

Great Falls Public Library
Board of Trustees Board Meeting
Tuesday, October 27, 2020
Great Falls Public Library - Cordingley Room in Library basement
(Virtual access to meeting was available upon request)
4:30 p.m.

BOARD MEMBERS PRESENT: Ms. Jill Baker, Ms. Sam DeForest, Ms. Susan McCord, and Ms. Whitney Olson

BOARD MEMBERS ABSENT: Ms. Anne Bulger

EX OFFICIO BOARD MEMBERS PRESENT: Ms. Jane Weber (via zoom); Ms. Mary Moe

EX OFFICIO BOARD MEMBERS ABSENT:

STAFF PRESENT: Ms. Susie McIntyre, and Mr. Aaron Kueffler

GUESTS PRESENT: Ms. Jenn Rowell - The Electric; Ms. Jordan Crosby – Ugrin, Alexander, Zadick, PC.)

GUESTS PRESENT VIA ZOOM: Mr. Bill Tacke - GFPL Foundation Liaison; Raylene Short - Library Patron; Heidi LePard – Great Falls Clinic; Ms. Trisha Gardner – Health Officer at the Cascade County Health Department; Mr. Brett Earl; Ms. Sara Linder-Parkinson – Great Falls Public Library; Ms. Treva Higgins - Great Falls Public Library.

Ms. Olson called the meeting to order at 4:30 pm.

Ms. Olson announced that the meeting is being recorded, she asked everyone to introduce themselves.

I. AGENDA APPROVAL

Ms. Olson asked if anyone had any additional items to add or remove from the agenda approval.

Ms. Baker recommended moving the Executive Session to the end of the agenda. Ms. Olson agreed.

Ms. Baker moved to approve the agenda with changes. Ms. DeForest seconded the motion. Ms. Olson opened for any board discussion or public comment. Upon hearing none, Ms. Olson called for a vote. Motion passed unanimously.

II. CONSENT AGENDA

Ms. Olson asked if there were any questions or comments from the committee regarding the consent agenda items on pages 1-22, and the personnel report on page 27.

Ms. Baker noted that on page one, Ms. Moe was listed as absent, but she did attend the meeting.

Ms. Olson asked if there were any other questions and if not she would entertain a motion to approve the consent agenda.

Ms. DeForest moved to approve the consent agenda with changes to the minutes. Ms. Baker seconded the motion. Ms. Olson opened for any board discussion or public comment. Upon hearing none she called for a vote. Motion passed unanimously.

III. OPERATING VOUCHERS

Ms. Olson asked if there were any questions or comments from the committee regarding the operating vouchers on pages 23-26.

Mr. Kueffler pointed out that until the city has transitioned to their new software, he will continue to manually track monthly expenses and record them in the Vendor Summary reports that are included in the packet.

Ms. Olson asked if there were any other questions and if not she would entertain a motion to approve the operating vouchers.

Ms. DeForest moved that the Great Falls Library Board of Trustees approve the claims and payroll as presented. Ms. McCord seconded the motion. Ms. Olson opened for any board discussion or public comment. Upon hearing none Ms. Olson called for a vote. Motion passed unanimously.

IV. DIRECTOR'S REPORT

Ms. McIntyre informed us that Tina Cowhick and Tristan Kanode will join us next month for staff introductions.

Ms. McIntyre informed us that the Montana Shared Catalog transition went well. We are a little over a month in on using it. Some issues are coming up, but for the most part the transition has been smooth. Some changes and additions are still occurring but the bulk has been moved over.

Ms. McIntyre informed us that we have received a second round of CARES funding. These funds will be used for various COVID relief projects including the curbside pick-up window.

The Hot Spots are almost ready to be checked out. There has been a great deal of interest in them. When they are ready people will be able to check them out for 28 days.

Due to the uptick in COVID cases, Ms. McIntyre informed us that the Civic Engagement Project has been postponed. It was mutually agreed upon by the Library and the Montana State Library.

The public meeting space remodel is almost done. The sound system is scheduled for next week. Capcon is expected to start construction next week. They will be starting on the outside first which will result in 2nd Ave N being blocked off. Detailed Construction has ordered the hardware and will begin construction as soon as it arrives.

Ms. McIntyre thanked the Great Falls Public Library Foundation for funding the requested Fall 2020 projects.

The VISTA we interviewed has accepted the position. The applicant has library experience and is excited to work in a library. Ms. DeForest asked when she will start. Ms. McIntyre stated end of November or early December. Ms. Olson asked if it was a one year appointment. Ms. McIntyre said yes. Ms. Weber asked if the applicant has been able to find housing yet. Ms. McIntyre said she just accepted the position and hasn't looked for housing yet. Ms. Weber suggested she contact Ms. Sheila Rice; Ms. Rice owns rental properties within walking distance of the library.

V. GFPL FOUNDATION REPORT

Mr. Tacke informed us that the Foundation is continuing their search for a new director. They have been reviewing the resumes that have come in and have started an interview process.

The bookmobile/book-a-thon campaign is underway. Letters to businesses have gone out. EnergyWest inserts were out this past month. Due to a communication error the inserts were just a single sheet and in black and white. Ms. McIntyre prepared the Press Release and donor letters will be mailed out next week. The PSA will be ready soon to go on television. Mr. Tacke wanted to thank the Conductor of the Great Falls Symphony Mr. Gordon Johnson, Mayer Bob Kelly, and Chief of Police Mr. Dave Bowen for participating in the PSA. The goal is a combined total of \$250,000. As of right now the bookmobile campaign has raised over \$20,000. Mr. Tacke also informed us that if the foundation reaches \$150,000 they will be eligible for a \$50,000 grant.

Ms. Olson thanked the Foundation for all of their support and looks forward to see the finished PSA.

VI. CHAIRMAN'S REPORT

Ms. Olson informed us that the Missoula Library trip has been postponed until the roads are better. Ms. McIntyre added that the Missoula Library has postponed opening due to COVID and they do not have an open date scheduled at this time.

VII. BOARD REPORTS

Ms. DeForest attended the Pathfinder Federation meeting via Zoom. Budget concerns were discussed and a discussion on whether or not a library is essential. Ms. DeForest also stated that money was left over and it was voted to give it back to the Montana Library 2 Go.

VIII. PROPOSALS/COMMENTS FROM TRUSTEES

There was nothing to report.

IX. OLD BUSINESS

COVID-19

Ms. McIntyre informed us that the Library did have a staff member that tested positive for COVID. The library was closed and any staff that was exposed was sent home. Ms. Linder-Parkinson happened to be on vacation during the outbreak and was the only staff member that was allowed to come work in the building. For five days Ms. Linder-Parkinson ran the library by herself. She answered phones, checked in books, pulled holds and offered curbside service. No other staff member tested positive. The staff person that did test positive is still feeling unwell and remains at home.

Ms. McIntyre said the library is continuing to do safety protocols due to COVID.

LIBRARY STANDARDS CALENDAR:

Ms. McIntyre stated that the November Personnel Policy was handed out and is ready for the board to review and discuss next month. We can also send it electronically for anyone that would like it.

OCTOBER BY-LAWS REVIEW:

Ms. Olson opened discussion for the October By-Law review on pages 51-54 of the packet. It is part of our Montana Library Standards and must be reviewed by the board every three years.

Ms. McIntyre informed us that Ms. Moe sent suggested changes that she has handed out for review.

Ms. McIntyre stated that traditionally the board meets eleven times a year, typically taking July off. She would like to suggest that the board take the month of August off instead of July. This isn't a by-law change, just a board practice. Ms. DeForest asked why it was in July. Ms. McIntyre guesses it was because most people took their vacations in July in the past.

Ms. Moe asked if the budget numbers would be ready in July. Ms. McIntyre said yes, since the board votes on the budget in June.

Ms. Olson asked if everyone had a chance to look at Ms. Moe's suggestions and asked if there were any questions. Upon hearing none she would entertain a motion.

Ms. Olson asked if there were any other questions and if not she would entertain a motion to approve the By-Laws with revisions.

Ms. Moe wanted to clarify the change in Article 3, Section 5. She placed both voting and non-voting as an option for chair acting as an ex-officio. She stated that in most boards that she has been on it has been non-voting but it is the library boards choice. Ms. Moe did state that since the Library doesn't have standing committees that line could be removed and it be decided if the need occurs.

Ms. McCord moved to approve the Library Board By-Laws with changes and the removal of the last line in Article 3, Section 5. Ms. Baker seconded the motion. Ms. Olson opened for any board discussion or public comment. Upon hearing none she called for a vote. Motion passed unanimously.

X. NEW BUSINESS

Ms. Olson opened the discussion regarding the Patron Appeal by Ms. Short. Ms. Olson preceded to inform Ms. Short of her right to privacy and asked if she understood this right, Ms. Short responded with yes. Ms. Olson then asked Ms. Short if she intended to reveal any personal medical information during this public meeting. Ms. Short indicated that she would not be mentioning any personal medical information. Ms. Olson restated that this was an open meeting and verified that Ms. Short has waived any privacy rights. Ms. Short stated that she understood this. Ms. Olson then informed Ms. Short that she had 15 minutes to present her argument.

Ms. Short thanked the board for the opportunity to talk about this issue. Ms. Short proceeded to recap the reason that brought her to the meeting. She stated that she feels the required mask policy is a civil rights issue and breaks many laws. She also

indicated that she is prepared to take this issue to court and has discussed this matter with an attorney.

Ms. Short indicated she had a mask exemption for physical reasons as well as religious reasons; citing the satanic ritual of transmutation which includes covering the nose, mouth and 6-6-6 distancing. She indicated that she does not cover her face in her religion.

Ms. Short indicated that she was a home school mom and that the library was important to her children's education and that online services are not an equal or adequate accommodation and that it robs her children of doing research in a library setting. Ms. Short cited and read Montana code Chapter 49-1-102 Freedom from discrimination. As well as Montana code Chapter 49-2-304 discrimination in public accommodation, and Montana Code Chapter 49-2-307 discrimination in education.

Ms. Short then proceeded to cite and read Federal Civil Rights Title VI, 42 U.S.C. Ms. Short also cited OSHA safety issues regarding lack of oxygen.

Ms. Short then quoted the Library's mission statement from the website. She also quoted an 1803 Supreme court ruling in Marbury v. Madison "A Law repugnant to the Constitution is void".

Ms. Olson thanked Ms. Sort for her comments and asked for any arguments on why the Great Falls Public Library Mask Policy must be followed.

Ms. McIntyre stated that as Director of the Library it is her job to empower our citizens by providing access to knowledge as well as making sure that staff and patrons are safe. Governor Steve Bullock has also declared that a state of emergency exists in Montana due to the global outbreak of Coronavirus. Protecting staff and patrons from Coronavirus is also part her job.

Ms. McIntyre stated that throughout this pandemic, she has met with the board and has consulted with experts. She has talked with the City County Health Department and has attended numerous Montana Library meetings where Library professionals have discussed best practices and policy implementation.

In July, the Library adopted a mask policy for patrons. The policy reads "masks are required to be worn by all patrons over the age of 12 while in the library. This policy will stay in effect until further notice." This policy is enacted to protect staff and patrons and to help to slow the spread of COVID-19 in our community. Ms. McIntyre also stated that if patrons are unable or unwilling to wear a mask while in the library, they are encouraged to utilize the curbside service, ask reference questions via phone or email, and have staff browse the collection on their behalf. The library also has masks available for public use. Currently, the policy is posted on our website, is filed in staff policy manuals and is available in print format upon request. We also have signage on our

front doors stating “NOTICE, in accordance with the Governor’s mask directive no entry without face covering. Face coverings are required for people 5 and older.”

Ms. McIntyre informed us that all staff has received training on mask requirements. All staff are expected to intervene or find a supervisor whenever they see someone inside the Library not wearing a mask or wearing a mask improperly. If someone is wearing a mask improperly, we ask them to have the mask cover their nose and mouth. If someone is not wearing a mask, we offer them a mask. If they refuse to wear a mask, we ask them to leave the Library and offer to provide alternative services.

Ms. McIntyre recapped the instance with Ms. Short that occurred on September 11th, 2020.

In Ms. McIntyre’s opinion, The Library face mask policy is appropriate and necessary to allow the Library to continue providing safe services to all patrons and providing a safe workplace. She also stated that under the law, the Library may impose legitimate safety requirements necessary for its safe operation.

Ms. McIntyre also stated that the policy is in line with all government guidelines and regulations and confirms to industry standards/practices.

The Great Falls Public Library policy is appropriate because the Governor has issued a mask mandate: “All businesses, government offices or other persons responsible for indoor spaces open to the public shall require and take reasonable measures to ensure that all employees, contractors, volunteers, customers or other members of the public wear a face covering that covers their mouth and nose at all times while entering or remaining in any indoor spaces open to the public.” Ms. McIntyre stated that the Library is a government entity; is an indoor space and that we are required to enforce the mask mandate.

Additionally, the CDC has stated that masks are critical preventative measures to slow the spread of COVID and the CDC recommends that people over the age of two wear a mask in public settings.

The library mask policy is appropriate because the Montana Code Annotated codifies the right of the Library Board of Trustees to establish and enforce Library policy. It is reasonable for the Library to adopt and enforce policies to protect the safety of staff and patrons. Ms. McIntyre cited Montana Code 22-1-309 Trustees – Powers and duties and Montana Code 22-1-311 Use of Library – privileges.

Ms. McIntyre stated that the mask policy is appropriate because the Library is required to protect the health and safety of staff citing the OSHA act of 1970. The mask policy follows the industry standard and was developed and implemented in consultation with the Cascade County Health Department and other Library professionals. Ms. McIntyre noted a number of letters that have been submitted from directors of Montana Public Libraries that are similar in size and population served to Great Falls. These letters

support that the Great Falls Public Library mask policy is in line with what those institutions are doing.

Ms. McIntyre stated that the Library's enforcement in this instance has not discriminated against Ms. Short. The Library has repeatedly offered to provide Ms. Short with alternative services such as curbside pickup, online materials, and phone services. She has also been invited to have a discussion of her needs so that Library staff can work with her. She has refused to engage in dialogue and insists that she must be allowed to access to the Library without a mask regardless of Library policy or the safety of staff or other patrons.

Ms. McIntyre recommends that the Library board reject Ms. Short's request and continue to uphold the mask policy in place.

At this time, Ms. Olson informed Ms. Short that she had five minutes to reply.

Ms. Short would like for Ms. McIntyre to show her in the law where any state of emergency suspends Montana state law and the constitution. Ms. Short said that a mandate to force staff to wear masks is unlawful for the public.

Ms. Short feels that Ms. McIntyre has insinuated that her family is carriers of the virus and are a hazard and by insinuating this without a medical license is unlawful.

Ms. Short stated that there is no evidence that a mask can prevent the virus and that the disclaimer on a mask box states it doesn't prevent viruses including COVID. In addition, in 2008, Dr. Fauci wearing a mask can cause bacterial pneumonia. Ms. Short said she was happy to provide documentation.

Ms. Short stated that Ms. McIntyre's statement did not include any facts.

Ms. Short cited and read Montana Code 49-2-304 – Discrimination in public accommodations.

Ms. Short also stated that she does not want the library to spend a dime on any accommodations to her and her family.

Ms. Olson thanked Ms. Short for her comments and asked if the board had any questions for Ms. Short or the library staff.

Ms. Baker asked Ms. McIntyre to explain curbside service. Ms. McIntyre explained how the service operated.

Ms. Crosby said it would be helpful for the record for Ms. McIntyre to explain the use of video conferencing as an accommodation. Ms. McIntyre stated that the Library has used FaceTime with several patrons to help accomplish a variety of things. We have provided library cards via facetime as an alternative to a picture ID. We have used facetime to answer reference based questions. Ms. Crosby asked if this service was offered to Ms. Short. Ms. McIntyre cannot recall if she offered the service during the instance in

question, but she did offer having a discussion where the service would have been offered. Ms. Short confirmed that they were offered the service but was unsure how it would work. Ms. Short said the online catalog does not offer pictures of some covers and that an exact title or author name is required.

Ms. DeForest asked Ms. Short how old her children were. Ms. Short replied 9 and 10.

Ms. Moe asked for clarification on whether the board's ruling was based on the incident that occurred on September 11th or on allowing Ms. Short to be exempt from the mask policy. Ms. Crosby stated that it is the exemption from the mask policy. Ms. Moe asked if Ms. Short understood this. Ms. Short replied yes. Ms. Moe asked Ms. Short if it were her position that the accommodation of Facetime for her children to view book covers was not reasonable. Ms. Short said they would have to try it, then stated that it was against Montana state law to not allow access to the facilities. Ms. Short stated that she owned several properties and as a large tax payer she doesn't feel her taxes should go to a place that bans people.

Ms. McIntyre wanted to clarify that Ms. Short is not banned from the library, she is simply required to wear a mask in order to enter the library. Ms. DeForest wanted to clarify that is was for Ms. Short and her two children. Ms. McIntyre said yes.

Ms. Crosby stated that by allowing reasonable accommodations that would allow Ms. Short to utilize the facility is an acceptable thing for the library to do for both Montana and Federal law under the ADA and civil rights act. Ms. Crosby also informed us that this is a neutral policy that is not directed towards any one person or group. Ms. Crosby also informed us that a number of federal judges have looked at mask policies and deemed them not a restriction to one's personal rights.

Ms. Olson asked if there were any other questions; upon hearing none she would entertain a motion.

Ms. Baker moved that the Great Falls Library Board of Trustee uphold the management decision requiring Raylene Short to follow the library policy that all patrons over the age of five are required to wear masks while inside the Great Falls Public Library during the COVID-19 state of emergency. Ms. McCord seconded the motion. Ms. Olson opened for any board discussion or public comment. Ms. Olson stated she has received written comments from the following people: Ms. Debbie Stewart, Ms. Sara Kegel, Mr. John Finn, Mr. Step Johnson, Ms. Susan F. Gregory, Ms. Eva McDunn, Mr. Triston Kanode, Ms. Carri Yturri, Ms. Mary Lehman, Ms. Linda Fagenstrom, Ms. Joann Russess, Ms. Randi Graves, Ms. May Lou Muyres Norbie, Ms. Susan Thomas, Mr. Ian Payton, Ms. Jessica Crist & Mr. Turner Graybill, Dr. Mindy Leach, Mr. James Humphrey, Ms. Rebecca Scott, Ms. Bernice Karnop, Ms. Treva Higgins, Dr. Anna Earl, Dr. David Kluge, Dr. Raymond Geyer and Mr. Jeremy Jones – Fire Chief, Great Falls Fire and Rescue. All members of the board have been provided with copies of the comments. Comments have been posted on the Great Falls Public Library website for public viewing. Ms. Olson asked that each person with a public comment state their name and if they represent an organization.

She also asked that they direct any questions to the board as a whole and to please limit your comments to five minutes.

Mr. Bill Tacke spoke first. He stated that he is a long term resident, a member on the Great Falls Public Library Foundation and a retired physician. Mr. Tacke stated we are in the middle of a public health crisis, a pandemic that we haven't seen in over 100 years. Our local public health officials are providing guidance to us based on the science that is available. What we do know about this virus is that it is highly contagious. Many people can contract it and not be symptomatic and still spread it. We also know that although wearing a mask might not protect the individual wearing it, it does prevent the spread over the community. Our City officials and Library Director are responsible for maintaining a safe and healthy environment for both patrons and staff. As a result the library did have to close twice. The Library Director and Staff have been doing an excellent job considering the circumstances.

Ms. Olson thanked Mr. Tacke for his comments and asked for any other public comment.

Ms. Trish Gardner spoke next. Ms. Gardner stated that the library has done an excellent job keeping open during this pandemic. All policies have been appropriate and necessary to secure the safety of our community. The library put these policies in place based on the current best practices. The Library has given appropriate accommodations and are in line with all current guidelines by both state and local authorities. Ms. Gardner also stated that it is the responsibility of the library, as with all business, to enforce the mask mandate.

Ms. Olson thanked Ms. Gardner for her comments and asked for any other public comment.

Mr. Brett Earl stated he was just here to listen and understand the issue.

Ms. Heidi LePard spoke next, she is a registered nurse and is the Infectious Prevention nurse at the clinic. She has worked in Great Falls for over 30 years and in Infectious Prevention for 20 years. Ms. LePard thanked the library for remaining open in these hard times. Ms. LePard also thanked Mr. Tacke for saying it was a pandemic. Ms. LePard stated that is not the flu. We are seeing a severity in patients not seen with the flu. You can spread it and be asymptomatic. There is also a long incubation period. Ms. LePard stated that the virus doesn't free flow in the body, it attaches itself to something. As a result it spreads through droplet excretions. This can be in a sneeze, through breathing, talking, singing; any respiratory excretions. This is why masks are effective in preventing the spread of the virus. Ms. LePard stated that mask wearing has been part of her career for 30 years and there have been no ill effects from wearing the mask. There are misconceptions on mask use, but they can be very effective with social distancing to keep our community safe.

Ms. McIntyre asked if anyone else on zoom would like to give public comment.

Ms. Jane Weber informed us that she has sat on the Board of Health and would like to make a few comments. She agrees with Mr. Tacke and Ms. LePard about the importance of wearing a mask to protect the community. Ms. Weber said Ms. McIntyre has done a great job accommodating those who are unable to wear a mask. Ms. Weber also stated the importance of keeping the staff of the Great Falls Public Library safe. If they are not safe then the community will not have an open library.

Ms. Olson thanked Ms. Weber for his comments and asked for any other public comment. Upon hearing none she opened for any board discussion.

Ms. Baker stated that part of her work history is in public health for over 20 years. She stated that it is a balance to do the best you can to respect everyone's rights. We need to look at the health and safety of the entire community and stay in compliance with state and local guidelines. Ms. Baker supports the work of Ms. McIntyre and the library staff to stay open and safe.

Ms. DeForest commented that if the mask only protected her she may feel differently; but the masks protect the community and is important.

Ms. McCord commented that this is a difficult time for everybody. We all just need to work together.

Ms. Olson asked if Ms. Moe had anything to add. Ms. Moe commended Ms. Short for her civility and presentation as well as her dedication to her religion. Ms. Moe would like to see conversations going forward to keep balance the varying interest.

Ms. Olson asked if there were any further discussion from the board. Upon hearing none she reminded everyone that the motion was that "the Great Falls Public Library Board of Trustees uphold the management decision requiring Rayleen Short to follow the library policy that all patrons over the age of five are required to wear a mask while inside the Great Falls public Library during the COVID-19 state of emergency."

Ms. Olson called for a vote. Motion passed unanimously.

Ms. McIntyre stated once again that she would like to open a dialog with Ms. Short to find a solution to this issue.

At this time Ms. Olson moved on to the Litigation report update. Ms. Olson asked for a motion to enter into Executive Session.

Ms. McCord moved that the Great Falls Library Board of Trustees enter into Executive Session. Ms. Baker seconded the motion. Ms. Olson opened for any board discussion or

public comment. Ms. Olson asked if there were any questions, upon hearing none she called for a vote. Motion passed unanimously.

*** Executive Session Begins ***

[REDACTED]

*** Executive Session Ends ***

Ms. Olson stated that Ms. Crosby gave the board an update on the litigation involving Ms. Jada Ku.

XI. PUBLIC COMMENT

There was no other public comment.

XII. ADJOURNMENT

Ms. Olson asked if there were any other questions; upon hearing none she would entertain a motion.

Ms. Baker moved that the Great Falls Library Board of Trustee adjourn the meeting. Ms. DeForest seconded the motion. Ms. Olson opened for any board discussion or public comment. Upon hearing none Ms. Olson called for a vote. Motion passed unanimously.

Ms. Olson adjourned the meeting at 6:26pm.