



**Board of Trustees Meeting**  
Tuesday, October 21, 2008 5:30 p. m.

**MINUTES**

President Burtch called the meeting to order at 5:30 p.m.

**IN ATTENDANCE**

BOARD MEMBERS: John Burtch, Bryce Kurfees, John Magill, Charles Motil, Brian Perera and Amy Sharpe.

ALSO PRESENT: Ann R. Moore, Director; Kate Porter, Assistant Director; Sylvia Gillis, Legal Counsel; John Forgos, Owners Representative and Nancy Roth, Administrative Secretary.

**PERSONNEL**

Burtch said that there was no need for an executive session for the personnel items to be discussed. He said these items include –

- The need for a contract with Lynda Murray
- Appointment of an interim Fiscal Officer
- Agreement with Terri McKeown, current Fiscal Officer

Burtch said that he had spoken to McKeown and that she has agreed to make herself available to assist in year end fiscal duties a few hours each week. Burtch said that this could run through approximately January 15, 2009. He said that Mary Ludlum from Grandview Heights Library has requested that the first ten days McKeown is in their employ, she not split her time with UAPL. He said this was reasonable. Burtch said that the library will need to negotiate a contract or agreement with McKeown for her services.

Magill said that the library should prepare a contract or agreement with McKeown to maintain the policy agreed to at the last Board meeting of having a contract for all work done on the library's behalf. He said that he would also prefer to see a corrected contract with Lynda Murray before approving that action.

Burtch said that Murray has made some revisions in the Fiscal Officer's job description. He said that the Board should not act without seeing a revised contract, but that he would like a sense of consensus from the Board as to whether the library should involve Murray in the search for a Fiscal Officer. Burtch said that the work the library has already completed on the job description

constitutes about 1% of the job outlined by Murray. He said the cost of the services will be about 10% of the salary of the Fiscal Officer.

The Board did agree to proceed with developing a contract with Murray for consulting services in the search for a new Fiscal Officer

**Perera made a motion to appoint Assistant Director Kate Porter to the position of Fiscal Officer on an interim basis effective November 6, 2008. Magill seconded the motion. VOTING AYE: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. VOTING NAY: None.**

It was noted that the bond for Porter can quickly be changed from McKeown. Kurfees suggested that the Finance Committee meet with McKeown to discuss priorities for the use of McKeown's time. Moore noted that such a meeting has already been scheduled. Burtch said that McKeown is in the process of formalizing procedures in writing and training the Deputy Fiscal Officer.

#### **PAYMENT OF ADULT SERVICES WORK**

Moore said that Sylvia Gillis was present to advise the Board regarding the payment request from John Forgos. Gillis confirmed that her purpose was to give comfort to the Board that it was appropriate and legal to offer payment to Forgos without a contract having been in place for the work undertaken. Gillis said that she applauded the Board's goal of always having a contract in place, but that non-contractual work was still legitimate. She noted that the work had been done and that the library did receive a product as a result of the work, so payment could be made.

**Perera made a motion to approve and authorize the payment of \$5,320.00 to John Forgos for services relating to the lighting problems in the Adult Services area. Kurfees seconded the motion. VOTING AYE: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. VOTING NAY: None.**

#### **OWNER'S REPRESENTATIVE AGREEMENT**

Moore said that the agreement for Owner's Representative was based on the proposal submitted by Forgos. She said that Sylvia had prepared it and reviewed the work. Moore said that she and McKeown and Gillis had discussed some changes to the agreement yesterday and the amended agreement was ready for review by the Board.

Gillis said that the Board is engaging an Owner's Representative for the entire project, but that the project is two-phased. She said the changes in the agreement were made to clarify the phased nature of the project. She said that Forgos has set the cost for his services for the pre-bond phase. She said that when the second phase of the project is undertaken following a successful bond

issue, the Board can then negotiate with Forgos to define compensation and additional services. Forgos indicated that he is in agreement with the contact.

Magill said that he would like to defer a decision on the matter to later in the meeting so that he can study the proposal.

Burtch thanked Gillis for her assistance above and beyond the call of duty, having worked on the agreement while out of town on a family matter.

## **PLANS FOR PHONE INTERVIEWS WITH CLIENT-LIBRARIES**

Moore said that arrangements have been made for four conference calls the next day with one client-library for each candidate. She said that additional calls will be made so that the library can interview two client-libraries for each candidate. She said that she, Porter, Forgos and Sharpe will be conducting the phone interviews.

Magill said that he would prefer a written response from the client-libraries in order to ensure consistency, fairness and continued transparency of the process. He noted that Board members who are not a part of the interviews would be at a disadvantage; being unable to gauge the nuances of the conversation.

Motil said that he is comfortable with the group conducting the interviews and trusts them to summarize and interpret the conversations held. He said that connotations and nuances are absent from written responses and that the library might miss important information or avenues of conversation.

Burtch said that a summary prepared by the groups would be acceptable to him. He said that he agreed with Motil that oral conversations contain more meaning. Sharpe noted that she has revised the questions to be shorter to allow a more free-flowing conversation.

Kurfees suggested that that the telephone conference calls could be taped with the participants agreement so that interested Board members could review the source information if they wished. Perera suggested that the Administrative Secretary could take notes during the calls.

Burtch said that he would be concerned about the chilling effect that taping might have on the conversations. He said it is more important to get good information.

Porter said that the calls were intended to be informal conversations.

Magill said that this was not an informal process but a function of government. He said that transparency of the process takes precedence over functionality.

The Board asked for input from Gillis. Gillis said that reference checks generally use a simple set of questions that are the same for all the references and posed by the same person or group. She said that the free flow of information is desirable and that each response will have a different flavor based on the experiences of the respondent. She said that she has never taped those reference conversations and tries not to make them too confining.

Gillis noted that the purpose – obtaining information – can be accomplished without formality. She said that taping would have a chilling effect on the interview. Perera noted that the results and information will become public record at some point when the results are discussed at a committee or Board meeting so that the public will have access to the information obtained.

Moore informed the Board of the four client-libraries scheduled for interview. They are:

Gahanna Branch of CML	-	Acock
Euclid Public Library	-	Holzheimer, Bolek and Meehan
Granville Public Library	-	DesignGroup
New Castle Public Library	-	K. R. Montgomery

#### **INFORMATION FROM LEGAL COUNSEL**

Moore said that she has talked with Gillis and with Becky Princehorn. She noted that the Board had concerns about what information or materials they were expected to present to UA City Council in November. Moore said that Gillis had helped her understand the process and was prepared to explain it to the Board.

Gillis said that it may seem counter-intuitive that the library would go to the City Council without a precise plan, but that this is normally the way it is done. She explained that entities do not want to incur the expenses involved in detailed architectural design and drawings for preliminary work. She said that those expenses can end up being money thrown away if the bond issue fails to pass.

Gillis said that the request can be based on the work from the planning study which includes Forgos' cost estimate. She said that ideally an architect should be selected before the first presentation to the city, but the real show would be at the January 26<sup>th</sup> City Council meeting. Moore noted that a revised Timetable of Action has been provided by Becky Princehorn. Moore said that these dates have been confirmed with Princehorn and Tom Lindsey, UA City Attorney.

Perera said that he has concerns about what to tell the community when they ask what the library is going to do. Moore said that the community should be told the truth without promising specifics – that the library has determined needs based on their input for better adult services space, improved circulation area, better teen space, increased energy efficiency, increased public computer access, etc.

She said that the public can be informed that more details will be given to them as planning progresses and the project gets closer to reality.

Forgos said that he is in the process of putting together a summary of what the architects will be going through at the various stages of the project. He said that this should help the Board to understand the process and to answer questions. He said that he will have a revised budget by November 24<sup>th</sup> and that he hopes to be able to refine this with the selected architect before then.

Burtch said that he believes that the steps needed to put a bond issue on the May ballot are in place and the needed information is available. He asked Gillis if the issue can be removed from the ballot later in the process if for some reason the Board decides there is a reason not to go forward. Gillis said that there might be costs assessed by the Board of Elections if the issue is removed after January 26<sup>th</sup>, but that it can be removed from the ballot. It was noted that Princehorn will formulate the actual language of the bond issue and calculate the interest rate.

Burtch said he again believes that having the bond issue on the May ballot is an attainable goal. Kurfees said that it sounds like a good plan. He drew the Board's attention to information from the Financial Times that indicates that municipal bonds are becoming more desirable which should have a positive effect.

Burtch thanked Gillis for her clarification.

Magill noted that he had disagreements with the conclusions reached in the Snyder study. He asked how this would affect the design. Burtch said he had asked Princehorn about this. He reported that she said the Board is not bound by the planning study in any way. He said the plans can be revised at any time, even after the bond issue. Forgos noted that Snyder's study was meant to be an example of what the Board COULD do, not necessarily what the Board WOULD do.

Magill said that if the cost estimates were based on the information from the planning study it would follow that the conclusions of the study – would have a bearing on the bond issue. Forgos said that cost estimates are based on the cost of “things” not conclusions of the study. He said that the planning study demonstrates the needs and the architect and designer would then generate the specifics of how the funds and/or space should be allocated. He said the request put forward to City Council should be based on what we feel we need to be a good library and that costs will be assumed from there.

## **OWNER'S REPRESENTATIVE AGREEMENT - REVISIT**

Magill said he was prepared to discuss the proposed agreement with Forgos for Owner's Representative services. Magill suggested clarification of items #7 and

#8 on page 2 to clarify that the owner's representative will interact with the architect. He noted that the owner's representative is expected to be the library's advocate and that he should interact with the architect, but act independently from the architect.

Magill suggested that items #3 and #4 on page 3 appear to assume that the bid packages are developed in consultation with the architect and that the owner's rep coordinates the project with the project manager. Magill said that it should be made clear that the architect is not left out of the process.

Magill said that item #7 on page 3 should also contain parallel language to ensure the understanding that submittals of bills are given to Forgos and the architect at the same time.

**Motil made a motion to approve the agreement with the noted amendments for Owner's Representative services from John Forgos Associates, 4350 Hayden Run Road, Dublin, Ohio 43017. Sharpe seconded the motion. VOTING AYE: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. VOTING NAY: None.**

## **REVIEW OF PHONE QUESTIONS FOR CLIENT-LIBRARY INTERVIEWS**

Sharpe distributed a list of the questions that she proposed to ask in the conference call interviews with client-libraries. There was a free-ranging discussion among the Board members about the topics and style of questions to be used by the interviewing group. Sharpe said there were four general areas to be covered:

- Questions about design issues.
- Questions about the organizational issues and interaction issues.
- Questions about functionality of the end product
- Questions about the general experience of working with the architect.

After receiving the input from the Board, Sharpe said that she would make revisions to the list of questions and email them to the board members. Magill asked how the Board would get further information about the conference calls. Sharpe said that the group would prepare a consensus reaction and summary of each interview and email those to the Board when the interviews are completed.

Moore asked how many candidates the Board was planning to interview. Burtch said that the Board will need to see the results of the reference interviews, but that he would like to eliminate one more firm from consideration. He said that if they all seem to be strong contenders the Board should interview them all. He suggested Lynda Murray be informed of the final candidates names to get her reaction if any.

The Board discussed when it would be possible to plan for interviews. After some discussion, it was determined that finalists would be invited for interviews on Monday, November 3, 2008. The Board instructed the Administration Office to notify the four finalists that interviews would be held that day to request them to hold it open. The Board agreed that the format for interviews would be to request a 15-minute presentation from the candidates and then have 30 – 45 minutes for questions.

It was noted that selection of a final candidate leads to fee negotiation with that candidate. If the negotiations are unsuccessful, the Board will move on to the second ranked firm. Forgos was asked what range the architect's fees for the first phase might be. He said that he would expect fees in the range of \$100,000 - \$150,000. He said the final fee might be 9% to 12% of the total project cost.

## **ADJOURNMENT**

Kurfees made a motion to adjourn the meeting. Sharpe seconded the motion. VOTING AYE: Burtch, Kurfees, Magill, Motil, Perera and Sharpe. VOTING NAY: None.

The meeting was adjourned at 6:50 p.m.

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John V. Burtch, President

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Amy P. Sharpe, Secretary