



AGENDA – Library Board Meeting - Amended

Library Board Member Todd Carpenter, Chair
Library Board Member Ashley Lee, Secretary
Library Board Member Meredith Sager McNett
Library Board Member Christy Jepson
Library Board Member Heather MacKay

CITY OF SARATOGA SPRINGS - Tuesday, April 9, 2024 at 6:30 pm

City Hall - Conference Room

1307 N Commerce Dr Ste 200, Saratoga Springs, UT 84045

Questions and comments to staff and/or Library Board may be submitted to library@saratogasprings-ut.gov

Call to Order

Roll Call

Public Input

REPORTS

1. Friends of the Library

BUSINESS ITEMS

The Board will discuss (without public comment) and may approve the following items:

1. Library Volunteer Background Check Policy
2. Library Board Minutes for March 12, 2024

DIRECTOR'S UPDATE

1. Budget
2. Policy Drafts: New Direction
3. Monthly Report Update
4. Announcements
 - a. Next Meeting: Tuesday, May 14, 2024

ADJOURNMENT

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Board Members may participate in this meeting electronically via video or telephonic conferencing.

The order of the agenda items are subject to change by the Chair. Citizens may address the Library Board during Public Input which has been set aside to express ideas, concerns, and comments on issues not listed on the agenda as a Public Comment item. All comments must be recognized by the Chair and addressed through the microphone. Final action may be taken concerning any topic listed on the agenda.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the Library Director at 801.766.6513 at least 72 hours prior to the meeting.



Staff Report - Meeting

Author: Melissa Grygla
Department: Library
Subject: Library Criminal Background Check Policy
Date: March 20, 2024
Type of Item: Resolution

Introduction:

The Library is recommending that the City Council adopt the Library Criminal Background check policy.

Background:

Due to modifications made to Utah Code § 9-7-218, a public library is now expected to implement a criminal background check policy. Changes in the code will become effective July 1, 2024, as a result the Library must adopt a Library Criminal Background Check Policy.

An update to the Personnel Policies and Procedures Manual, which is scheduled for City Council review and adoption on April 9, 2024, will allow the City to terminate existing employees who do not pass subsequent background checks.

Budget Impact:

The funding impacts of this will be negligible. Staff are required to have a new background check ran every 5 years, which costs approximately \$20.00 per check. Human Resources and/or the Library will need to track the validity of the background checks. However, most part time positions turn over about every 5 years, so it is anticipated that those costs would be necessary to fill a vacant position in that timeline.

Volunteers over the age of 18 all currently undergo a background check. Volunteer positions would also need to be tracked, which can happen in the master volunteer spreadsheet of hours. The anticipated impact of re-running these checks is the cost of 1 additional check annually, which should cost approximately \$20.00 from the existing employee benefits or education/training account.

Department Review:

Administration, City Attorney, Library.

Alternatives:

Deny the Request

The City Council could deny the request which would leave us out of compliance with state law for volunteers at this time. The result being that the Library would not use volunteers over the age of 18.

Employees would still be subject to the City's existing background check requirements in the Personnel Policies and Procedures Manual. We could consider substituting that policy to meet the policy requirements for criminal background checks for employees. Further research done by the City Attorney's office would be necessary to make a determination if that was an adequate substitute.

Continue the Request

The City Council could continue the request until a later date and time as they review the policy and the Personnel Policies and Procedure Manual. The result being that the Library would not use volunteers over the age of 18 until they can comply with the codes policy requirements

Recommendation:

Staff recommends the approval of the attached Resolution and Library Criminal Background Check Policy, provided that the appropriate changes have been approved for the City's Personnel Policies and Procedures Manual.

Attachments:

Library Criminal Background Check Policy
Resolution No. 24-##(04-09-2024).

Library Criminal Background Check Policy

1. INTRODUCTION

The purpose of this Policy is to preserve the safety and well-being of individuals utilizing the library and its services and others who utilize City owned, operated, and maintained facilities. The Policy requires criminal background checks for Library employees and volunteers over the age of 18. This Policy is intended to meet the requirements of Utah Code § 9-7-218. In the event of a conflict, the more restrictive provision shall apply so long as there is no violation of Utah Code § 9-7-218. The list of disqualifying charges (whether pending or otherwise) or convictions is listed below in Section 5.C (hereinafter referred to as “disqualifying offenses”). Use of the term “dismissed with prejudice” herein shall also include charges that were dismissed without prejudice if and only if the applicable prosecution agency clearly indicates in writing that charges will not be brought again in the future.

2. CRIMINAL BACKGROUND CHECK IMPLEMENTATION

Prior to employment or voluntary service, criminal background checks are mandatory for all Library employees and volunteers. All Library employees and volunteers are covered by this Policy regardless of whether they are employees or volunteers.

Prior to beginning their employment or volunteer service with the Library, all prospective employees and volunteers are required to undergo a criminal background check. All employees and volunteers will be required to sign a written consent form allowing the City to order an individual criminal background check.

All signed consent forms for prospective employees must be turned in to the Human Resources (“HR”) Department. All signed consent forms for prospective volunteers must be turned in to the Library Director or designee (“Director”) no later than the designated due date.

Failure to provide a completed consent form by the deadline will automatically disqualify the employee or volunteer from employment and service.

Employees and volunteers who discontinue their employment or volunteer service for longer than 6 weeks will be required to sign a new consent form for another background check to be completed.

New criminal background checks will be conducted for continuing employees and volunteers every 5 years. When a new background check is required, the employee or volunteer shall be required to sign an additional background check consent form within 5 business days of the date it is requested and prior to the Library running the background check. If a volunteer fails to meet this deadline, the volunteer’s service shall terminate automatically. If an employee fails to meet this deadline, the City shall consider termination proceedings pursuant to the City’s Personnel Manual and Utah Code §§ 10-3-1105—1106.

The Library reserves the right to conduct a background check of any library volunteer or employee at any time upon a reasonable belief the employee or volunteer has committed or been charged with a new disqualifying offense.

During the term of service of an employee or volunteer, if any criminal charges are brought through a citation, Information, indictment, or other charging document against such employee that are disqualifying offense, the employee or volunteer is required to immediately disclose the nature of the charges to the Director. Failure to notify the Director within 24 hours of such a criminal charge being brought against a volunteer will result in the volunteer's service terminating immediately. For an employee, failure to notify the Director within 24 hours of such a criminal charge being brought against the employee will result in the City considering termination proceedings pursuant to the City's Personnel Manual and Utah Code §§ 10-3-1105—1106.

3. BACKGROUND SCREENING PROCESS AND HANDLING OF INFORMATION

City administration will be responsible for selecting a reporting agency or method to conduct criminal background checks. The Library Director will administer the process of criminal background checks for volunteers. The HR Department will administer the process of criminal background checks for employees.

The HR Department is responsible for keeping the results of criminal background checks in a safe and secure location and keeping them for the time period specified in the City's retention policy or applicable law, whichever is longer. The HR Department is also responsible for ensuring that the records are kept private and are not disseminated, except for the purposes of assisting the City in making a decision as to whether Library employees are eligible for prospective or continuing employment.

a. Prospective employees

The HR Department will administer the process of criminal background checks for prospective employees. If a criminal background check for a prospective employee includes any disqualifying offense, the HR Department will receive the background check from the reporting agency and will determine if there is a disqualifying offense.

Upon receiving notification of a disqualifying offense, the HR Department will disqualify the individual in accordance with these Policies and, therefore, the individual will not be allowed to be employed. The individual who has been disqualified will receive written notification informing the individual of disqualification and of the method for disputing the results of the criminal background check and the right to appeal.

If a background check indicates that a prospective employee has pending criminal charges for a disqualifying offense, the prospective employee may not be hired until there is a resolution of the charges resulting in dismissal with prejudice or acquittal. Under no circumstances will a prospective employee be hired if the prospective employee has been found guilty, entered a plea of guilty or no contest, been found guilty in absentia, or has pending charges of a disqualifying offense.

If an employee subsequently has any criminal charges brought against them that are disqualifying offenses, the employee is required to immediately disclose the charges to the Library Director. The Library Director, HR Department, City administration, and City

Attorney's office will work together to determine if the employee will be reassigned, terminated, suspended with pay, or suspended without pay until there is a resolution of the charges in favor of dismissal with prejudice or acquittal. If the proceeding results in dismissal with prejudice or acquittal the employee may resume employment. If the charges are confirmed, the City will consider termination pursuant to the City's Personnel Manual and Utah Code §§ 10-3-1105—1106. If lawfully permissible pursuant to the City's Personnel Manual and Utah Code §§ 10-3-1105—1106, and after following all applicable due process requirements, an employee shall not be allowed to continue employment if an employee has been found guilty, entered a plea of guilty or no contest, or been found guilty in absentia of a disqualifying offense.

b. Prospective volunteers

The Library Director will administer the process of criminal background checks for prospective volunteers. If a background check for a prospective volunteer includes any of the listed disqualifications, the Library Director will receive notification that the background check revealed a disqualifying offense. Upon receiving notification, the Director will disqualify the individual from volunteer service. The individual who has been disqualified will receive written notification informing the individual of their disqualification and of the method for disputing the results of the background check and their right to respond in writing. Under no circumstances will an individual be allowed to serve as a volunteer if the individual has been found guilty, has entered a plea of guilty or no contest, has been found guilty in absentia, or has pending charges of a disqualifying offense.

If a background check indicates that a prospective volunteer has criminal charges pending of a disqualifying offense, the prospective volunteer will be disqualified from volunteer service until there is a resolution of the charges in the form of a dismissal with prejudice or acquittal.

Should a volunteer subsequently have any criminal charges brought against them for a disqualifying offense during their term of service as a volunteer, they are required to immediately disclose the nature of the charges to the Library Director, and they will be disqualified from serving until there is a resolution of the charges in favor of dismissal with prejudice or acquittal. If the proceeding results in dismissal with prejudice or acquittal, the volunteer may resume service. If the charges are confirmed, the volunteer will be dismissed and not allowed to continue service. Under no circumstances will a volunteer be allowed to continue service if a volunteer has been found guilty, entered a plea of guilty or no contest, or been found guilty in absentia of disqualifying offense.

5. DISQUALIFYING OFFENSES

An employee or volunteer will be disqualified and prohibited from serving if the person has been found guilty of the crimes listed below. Guilty means the person was found guilty following a trial, entered a guilty plea, entered a no contest plea, or was found guilty in absentia, regardless of the adjudication. Pending means the person has been charged, whether by citation, indictment, Information, or other charging document, but a resolution of those charges has not been reached. This Policy does not apply if criminal charges resulted in acquittal or dismissal with prejudice. This Policy shall apply if the charges resulted in being dismissed due to a mistrial, unless the prosecuting

attorney indicates in writing that new charges will not be brought.

- a. All sexual offenses, regardless of the amount of time since the offense. Examples include, but are not limited to, child molestation, rape, sexual assault, sexual battery, statutory rape, prostitution, solicitation, and indecent exposure.
- b. All felonies that constitute offenses against the person, regardless of the amount of time since the offense. Examples include, but are not limited to, criminal homicide, murder, automobile homicide, child abuse homicide, manslaughter, homicide by assault, aggravated assault, mayhem, kidnapping, human trafficking, and robbery.
- c. Any crimes involving children regardless of the amount of time since the offense.
- d. All felony offenses other than those against the person or sexual offenses within the past 10 years. Examples include, but are not limited to, drug offenses, theft, embezzlement, fraud, arson, and burglary.
- e. All misdemeanors that constitute offenses against the person within the past seven (7) years. Examples include, but are not limited to, misdemeanor assault, domestic violence, and hit and run.
- f. All misdemeanor drug and alcohol offenses within the past 5 years or multiple instances of such offenses in the past 10 years. Examples include, but are not limited to, driving under the influence, misdemeanor drug possession, disorderly conduct, public intoxication, and possession of drug paraphernalia.
- g. Any other offense within the past 5 years that could be considered a potential danger to children or demonstrates a propensity for violence.

Nothing in this Policy shall be construed as a waiver or limitation of the reasonable discretion of the Library to disqualify an employee or volunteer when, in the sole opinion of the Library, after consultation with City Administration, City Attorney's office, and HR Department, a charge or conviction is of such a nature that the employee or volunteer has a propensity to endanger the City, Library, public, or program participants.

6. CORRECTING ERRORS

The employee or volunteer is responsible for contacting the reporting agency and taking appropriate action to have the results of a criminal background check report corrected if they believe information was reported in error. The City and the Library are not responsible for errors or omissions that may be reported on criminal background checks.

7. RESPONDING TO AND NOTIFICATION OF DISQUALIFICATION DECISIONS

The City shall follow the following procedures for notification of disqualification decisions and opportunities to respond in writing or appeal decisions. This subsection 7 is intended to comply with Utah Code § 9-7-218, Utah Code §§ 10-3-1105-1106, and the City's Personnel Policies and

Procedure Manual (“Personnel Manual”). In the event of a conflict, the Utah Code provision or Personnel Manual shall take precedence.

- a. Prospective employees. Any prospective employee or applicant who is disqualified based on their background check will be notified that their offer letter has been rescinded and why. The prospective employee or applicant may respond in writing to the decision. The City may, but is not required to, reconsider the decision to disqualify the prospective employee or applicant.
- b. Existing employee. An existing employee with appeal rights pursuant to the City’s Personnel Manual and Utah Code §§ 10-3-1105—1106 who is disqualified pursuant to this policy shall be entitled to a pre-determination hearing, pursuant to the City’s Personnel Manual, whether to terminate the existing employee. The City shall send the existing employee notice of the pre-determination hearing and give the employee an opportunity to respond in writing and at the hearing to the decision. The City may, but is not required to, reconsider the decision to terminate the existing employee and shall at all times follow Utah law and the City’s Personnel Manual in making a decision to terminate.
- c. Existing employee with no appeal rights. For an existing employee with no appeal rights pursuant to the City’s Personnel Manual and Utah Code §§ 10-3-1105—1106, the City shall notify the employee of the decision and provide the employee with an opportunity to respond in writing to the decision of disqualification and termination. The City may, but is not required to, reconsider the decision to disqualify the existing employee.
- d. Volunteer. Any volunteer applicant who is disqualified shall be notified of the disqualification decision and provided an opportunity to respond in writing.

Adopted: April 9, 2024

Effective Date: April 9, 2024

Reviewed by Library Board: April 9, 2024



MINUTES – Library Board

Tuesday, March 12, 2024

City of Saratoga Springs City Offices

1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

LIBRARY BOARD MEETING

Call to Order: 6:32 PM by Chairman Todd Carpenter.

Roll Call: A quorum was present.

Present:

Board Members: Todd Carpenter, Ashley Lee; Heather MacKay, Meredith Sager McNett, Christy Jepson.

Staff: Carl Sachs, Librarian.

Public Input: No comments were made.

REPORTS

1. Friends of the Library. The Friends are not meeting in March, it has been cancelled.

BUSINESS ITEMS

1. Approval of Minutes for February 13, 2024

Motion made by Heather Mackay to approve the minutes of February 13, 2024. Seconded by Christy Jepson.

Yes: Todd Carpenter, Ashley Lee, Heather MacKay, Meredith Sager McNett, Christy Jepson.

No: None.

Motion passed 5-0.

DIRECTOR'S UPDATE

1. **Budget**

A budget update was provided and discussion was held regarding the budget for 2023-2024.

2. **Policy Drafts: New Direction.** A conversation was had regarding an entire policy document which will cover all of our departmental policies. It is a work in progress that will take some time to compile.

3. **In-N-Out Issues with Delivery.** Information for the cover to cover program arrived about 5 days late from In-N-Out. The program is now running, with some changes that were implemented on their reading logs. We are requiring participants have a Saratoga Springs library card.

4. **Recap Staff Training.**

The Library was closed on Saturday March 9th for staff training. Staff retrained in CPR, First Aid, the databases, assisting customers with public computers, policies and more.

5. **Groundbreaking Scheduled.** The groundbreaking for the City Hall and Library facility is scheduled for Monday, March 18th at 4:00 PM.

6. **Announcements**

- a. Next Meeting: Tuesday, April 9, 2024.

ADJOURNMENT

Motion made by Heather MacKay to adjourn the meeting. Seconded by Meredith McNett.

Yes: Todd Carpenter, Ashley Lee, Heather MacKay, Meredith Sager McNett, Christy Jepson.

No: None.

Motion passed 5-0.

Meeting adjourned at 6:45 p.m.

Date of Approval

Library Director
Melissa Grygla

Library Board Secretary
Ashley Lee

	2024 Annual Budget	2024 YTD Actuals	2024 YTD Budget	2024 YTD Variance	2024 YTD Variance Icon	2025 Total Next Year Budget
* Report Contains Filters						

10. GENERAL FUND

3600. OTHER REVENUE	-11,500	-11,497	-11,500.00	-3		0
4610. LIBRARY SERVICES	920,451	531,562	920,450.55	388,889		0
Sub Total 10. GENERAL FUND	908,951	520,065	908,950.55	388,885		0
Report Total :	908,951	520,065	908,950.55	388,885		0

Selected Filters

- Account Type
- Include - Expenditure
 - Include - Revenue

City of Saratoga Springs

3600. OTHER REVENUE Department

Account Details

for Period June

	2024 Annual Budget	2024 YTD Actuals	2024 YTD Budget	2024 YTD Variance	2024 YTD Variance Icon	2025 Total Next Year Budget
* Report Contains Filters						

10. GENERAL FUND

10-3680-276. DONATIONS - LIBRARY	-1,700	-1,662	-1,700.00	-38		0
10-3680-287. MISC SALES - LIBRARY	-1,800	-1,172	-1,800.00	-628		0
10-3680-288. FINES - LIBRARY	-8,000	-8,662	-8,000.00	662		0
Sub Total 10. GENERAL FUND	-11,500	-11,497	-11,500.00	-3		0
Report Total :	-11,500	-11,497	-11,500.00	-3		0

Selected Filters

- Account Type
- Include - Expenditure
 - Include - Revenue

City of Saratoga Springs
4610. LIBRARY SERVICES Department
Account Details
for Period June

	2024 Annual Budget	2024 YTD Actuals	2024 YTD Budget	2024 YTD Variance	2024 YTD Variance Icon	2025 Total Next Year Budget
* Report Contains Filters						

10. GENERAL FUND

10-4610-110. SALARIES & WAGES	466,093	265,983	466,093.00	200,110	✓	0
10-4610-130. EMPLOYEE BENEFITS	227,638	100,369	227,638.00	127,269	✓	0
10-4610-210. COMPUTERS &	27,700	8,213	27,700.00	19,487	✓	0
10-4610-260. BUILDINGS MAINTENANCE	3,000	331	3,000.00	2,669	✓	0
10-4610-330. EDUCATION/TRAINING	5,700	583	5,700.00	5,117	✓	0
10-4610-340. OFFICE	36,200	27,547	36,200.00	8,653	✓	0
10-4610-350. PROFESSIONAL/CONTRACT	5,800	826	5,800.00	4,974	✓	0
10-4610-400. BOOK PURCHASES	50,000	50,969	50,000.00	-969	⚠	0
10-4610-410. DIGITAL PURCHASES	87,800	69,145	87,800.00	18,655	✓	0
10-4610-500. LIBRARY PROGRAMS	10,300	1,140	10,300.00	9,160	✓	0
10-4610-550. LIBRARY GRANT	0	6,457	0.00	-6,457	✗	0
10-4610-700. CAPITAL OUTLAY	220	0	219.55	220	✓	0
Sub Total 10. GENERAL FUND	920,451	531,562	920,450.55	388,889	✓	0

Report Total :	920,451	531,562	920,450.55	388,889	✓	0
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Selected Filters

- Account Type
- Include - Expenditure
 - Include - Revenue



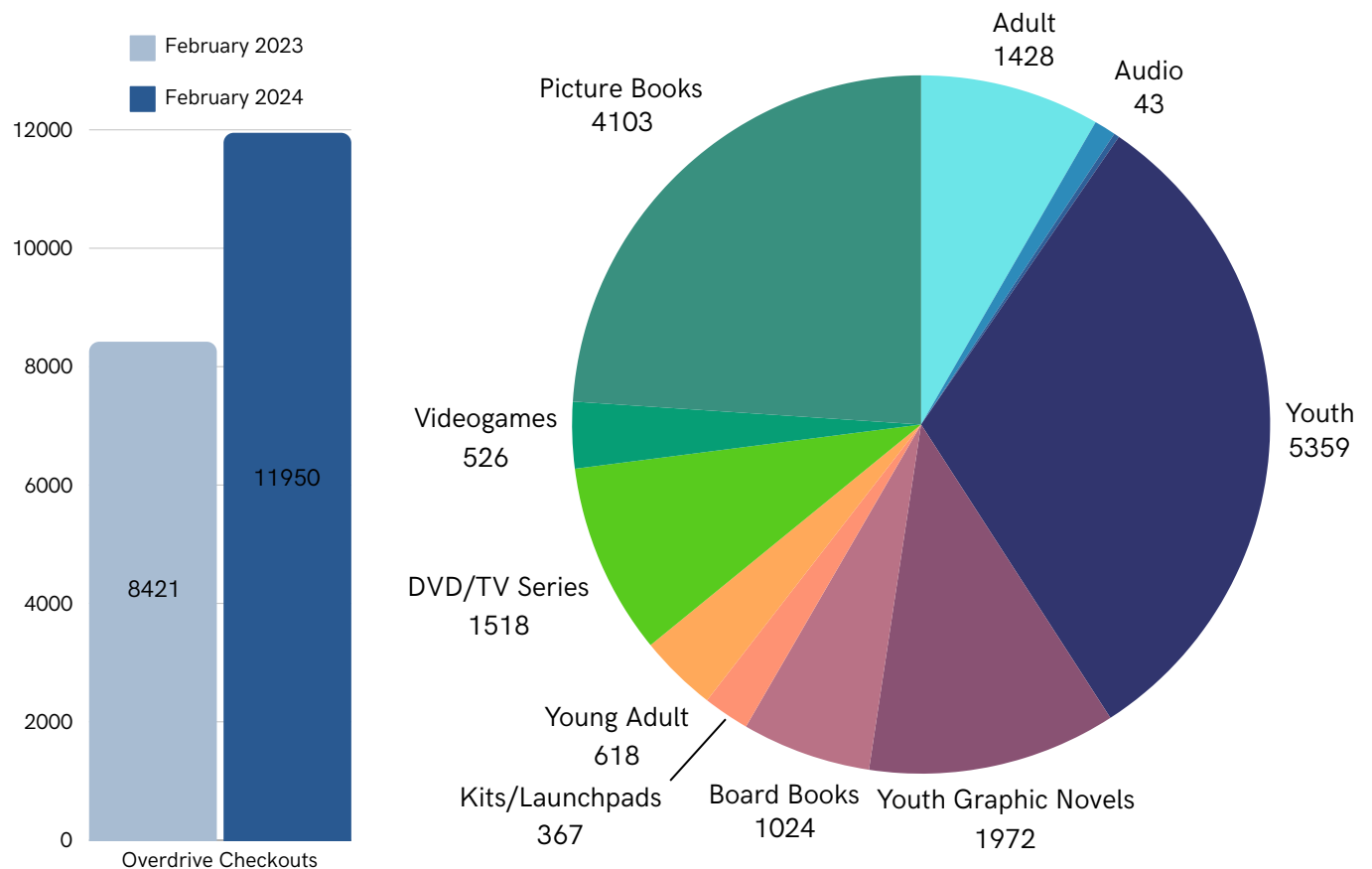
MONTHLY REPORT

FEBRUARY 2024

CIRCULATION

Circulation by cardholder type

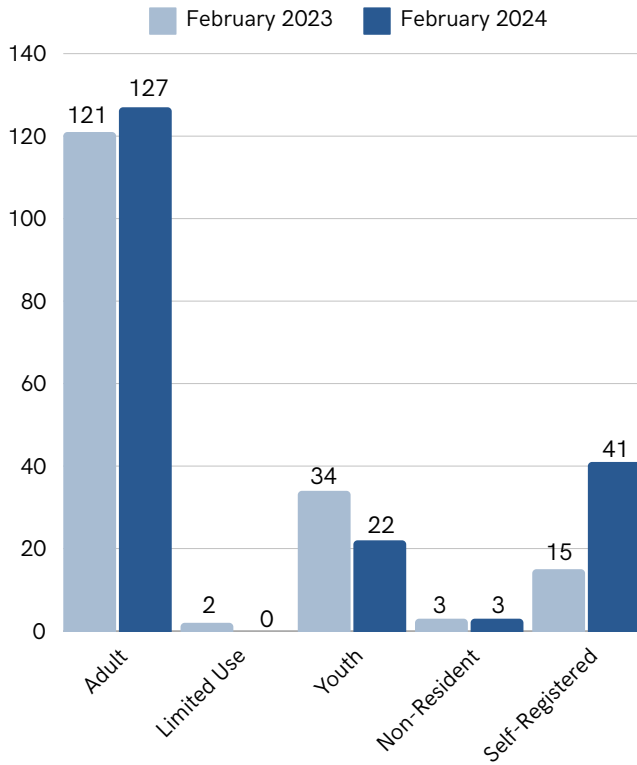
Cardholder Type	Feb. 2023	Feb. 2024
Adult	16,353	16,785
Youth	1,551	1,549
Non-Resident	105	74
Administrative	1,033	522
Total Physical Circulation	19,042	18,930



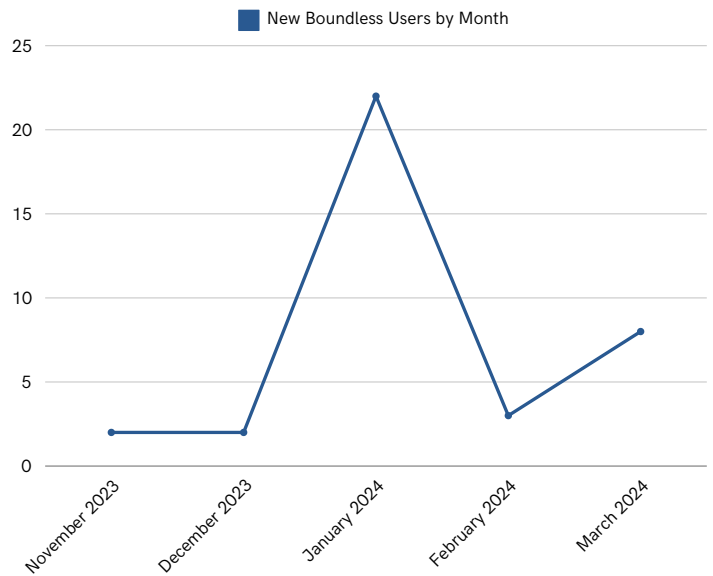
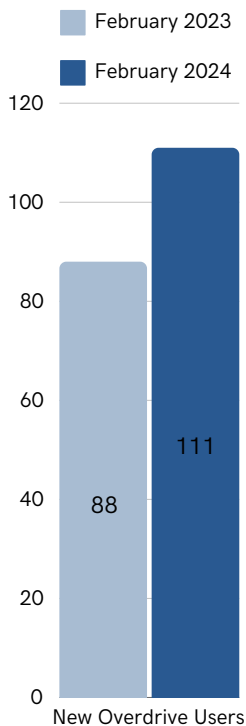
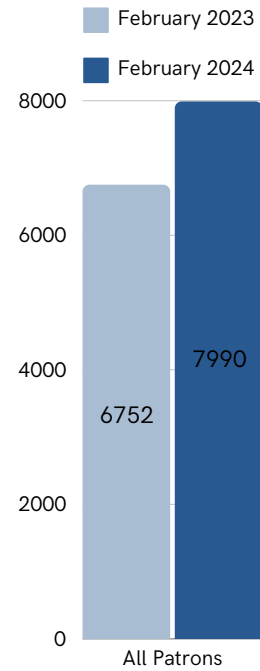
Circulation by home location in Feb. 2024

REGISTRATIONS

New Patrons Registered



Total Patrons Registered

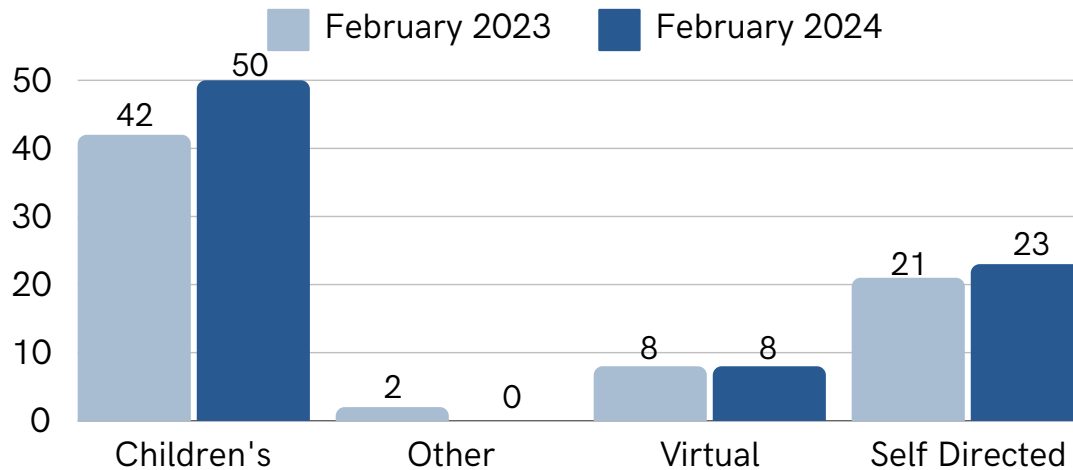


ATTENDANCE/OTHER

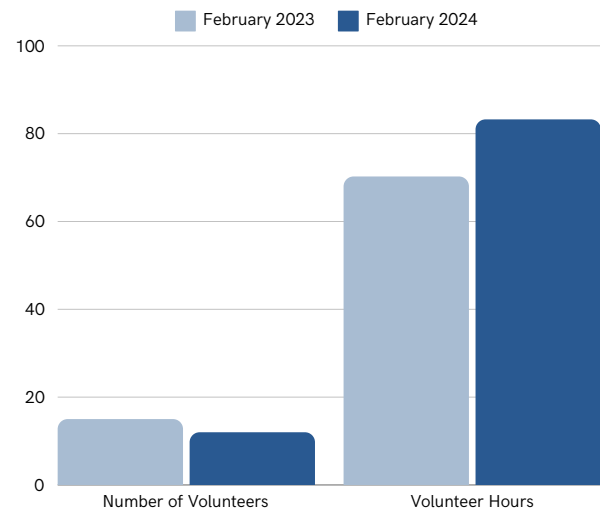
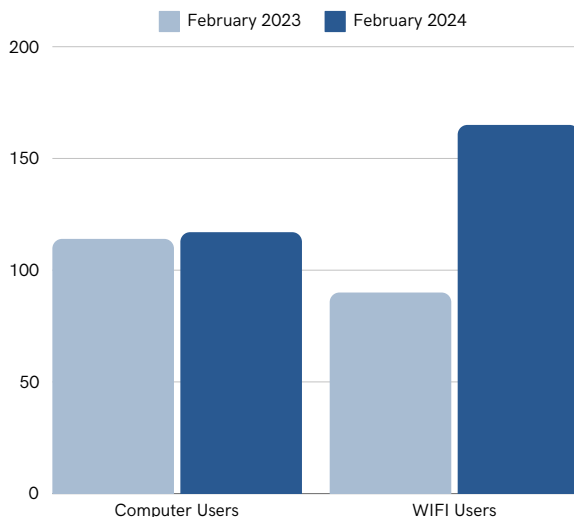
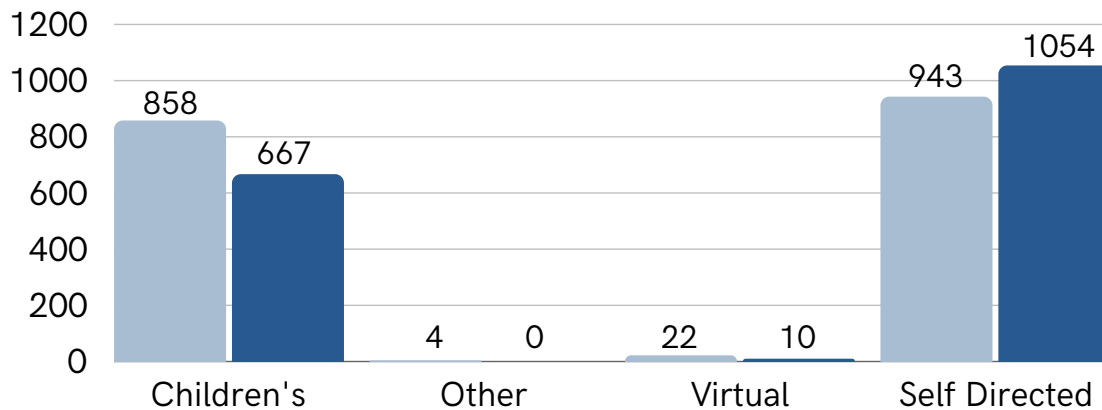
Feb. 2023 Total Visits: 7471

Feb. 2024 Total Visits: 7580

Number of Programs

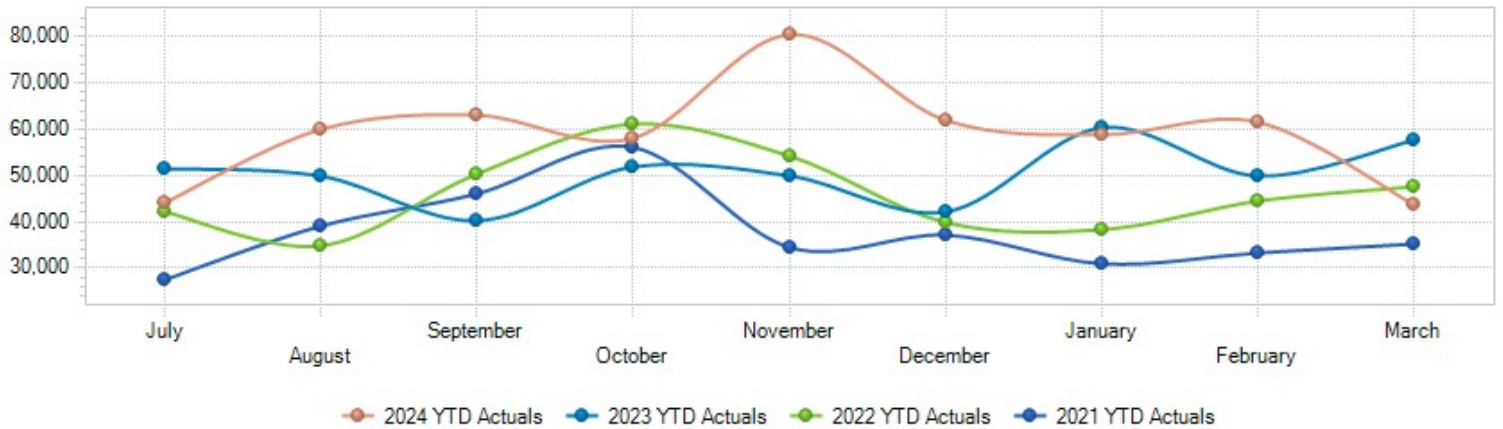


Program Attendance



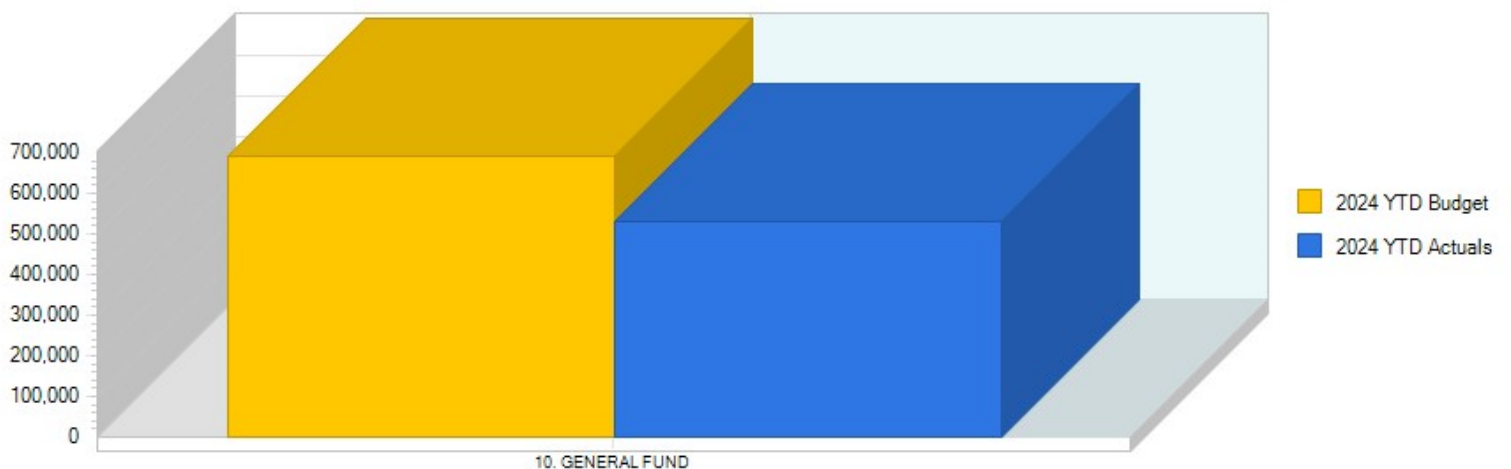
EXPENDITURES

Expenditure Comparison Chart



	July	August	September	October	November	December	January	February	March
2024 YTD Actuals	43,976	60,019	63,004	57,996	80,555	61,869	58,951	61,341	43,851
2023 YTD Actuals	51,309	49,731	40,138	51,682	49,960	42,033	60,260	49,834	57,671
2022 YTD Actuals	42,215	34,767	50,257	61,033	54,026	39,776	38,272	44,576	47,563
2021 YTD Actuals	27,387	39,023	46,015	56,090	34,406	37,319	31,035	33,208	35,201

YTD Bud VS YTD Act - Exp Only



	10. GENERAL FUND	
2024 YTD Budget	690,338	
2024 YTD Actuals	531,562	