State Aid. MCL 397.566. Further, the Michigan Constitution provides that "all fines assessed and collected in the several counties, townships and cities for any breach of the penal laws shall be exclusively applied to the support of such public libraries, and county law libraries as provided by law." Mich Const. Art 8 § 9.

Thus, pursuant to state law and the Constitution, the money in the Library Fund must be administered by the Library Board exclusively for Library purposes. The Township may not remove funds from the Library fund without specific authorization from the Library Board.

II. Roles and Responsibilities.

According to Act 164, the Library Board and the Township's statutory roles are summarized in relevant part as follows:

A. Library Fund. Even though the Library Fund is held in the Township treasury, the Library Board has exclusive control over how the money from the Library Fund is spent. The Township does not have any legislative oversight of the Library's expenditures. Put another way, even though the Township holds the money, the Township has no substantive role in how the money is used by the Library because Act 164 contemplates an independent Library Board. *Benton Harbor Library Bd v Benton Harbor*, 99 Mich App 62; 297 NW2d 619 (1980). Thus, the Township Board has no authority to further approve or act on the Library Board's decisions on expenses or remove any money from the fund (even if the Township believes the Library owes it money) without Library Board approval. However, the Township Treasurer will have a ministerial role of verifying the authorizations and disbursing the money from the Library Fund.

B. Location of the Fund. All money collected for the Library must be placed into the "Library Fund" located in the Leelanau Township Treasury. The money includes tax collections, state aid, penal fines and any donations. Any endowment accounts would have to be transferred to and set up separately in the Township Treasury in the same manner as the "Library Fund." The Library Fund and any endowment funds are accounted for separately by the Township Treasurer.

C. Budget. The Library Board has the authority to set the budget for the Library. OAG, 1995-1996, No. 6924, p. 236 (December 4, 1996).

D. Investment Policy. The Library may adopt its own investment policy or adopt the policy of the Township for Library Fund investments.

E. Personal Property. Under PA 164, the Library Board has the authority to determine how personal property is managed:

Any person desiring to make donations of money, personal property, or real estate for the benefit of such library, shall have the right to vest the title to money or real estate so donated

in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise, or bequest of such property; and as to such property, the said board shall be held and considered to be special trustees. MCL 397.209.

In fact, no determination by the Township can void that decision: "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 disturbances." *Bostedor v Eaton Rapids*, 273 Mich 426, 429; 263 NW 416 (1935).

F. Millage Requests. The Library Board determines by resolution whether new millages, increases or renewals will be placed on the ballot. MCL 397.210c.

G. Annual Tax Levies. The Library Board determines the annual amount of the millage to be levied within the authorized amount. MCL 397.210.

H. Additional Authority. The Legislature also gave the Library the power in general to carry out "the spirit and intent of this act in establishing and maintaining a public library and reading room." MCL 397.205.

III. Thoughts for Consideration.

The Library Board has specific and exclusive control to manage the Library's funds. However, the statute requires that the money be disbursed into a "Library Fund" within the Township Treasury. Most PA 164 libraries have the Township write the checks on a vendor-by-vendor basis. We would be happy to assist in drafting a new Fiscal Agency Agreement with the Township that would clarify and put into writing the procedures each party expect to follow regarding the Library Fund. We would recommend that the Library have the auditor review the new agreement to make sure you will have no issues with your audit.

If you have any further questions or concerns, please contact me.

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