

May 19, 2021, 4:00-5:37, Zoom

Friends of the Library & Library Trustee MOU Committee

Members Present: Jennifer Alexander, Jane Pitts, Judy Putnam, Jill Cielinski, David Meader, Mike Chelstowski,

Staff Present: Marti Fiske, Attorney Tom Mullins

Public Attendance: Paul Ledell, Sally Rinehart, Jan Manwaring, Lou-Anne Beauregard

- I. Chair Alexander read the "Statement of Authority for Conducting a Meeting Electronically."
- II. Chair Alexander started the meeting at 4:02. Roll call attendance of members was taken.
- III. Jane Pitts moved to approve the May 4, 2021 minutes, Judy Putnam seconded, and it passed unanimously.
- IV. Conversation with City Attorney Tom Mullins

Attorney Mullins recognized the relationship between the KPL Trustees, Friends of the Keene Public Library (Friends), and the City of Keene as the Friends being a private, 501(3)(c) interacting with 2 public bodies that need to comply with RSAs. It was acknowledged that it is the Trustees responsibility under state law to accept and expend funds via a process that provides transparency for the public.

The concerns that brought us together to work out the details of a Memorandum of Understanding (MOU) are:

- The reimbursement process to a library staff member not being in accordance with compliance of state laws.
- The need for Trustees to formalize the process of accepting and expending funds to comply with state laws so that the process is public and transparent.

The goal of the MOU Committee is to formalize these and other processes, so they comply with RSAs while preserving the positive and supportive relationship between the Trustees and Friends. It was noted that the first concern has been resolved by the Trustees by obtaining a P-Card (like the ones used by the City) for staff members and the Trustees.

Attorney Mullins noted that there are 4 different types of funds which the Trustees manage: those that go directly into the budget which goes to the City and must meet RSA requirements; funds from investments; funds from library resources; and donations. All funds need to be formally accepted by the Trustees via a process that meets RSA public notice requirements. He also noted that the Trustees are currently working to formalize the Trustees authority to accept funds, inclusive of unanticipated funds, and gifts of personal property, in city code. Funds donated by the Friends are currently considered as "unanticipated" funds.

Attorney Mullins informed the committee that unanticipated funds or personal property valued at less than \$5000 can be accepted by the Trustees at a regularly scheduled meeting without providing notification in the local newspaper. A public hearing, together with Notice in the local paper of the time, place and subject of the hearing, is only required when accepted funds are over \$5000. The Notice must be published at least 7 days before the hearing is held. This requirement is necessary for public transparency. The Trustees may accept donations of personal property valued over \$5000 after a public hearing.

Attorney Mullins answered a number of questions asked by MOU Committee members and Friends/Trustees who were in attendance.

Moving forward with the work of the MOU, the committee will need to discuss the pros and cons of policies, processes, and procedures for the acceptance and expenditures of funds provided by the Friends. There are a number of different ways to accept the funds depending on whether they are considered unanticipated funds or funds that directly go into the budget. Some sort of hybrid process is possible. The committee will need to discuss these, and choose the best, least complicated path forward that will meet RSA requirements and preserve the positive relationship between the 2 groups.

Library Director Marti Fiske reminded the committee that a solution was needed to satisfy the budget requirements by July 1, 2021. It was agreed the Friends would hold an emergency meeting to determine an amount which can be included in the budget. The Trustee Finance Committee will forward this to the full board for their recommendation.

The MOU Committee agreed they would continue with the work of formalizing necessary policies, processes, and procedures, and writing MOU language after September 1, 2021.

V. Chair Alexander adjourned the meeting at 5:37.