

Library Board Meeting Agenda

February 25, 2021

Meeting held electronically via Zoom. Phone Number: 1-253-215-8782. Meeting ID: 820 7647 6460. Comments can also be submitted ahead of time by emailing libraryboard@highlandcity.org.

Legal Declaration:

I Roger Dixon, Highland City Library Board Chair, hereby declare that due to the COVID-19 pandemic, holding a Library Board meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location due to health concerns with Board members and their family members. Members of the public are invited to participate in the electronic means which are detailed in the Board Meeting agenda. This declaration is dated February 25, 2021.

7:00 pm-Call to Order: Roger Dixon, Board Chair

1. Public Comment

2. Annual Open Meetings Training

3. Consent

Approval minutes from:
November 19, 2020,
January 7, 2021,
January 28, 2021

4. Reports

Director's Report
Feasibility Study Report

5. Action/Policy Items

Migration to Koha ILS
Preliminary FY2022 budget
Circulation Policy adjustment

6. Discussion Items

Board seats expiring in 2021

7. Future Agenda Items

8. Adjournment

**Minutes from a Special Meeting of the
HIGHLAND CITY PUBLIC LIBRARY BOARD**

Thursday, January 7, 2021 at 7:00 p.m. via Zoom

IN ATTENDANCE

Board Members

Roger Dixon, Chair
Jessica Anderson, Secretary
Mike Burns
Briawna Hugh
Claude Jones
Natalie Reed, Vice-Chair
Kim Rodela, City Council Rep.
Edgar Tooley, Acting Secretary

Other

Donna Cardon, Library Director and
Board Executive Officer
Erin Wells, Assistant City
Administrator

Absent

Becky Lewis

A quorum of the Board being present, Board Chair Roger Dixon welcomed those in attendance and began the Library Board meeting at 7:05 p.m. as a special meeting. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Roger read the following legal declaration aloud:

I Roger Dixon, Highland City Library Board Chair, hereby declare that due to the COVID-19 pandemic, holding a Library Board meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location due to health concerns with Board members and their family members. Members of the public are invited to participate in the electronic means which are detailed in the Board Meeting agenda. This declaration is dated Tuesday, January 5, 2021.

AGENDA

1. Public Comment

None.

2. Consent Agenda

None.

3. Reports

1. Feasibility Study Report

Donna Cardon spoke about the progress of the feasibility study. The most recent push has been getting a survey out to people about what kind of public spaces they would like to see. It was launched last weekend and is live. A postcard will be sent out to residents to ask them to take the survey. It will be up through the end of February. Over 200 responses have been recorded already. The library sent out an email to its email list. Then Shauna Larkin, head of the Arts Council, will send out an email to her email list. Then Erin Wells will send out an email to the City's email list.

There have been some issues communicating with the company, but it is likely due to the holiday season. They did collaborate with Donna on the survey questions.

There is no further information about the Alpine theatre group who has been interested in building a performance space on the same property. They're plans have been put on hold due to COVID-19, where a major donor withdrew due to economic distress. We are moving forward on a parallel course. If the theatre option appears, we will work it into the plan for the community center.

Mike Burns joined the meeting.

4. Action/Policy Items

1. FY 2021 Budget Adjustments

The Board discussed the budget revisions. These are largely to reconcile projected expenditures with actual expenditures. The amount of carryover from last year, over \$36,000, has now been determined and added in and has been spent in part on equipment, including the new book drop, new public access computers, and new shelves. The book budget is being increased by \$5,000, mostly to cover additional ebook purchases during and since the closure. Finally, the program budget has been increased due to the winter reading program for children and teens. The public access computers are going to be added to the same replacement rotation the City has in place for its staff, but that will increase the technology budget going forward. The current budget leaves \$12,000 unallocated. Donna is good with leaving it unallocated to cover fluctuations in tax recovery and non-resident library cards and for other unplanned expenses.

Natalie Reed moved to approve the budget adjustments as set forth in the packet. Mike Burns seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Jessica Anderson
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Natalie Reed
Yes	Kim Rodella
Yes	Edgar Tooley

The motion passed.

5. Discussion Items

1. Recent collections incident

Donna reported an incident that occurred in December. Last spring, the Board voted to enforce the collection policy. If a patron owes over \$100 in fees and fines, they get notice every month for three months, then we send a notice that we are sending them to collections, and then we actually send them to collections.

Donna started the collections process at the end of the summer and found about 130 who met the criteria. Many were old (those over four years can no longer be collected), some paid, and 27 people were eventually sent to collections. The first batch was not processed with the collection agency until December. Donna then received a call from a very angry patron who owed over \$300. She had recently been through a divorce and her son had committed suicide and a week before Christmas she received the collection notice. Only about \$50 were for lost items, the remainder were for overdue fees. The woman's neighbor found about the notice and within 24-hours the neighbor paid the amount due. Other patrons have started to pay and so far about \$500 has been recovered.

When past due notices started going out, many people came in to pay. Donna will often reduce how much they owe when its overdue fees and the patron offers a legitimate reason, but not when the past due amount is for lost items.

The Board discussed the policy and agreed that the policy is good and should be enforced as written. When people use the library, they agree to take care of the items and to pay appropriate fees and fines. Also, the Board and the library staff have a stewardship and responsibility to care for the public funds used on the library.

2. Staff wage market study

The City did an extensive wage market study for all of the City's positions. The results are back, and most of the City positions are about where they should be but the library's are still pretty low. Accordingly, we may need to have staff wage increases built into the budget going forward.

7. Future Agenda Items

1. FY 2022 budget

See staff wage market study discussion items above.

The Board's next regular meeting is scheduled for January 28, 2020 at 7:00 p.m.

8. Adjournment

Claude Jones moved to adjourn the Library Board meeting. Jessica Anderson seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Jessica Anderson
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Natalie Reed
Yes	Kim Rodella
Yes	Edgar Tooley

The motion passed. The meeting adjourned at 7:37 p.m.

I, Jessica Anderson, Highland City Library Board Secretary, hereby certify that the foregoing minutes represent a true, accurate, and complete record of the meeting

held on January 7, 2021. This document constitutes the official minutes for the Highland City Library Board Meeting.

**Minutes from a Regular Meeting of the
HIGHLAND CITY PUBLIC LIBRARY BOARD**

Thursday, November 19, 2020 at 7:00 p.m. via Zoom

IN ATTENDANCE

Board Members

Roger Dixon, Chair
Mike Burns
Briawna Hugh
Claude Jones
Becky Lewis
Natalie Reed, Vice-Chair
Kim Rodela, City Council Rep.
Edgar Tooley

Other

Donna Cardon, Library Director and
Board Executive Officer
Erin Wells, Assistant City
Administrator

Absent

Jessica Anderson, Secretary

A quorum of the Board being present, Board Chair Roger Dixon welcomed those in attendance and began the Library Board meeting as a regular meeting. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Roger read the following legal declaration aloud:

I Roger Dixon, Highland City Library Board Chair, hereby declare that due to the COVID-19 pandemic, holding a Library Board meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location due to health concerns with Board members and their family members. Members of the public are invited to participate in the electronic means which are detailed in the Board Meeting agenda. This declaration is dated Monday, November 19, 2020.

AGENDA

1. Public Comment

None

2. Consent Agenda

Approval of Minutes for October 22, 2020

Briawna Hugh moved to approve the minutes. Becky Lewis seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Becky Lewis
Yes	Natalie Reed
Yes	Kim Rodella
Yes	Edgar Tooley

The motion passed.

3. Reports

1. Director's Report

Donna Cardon summarized her report. Library statistics are not far off from 2019, except for library visits. Total physical collection number has been adjusted due to inclusion in the software of discarded books. The library's collection is actually approximately 40,000 books. That is under the NUCLC number, but there is no procedure to remove member libraries, so this number is likely not a concern. Tumble Books app was used by over 200 in October, after Donna gave presentations about the program in local schools.

Mike Burns joined the meeting.

Programs in October each had about 50 participants, which is great considering the circumstances. On November 11, 2020, the City Council, while acknowledging that the library had been holding live events responsibility, voted to have the library discontinue live programs for two weeks to comply with the Governor's order. The library decided to put live events on hiatus through the end of 2020. The library is now working to put on virtual programs through the end of the year and will then reassess. Coming up, the library is doing its annual Elf on the Shelf program, a make and take program for adults featuring the Creative Bug database, a Santa's workshop with a variety of craft kits on a first-come-first-served basis.

New windows were installed in the library that can open, which is a COVID-19 measure to allow for more air circulation. The library is also getting four more short shelves for the center of the library to allow for expansion of the religious fiction section, which is the library's most circulated section among adults. The collection team has been busy rearranging materials, and checking the children's books to ensure children's fiction is through third grade and intermediate fiction is for fourth grade up.

The library is not anticipating having to close again. Erin Wells noted that, at this point, the only likely closure scenario is if there is a COVID outbreak among the library staff. And even then, it might just be reduced hours rather than a complete closure. Some libraries, have gone to holds pickup only or to reduced hours. But many libraries are providing services as usual.

2. Feasibility Steering Committee Report

The first meeting with the company representatives, Cathy Wheaton, Laura Smith, and Ken Wheaton, was held on November 11, 2020. On November 16, 2020, Cathy and Laura did a site inspection of three possible locations. One is to expand the current location, two is the lot east of the city center, and three is the community center building. Next meeting is November 25, 2020.

The library was featured heavily in this month's City newsletter, including the Council approval of the feasibility study, and Natalie Reed noted the change in formatting of the library program page. Erin Wells noted that it is key to keep the community informed as the community center project moves forward.

4. Action/Policy Items

1. 2021 Schedule

The Board reviewed the proposed meeting schedule and noted changes to the regular schedule and potential conflicts with holidays.

Regular meeting date and time: fourth Thursday of each month at 7:00 p.m.

January (budget adjustment)	*January 7, 2021
January	January 28, 2021
February	February 25, 2021
March	March 25, 2021
April	April 22, 2021

May	May 27, 2021
June	June 24, 2021
July	July 22, 2021
August	August 26, 2021
September	September 23, 2021
October	October 28, 2021
November	*November 18, 2021
December	No meeting

* indicates a departure from the regular meeting date

Claude Jones moved to approve the 2021 calendar as set forth above. Mike Burns seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Becky Lewis
Yes	Natalie Reed
Yes	Kim Rodella
Yes	Edgar Tooley

The motion passed.

5. Discussion Items

1. *What to include in the library space, brainstorming session*

Donna Cardon reviewed the brainstorming session the Board worked on in the October meeting, which helped identify the types of groups that reside in Highland and how those groups might use a community space.

The Board then undertook a brainstorming session of what individual elements might be included in the space and how those elements might help specific groups. For example, a stage. That might be used by theatre groups and other performers.

- Stage
- Green room/dressing rooms
- Auditorium (with tiered seating)
- Audio/video equipment, acoustics, lighting, lightroom

- Vending machines/café area
- Storage space
- Tables/chairs
- Kitchen
- Dividers
- Ballroom
- Exhibition/museum/art gallery/display space
- Medium-sized meeting rooms
- Play space
- Book collection space
- Tech rooms/computers/editing equipment/maker space/3D printer
- Projection screens
- Store space to sell items
- Business center (printers, copiers, basic office equipment)
- Outlets (in floor and throughout) and flexible lighting
- Trade show space
- Lobby space
- Ticket office
- Bathrooms
- Janitorial space
- Building needs (HVAC, water, utilities, etc.)
- Sinks, cleaning space
- Fitness/sports space
- Outdoor meeting space (pergola, porch, pavilion, water feature, garden)
- Outdoor amphitheater
- Solar panels, composting, windmills
- Loading dock, trash dumpsters
- Parking lot

We are not at the point where this can be narrowed down, but the purpose is to get us thinking and working to create a space that will fill many needs.

2. Christmas Celebration

The Board opted to forego a Christmas celebration this year due to COVID-19.

6. Closed Session

Briawna Hugh moved to convene in closed session to discuss the character, professional competence, or physical or mental health of an individual. Claude Jones seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Becky Lewis
Yes	Natalie Reed
Yes	Kim Rodella
Yes	Edgar Tooley

The motion passed. Donna Cardon left the meeting.

The Board convened in closed session.

7. Future Agenda Items

1. Budget Adjustments

The Board's next meeting is scheduled for January 7, 2020 at 7:00 p.m.

8. Adjournment

The meeting adjourned after the Board concluded the closed session.

I, Jessica Anderson, Highland City Library Board Secretary, hereby certify that the foregoing minutes represent a true, accurate, and complete record of the meeting held on November 19, 2020. This document constitutes the official minutes for the Highland City Library Board Meeting.

**Minutes from a Regular Meeting of the
HIGHLAND CITY PUBLIC LIBRARY BOARD**

Thursday, January 28, 2021 at 7:00 p.m. via Zoom

IN ATTENDANCE

Board Members

Roger Dixon, Chair
Mike Burns
Briawna Hugh
Claude Jones
Becky Lewis
Natalie Reed, Vice-Chair
Edgar Tooley

Other

Donna Cardon, Library Director and
Board Executive Officer
Unnamed Highland City Intern

Absent

Jessica Anderson, Secretary
Kim Rodela, City Council Rep.

A quorum of the Board being present, Board Chair Roger Dixon welcomed those in attendance and began the Library Board meeting as a regular meeting. The meeting agenda was posted on the Utah State Public Meeting Website at least 24 hours prior to the meeting.

Roger read the following legal declaration aloud:

I Roger Dixon, Highland City Library Board Chair, hereby declare that due to the COVID-19 pandemic, holding a Library Board meeting with a physical anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location due to health concerns with Board members and their family members. Members of the public are invited to participate in the electronic means which are detailed in the Board Meeting agenda. This declaration is dated Thursday, January 28, 2021.

AGENDA

1. Public Comment

None.

2. Consent Agenda

None.

3. Reports

1. Director's Report

Donna Cardon spoke about the library statistics from the past couple of months. Things are starting to feel like they are getting back to normal. In December, all programs were virtual. There were mixed results, but some successes. Elf on the Shelf was hugely popular, as were the craft take-and-makes for both kids and adults. In January, the winter reading program started, and it has been very popular. Over 250 kids took the reading logs, and the library has given out 2000 scratch cards. The Friends helped to buy some of the bigger prizes. The program will go through February and is for kids up to 18 years old.

The Kindles for Battles of the Books are ready to circulate. They have the print and audio versions of many of the books on the lists.

The Friends finished refurbishing the book drop for book donations, and it is in place outside the library.

The library is trying to increase library card holders by 5% this year. One of the methods the library is trying is sending little gift baskets with library cards and information about the library to new residents with a library card; they then have to come in and register the card. Twenty-two were delivered this month to people who moved in in December. Other methods of trying to increase card holders are to set up booths at the city festivals and to attend back to school nights. Briawna Hugh suggested putting flyers up in the schools when the schools hold book sales.

Donna discussed giving staff raises to be consistent with market levels. This will require about \$11,000 in the budget on an ongoing basis. Donna is exploring ways to find that in the budget. One of the ways is to switch collection management companies. The current company, Sirsi, charges about \$11,000 a year for a collection of 40,000 books. The new company, Koha, Donna has been researching charges about \$3,800 per year. Other libraries (including Spanish Fork) who have switched prefer Koha. However, there is a one-time charge of \$12,000 to migrate the data. It has to be done fast before the annual fee for Sirsi is due in August. Donna has the budget to do the migration, but she has to get City Council approval.

2. Feasibility Study Report

The Board discussed the results so far of the survey that went out. Donna was encouraged by how many people have responded to the survey. About 927 people have taken the survey, most of whom are from Highland. People are generally interested in more community space, indoor and outdoor. However, there is not a lot of support for raising taxes for that purpose. The survey will end on Sunday, January 31, 2021, and the feasibility study company will take the data and create a report. The purpose of the feasibility study is to get the parameters and costs, gauge interest, and get the idea of a community center in front of people.

3. Standing Committee Reports

See discussion item below.

4. Action/Policy Items

None.

5. Discussion Items

1. How can the Board support the library?

Current Committees and Chairs

Library Fund: Claude Jones

Policy: Jessica Anderson

Reports: Edgar Tooley

Outreach: Briawna Hugh

Strategic Planning: Mike Burns

Strategic Planning: Donna noted that we would need to start thinking about the strategic plan soon, since it has to be updated each year.

Outreach: Briawna noted that outreach is currently tricky because contact is limited during the pandemic. As COVID-19 subsides, maybe toward the end of this school year or the beginning of the next, we should be able to get into schools to promote programs like the summer reading program, etc. Educators who work in Highland schools can get a resident library card. Briawna has contacts at all of the local schools. For example, she emailed all of the school librarians about the CARES money. Donna noted that for the 12,000 books that circulated in December 2020, 9,000 were children's books. Donna is in contact with the schools via email about Tumble Books usage. This month she will include information about the Battle of the Books Kindles.

Those check out for three weeks, cannot be renewed, and count as circulating one item.

Donna noted that someone from the Board will need to come in and do the safety walkthrough for the State certification process.

7. Future Agenda Items

1. *FY 2022 budget*
2. *Open Meetings Training*

The Board's next regular meeting is scheduled for January 25, 2020 at 7:00 p.m.

8. Adjournment

Natalie Reed moved to adjourn the Library Board meeting. Briawna Hugh seconded the motion. The vote was recorded as follows:

Yes	Roger Dixon, Chair
Yes	Mike Burns
Yes	Briawna Hugh
Yes	Claude Jones
Yes	Becky Lewis
Yes	Natalie Reed
Yes	Edgar Tooley

The motion passed. The meeting adjourned.

I, Jessica Anderson, Highland City Library Board Secretary, hereby certify that the foregoing minutes represent a true, accurate, and complete record of the meeting held on January 28, 2021. This document constitutes the official minutes for the Highland City Library Board Meeting.



HIGHLAND CITY

LIBRARY BOARD AGENDA REPORT ITEM #5a

DATE: February 25, 2021
TO: Library Board
FROM: Donna Cardon, Library Director
SUBJECT: Allocation for Migration to Koha ILS

PURPOSE:

To approve allocating budget to pay for the migration of the Library ILS system by ByWater from SirsiDynix to Koha.

BACKGROUND:

The Library has used Workflows by SirsiDynix to manage our catalog information since 2016. It costs the library about \$12,000 annually. It is a very complex and powerful tool, but not very user friendly for me and my staff. I have also been unsatisfied with their customer support.

There is a newer library catalog system that is open source, called Koha. Because it is open source, several libraries in Utah that use it have contracted a company called ByWater to provide support including Spanish Fork, Santaquin, Wasatch County, Moab and others.

I have talked with several libraries that use this system. They have been pleased with the ease of use of the system and the responsiveness of the ByWater technical support.

I have also contacted both the city's IT company and the NUCLC library directors to see if switching providers would cause any problem with them, and they responded that there should be no problem.

The Library had a little more than \$12,000 unallocated when we did budget adjustments last month. I would like to use part of that money to pay the initial migration cost of \$8,800 and switch to Koha as our catalog system provider. The annual fee of \$3,400 will not be due until the migration is made in August.

The City Council approved the allocation of funds for the migration in their February 16th meeting.

FISCAL IMPACT:

Switching to Koha would have an initial cost of \$8,800 that would come from unallocated Library funds. In subsequent years, switching to Koha cost the library \$3,400, for a savings of \$8,600 annually.

STAFF RECOMMENDATION:

The Library Board approve allocating \$8,800 from the FY 2021 Library Budget to pay for the migration of the library ILS from SirsiDynix to Koha.

PROPOSED MOTION:

I propose that the Library Board approve allocating \$8,800 from the FY 2021 Library Budget to pay for the migration of the library ILS from SirsiDynix to Koha.

ATTACHMENTS:

1. Koha/ByWater quote
2. ByWater Contract



ByWater
SOLUTIONS

Koha Implementation and Support



 *koha*

FREE LIBRARY SYSTEM

<http://bywatersolutions.com>

Headquarters: Portland, OR

East Coast Office: Redding, CT

Phone/Fax: 888-900-8944

sales@bywatersolutions.com

• • • • • Thank You For Your Interest in ByWater Solutions!

Welcome to the World of Open Source

At ByWater Solutions, our goal is to empower libraries to explore, implement, and successfully use open source solutions such as Koha. We are flexible and responsive, offering customized hosting, migration, training, development, and/or support options according to our customers' needs. We are very excited that you are considering Koha and ByWater.

As a company, we believe that our clients' satisfaction is the most meaningful measurement of continued success. We pride ourselves on providing complete customer fulfillment in all we do. We truly believe that the personalized attention and excellent value we provide are perfect matches for the needs of your organization. Accessibility for support issues is an area in which we pride ourselves, and is an important differentiation between us and other similar support providers.

Using open source software will not only help your library successfully deliver online services to your users, but will also empower your staff to control the direction of your software. If you have any further questions about what ByWater Solutions or the open source community as a whole can offer please consider us a resource. We greatly appreciate your consideration in this project and hope to have the opportunity to partner with you going forward.

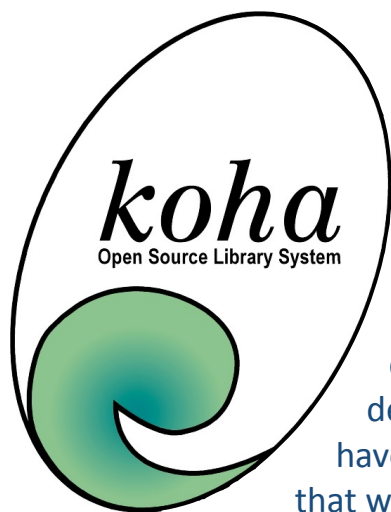
Thank you ,
Nathan Curulla
Owner, CRO



Data Migration and Koha Implementation:

Skilled manipulation of library data is the key to a successful migration. Because it is the most important representation of a library's collection, we take the time to proficiently manage your data prior to your go live. Our Installation and Migration fee includes:

- Creation of test system for training and testing
- Installation and customization
- Administrative configuration
- OPAC customization
- Import of patron data, fines and fees
- Assistance with the import/configuration of authority records
- External device setup such as those using SIP2 and LDAP connections



Customized On-Site Staff Training:

ByWater Solutions is equipped with professional librarians on staff dedicated to the expert training and implementation of Koha. We provide multiple formats for different learning styles including on-site, hands-on, classroom style learning, on-line presentations and demonstrations using web based training applications. We also have a full database of user documents and training materials that will all be at your disposal.

• • • • • Product and Support Options

Top Ranked 24/7 Support:

Quality of support is the most important focus of our company and we pride ourselves on the implementation of this key feature. ByWater Solutions has the lowest customer to support personnel ratio in the business, supplying confirmation of support requests within 20 minutes of receipt.

Our Support Package Includes But Is Not Limited To:



- 24/7 tech support, regular backups to library data and servers, management of system updates and enhancements.
- Technical Consulting
- Training questions
- Report Generation
- Bug fixes and the application of community or customer sponsored development enhancements
- Training for all major updates in Koha's functionality at no additional cost
- Regular updates to your Koha system as new functionality becomes available at no additional cost.
- Customizations to the OPAC and staff side interfaces

ByWater Hosting Services:

ByWater Solutions offers a complete hosted environment on ByWater equipment placed in the virtual networking cloud. This delivers improved performance for both your staff and your users. Other functions include maintenance of your Linux server and management of databases with real-time backups.



• • • • • Pricing Structure

Item	Cost	Timeline
Complete Koha Install, Data Migration and OPAC Customization	\$6,200.00	4-6 Months for Completion
Unlimited Support and Annual Hosting	\$3,400.00 Per Year	24 Hour Support Triple Redundancy Nightly Backups
Webinar Demo	\$2,600.00	Live Webinar Training

Total Year One Cost = \$12,200.00

Total Year Two Cost = \$3,400.00

**price is valid for 90 days*





CONTRACT FOR SERVICES

This Contract for Services ("Contract") is made effective as of 2/25/2021, by and between Highland City Library of Highland, UT 84003 ("Client"), and ByWater Solutions LLC, of Santa Barbara, California 93102 ("ByWater").

1. TERM. The service term shall be effective from 8/16, 2021 to 8/16 2023. Upon completion of this initial term, the Client will have the option to renew for additional two-year terms. Either party must notify the other in writing sixty (60) days prior to the end of the then-current Term of their intention to modify or discontinue the Contract. Renewal Contract will reflect no more than a 3% increase to annual support and hosting costs. This contract will expire if not executed within 60 days of the effective date listed above.

2. DESCRIPTION OF SERVICES. ByWater will provide the Client the following services (collectively, the "Services"):

- (a) Installation and Implementation of Koha Integrated Library System ("Koha"), including the initial migration of no more than 45,000 Bibliographic Records to Koha. Records delivered that total more than the referenced Bibliographic record count will result in higher initial and ongoing fees.
 - (1) Data extraction from current legacy system is the responsibility of the Client.
 - (2) Testing of initial migration is the responsibility of the Client.
 - (3) OPAC customization will include application of Client logos, preferred fonts and colors to ByWater template.
 - (4) Database size increases by more than 50% throughout the life of this Contract will result in pricing increases.
- (b) Terms regarding technical support for the Client are as follows:
 - (1) Critical support will be available (24) hours per day, 7 days per week. Critical support includes system failure or complete loss of access to the Koha system. Other support calls during hours in which the Client's facility is closed will be addressed by level of importance; i.e. system failure dictates immediate response time, training questions will be addressed within 24 hours;
 - (2) The support package will also cover software updates and Koha enhancements that may be applicable to the Client.
- (c) Hosting for the Client's data will be located in a remote cloud, and Service providers may change at any time, at the absolute and sole discretion of ByWater. ByWater will not be responsible for force majeure events including natural disasters and communication line failures that may cause data corruption.
- (d) Training is required and will be provided for a minimum of three (3) days onsite or via webinar to be determined at the discretion of ByWater.

Additional training will be provided upon request of Client. Clients not previously using Koha as the library's primary ILS must receive training.

3. PAYMENT FOR SERVICES. In exchange for the Services the Client will pay ByWater according to the following schedule:

- (a) Installation/Data Migration: \$6,200.00 invoiced upon signing of this Contract.
- (b) Annual support and hosting fee: \$3,400.00, due on or before 8/16 of each year, beginning on 8/16, 2021.
- (c) Live Webinar Training: \$2,600.00 invoiced upon signing of this Contract.

Payments not received within 60 days of the due date will result in termination of support services until receipt of payment. Payment not received within 90 days of due date shall result in termination of hosting services until receipt of payment. Payments may be made via check and direct deposits (ACH). Alternate payment methods will result in a convenience fee based on a sliding scale. For avoidance of doubt, any delay in implementation of the Software requested or caused by the Client shall not be grounds for the Client to likewise delay payment of any fees then due and owing.

4. WORK PRODUCT OWNERSHIP. Any copyrightable works, ideas, discoveries, inventions, patents, products, or other information (collectively the "Work Product") developed in whole or in part by ByWater solely in connection with the Services will be the exclusive property of the Client. Upon request, ByWater will execute all documents necessary to confirm or perfect the ownership of the Client to the Work Product. All such Work Product developed on behalf of the Client will be made available under the terms of the open source license in effect for Koha at the time the code is written (currently GPL v3). A copy of the code will be given to the Client even though the code may be hosted. A good faith effort will be made both by the Client, and by ByWater at the coding stage, to integrate all code into the public, koha-community.org code base, or wherever the public code base may subsequently be located. Upon expiration or termination of this Contract, ByWater will: (a) return to the Client all records, notes, documentation and other items owned by the Client that were used, created, or controlled by ByWater during the term of this Contract; and (b) assist Client in exporting data from ByWater's data cloud to Client, at no additional charge.

5. CONFIDENTIALITY. ByWater, and its employees, agents, or representatives will not at any time or in any manner, either directly or indirectly, use for the personal benefit of ByWater, or divulge, disclose, or communicate in any manner, any information that is proprietary to the Client, except (a) if and to the extent the information is already a matter of public knowledge; (b) such disclosures as may be necessary to ByWater's attorney or accountant (collectively, "Permitted Confidants"); or (c) such disclosures as are required by law or by any litigation between the parties hereto with respect to this Contract. ByWater shall also timely require each

of its Permitted Confidants to keep that information confidential. Before making any disclosure required by law, ByWater, or the Permitted Confidant, as the case may be, shall give Client as much notice thereof as is legally permitted, along with a copy of the proposed disclosure. The foregoing duties of confidentiality shall survive the termination of this Contract.

6. RELATIONSHIP OF PARTIES. Client and ByWater agree that the status of ByWater is that of independent contractor, and not that of employee, principal, agent or joint venture partner of Client. Neither party has authority to enter into contracts or assume any obligations for or on behalf of the other party or to make any warranties or representations for or on behalf of the other party.

7. WARRANTY. ByWater shall provide the Services and meet its obligations under this Contract in a timely and workmanlike manner, using knowledge and recommendations for performing the Services which meet generally accepted standards in ByWater's industry. Aside from the express warranties stated in this Contract, ByWater hereby disclaims any and all other warranties related to the products and services offered under this Contract, including but not limited to warranties of non-infringement, merchantability or fitness for a particular purpose, and whether such warranties are oral or written, express or implied. ByWater does not in any way warrant that Koha will operate without interruption or be error free. ByWater shall have no liability for damages resulting from the following, including, but not limited to: hosting inoperability, interruption due to product or delivered software malfunction (provided that regular daily backups are conducted by ByWater), loss of profits, goodwill, damage or loss of data, or any other indirect, special or consequential damages suffered by Client.

8. REMEDIES. If Client or ByWater fails to perform its obligations under this Contract, the non-breaching party shall have the right to terminate the Contract and to seek whatever remedy may be available to it, either in law or in equity. In the event that a claim or cause of action arises out of the interpretation, performance, or breach of this contract, the prevailing party shall be entitled to a reasonable attorney's fee in addition to costs of suit. The parties hereto hereby consent to the personal jurisdiction and venue of the State of Connecticut with respect to any claim or cause of action arising from this Contract, and hereby waive any objection to such venue based upon the doctrine of forum non conveniens.

9. LIMITATION OF LIABILITY. BYWATER WILL HAVE NO LIABILITY FOR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INCIDENTAL, OR PUNITIVE DAMAGES FOR ANY MATTER ARISING FROM OR RELATING TO THIS CONTRACT OR THE PRODUCTS AND SERVICES, INCLUDING BUT NOT LIMITED TO ANY UNAUTHORIZED ACCESS TO, OR ALTERATION, THEFT, LOSS, INACCURACY, OR DESTRUCTION OF INFORMATION OR DATA COLLECTED, STORED, DISTRIBUTED, OR MADE AVAILABLE VIA THE PRODUCTS AND SERVICES, CLIENT'S USE OR INABILITY TO USE THE PRODUCTS AND SERVICES, ANY CHANGES TO OR INACCESSIBILITY OF THE PRODUCTS AND SERVICES, ANY DELAY OR FAILURE OF THE SERVICES, OR FOR LOST PROFITS, OR COSTS OF PROCUREMENT OF

SUBSTITUTE GOODS OR SERVICES, EVEN IF BYWATER HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. IN ANY EVENT, BYWATER'S LIABILITY TO CLIENT FOR ANY REASON AND UPON ANY CAUSE OF ACTION WILL BE LIMITED TO THE AMOUNT CLIENT ACTUALLY PAID BYWATER FOR THE INDIVIDUAL BYWATER PRODUCTS OR SERVICES COVERED UNDER THIS CONTRACT OVER THE 12 MONTHS PRIOR TO WHICH SUCH CLAIM AROSE. THIS LIMITATION APPLIES TO ALL CAUSES OF ACTION IN THE AGGREGATE, INCLUDING, BUT NOT LIMITED TO, BREACH OF CONTRACT, BREACH OF WARRANTY, NEGLIGENCE, STRICT LIABILITY, MISREPRESENTATIONS, AND OTHER TORTS. FEES UNDER THIS CONTRACT ARE BASED UPON THIS ALLOCATION OF RISK. THIS SECTION WILL NOT APPLY TO DAMAGES THAT CANNOT BE LIMITED OR EXCLUDED BY LAW (IN WHICH EVENT THE LIABILITY SHALL BE LIMITED TO THE FULLEST EXTENT PERMITTED).

10. ENTIRE AGREEMENT. This Contract contains the entire agreement of the parties, and there are no other promises or conditions in any other Contract whether oral or written concerning the subject matter of this Contract. This Contract supersedes any prior written or oral Contracts between the parties.

11. SEVERABILITY. If any provision of this Contract will be held to be invalid or unenforceable for any reason, the remaining provisions will continue to be valid and enforceable, provided that no party is, as a result thereof, deprived of its substantial benefits under this Contract. If a court finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision will be deemed to be written, construed, and enforced as so limited.

12. AMENDMENT. This Contract may only be changed, modified, amended or discharged by a Contract in writing executed by the parties hereto.

13. GOVERNING LAW. This Contract shall be construed in accordance with the laws of the State of Connecticut.

14. NOTICE. Any notice or communication required or permitted under this Contract shall be sufficiently given if delivered in person or by certified mail, return receipt requested, to the address set forth in the opening paragraph or to such other address as one party may have furnished to the other in writing.

15. ASSIGNMENT. The Client may not assign or transfer this Contract without the prior written consent of ByWater.

16. BINDING EFFECT. This Contract shall inure to the benefit of and be binding upon the parties named herein and their respective heirs, successors and assigns.

17. EXECUTION. This Contract may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a “.pdf” format data file, such signature shall create a valid and binding obligation of the Party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or “.pdf” signature page were an original hereof.

18. INDEMNIFICATION. The parties hereto shall fully indemnify, hold harmless and defend one another from and against all claims, demands, actions, suits, damages, liabilities, losses, settlements, judgments, costs and expenses (including but not limited to reasonable attorney’s fees and costs) (collectively, “Claims”) which arise out of or relate to (1) any breach of any representation or warranty of a party hereto contained in this Contract, (2) any breach or violation of any covenant or other obligation or duty of a party hereto under this Contract or under applicable law, in each case whether or not caused by the negligence of a party hereto and whether or not the relevant Claim has merit. Neither ByWater nor Client shall be liable to the other for loss, damage, or delay in the work caused by war, riot, the act or order of any competent civil or military authority, strikes, unauthorized work stoppage or by rain, fire, flood, act of God, epidemic, and CDC recognized pandemic or by any cause which is unavoidable and beyond its reasonable control. In addition, ByWater is not liable for loss or damage suffered by the Client or any third party not caused by the employees, agents or equipment of ByWater.

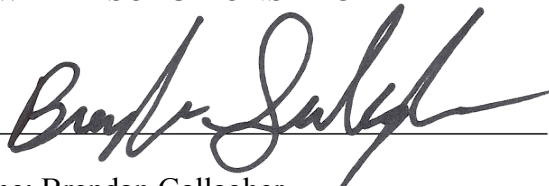
HIGHLAND CITY LIBRARY

By: _____

Name: _____

Title: _____

BYWATER SOLUTIONS LLC

By: _____

Name: Brendan Gallagher

Title: Chief Executive Officer

Duly Authorized

Date: _____



HIGHLAND CITY

LIBRARY BOARD AGENDA REPORT ITEM #5b

DATE: February 25, 2021
TO: Library Board
FROM: Donna Cardon, Library Director
SUBJECT: Preliminary FY 2022 Budget

PURPOSE:

To review and approve the preliminary FY2022 Library Budget.

BACKGROUND:

It is time for the Library to submit a preliminary budget to the Finance Director in preparation for the City Council budget workshop in April. This budget is a “first draft” and may need to be altered when revenue projections become available in March. If adjustments are needed, I will present them for approval at a later Library Board Meeting.

The main changes in the FY2022 expenditures in comparison to last year’s budget are:

- A \$7,200 **increase** in staff wages and a \$4,000 increase in benefits. This is in response to a wage study that the city conducted last summer. It gives Library Assistants a 10% raise, bringing them closer to market levels. The average wage of our Assistants currently is \$11.50 per hour. This increase will bring the average to \$12.70 per hour. The average pay for this position among other NUCLC libraries is about \$12.95 per hour.
- A \$1,500 **increase** to the program budget. Much of this will go to increase the library’s community outreach such as continuing our new Winter Reading program and a continuation of the new move-in welcome bags.
- A \$15,000 **decrease** in equipment budget. The equipment budget was high last year because we used carryover money to purchase some larger items that had reached their end of life. We are not anticipating any large equipment purchases in the coming year.
- A \$8,200 **decrease** in IT software because of our switch to Koha next year. More information on this item is available in a separate action item report.

In addition, the library had about \$37,000 in carryover in the FY2021 budget, but we do not anticipate having much carryover this year.

FISCAL IMPACT:

The preliminary budget has \$352,207 in revenue and \$351,433 in expenditures. This leaves about \$774 Unallocated.

STAFF RECOMMENDATION:

The staff recommends that the Board approve the preliminary budget as presented.

PROPOSED MOTION:

I propose that the Board approve the preliminary budget as presented.

ATTACHMENTS:

1. Preliminary Budget

Revenue

	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Adj Budg	Actuals 02/21	FY 2022 Proposed	
22-30-90 Transfer from General Fund	-61,000.00	0.00				
22-31-10 Property Taxes	-261,143.74	-263,138.60	-264,473.00	-242,155.80	-272,407.19	Estimated a 3% increase based on annual average increase.
22-31-11 Delinquent Property Taxes	-15,736.47	-22,153.45	-13,000.00	-10,555.52	-15,000.00	Based on this year's actual delinquent property tax collection
22-31-12 Motor Vehicle Tax	-25,387.31	-25,616.27	-22,000.00	-11,484.69	-22,000.00	
22-32-10 Fees & Fines	-15,366.04	-12,374.68	-10,000.00	-8,977.85	-13,000.00	Based on this year's actual delinquent fees and fines collection
22-32-11 Non-Resident Cards	-21,670.80	-24,294.00	-20,000.00	-15,820.00	-20,000.00	
22-32-12 Proctoring Services	-190.00	-10.00	-160.00	0.00	0.00	
22-32-13 Printing	-635.58	-856.17	-1,000.00	-639.30	-1,200.00	Based on this year's actual printing income
22-36-10 Interest Income	-890.26	-975.84	-400.00	-23.09	-400.00	
22-36-11 Donations	-137.29	-204.71	-300.00	-80.21	-200.00	
22-36-12 Grants	-12,662.56	-10,628.44	-6,400.00	-1,613.00	-8,000.00	Clef Grant and a small LSTA grant.
22-36-13 Surplus			0.00		0.00	
22-39-90 PY Carryover Budget		-33,900.00	-36,743.17	-36,743.00	0.00	We have spent last year's carryover on one time purchases.
Total	-414,820.05	-394,152.16	-374,476.17	-328,092.46	-352,207.19	

Expenses

	FY 2019 Actuals	FY 2020 Actuals	FY 2021 Adj Budg	FY 2021 Actuals 2/21	FY 2022 Proposed	
22-43-11 Salaries/Wages	70,656	87,856	74,164	43,457	74,164	my pay and 10% of Erin's Pay
22-43-12 Overtime			0			
22-43-13 Employee Benefits	41,589	49,038	44,578	25,228	48,590	figured as a percent of salary/wages increase.
22-43-14 Salaries/Wages Part-Time	114,498	126,085	131,106	68,662	138,329	10% raise for Assistant Librarians
22-43-21 Equipment	6,523	7,816	20,000	22,407	5,000	We don't anticipate any more large purchases.
22-43-22 Library Board Expenses	32	917	1,000	7	250	We are not having minutes transcribed.
22-43-23 Books & Materials	20,955	23,864	30,000	15,696	30,000	
22-43-25 Mileage Reimbursement	276	302	300	19	600	Delivering new move-in welcome gifts
22-43-26 Insurance & Bonds			0	0	0	
22-43-27 Postage	350	10	250	0	200	
22-43-28 IT Software	14,399	17,054	17,700	11,369	9,500	Less, because of move to Koha
22-43-29 Printing	78		1,500	204	1,500	reflects last year's cost
22-43-30 Programming	6,116	5,681	10,500	4,804	12,000	Continue Winter Reading, New Move-in welcome bags,
22-43-31 Phone Reimbursement	720	1,800	1,800	969	1,800	
22-43-32 Uniforms/Emp. Misc.	2,668	1,737	1,500	350	1,500	
22-43-33 Continuing Education	1,924	2,294	1,000	385	1,000	Send one or two staff to State conferences. No one to a national conference
22-43-35 Office Supplies	2,582	13,688	6,000	1,685	5,000	
22-43-50 Grant Expenditures	14,583	10,784	6,400	802	8,000	CLEF grant and small LSTA grant (we hope)
22-43-61 Indirect Overhead	1,777	8,838	8,000	0	8,000	
22-43-62 Insurance Expense	8,633	1,213	1,344	0	1,000	
22-43-75 Internal Service IT Expense		2,530	5,000	0	5,000	
Total Expense	308,359	361,507	362,142	196,046	351,433	
Total Revenue					-352,207	
difference					-774	



HIGHLAND CITY

LIBRARY BOARD AGENDA REPORT ITEM #5c

DATE: February 25, 2021
TO: Library Board
FROM: Donna Cardon, Library Director
SUBJECT: Physical Item Circulation Policy Change

PURPOSE:

To make a small change in the circulation policy regarding sending patrons to collections.

BACKGROUND:

In February 2020 the Library Board approved a change to the Physical Item Circulation Policy that states that “The Library reserves the right to seek appropriate and reasonable action to recover materials, fines, replacement costs or fees through the use of courts, law enforcement, or collection agencies. If the amount owed is \$100.00 or over, the patron will be referred to a collection agency.” The first of these collections were sent out in October, 2020 and continue to be sent monthly.

In January a patron came to the Library and brought back several books that had been checked out since last March. The librarian who was helping him didn’t realize his bills had been sent to the collection agency, so she took the cost of the items off his account. His original collections amount was about \$250 dollars but once the cost of the lost items was taken off his account, his remaining bill was for just over \$100, all in overdue fines.

When I found out the amount of his bill had changed, I contacted the collection agency and asked them to adjust the amount they collected from him. The agent asked what the remaining bills were for and I told her they were for overdue fines. She told me that they could not legally collect amounts for fines by themselves, and could only collect amounts that reflect real costs, as for replacing lost or stolen items.

I therefore propose that we change the Physical Item Circulation Policy to reflect this limitation.

FISCAL IMPACT:

There will be a slight decrease in income from overdue fines that are not collected, but it should not be a significant amount.

STAFF RECOMMENDATION:

The Physical Item Circulation Policy be changed to reflect the limitations imposed by the collection agency.

PROPOSED MOTION:

I move that the Library Board approve the changes to the Physical Item Circulation Policy regarding Bill Collections.

ALTERNATE MOTION:**ATTACHMENTS:**

1. The Physical Item Circulation Policy (track changes)

Highland City Library: Physical Item Circulation Policy

I. Basic Rules

- A. Borrowers must present a valid Library card to check out Library materials.
Patrons may present their card in electronic format from a smart phone once identity is verified and noted in their account.
- B. A fine will be assessed on each item loaned which is not returned according to the rules below.
- C. Repair or replacement costs for damages to materials beyond normal wear and tear will be determined by a librarian.
- D. Account holders will be held responsible for all materials checked out to their library accounts and for all fines accrued on their account. Patrons are responsible to protect their cards from unauthorized use by others.
- E. Parents or guardians are responsible to monitor the accounts of their minor children, whether their child's card is attached to the parent's or not. Parents are responsible for all materials checked out on their children's cards and to pay fines, fees or replacement costs that accrue.
- F. Patrons may reserve circulating materials. Hold notices will be sent by email or text to patrons who provide valid electronic addresses. No printed hold notices will be sent.

II. Loan Period

- A. All circulating materials and kits will be loaned for a period of three weeks.
Any item on hold for another patron may not be renewed. Items are considered overdue if returned or renewed after the close of business the day they are due.
- B. Due dates will not be set for days the Library is closed.
- C. Materials that are not on hold for another patron may be renewed up to three times. Borrowers with delinquent accounts may renew materials if no other patron has requested them.
- D. Borrowers may not have more than 100 items checked out on their account at any given time. The Library Director may authorize additional items to be checked out on each account.

III. Fines and Fees

- A. Fines of \$1.00 per day will be charged for overdue videos (any format) and kits.
Fines on other overdue materials will be \$0.10 per day.
- B. Fines will stop at \$10.00 for each overdue item.
- C. Borrowers will be assessed a replacement fee for individual items lost or damaged equal to the current retail price of the material plus a \$5.00 fee to cover the cost of ordering and processing. No refunds for lost or damaged materials will be issued. Items are considered "lost" if they are 60 days overdue.
- D. Borrowers will be assessed a replacement fee for items that are parts of kits that are lost or damaged equal to the current retail price of the material plus

a \$5.00 fee. If the individual part cannot be replaced, the borrower will be assessed the cost of the kit.

- G. Replacement cost of rare or valuable material will be assessed on an individual basis as determined by the Library Director.
- H. A minimum fee of \$20.00 will be assessed for each returned check.
- I. Patrons with delinquent accounts will not be allowed to check out any materials until all fines are paid in full and materials are returned or all replacement fees are paid in full. Patron accounts are delinquent if the following conditions exist:
 - 1. They owe fines or fees of more than \$10.00.
 - 2. They have any items more than 8 weeks (56 days) overdue.
- J. The Library reserves the right to seek appropriate and reasonable action to recover materials, ~~fines~~, replacement costs ~~or~~ and fees through the use of courts, law enforcement, or collection agencies. If the amount owed unreturned materials and processing fees is \$100.00 or over, the patron will be referred to a collection agency. Patrons referred to a collection agency shall be assessed a recovery fee in addition to all other costs or fees allowed by law to defray the cost of recovering delinquent accounts.
- K. Patrons who wish to appeal fine or replacement cost assessments may appeal to the Library Director. Patrons not satisfied with this disposition may then appeal to the Library Board through the Library Director, who will forward the request to the Board along with staff recommendations. The Library Board shall make final determination of the matter. The patron shall be notified of this action in a timely manner.
- L. The Library shall not be obligated to run a debit/credit card through the credit card system for charges or purchases under \$2.00.

Commented [EW1]: I'm wondering if we should leave this first sentence to same just to preserve any possibilities we may have of recovering fees. I totally support the change to the second sentence.

IV. Borrower Categories

- A. Residents of Highland shall be provided accounts free of charge. Resident accounts are renewed every 3 years.
 - 1. Cards for children 12 and under will be attached to a parent's/legal guardian's account. All checked out items, fines, costs, holds, and charges accrued with the child's card will appear on the adult's account and will be the responsibility of the adult account holder.
 - 2. Minors ages 13-18 may have their own library account with their parent's/guardian's permission, or they may have a card attached to their parent/guardian's account.
 - 3. When minors turn 18, they may open an adult account. Fees and fines from their previous account will still be the responsibility of the parent/guardian. Any fines or fees incurred under the new account will be the responsibility of the account holder, not the parent/guardian.
- B. Employees of Highland City shall be provided accounts free of charge and shall be held to the same rules as indicated in library policies.
- C. Non-residents of Highland may purchase a library account for \$70 per year and shall be held to the same rules as indicated in Library policies. Non-

residents may receive multiple cards for use by immediate family that reside in the same household (no matter what age), but they will all be attached to one non-resident account. The holder of the account will be responsible for all fees, fines, costs and items checked out by all cards attached to their account.

- D. Alpine School District certified teachers and media specialists in schools within Highland, Alpine, and Cedar Hills city limits who do not reside in Highland City qualify for free non-resident cards. Educators are personally responsible for the account, not their school nor their school district. Those with educator accounts are not eligible for additional attached cards.
- E. Registered users of any North Utah County Library Cooperative (NUCLC) library shall be provided non-resident accounts free of charge, provided their account at their “home” library is in good standing. Registered users of junior NUCLC members will be charged a reduced non-resident fee of \$40. If the registration of a NUCLC member’s “home” library card expires in less than a year, their Highland card will have the same expiration date as their home library card. NUCLC patrons may not request interlibrary loans or participate in programs which require registration. NUCLC patrons who are under 18, will require a parent signature in order to open an account with the Highland Library.

Approved by Highland City Library Board July 9, 2008

Revised by the Highland City Library Board, March 25, 2009, September 23, 2009, November 18, 2009, July 28, 2010, September 22, 2010, September 28, 2011, September 25, 2013, May 28, 2014, February 28, 2019, May 23, 2019, October 24, 2019, February 27, 2020, February 25, 2021