ROLL CALL
Board Members Present: Rachel Anderson, William Baldridge, James Botts, Sophia Brewer, M. Jade VanderVelde, Caralee Witteveen-Lane

Board Members Absent:
Administration Present: Robert Adcock, Marla Ehlers, Jason Hendrix, Kristen Krueger-Corrado, Briana Trudell, Marcia Warner, Patrick Beatty,

Staff Present: Julie Beukema, Jeanne Clemo
Public Present: Steven Assarian, GREIU; Josh Naramore, City of Grand Rapids; Dan Poortenga, GRPLF; Jessica Wood, City Attorney’s Office

PUBLIC COMMENTS ON AGENDA ITEMS
No comments.

SERVICE AWARDS
The board thanked staff for their service.

APPROVAL OF MINUTES OF THE REGULAR BOARD MEETING ON FEBRUARY 27, 2018
MOTION: By Commissioner VanderVelde, supported by Commissioner Anderson, that the Board of Library Commissioners of the City of Grand Rapids approve the minutes of the regular board meeting of February 27, 2018.
ACTION: AYES 6 – 0
Motion passed.

BOARD COMMENTS
Botts stated that he wanted the board to think of changing the name of the Seymour Branch to Alger Heights Branch.

Baldridge read a prepared statement to the board regarding the parking lot at the Main Library and the correspondence from Jessica Wood (Exhibit A).

MOTION: By Commissioner Baldridge, supported by Commissioner Brewer, that the Board of Library Commissioners of the City of Grand Rapids accept the letter from Commissioner Baldridge, the communication from Jessica Wood, and the Citizen Board or Commission Member Handbook with the selected parts thereof be entered into the official minutes in their entirety for posterity.
ACTION: AYES 6 – 0
Motion passed.
6. COMMITTEE REPORTS

No comments.

7. STAFF & FOUNDATION REPORTS

A. Statistical Report for February 2018

No comments.

B. Staff Changes Report

No comments.

C. Interim Library Director's Report

Warner explained that she had given the board a printed copy of the Urban Libraries Council full page ad regarding the signed statement for race and social equity that the board had previously voted to adopt.

D. Financial Report

No comments.

E. Foundation Update

Poortenga reminded the board that the White Glove event is April 18 and encouraged board members to buy tickets.

8. OLD BUSINESS

A. Parking Lot Update – Jessica Wood Correspondence

Botts told the board that he and Warner met with Peter Schmidt from Varnum Law and that Schmidt is waiting for Wood’s response before giving the board his opinion.

Baldridge requested that his statement be sent to Schmidt as well.

9. NEW BUSINESS

A. Director Contract

Witteveen-Lane asked if McNaughton’s review would be in April and not the normal December since that is when he will start. Baldridge stated that the policy may have set time and the board can update the policy to be neutral. He will look into it and bring it to the next meeting.

MOTION: By Commissioner Witteveen-Lane, supported by Commissioner VanderVelde, that the Board of Library Commissioners of the City of Grand Rapids agree to approve the director contract and for John McNaughton.

ACTION: AYES 6 – 0

Motion passed.
B. Ivory Lehnert Resignation

MOTION: By Commissioner VanderVelde, supported by Commissioner Baldridge, that the Board of Library Commissioners of the City of Grand Rapids accept the resignation of Commissioner Lehnert.

ACTION: AYES 6 – 0

Motion passed.

Botts stated that the board should be ready to discuss the candidates for the vacant board seat at the next board meeting.

C. Union Negotiation Update

MOTION: By Commissioner Baldridge, supported by Commissioner VanderVelde, that the Board of Library Commissioners of the City of Grand Rapids approve the collective bargaining agreement extension with the GREIU for Rank & File unit employees of GRPL, effective July 1, 2018.

Hendrix explained that this contract will be through June 2019 and will align the library’s contract with the city’s contract.

ACTION: AYES 6 – 0

Motion passed.

MOTION: By Commissioner Baldridge, supported by Commissioner Anderson, that the Board of Library Commissioners of the City of Grand Rapids approve the collective bargaining extension agreement with the GREIU for Supervisory unit employees of GRPL, effective July 1, 2018.

ACTION: AYES 6 – 0

Motion passed.

MOTION: By Commissioner Anderson, supported by Commissioner VanderVelde, that the Board of Library Commissioners of the City of Grand Rapids approve the presented benefit and wage changes for non-represented employees of GRPL, effective July 1, 2018.

ACTION: AYES 6 – 0

Motion passed.

MOTION: By Commissioner Baldridge, supported by Commissioner Brewer, that provided the collective bargaining agreements are approved, the budget for Compensation Expenditures for FY 2019 be increased by approximately $40,000 to create budget authority for payment of a lump sum of 2% of employee wages plus pension and payroll tax expenditures applicable to such wages.

ACTION: AYES 6 – 0

Motion passed.

10. INFORMATION ITEMS

A. Media Index

No comments.
B. *Board & Administrator, March 2018*

No comments.

C. *Tax Abatement Updates*

No comments.

11. **GRAND RAPIDS EMPLOYEES INDEPENDENT UNION**

No comments.

12. **AGENDA ITEMS FOR REGULAR BOARD MEETING: APRIL 24, 2017**

- PLA Report from Anderson and Botts
- Board Replacement discussion
- Board Policy Update

13. **PUBLIC COMMENTS**

No comments.

Meeting adjourned at 4:36 pm.
March 26, 2018

William Baldridge, Commissioner  
City of Grand Rapids – Board of Library Commissioners  

I have read the communication from Jessica Wood to Marcia Warner (acting Director) and James Botts, President of the Board of Library Commissioners. I in no way agree with the conclusions except in the stated City’s preference to work cooperatively with the Library.

First, the question of management and control as spelled out by the Grand Rapids City Charter was all inclusive and calls for a conclusion of the stated purpose in the City’s having established an at large elected Board of Library Commissioners independent of the Grand Rapids City Commission. The question was not to be restricted to the current question of the Library Parking Lot but of all library properties. If as seems to be stated by Ms Wood the control and management is vested with the City Commission, there can be little purpose for the Board of Library Commissioners and calls into question the meaning of the City Charter.

Ms. Woods fails in her reading of the resolution of 1995. This was not a granting of management and control it was a reaffirmation that the Board of Library Commissioners had control and management of the property. As such, the remaining sum requirements for repairs and upkeep were transferred to the Board of Library Commissioners as there was separate funding approved by an Amendment to the City Charter for Library operations. This reaffirmation of control and management over Library properties had no stated time as it was based on the role of the Board of Library Commissioners spelled out by the City Charter. At no time has the Library held a deed for any of the properties including the original Ryerson Library building (these have always been held by the City just as the deed for the former Creston Branch library was held by the City but required the Board of Library Commissioners to take action to transfer management and control back to the City.) Further, to my knowledge, there has never been a successful attempt on the part of the City Commission to repurpose Library properties managed and controlled by the Board of Library Commissioners without the Board of Library Commissioners relinquishing this control and management after the properties are no longer needed for library purposes. It would be my understanding that if the City Commission wishes to revoke authority assigned by the City Charter they would need to do so through an Amendment to the City Charter taken to the voters for approval. Such a measure taken to the voters would need to redefine the purpose of the Board of Library Commissioners.

As to the question of revenues from the lot. These were always collected for the Library. However, until the Library received separate funding through a Charter Amendment vote held in 1993, all funds collected on behalf of the library went into the general fund. The Grand Rapids Public Library, while having a small allocation in the original charter and also receiving funds from the State of Michigan Penal fines (which were also placed in the general fund) was operated under a budget established from the general fund allocated by the City of Grand Rapids and controlled and managed by the Board of Library Commissioners. All leases, while managed through the parking authority, until the separate funding was established under the change in the Charter, were still approved by the Board of Library Commissioners. This included the assumption of the original lease between Ellis Parking and the YMCA at the time of the purchase of the property with funds from the bonding under PA305, 1919 (which was explicit in its language about the purposing for library use). Every subsequent lease arrangement has been approved by the Board of Library Commissioners even before the City Commission reaffirmed the control of the Library Parking Lot in 1995. The City has not had
budgetary oversight over the Library since the Charter change in 1993 granting separate funding for the Library. Thus, I am not sure where this claim has its basis other than a routine signing off?

The Board of Library Commissioners with direction and language from both the City and the State of Michigan went to the voters both for a Charter change granting a perpetual operational millage and to the voters for a bonding millage to secure, control and maintain properties and make library property improvements for the citizens of Grand Rapids. Thus it was that the Library Parking Lot at the Main Branch was included in the revitalization of the Library which included landscaping, lighting, security cameras, communication links and surfacing. There is a moral obligation if not a legal one to honor the commitments to the citizens of the City of Grand Rapids who have shown their support for their Library over the years. While the Board of Library Commissioners does not have a perpetual claim or any claim for that matter to ownership of the deeds for City properties, there is definitely a claim to managing and controlling these properties until they are no longer needed by the citizens of the City of Grand Rapids who do ultimately own the properties, until such time as the citizens should direct that these properties are no longer needed through their elected Board of Library Commissioners on matters related to Library properties or by Charter revision.

It needs to be mentioned that part of the rationale for the purchase of the parking lot from the YMCA was for potential expansion. What was specifically mentioned at the time was for space for the historic archives and genealogy materials. This remains a growing area as more and more businesses and organizations are turning over materials to the care of the library. Thus, it cannot be said, even by the present Board of Library Commissioners, that future needs will not necessitate expansion.

While my comments are dealing with the management and control of properties intended for library purposes, they do not preclude a desire to work on behalf of the citizens to better serve their library needs through mutual agreements beneficial to the needs of the citizens for Library purposes.

However, the response from Ms. Wood seems to make it clear that no commitment for use of properties for library purposes held currently or in the future under the management and control of the Board of Library Commissioners would be honored. The Board of Library Commissioners along with the Grand Rapids Library Foundation has been reviewing the need for community rooms on the sites of some of the branches. These plans could be in serious jeopardy if the current or future City Commissions choose to repurpose properties intended for library use at any given time regardless of the City Charter or milages or bonds that may have been approved by voters for library purposes.

There is a fundamental issue at stake over why the City Charter chose not to have an appointed Board of Library Commissioners but rather an at-large elected Board of Library Commissioners? If it had been the original intent that the City Commission have control and management of properties intended for library purposes, there would have been no use for a Board of Library Commissioners elected or appointed. However, it is my contention that this separation was done with thought and intentionally regardless of who is in possession of the deeds. I cannot and will not agree to the summary findings presented in the communication to Marcia Warner and James Botts by Jessica Woods. I do not feel I was elected by the citizens of Grand Rapids to see library properties repurposed without the consent of the people through their elected Board of Library Commissioners and in non compliance with Board Policy. Should the findings of Ms Woods be accepted, the City Commission and the Board of Library Commissioners may consider this to serve as my letter of resignation effectively immediately.

Dated: March 28, 2018  Signed: [Signature]
Subject: Summary Response to Library Board Questions Regarding Parking Lot
From: "Wood, Jessica" <jwood@grand-rapids.mi.us>
Date: 3/20/18, 9:18 AM
To: Briana Trudell <btrudell@grpl.org>

Dear Marcia and Jim,

I have drafted summary answers to the questions as presented by the Library Board of Commissioners. I cannot overemphasize the City’s preference to work cooperatively with the Library to develop the parking lot. For so many years, the City – Library partnership has worked remarkably well and it is not the City’s desire to rely on divisive legal arguments at this juncture.

As I mentioned at your Board meeting, the law in this area is murky, and the longevity of the Library (a testament to its strength and importance to the community), necessitates a review of its historical background.

That being said, the questions, as posed by the Library Board, require that legal conclusions be reached. So to that end, here is a summary of my analysis.

I am happy to flesh these conclusions out in a more detailed legal opinion and also to provide all of the documentation and research relied upon. I have reviewed all of the documentation surrounding the Library, including resolutions, correspondence, the City Charter, and related contracts and memos. I relied heavily upon the legal opinions of Phil Balkema, Mike McGuire, and Dick Wendt. After reviewing this summary, please tell me what else you need from me.

Please note that, as of now, it is my understanding that the City Commission briefing on this matter has been postponed until May 1 so that we may continue discussions.

Thank you.

Sincerely,

Jessica

Questions presented by Library Board of Commissioners:

1. What does management and control mean in relationship to the downtown parking lot?
2. What control does the City have over the operation of Library property?
3. If the City were to repurpose any Library property for another use, what would the City’s obligation be to the library?
4. Please put in writing the City’s position that you have documented in your discovery and the responses to these three questions.

1. “Management and control” of the City owned parking lot was, at the Library Commission’s request, granted to the Library Board pursuant to City Commission resolution dated April 4, 1995. Such grant of authority is inherently limited in duration to the length of time the City Commission wishes to grant such authority and that same authority may be revoked as easily as it was granted, by resolution. To my knowledge no actual deed or other documentation exists evidencing any intention to transfer any perpetual or ownership rights to the Library. Thus, the grant of authority over the parking lot was limited to the time during the period at issue—from the date of the resolution until the time such authority is revoked, and it means that
the Library Board was empowered to manage and control the lot, and impliedly within that control, was allowed to keep the revenues earned while the lot was managed. (Note that this assertion—that the Library could keep the parking lot revenues—contradicts at least one existing legal opinion which concludes that those revenues should go/should have been deposited into the City ’s general fund.) Regarding the Charter language which also gives the Board of Library Commissioners the right to manage and control the public Library and all property and assets belonging thereto, devoted to, or intended for Library purposes, it is all premised on the idea that the City decides what the Library manages and controls and what is devoted to, or intended for, Library purposes. Ultimately, in the opinion of special City legal counsel Dick Wendt, with which I concur, “the City Commission, as owner of the property, is the final decision maker as to whether the property is to be or continues to be devoted and intended for Library purposes” and “such intended use may change over time (and likely will) as determined by the City Commission as title holder of the property."

2. I hesitate to speculate beyond the matter at hand, which involves the ownership and use of the parking lot property in particular (see conclusion under number 1). As holder of title to the property, the City has, through budgetary oversight, ultimate control over the parking lot property operated by the Library. Note that the question is phrased such that it refers to “Library property”, however, some existing legal opinions conclude that in fact the Library itself does not own property, rather, the City owns property and allows the Library to manage much of it. In the absence of any deeds or documentation to the contrary, I agree. Hypothetically, the City could choose to dispose of property the Library Board controls, or could cease funding it. This is not to say that this is, or ever has been, the City’s intention.

3. This question is not entirely clear. Again, however, the City owns the parking lot property used by the library. From a purely legal standpoint, therefore, the City could choose to repurpose property owned by the Library so long as deed restrictions and other legal limitations were not in play. With regard to the parking lot in particular, the authorization for the millage levied to purchase the lot is not clear. In the course of our discussions, several references have been made to Act 305 of 1919 as the authority to levy the one time millage that was used to purchase the property when it appeared that it would be used for Library expansion; similarly, references have been made to the restrictive language within Act 305. Notwithstanding those references, there is absolutely no evidence that any bonds were issued pursuant to that Act (and the issuance of bonds is primarily what the Act authorizes) and clearly the Library building itself was not expanded. For several reasons, including a close examination of Act 305 of 1919, and correspondence between the City Manager at the time and the Library Director, and other supporting documents, I believe that the levy is more accurately characterized as a general levy for Library purposes. Even if Act 305 was properly relied on for the levy at the time, its use does not give any special protection to the Library in the perpetual retention of this lot.

To summarize, it is the City ’s sincere hope that the City and the Library can work together to adapt to the growing needs of both parties. Furthermore, whatever development occurs at the site, the parking lot will continue to be used for Library patrons and employees.

Thank you.

Jessica L. Wood
Director of Municipal Affairs
Department of Law
CITY OF GRAND RAPIDS
300 Monroe N.W.
Citizen Board or Commission Member Handbook

Statement of Privileges and Duties

Select pages provided to the GR Board of Library Commissioners by Commissioner William Beldridge

March 27, 2018
Multiple Roles

General Description of Duties

Boards and Commissions with multiple roles are required to fulfill more than a single function. The general duties of the body include two or more types of functions. More detailed descriptions of the specific roles indicated in parentheses for each of the Multiple Role Boards and Commissions can be found in the descriptions of the functions of the single role Boards and Commissions found on the preceding pages.

Board of Library Commissioners - (Quasi-legislative and administrative).

The Board is a unique body established by Title XII of the City Charter and is elected by the people to have the entire management and control of the Public Library of Grand Rapids. The Board is empowered to employ a staff for the Library as it sees fit and determines the staff's compensation. The Board is the "department" head of the Library and has authority not generally granted to departments to independently manage the Library as it sees fit.

City Planning Commission - (Advisory, quasi-legislative, quasi-judicial, administrative).

The City Planning Commission is a body required by state law which prescribes most of its duties. One major duty is development of a Master Plan for the City of Grand Rapids. This is a quasi-legislative function as are several types of approvals (plats, streets, etc.) that the Planning Commission must give before construction may commence. An important additional advisory duty is to consider and recommend changes to the zoning ordinance. The Commission has the responsibility of approving public improvements in planned areas. The Commission has, by law, the authority to appoint the Planning Director and other necessary employees - an administrative function. There are several kinds of "permitted with approval" uses that the Planning Commission must consider when acting in a quasi-judicial capacity.

Civil Service Board - (Administrative, quasi-judicial and quasi-legislative).

The Board is established by Title VII of the Charter to set rules and regulations for administration of the Classified Service (all City employees except for the elected officials, members of appointive boards and certain higher-ranking appointed officials). The Board is administrative in that it oversees the operation of the Civil Service System. It is quasi-legislative in that it establishes a code of rules and regulations for the System. It is quasi-judicial in that it conducts hearings and makes decisions on contested matters within its purview. Many of the Board's functions have been superseded as a result of collective bargaining.
**Special Purpose Boards (Continued)**

**Urban Forestry Committee**

A special purpose body established to promote health, safety and a healthy urban tree scape. Authorizes the removal of diseased trees, shrubs and plants and their appropriate replacement.

**Urban Agriculture Committee**

A special purpose body established to educate members of the public about the benefits of urban agriculture, aid policy makers in development of public infrastructure, and advise City on efforts to integrate health, nutrition, food production, food access, and agricultural economies.

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**Unique Boards and Commissions**

Some Boards and Commissions have, by virtue of provisions of the City Charter or state law, a different relationship to staff. These are:

**Board of Library Commissioners**

This Board is a unique body established by Title XII of the City Charter and elected by the people to have the entire management and control of the Public Library of Grand Rapids. The Board is empowered to employ a staff for the Library as it sees fit and determines the staff’s compensation. The Board, usually acting through the Library Director, has direct authority over the employees of the Library. The Board is the "department" head of the Library and has Charter-granted authority not generally granted to other Boards and Commissions to independently manage the Library as it sees fit.

**Grand Rapids Housing Commission**

The Housing Commission is a special purpose body created by the City Commission under a state enabling law that provides for a Commission to act to provide housing for low-income and people and to eliminate poor housing conditions. The Commission is empowered by the State law to appoint an executive director and other employees as necessary. It also has the power to set the duties of its employees and, with the approval of the City, to determine their compensation. Employees of the Housing Commission are, through the chain of authority established by the Housing Commission, responsible to the Commission.

Members of these unique Boards and Commissions function somewhat differently with respect to both their duties and how they relate to City staff. Even these Boards do not have operational control of staff but normally operate through the Director or another senior employee when dealing with staff. This assures the maintenance of an orderly chain of authority and minimizes the potential for conflicting directions.
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<th>Number of members</th>
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<td>Board of Art &amp; Museum Commissioners</td>
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<tr>
<td>City-County Building Authority</td>
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<tr>
<td>City Planning Commission</td>
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*The Service Limitation is six years or two consecutive terms (whichever is longer)

**The Service Limitation is three consecutive terms

***The Service Limitation is three consecutive full or partial terms or a total of six years

Revised 1/12/17