



# RUPERT J. SMITH LAW LIBRARY

## Minutes September 13, 2013

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1 **Present**

Hon. Burton C. Conner, Chair  
James T. Walker, Esq.  
Paula A. Lewis, County Commissioner  
Nora Everlove, Librarian  
Johnathan A. Ferguson, Esq.  
James Wilder

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8 **Absent**

Lynn T. Atkinson, Secretary

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11 **I. MINUTES:**

12 The August 2, 2013 Meeting Minutes were presented to the Trustees. Ms. Lewis made a  
13 motion to approve the minutes as presented. Mr. Walker seconded the motion and as there  
14 were no objections, the motion carried. Judge Conner prepared a packet to be sent to Ms.  
15 Atkinson, which include the signed minutes.

16 **II. FINANCIAL REPORT(S):**

17 **Report/Comments by Ms. Everlove:**

18 1. Issue(s) from previous meeting: A couple of months reports did not show  
19 revenue amounts. Ms. Everlove looked into the matter and reports that those revenues were  
20 posted in the wrong month, however the totals were correct. The “bump” in revenues that  
21 showed in May Financial Report was simply a catch-up. There was no “bump”; it was simply a  
22 reallocation of the revenues by the date. She stated that she was hoping that we were due  
23 additional revenues, but that is not the case.

24 2. Revenues are low this month, \$27,000.00. Ms. Everlove reiterated that she  
25 wishes she understood why this happens, but there is really no way to know.

26 As there was no further discussion, Ms. Lewis made a motion to approve the Financial  
27 Report for the month ending August 31, 2013. Mr. Walker seconded the motion and as there  
28 were no objections the motion carried.

29 **III. LIBRRIAN’S REPORT:**

- 30 1. August was a busy month.  
31 2. The Friends put on another CLE lunch this month and there will be CLE lunches in  
32 October and November as well.



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33 3. Another issue of Friendly Passages is ready. It has not gone out electronically as  
34 Wanda Barrett that normally sends out the electronic copies is in Europe, but  
35 Ms. Everlove will be sending out the electronic copies. The electronic copies are  
36 sent out in batches by circuit and it takes about at least a week to send them all  
37 out.

#### 38 **IV. NEW FISCAL YEAR'S BUDGET:**

39 A copy of the proposed budget for Fiscal Year 2013-2014 was distributed to the Trustees  
40 at the August 2, 2013 meeting. The big question at the last meeting was why are the revenues  
41 down and are they going to go back up? Ms. Everlove reported that she has worked on getting  
42 an answer to this question, but no one is able to answer that question. Ms. Everlove left to  
43 print out the budget information that was distributed at last month's meeting. Ms. Everlove  
44 handed out the proposed budget again.

45 Revenues are down. Why are they down? What is the likelihood that the revenues will  
46 be up again next year? Ms. Everlove asked Finance these questions and Finance threw it  
47 question to the Clerk of Circuit Court. The Clerk advised that they have no idea why the  
48 revenues are down, nor do they have any reason to think the revenues will be up next year.  
49 Ms. Everlove added that this seems to be a very cyclical thing. We have periodically been on  
50 this ride before. Maybe five or six years ago we let it get too low and we had to go through h  
51 some very serious cuts.

52 If we do nothing, we are looking at expenditures of about \$425,000.00 and we will bring  
53 in about \$363,000.00/\$364,000.00 for next year. That is about a \$65,000.00 difference. This is  
54 with the assumption that all things remain the same. If we were to add in a meaningful South  
55 County Branch with 20 hour staffing, it would add another \$41,000.00 to the expenditures.  
56 About half of that would be for contract services. Approximately \$15,000.00 would be for law  
57 books. We already purchase law books for South County, not a lot, but we do maintain a basic  
58 Florida collection... A lot of the \$15,000.00 would go for the purchase of CLE tapes and our best  
59 sellers. That would put us up to about \$100,000.00 difference between revenues and  
60 expenditures.

61 Discussion was had concerning these figures. Mr. Walker and Ms. Lewis are  
62 comfortable with the proposed budget. Mr. Ferguson is not comfortable and feels that a  
63 tighter budget should be adopted. Mr. Wilder stated that he thinks that the idea of cutting  
64 back on the budget at this time is an appropriate thing to consider at this time. He wants to see  
65 South County properly funded and have a good representation there. Mr. Walker stated that if  
66 he had to choose between two mediocre libraries and one good library. He would choose to



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67 have one excellent library in Ft. Pierce. If any cuts are going to be cut he would like to see them  
68 done in South County. But the fact is that our revenues are going to be going up and down  
69 each year. We do not have a clear understanding of the factors that result in those  
70 fluctuations. Mr. Walker feels that we serve our public poorly if we panic each year when the  
71 revenues go down and we cut valuable services. It is our function as Trustees to provide the  
72 best possible service that we can. It is not our role to sit on unspent money. The fact is that we  
73 determined as Trustees what a reasonable fund balance should be and that is what we are  
74 protecting. The other money and very appropriately are used to cover these fluctuations that  
75 we are going to get from year to year. If we are at the same situation next year and we have a  
76 pattern then that would be the time to take a look at this.

77 Ms. Everlove stated that she thinks we can afford to wait a couple of months to see if  
78 the revenues come back up. But if we do wait the cuts we have to make may be deeper than if  
79 the cuts were made now. She would like the Trustees to task her with making every invisible  
80 cut that she can find, things that will not hurt the collection and keep our better contract  
81 together. There is no perfect way to approach this. Ms. Everlove advised that the \$180,000.00  
82 was established when we had a smaller budget. She feels an increase in the \$180,000.00 needs  
83 to be considered since the budget has been increased. The point was to have at least six  
84 months of expenditures in reserve. At this point \$200,000.00 doesn't even cover six months of  
85 expenditures. She feels that we need to make some cutbacks, but not the entire \$65,000.00.  
86 She feels strongly about South County and thinks services should be increased if possible.

87 Judge Conner stated the Trustees position on a gross budget amount as follows:

88	Lewis:	\$466,000.00
89	Ferguson:	\$395,000.00
90	Wilder:	Not sure
91	Walker:	\$466,000.00
92	Everlove:	\$466,000.00

93

94 Judge Conner stated the Senator Negrón is cautiously optimistic that the new fiscal year  
95 won't be so tight.

96

97 Mr. Walker made a motion to adopt a budget of \$466,000.00 for the new fiscal year.  
98 Ms. Lewis seconded the motion. Judge Conner called for additional discussion. There was no  
99 additional discussion. The motion carried at a vote of four to one, Mr. Walker, Mr. Wilder and  
100 Ms. Lewis and Judge Conner, for and Mr. Ferguson against.

101 Mr. Walker made a motion that six months into the new fiscal year the Trustees  
102 readdress the reserve amount. The motion was seconded and it was carried unanimously.



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104 Mr. Walker made a motion to approve the proposed budget as submitted by Ms.  
105 Everlove and Ms. Lewis seconded the motion. The motion carried at a vote of four to one, Mr.  
106 Walker, Mr. Wilder and Ms. Lewis and Judge Conner, for and Mr. Ferguson against.

107 **V. SELF HELP CENTER:**

108 Conference Room is to be 9' x 11'. The Clerk will use small conference room until the  
109 build-out is completed.

110 Ms. Everlove advised that Joe Smith has selected his employee for the Self-Help Center  
111 and is hoping for an October 7, 2013 start date.

112 **AGREEMENT:** Joe Smith, Clerk of the Circuit Court of St. Lucie County submitted a  
113 proposed agreement for review by the Trustees regarding the Self-Help Center. Discussion was  
114 had concerning the proposed agreement:

115 **Mr. Walker** voiced concerns about liability issues for the library. Ms. Lewis reported  
116 that she spoke to the County Manager and to County Attorney Dan McIntyre who informed her  
117 that the county is covered under the umbrella of sovereign immunity and the library falls under  
118 the same umbrella by virtue of the fact that it is located in the courthouse. Mr. Ferguson stated  
119 that he believes the County is self-insured (professional umbrella) and would like the Clerk to  
120 indemnify the library to the extent that he is able.

121 **Ms. Lewis:** Voiced concerns about paragraph 12 of the proposed agreement and a  
122 provision for an escape clause. Ms. Lewis inquired how the Self-Help Coordinator would be  
123 handling funds. Ms. Everlove stated that she did not know. She advised that any funds would  
124 need to be locked in the library's workroom.

125 **Mr. Ferguson:** New Conference Room Funded by the Clerk: Is the conference room for  
126 the Clerk's exclusive use? Is it going to be staffed the same hours that the library is open?

127 **Ms. Everlove:** The Self-Help Coordinator would be in the Self-Help Center from 8:00  
128 a.m. to 5:00 p.m., Monday through Friday, with an hour for lunch. The library does not open  
129 until 8:30 a.m., so Ms. Everlove needs to clarify if it is anticipated if appointments with the Self-  
130 Help Clerk are to begin before the actual opening time of 8:30 a.m. The Self-Help  
131 Center/Conference Room is to be shared space that can be utilized by the library when not in  
132 use by the Self-Help Coordinator. Ms. Everlove envisions that the conference room will contain  
133 a table/desk, chairs, shelves, perhaps filing cabinets and a laptop and printer.



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134           **Judge Conner:** Judge Conner made several suggestions concerning the proposed  
135 agreement. A copy of the proposed agreement with his hand-written suggestions is attached  
136 for reference.

137           **Discussion points:**

- 138           • Escape Clause: Do we have the right to terminate the agreement? Prorate cost of  
139 build-out, 30-60-90 day notice? Minimum period of time before we can get the space  
140 back?
- 141           • Is Clerk is required by statute to have a Self-Service Center?
- 142           • Indemnify for professional services:
- 143           ♦Ms. Everlove does not have liability coverage, or the library. Cost prohibitive.
- 144           ♦Is it feasible for the Clerk to have indemnity language included in the agreement?
- 145           • To what extent are we participating in handing out these packets?
- 146           • Paragraph 7 of the proposed agreement. Trustees agree that they are to receive no  
147 revenues at this time. This matter may be revisited in the future.

148           **MOTION:** Mr. Walker made a motion concerning the approval of the concept of  
149 a Self-Help Center Agreement with the Clerk of Circuit Court. Mr. Ferguson seconded the  
150 motion Discussion was had and Mr. Walker amended the motion to read as follows: The  
151 Trustees approve the tentative concept of a Self Help Center Agreement with the Clerk of  
152 Circuit Court (Clerk) which will provide for the provisional space and the construction of a  
153 conference room with the understanding that for six months starting from today the Clerk may  
154 use the Law Library's smallest conference room to carry out the activity until the new  
155 conference room is constructed. As soon as the new conference room is constructed the Clerk  
156 will no longer occupy the small conference room. There is a strong expectation that there will  
157 be a written finalized document to vote on at the November 2013 Trustees meeting. Mr.  
158 Ferguson seconded the amended motion. Judge Conner called for any discussion on the  
159 amended motion. Mr. Wilder asked what happens if the Trustees don't come up with a written  
160 agreement in the time frame stated in the amended motion. Discussion was had concerning  
161 Mr. Wilder's question. As there was no further discussion and no objections to the motion, it  
162 carried.

163           **VI: RESOLUTION 2013-1: AUTHORIZING THE LIBRARIAN TO NEGOTIATE DIRECTLY WITH**  
164 **THE VENDORS AND TO BIND THE TRUSTEES TO PROCUREMENT CONTRACTS; PROVIDING**  
165 **PROCEDURE FOR CONSULTATION BETWEEN THE LIBRARIAN AND THE TRUSTEES REGARDING**  
166 **CONTRACT STATUS:**



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167 Mr. Walker presented a draft Resolution 2013-1 to the Trustees. This matter was tabled  
168 until the next meeting. A copy is to be e-mailed to Judge Conner for his review.

169 **VII: CODE OF PATRON CONDUCT**

170 Ms. Everlove is to e-mail copies of the draft document to everyone. This matter was  
171 tabled until the next meeting.

172 Mr. Wilder had further business as follows:

- 173 • Asked Ms. Everlove to contact the County Library and to have our link posted on  
174 the County Library page.
- 175 • He gave Ms. Everlove and her staff their Certificates from their AED training.
- 176 • Asked Ms. Everlove to update, batteries, pads and anything thing it needs.


177 As there were no further topics for discussion the meeting was adjourned.

178  
179 Dated and signed by the following Trustees this \_\_\_\_\_ day of November, 2013.

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182 \_\_\_\_\_  
183 Hon. Burton C. Conner, Chairman

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185 \_\_\_\_\_  
186 James T. Walker, Esquire

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188 \_\_\_\_\_  
189 James Wilder

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192 Johnathan A. Ferguson, Esquire

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195 Paula A. Lewis, County Commissioner