



## LIBRARY BOARD MEETING AGENDA

DATE: Thursday, May 15, 2025 at 7:00 p.m.

PLACE: Community Room, Cromaine Library

- I. Call to Order
- II. Pledge of Allegiance
- III. Roll Call
- IV. Approval of Agenda
- V. Approval of Consent Agenda
  - A. Approval of Regular Meeting Minutes, 04/17/25 @ 7:00 pm
  - B. Acknowledge receipt of the March Financial Reports and payment of March invoices totaling \$100,384.92 and March payroll obligations totaling \$100,049.10.
  - C. Committee Reports

Community Relations & Strategic Planning	May 07
Personnel Committee	May 01
Finance Committee	May 05
Ad-Hoc/Landscaping	May 12
- VI. Library Director's Report
- VII. Discussion/Decision Items
  - A. Budgets presented for discussion
  - B. Calling on Operating Fund Budget Hearing for June meeting/Resolution needed, (LCDPA notice)
  - C. Memorial Day Parade
  - D. Policy #8008, Ethics Statement (Personnel)
  - E. Policy #8009, Board Policy Development (Personnel)
  - F. Policy #8011, Board Compensation & Expenses (Personnel)
  - G. Policy #3010, Materials Selection (Community Relations)- discussion about labeling or sequestering materials  
Resolution, if warranted
- VIII. Information/Comments from Board
- IX. Call to the Public
- X. Agenda Items for Next Meeting
- XI. Adjournment



PROPOSED

Cromaine District Library  
Regular Board Meeting  
Thursday April 17, 2025

Trustees Present: Bill Bolin, Jeannine Gogoleski, Becky Basley, Nancy Rosso, Holly Naylor, Dawn Smith, Kim Armstrong

Members Absent: None

Staff Present : Sarah Neidert, Darlene Randolph

Public Present : Elizabeth Naylor, Tom Gentner, Jim Currie, Jane Currie, Elizabeth Gauthier, Colleen Moore, Lynn Burrows, Mary Rose Faus, Laura Davis, Deb Irish, Stephanie Folk, Andre Branch, Rita Branch, Glenn Gogoleski, Kelly Garvin, Emily Garvin Kugier, Mary Lou Miller, Linda Bonzack, Alice Kennedy, Karen Rex, Penny Halstead, Denise Pentescu

<b>I.</b>	President Bolin called the meeting to order at 7:00 pm.	
<b>II.</b>	<b>Pledge of Allegiance</b>	Pledge of Allegiance
<b>III.</b>	<b>Roll Call</b> President Bolin took roll call. Present: Bill Bolin, Jeannine Gogoleski, Beck Basley, Nancy Rosso, Holly Naylor, Dawn Smith, Kim Armstrong Absent: None	Roll Call
<b>IV.</b>	<b>Approval of Agenda</b> Trustee Smith asked to add an Item L. Withdrawal of MLA and ALA memberships. Trustee Smith moved to approve the amended agenda, seconded by Trustee Armstrong. Ayes: All Nayes: None      Motion passed.	Approval of Agenda

V.	<p><b>Approval of Consent Agenda</b></p> <p>Vice President Gogoleski moved to approve the consent agenda, seconded by Trustee Smith.</p> <p>Ayes: All</p> <p>Nayes: None      Motion passed.</p> <p>A. Approval of Regular Meeting Minutes 02/20/25</p> <p>B. Acknowledge receipt of the February Financial Reports and payment of February invoices totaling <u>\$85,625.62</u> and payroll obligations totaling <u>\$101,148.81</u>.</p> <p>C. Committee Reports</p> <table><tr><td>Community Relations &amp; Strategic Planning</td><td>April 9</td></tr><tr><td>Personnel</td><td>Cancelled</td></tr><tr><td>Finance</td><td>April 14</td></tr><tr><td>Ad-Hoc/Landscaping</td><td>April 10</td></tr></table>	Community Relations & Strategic Planning	April 9	Personnel	Cancelled	Finance	April 14	Ad-Hoc/Landscaping	April 10	Approval of Consent Agenda
Community Relations & Strategic Planning	April 9									
Personnel	Cancelled									
Finance	April 14									
Ad-Hoc/Landscaping	April 10									
VI.	<p><b>Library Directors Report</b></p> <p>Director Neidert explained the PPT tax (Personal Property Tax Reimbursement) from the state. It is a bit lower than last year.</p> <p>Partners in Progress Update:</p> <p>The Library was invited to add items to Welcome Baskets for new residents of Hartland Township. The library will be donating a key chain with the library's name on it, attached to the Library brochure. She passed it around to the board. These baskets will be available at the township to pass out to community members going in for appointments regarding their assessments. Additionally, Partners in Progress will be financially contributing to a new app that will be coming out from the township. This could be ready at the end of April. This year's Memorial Day Parade theme for Cromaine will be "Color My World". The board is welcomed to walk the parade.</p> <p>The Friends of Cromaine Booksale is May 1<sup>st</sup>-May 4<sup>th</sup>. They still are in need of new members. Currently there are 41 members. Director Neidert placed membership forms at the entrance of the meeting room, and distributed them to each trustee.</p> <p>There are still tickets available for the Music Hall Organ Fundraiser which takes place May 2<sup>nd</sup>. Cromaine has hired three new part time-caretakers for the Music Hall.</p>	Library Directors Report								

	<p>Director Neidert received a nice thank you note from a patron thanking the Library board and staff for installing the new accessible doors on the bathrooms.</p> <p>Director Neidert provided an update about funding cuts to the Institute of Museum and Library Services (IMLS) at the federal level- if IMLS is eliminated Michigan will lose federal funding for:</p> <p>MeLCat (Michigan eLibrary Catalog) -a statewide interlibrary loan system that allows patrons to borrow physical materials from participating Michigan libraries (including universities).</p> <p>MeL (Michigan eLibrary- mel.org) -a statewide resource hub offering digital databases, eBooks, research tools, and learning resources to all Michigan residents.</p> <p>MAP (Michigan Activity Pass- miactivitypass.org)-a resource that allows patrons to access free or discounted tickets to museums, parks, and other venues.</p> <p>Director Neidert brought a big binder just completed by staff- to be able to demonstrate the various non-book items in the library -the “Library of Things.” While the website has a very good search feature, which she demonstrated, the staff had been looking for a way to “show and tell” about the collection when doing outreach, and a good old -fashioned binder with paper might just do the trick.</p>	
<b>VII.</b>	<p><b>Discussion/Decision Items</b></p> <p><b>A. Strategic Plan Review</b></p> <p>Director Neidert quickly went over the previous quarter updates- a handout was provided in the board packet.</p> <p>The Jan-March 2025 entailed a brainstorming session with staff during staff-in-service for the FY 25-26 goals.</p> <p>The Adult Services staff has been working on a pilot Homebound delivery plan. This was created by the librarians in that department and presented to the management in February for feedback. This could launch in June. The library received a grant from the County Consortium on Aging which will help fund this plan.</p> <p>An Ad-Hoc Committee was formed to monitor and give updates on the Outside Landscaping project. The plans are ready to be sent to the township and the county for approval.</p>	Strategic Plan Review

	<p>The first and second floor staff offices are completed. The four quiet/study units have been installed on the first floor.</p> <p>A cloud-based system for marketing to library patrons has been selected- will begin in July with the new fiscal year.</p> <p>Moving forward, we would like to increase outreach, finish updating servers in the server room, and add staff and some community members to the Ad-Hoc Committee on the landscaping project.</p> <p><b>B. Review of third-quarter statistics</b></p> <p>The Circulation Reports are both up in sending and receiving materials through statewide interlibrary loan- MelCat. Again, this service may be stopped due to the federal cuts to IMLS. Currently there are eight databases that we pay for and approximately 80 databases that are funded by IMLS, which could change, as noted previously in the director's report.</p> <p>Physical visits have increased.</p> <p>Internet and database use is up.</p> <p>There has been a slight decrease in program attendance.</p> <p>Secretary Rosso commented on the big increase in room use. Director Neidert said it is due to the new calendar system that tracks use of the study rooms.</p> <p><b>C. National Library Week (April 7-9)</b></p> <p>This took place earlier this month. The library participated with social media posts.</p> <p><b>D. Policy #3010, Materials Selection (Community Relations)</b></p> <p>Trustee Smith stated that the committee did not come to a resolution on specific changes to this policy. The committee feels this should be a board decision.</p> <p>Trustee Naylor commented that typically, when the board comes up with different wording of substantial changes it is best policy to seek legal counsel advice. Vice President Gogoleski suggested a second opinion from a different legal firm regarding labeling. Director Neidert replied that at the committee's request she had done some research, and had a list of 21 different legal firms that work with libraries in Michigan, six came with recommendations from other library directors in SE Michigan, the rest were provided in list form from the Library of Michigan.</p> <p>Trustee Smith went on to say that there is nothing from our lawyer that says <b>not</b> to label these books. They only suggest not to do this. This is unfair to the community. It seems this lawyer is more on the side of MLA/ALA. Suggesting another lawyer would give us the same information, which is to do nothing. The</p>	<p>Review of third-quarter statistics</p> <p>National Library Week</p> <p>Policy #3010</p>
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lawyer's best choice is to do nothing. She went on to say that we have been doing nothing for four years. The community has been asking for this for years. We should be doing it for the community.

Vice President Gogogleski commented that the majority of the community want labels on books. Trustee Naylor disagreed and said, "that is not the case, but you have the majority if that is what you want." This is a high- risk option. Trustee Smith said that she does not want a lawsuit to develop over this. "We have to be fair to everyone so that parents can get anything they want to read, but also be protected."

Vice President Gogoleski wanted clarification on how a seven year-old could go into the adult section of the library to get a book that was there. Director Neidert noted that per the library policy concerning children in the building (#2031), children nine (9) years or younger must have a parent or caregiver with them at all times in the building. It is the responsibility of that adult to restrict what a child has access to, per policy.

Secretary Rosso reminded the board of the meeting and training session that many attended with Claire Membiela- who is a lawyer and librarian employed by the Library of Michigan- who does not work for ALA or MLA, but often provides training to librarians and boards. Her opinion, way back months ago, expressed in her handouts could not have been more clear:

***" Members of a governing board have a "Fiduciary Duty" to always act in the best interest of the library-NOT the best interests of a personal agenda, political view, religious view, or local municipal government view. Board members who use their decisions to impose personal, religious, political, or other beliefs onto library users are not acting in the best interests of the library as an entity. The library belongs to and serves an entire COMMUNITY and trustees are in place to maintain and protect the library for the entire community – not just the groups and demographics board members identify with. This is particularly true in matters where Library assets or funds are affected (or where actions could invite a lawsuit)."***

Furthermore, the handout noted:

***"70% of the American public are against limits or bans on library materials. Another poll suggests that a minority of people are the ones likely to initiate complaints and censorship behavior."***

Secretary Rosso mentioned some cases that have ended up costing the libraries a lot of money. There are current court cases in Michigan that are pending. She agreed that it sounds reasonable to think of other attorneys, but we need to keep our eyes wide open and should reflect on how much of a risk to taxpayer's money labeling books is. Our current lawyer does not work for MLA or ALA but rather the firm Foster Swift. Secretary Rosso quoted from her April 16, 2024 letter to the board:

*"We understand that the library is considering enacting a policy or procedure that would require the library to label books. For the following reasons, we believe a labeling policy would be subject to challenge if the intent or the result of the policy is to "stigmatize" books (or otherwise impact First Amendment rights), or the enactment was motivated by religious views."*

Treasurer Basley asked what is the Community Relations Committee asking the board to do tonight? Trustee Smith clarified that the committee wanted to get the whole board's thoughts on labels- specifically the language suggested by President Bolin, which Trustee Smith thinks could be less aggressive if we change a word or two. Treasurer Basley commented that tactically the action that comes out of this decision will result in a modification of the policy itself. Trustee Smith said yes and Treasurer Basley thanked her for the clarification. Secretary Rosso asked about the new genre stickers discussed last month- "social issues"? Director Neidert said that is a different issue. That is a genre that exists that the staff were not using. The committee agreed last month that adding that genre label to certain books in the youth fiction section would help in this area of concern for the community. Trustee Smith said that is non-judgmental and is a separate issue than what we're discussing tonight. Secretary Rosso asked if those books ("social issues") have been identified by staff? Director Neidert responded that she gave staff directive to start assessing children's fiction books to see if there are those that this genre would apply to. It does not encompass non fiction books. However, we have now moved to another topic- labeling "sexually explicit books."

Treasurer Basley stated that we are a policy making board. Operationally, the library director takes the policy and executes what is inside the policy. The part that is grey here, is I feel like we are moving in a trajectory of asking the board to participate in operational functions. Looking and deciding on what books should be labeled is a very slippery slope. This is not our role.

Trustee Smith believes that book challenges should not be one person deciding. It should be from a community standard. Director Neidert is not the community, she is one person.

Treasurer Basley responded by saying, from a procedure perspective, if there is a book challenge it should proceed through the process we have in place.



President Bolin said that it is not our place to do that, but if a patron is not satisfied with results of a challenge, then it is appealed to the board, and at that time it will become our place.

President Bolin then asked Director Neidert about the current challenge of 220 books from a patron. He was told by this patron that out of 220 books, she rejected three of them so far. Director Neidert answered "I have not yet answered any of the challenges- however I have met with the patron twice and only told her verbally that I did not see an issue with the three books she presented at the first meeting." Director Neidert asked President Bolin if he had met with this patron separately? President Bolin said, "Yes, of course, she goes to my church".

Director Neidert clarified that she was told, when she asked, that this patron did not know Bill Bolin. Director Neidert then asked, "What is the point of your question just now?" President Bolin responded by wanting to know if there were letters of rejection to some books that were challenged by this patron. Director Neidert was informed by the patron that she would like all letters to all books given to her at one time so that she could appeal them all at one time. President Bolin indicated that he'd send them one at a time.

Trustee Naylor says that this process takes time. Vice President Gogoleski stated that the director is following the process. Let the director handle this and she will then bring it to the board.

Secretary Rosso requested Director Neidert to keep track of staff time while addressing this large number of challenges.

Trustee Naylor asked if she has the addresses to all the people signing these book challenges? Director Neidert said that the addresses are on the forms and that there are some people in the group that are not in the library district. After meeting with the patron, they agreed that she would speak for the group, as she lives in the district and represents the views of this group, even though they are not a formal organization.

President Bolin said to the board, "Just so you understand, this patron is heavily active in the Republican Party." Treasurer Basley responded immediately that she is not comfortable with this and it is not appropriate to discuss an ongoing process in open meeting. Vice President Gogoleski agreed.

Director Neidert said to President Bolin that he is welcomed to sit in the meetings with her and the patron, but she'd prefer if they not meet about this or Library matters without her.

Policy #4010

	<p>Trustee Smith said that we are going to see this happening at other libraries throughout Michigan and because of what is happening in the Supreme Court, people are going to figure out that they have a voice in this. The content of these books keeps getting more radical every year. This is going to be an ongoing issue.</p> <p>Treasure Basley said there is no policy solution to label a book at a board level. Vice President Gogoleski suggested taking this back to the committee to come back with suggested language, and that she is not comfortable to be voting tonight on this policy. All agreed.</p> <p>Resolution Needed: <b>Take back to the committee for language. No Resolution</b> Resolution #2025-09</p> <p>_____ moved to approve Resolution #2025-09, for Policy #3010, Materials Selection, seconded by _____. A roll call is taken.</p> <p>Ayes:</p> <p>Nayes:</p> <p><b>E. Policy #4010, Public Relations and Public Information (Community Relations)</b></p> <p>Revised by correcting sentence to make it just pertinent to library use.</p> <p>Resolution Needed: Resolution #2025-10</p> <p>Vice President Gogoleski moved to approve Resolution #2025-10, for Policy #4010, Public Relations and Public Information, seconded by Trustee Armstrong. A roll call was taken.</p> <p>Ayes: Kim Armstrong, Dawn Smith, Holly Naylor, Becky Basley, Nancy Rosso, Bill Bolin, Jeannine Gogoleski</p> <p>Nayes: None Resolution passed.</p> <p><b>F. Policy #4020, Library Meeting Room Use (Community Relations)</b></p>	<p>Policy 4020</p> <p>Policy 4021</p>
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	<p>This was a complete rewrite. The Music Hall portion was eliminated. Fees were added in. This will make it more transparent to patrons. Treasurer Basley agreed that this would be very helpful.</p> <p>Resolution Needed: Resolution #2025-11</p> <p>Vice President Gogoleski moved to approve Resolution #2025-10, for Policy #4020, Public Relations and Public Information, seconded by Trustee Smith. A roll call was taken.</p> <p>Ayes: Kim Armstrong, Dawn Smith, Holly Naylor, Becky Basley, Nancy Rosso, Bill Bolin, Jeannine Gogoleski</p> <p>Nayes: None          Resolution passed.</p> <p><b>G.      Policy #4021, Hartland Music Hall Reservation and Use</b></p> <p>This is a new policy that was needed. Trustee Smith said there was a lot of work put into this by Director Neidert and Community Engagement Manager, Liz Welch. Treasurer Basley agreed and that the Music Hall is a gem and putting it in place is the right thing to do.</p> <p>Resolution Needed: Resolution #2025-12</p> <p>Vice President Gogoleski moved to approve Resolution #2025-12, to ADOPT Policy #4012, Hartland Music Hall Reservation and Use, seconded by Trustee Smith. A roll call was taken.</p> <p>Ayes: Kim Armstrong, Dawn Smith, Holly Naylor, Becky Basley, Nancy Rosso, Bill Bolin, JeannineGogoleski</p> <p>Nayes: None          Resolution passed.</p> <p><b>H.      Policy #4030, Non -Library Postings, Displays, and Solicitations (Community Relations)</b></p> <p>Reviewed only:</p>	<p>Policy 4030</p> <p>Policy 4040</p> <p>Organ Fundraiser</p> <p>Committee Meetings Public</p>
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	<p><b>I. Policy #4040, Library Blog and Social Media Sites Guidelines (Community Relations)</b></p> <p>Reviewed only:  Secretary Rosso commented that an old website with the name, Cromaine Library Board, is still live and is in violation of our policy. She said whoever owns this website needs to take it down. This was during the election and it listed Conservative Candidates. President Bolin asked, how can it be taken down if we do not know who owns it? Trustee Naylor responded, "It has your name on it". Secretary Rosso gave President Bolin a copy of the lawyer's letter dated Aug. 8, 2024.</p> <p><b>J. Update on Organ Fundraiser</b></p> <p>There are tickets still available for the May 2<sup>nd</sup> concert at the Music Hall.</p> <p><b>K. Update on making Committee Meetings public</b>  Director Neidert is all for this. She said it would have to be in person and in the evening so the public could attend. Trustee Smith agreed and that we should be transparent. Trustee Naylor is in agreement for public attendance. She said to make these meetings hybrid is complicated- in person would be best.  President Bolin asked Director Neidert if she contacted a company to set up the technical support for meetings to be recorded? She has reached out to the same company that we purchased the large tv from. He needs to come in and assess the room.  President Bolin responded that this needs to be taken care of quickly. If you can not meet with these people, find someone else.  Treasurer Basley said the urgency to do this is debatable. With so much going on right now, it is not a priority. Director Neidert is very busy. Be respectful. She also said, "I take an issue on the terminology that she is not working on it as fast as she can." Trustee Naylor agreed. She mentioned that Director Neidert is working on a lot and taking on a lot of projects right now.</p> <p><b>L. Removing library from Michigan Library Association (MLA)/American Library Association (ALA)</b>  Trustee Smith stated that we should remove ourselves from these organizations because they are extremely left wing.</p>	<p>MLA/ALA</p>
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	<p>Director Neidert informed the board that the library is not an organizational member of ALA, however the budget does include paying for the membership of the Director and department heads, and staff are sent to the national conference on a rotating schedule. This is a benefit to the staff that is considered part of their compensation package.</p> <p>The library has been an organizational member of the Michigan Library Association (MLA), which fees cover the memberships for the 7 trustees and the director, along with discounted memberships for the professional staff.</p> <p>Trustee Smith would like to suggest that the library not be a member of either organization and not pay for upcoming membership in the next fiscal year.</p> <p>Secretary Rosso commented that some of our best practices come out of sharing resources with this professional organization (MLA). We get a lot of good information from other libraries. Trustee Smith wants to make sure the money we save from not paying for memberships be put to use for adequate education. A motion was made.</p> <p>Trustee Smith made a motion for the Cromaine District Library to withdraw from the Michigan Library Association effective July 1, 2025 seconded by Vice President Gogoleski. A roll call was taken.</p> <p>Ayes: Kim Armstrong, Dawn Smith, Bill Bolin, Jeannine Gogoleski</p> <p>Nayes: Holly Naylor, Nancy Rosso</p> <p>Abstain: Becky Basley                      Motion passed.</p>	



	<ul style="list-style-type: none"> <li>• Policy #8011, Board Compensation &amp; Expenses (Personnel)</li> <li>• Memorial Day Parade</li> <li>• Review of Employee Manual</li> <li>• Policy #3010</li> </ul>	
<b>XII.</b>	<b>Adjournment</b> Motion by Vice President Gogoleski, seconded by Treasurer Basley. Adjourned at 8:50 pm.  Ayes: All  Nayes: None      Motion passed.	Adjournment

Nancy Rosso, SECRETARY  
Cromaine District Library Board

Darlene Randolph, Recording Secretary  
Cromaine District Library Board

Documents distributed to the Board for/at this meeting:

- Agenda for Board Meeting April 17, 2025
- Minutes of Regular Meeting March 20, 2025
- April 2025 Directors Report
- February Financial Reports
- Community Relations Minutes – 04/09
- Finance Minutes - 04/14
- Ad-Hoc Committee - 04/10
- Policy #3010, 4010, 4020, 4021, 4030, 4040

Cromaine District Library – Board Meeting  
April 2025

- IMLS impact
- Third-quarter statistics
- Monthly activity report-March 2025
- Res. #2025-09, Resolution #2025-10, Resolution #2025-11, Resolution #2025-12





# Director's Report

May 2025

## Board Education: Understanding Millage Rates and *Headlee*, a recap from 2024:

After reviewing the draft budget, you'll note that our main source of funding is from local property taxes levied. Voters approved a 10 year renewal of Comaine's operating millage in August 2022 at a rate of 1.4313/mil. A millage rate is the rate at which property taxes are levied on property. Property taxes are computed by multiplying the taxable value of the property by the number of mills levied, where a mill is 1/1000 of a dollar. Every May the Livingston County Equalization department releases reports that let us know at what rate the library millage will be levied (at the time I'm writing this report, I'm eagerly awaiting the information that will become the basis of this year's projected income lines on the FY 2025-2026 budget.

For the purposes of board education, I'll refer to the way this worked in this year's (FY 24-25) budget. Because **property values rose faster than inflation (7.8% vs 5.1%) in the Cromaine District Library service area in 2023**, the millage rate was subject to a *Headlee rollback*. This rollback is a result of the Headlee Amendment to Michigan's constitution, which passed in 1978. Since this time, units of government are required to annually calculate a *Headlee rollback factor*. The annual factor is then added to Headlee rollback factors determined in prior years resulting in a cumulative Headlee rollback factor sometimes referred to as the "millage reduction fraction."

This total "millage reduction fraction" is then applied to the millage originally authorized by a vote of the people. In summary, the actual mills available to be levied by a unit of local government is the product of the authorized millage rate times the total millage reduction fraction. This is known as the "*Headlee maximum allowable millage*."

In the simplest terms, the Headlee amendment requires that property taxes rise no faster than the Consumer Price Index, which is the rate of inflation. Since local property values had risen 7.8% in the 2023 calendar year, as opposed to an inflation rate of 5.1%, the property tax rate will be lowered and the *library levied 1.4239 mills for Fiscal Year July 1, 2024-June 30, 2025*.

# Departmental Updates

## **Adult Services Update:**

We were pleased to meet a need for additional quiet seating indicated by the strategic plan survey results; we received four new chairs for the public area, which not only provide additional comfortable seating, but have a partially enclosed design, making them a quieter option for folks looking to read or work. At the reference desk, we continued to see a steady stream of patrons visiting for tax forms throughout the first half of the month. Cromaine offered 15 adult programs to 195 patrons in April, including DIY Spring Signs and The Ever-present Camera: Understanding Photography On Your Smartphone. The Adult Services team also spent the month preparing to launch our Summer Reading Challenge.

## **Youth & Teen Services Update:**

In April, we wrapped up the majority of our school year programming with final sessions of Baby Storytime, Toddlertime, Preschool Storytime, and Ready for Kindergarten, which is always a bittersweet moment. We love seeing these familiar faces throughout the school year, and watching them grow, but at the end of the year the kids all move up to the next level of storytimes or head off to school in the fall if they're old enough.

In April we had the pleasure of training our newest Youth Librarian, Katie, who officially started March 25. We look forward to working with her as she grows into her role. Our final fun April event was the Neighborhood Tree Giveaway. Signups for this happened during February and March, and the trees arrived in time for an Earth Day giveaway. This year we gave away more than 200 native Michigan trees!

## **Circulation Update:**

The software we use to check items in and out, called our integrated library system (through TLN's shared system) was recently moved to a cloud-based platform. We need to do several things on our end to make this work on each of our staff workstations.

We are wrapping up this fiscal year's materials ordering. All orders have been sent, and we are waiting for the remainder of the items to arrive in the building before the end of the fiscal year. Orders not received by July 1st will be rolled over into the 25-26 budget year.

MEL/Interloan clerk Mary successfully completed her practicum at Oakland Community College and is continuing her coursework with plans to transfer to a four-year university.

We are looking forward to a busy summer!

## **Community Engagement Updates:**

### **Strategic Plan Deliverables**

- Goal 3: Elevate Outdoor Spaces:
  - Ad Hoc Exterior Spaces Committee meeting held April 10 (next scheduled for May 12, after the writing of this report).
  - Sarah and Sue Grissim from GMAA met on Wednesday, May 7th for an informal meeting with the Hartland Township Site Plan Review Committee
  - Sarah received 3 quotes for tree removal along Hartland Rd., tentatively scheduled for the week of May 12th (exact date TBD).
- Goal 2: Increase Outreach Efforts
  - D2: Music Hall: Rewrite/Board Approval of Hall Rental Policy and Fee Structure
    - Approved at April 17 Board Meeting

### **Music Hall Administration**

- Finalized wedding training for Liz, one new caretaker on May 3 and 4.  
We can now be comfortable expanding wedding bookings, as we have a deeper bench for staffing those dates (4 total caretakers able to be primary staff for rehearsals/ weddings, 2 additional who could act as support staff)
- The Music Hall fundraiser was a success; the final \$8,000 needed to fund the last phase of organ repair was secured. Around 115 guests enjoyed the concert on May 2.
- Organ repair & restoration will be scheduled for Fall/early Winter, completion before Messiah in December.
- [Save the Date: Sea Shanty Sing-Along with Ben Traverse August 22 at 7 pm in Hall](#)

### **hARTland Artwalk**

- Save the date, Art Walk 2025 will be held September 20-October 4.
  - Kickoff on September 20 from 1-4 pm in Settler's Park
  - Hartland Weaving Heritage Celebration September 27 from 1-3
    - Issued specifications and a call for submission for a commissioned weaving piece, fully funded by Friends of the Library. **Fiber Artist has been chosen, Gisela Bosch, a Black Sheep Weaver. Her art piece will be unveiled Sept. 27 at Hartland's Weaving History event.**
  - Closing Ceremony October 4 in Settler's Park (Time TBD)

### **Community Engagement, Networking and Outreach:**

- April 1-Liz worked with volunteers on selection of 2025 Crounse Scholarship recipients:
  - Jeanne Smith Teen Volunteer Scholarship: Lauren Petroff

- Post Secondary Scholarship: Benjamin Krause
- April 5-CR Shelby and Youth Loni coordinated community seed swap. 20 engagements.
- April 7-Liz met with Stef. Furge to discuss logistics of Cromaine's participation in Community Council plans for Memorial Day, Vintage Christmas in the Village, and Hartland Living social media platform.
- April 8-Shelby collaborated with Garden Club for Janet Macunovich Program, focused on Improving the Older Garden. 55 people in attendance!
- April 9-Liz participated in Livingston County United Way Community Investment Panels, representing Cromaine to support funding selections for nonprofits who serve the Livingston County community.
- April 22-Shelby collaborated with the Ore Creek Middle School to host a drop-off site for their calculator drive.
- April 22-29-Marisa took deep-dive design training on Photoshop offered by "Bring Your Own Laptop".
- April 29-Liz met with a volunteer seeking summer opportunities to support the Library; the same young man volunteered last summer.
  - William Robb will start May 1, supporting grassroots marketing efforts.
- April 30-Liz met with a potential Intern from Eastern Michigan.
  - Kara Cox will start May 9, supporting summer events and marketing.

### **Requests for Action or Support:**

- **VOLUNTEER FOR MEMORIAL DAY**  
 Seeking Board Members to walk in the Hartland Memorial Day Parade on Monday, May 26 alongside the classic car that we have booked. It would be ideal to have 4 walkers; 2 to hold our banner and 2 to give out promotional swag. Parade judging and lineup begins at 10:45 am at Ore Creek, the parade begins at noon, ending at Don Epley Park by around 12:30 pm. Volunteers, please email Sarah and Liz.

## **Patron Comments**

### **5/8/25: Heather**

Received the following for K-4 Bags: 'She loves getting these bags and looks forward to it.' We received funding for these bags in January, and I've made 70 over the course of five months.

### **5/7/2025 Lisa**

Had a patron today and yesterday needing help with the computer. Erin helped today and the patron was very grateful. We see from the circulation desk how many times patrons come in needing to do something on the computer and then sending it somewhere by email or fax. They come in frustrated and are so happy and grateful when they get their task accomplished with the

help of our Adult Services librarians. Our staff is so patient and I often hear from them, "That's what we are here for".

**5/6/2025 Liz**

Received this email from Community Member Dianne Travino, who played the Organ at the Hall for many years, after she attended the Organ Fundraiser on May 2: "We enjoyed the concert...Continued best wishes to you and your colleagues as you continue to foster the arts in Livingston County."

**5/3/2025 Liz**

*This letter was shared with us regarding the Kilgen Organ restoration and the Hall; it was written to Don Thompson but Dr. Rose Stevens, the organist, welcomed me to share it with the Staff and Board, as her sentiments go out to all involved:*

Dear Don,

I want to share my personal "Thank you" to you for giving so much of your life and labors to the restoration of the Music Hall and specifically the Kilgen organ.

Being an organist has been a complete gift of life to me through college and grad school. Once finishing the doctoral degree at the U of M, I got married and we started a family. I was serving as the organist at a church, but they began to shift directions as many evangelical churches have done and the organ was no longer wanted in a regular way. It was a painful loss. One I have grieved for many years.

Losing the organ in our churches is not just a personal loss for me but I believe it's been a cultural loss and somewhat of a crime against all that is right and good.

The organ built with real pipes in fine acoustical settings is an instrument of healing and inspiration and I believe it's what it's meant to do. So, I've been quietly praying for the last 15 years for a time of restoration and return of goodness through beautiful music and the organ.

We are now in a church setting that embraces the organ in worship so we have been blessed in many ways. But there is nothing like a real pipe organ in a fine acoustical setting! That I'm still waiting for on a regular basis! :)

What you have helped nurture in repairing the organ and the hall is the best of life for generations to come! It has given me restored new life just to be able to play it and to share the goodness of the instrument with those in its midst.

This fundraising concert symbolized a great deal to me. It wasn't merely the restoration of the organ itself but a moment for lives to be restored!

I thank you, all the donors, Liz, and the Cromaine Library community for helping give life to this local area through the organ. You and especially the major donors have allowed me and others to be healed in deep places of our lives through this instrument and the Music Hall.

Thank you, thank you!

Words can't describe what this means. I'm going to be getting involved again with the American Guild of Organists to help nurture the best of the best for the sake of our kids and grandkids. It's a small work that I can do to continue what you've already invested.

May you be immensely blessed for all you have done and the return of life you're bringing in more ways than can be quantified and fully known to date.

With much gratitude and deep personal thanks,  
Rose Stevens

**4/7/2025 Shelby**

We received a nice comment on our social media regarding our Minecraft Day program: A local business commented "We Love activities like this at the library!". Thank you to our wonderful Youth staff who make these magical days happen for our community!

**4/8/25 Donna**

A patron talked to Mary about finding a new series for her children who are avid readers. Mary suggested the Percy Jackson Series. The kids are loving them. The Mom stopped by to thank Mary for her suggestion.

**4/23/2025 Shelby**

During a program, a patron asked me if Run Club was coming back this summer. I was happy to let her know that it is, and she (along with three other attendees) were very excited to see us at Settler's Park in June!

**4/30/25 Kelsey**

Last D&D session for the Thornfall group! One of the teen participants brought cupcakes for the group and I had 2 different parents approach me and thank me for running the game, and that their kids love it. :)

Disbursement Summary March 2025

Payroll:	Pay Period End	Check Date	Amount:
	3/10/2025	3/14/2025	\$ 49,229.19
	3/24/2025	3/28/2025	\$50,819.91
Total Payroll:			\$100,049.10
Online Payments Made (other than pay-related):	3/20/2025		\$11,065.85 UBS Credit Card
	3/24/2025		\$0.19 long distance
Accounts Payable Checks Issued:			89318.88 Transaction List
Total Checks Paid for Month:			\$ 200,434.02 total
Transfers to (from) checking:	3/11/2025		\$150,000.00





Cromaine District Library Investment Performance FY2024-2025

UBS

Month Ending	31-Jul	31-Aug	30-Sep	31-Oct	30-Nov	31-Dec
<b>Beginning Value</b>	4,511,159.66	4,356,972.98	4,371,387.44	4,077,903.23	4,077,111.30	4,005,493.68
Transfers in/out	0.00	0.00	-300,000.00	0.00	0.00	4,386.19
Expenses and Other Disb.	-176,101.10	-9,362.25	-8,480.13	-13,537.83	-86,067.23	-311,989.71
Dividends and Interest	28.37	14.11	23,320.39	20.70	39,405.75	7.49
Account Appreciation	21,886.05	23,762.60	-8,324.47	12,725.20	-24,956.14	11,359.46
<b>Ending Value</b>	<b>4,356,972.98</b>	<b>4,371,387.44</b>	<b>4,077,903.23</b>	<b>4,077,111.30</b>	<b>4,005,493.68</b>	<b>3,709,257.11</b>

Month Ending

Month Ending	31-Jan	28-Feb	31-Mar	30-Apr	31-May	30-Jun
<b>Beginning Value</b>	3,709,257.11	3,747,868.80	3,756,957.46	5,166,870.64	5,166,870.64	5,166,870.64
Transfers in/out	32,005.18	7,808.46	141,1598.96			
Expenses and Other Disb.	-6,327.97	-5,806.22	-11,065.85			
Dividends and Interest	18.12	43187.79	28,436.01			
Account Appreciation	12,916.36	-36,101.37	-19,055.94			
<b>Ending Value</b>	<b>3,747,868.80</b>	<b>3,756,957.46</b>	<b>5,166,870.64</b>	<b>5,166,870.64</b>	<b>5,166,870.64</b>	<b>5,166,870.64</b>

FY24-25 Totals
4,511,159.66
1,155,798.79
-628,738.29
134,438.73
-5,788.25
5,166,870.64



# Cromaine District Library

## OPERATING March 2025

	Mar 2025		YTD Total	
	Actual	Budget	YTD Actual	Budget
<b>Revenue</b>				
411.000 Tax Levy & Delinquent Taxes			542.83	0.00
403.000 Taxes - Brighton	130,947.89	46,956.45	550,725.68	563,477.44
403.001 Taxes - Deerfield	67,495.85	15,591.56	177,626.55	187,098.68
403.002 Taxes - Genoa	11,598.96	4,943.70	55,798.79	59,324.43
403.003 Taxes - Hartland	327,988.57	112,091.88	1,319,257.15	1,345,102.57
403.004 Taxes - Oceola	5,058.78	17,555.44	205,536.23	210,665.33
403.005 Taxes - Tyrone	75,318.71	17,011.21	198,627.68	204,134.54
<b>Total 411.000 Tax Levy &amp; Delinquent Taxes</b>	<b>\$ 618,408.76</b>	<b>\$ 214,150.24</b>	<b>\$ 2,508,114.91</b>	<b>\$ 2,569,802.99</b>
572.000 State Aid	15,927.14	1,666.67	31,284.06	20,000.00
573.000 Local Community Stabilization	9,949.01		9,949.01	0.00
602.000 Charges for Services			0.00	0.00
607.000 Non-resident Fees	150.00	33.33	605.00	400.00
607.001 Room Use Fees	285.00	33.33	1,505.00	400.00
607.002 Fax Revenues	20.00	16.67	387.20	200.00
607.003 Print Out Fees	301.25	83.33	2,038.46	1,000.00
<b>Total 602.000 Charges for Services</b>	<b>\$ 756.25</b>	<b>\$ 166.66</b>	<b>\$ 4,535.66</b>	<b>\$ 2,000.00</b>
656.000 Penal Fines		4,416.67	61,601.03	53,000.00
659.000 Fines & Forfeits			0.00	0.00
681.000 Lost & Damaged Materials	89.96	75.00	1,663.38	900.00
681.001 Lost & Dam. Refunds		-8.33	-73.95	-100.00
681.002 Miscellaneous	2.00		602.00	0.00
681.003 ILL Lost & Damaged		41.67	734.90	500.00
681.004 ILL Lost & Damaged Refunds		-4.17	0.00	-50.00
<b>Total 659.000 Fines &amp; Forfeits</b>	<b>\$ 91.96</b>	<b>\$ 104.17</b>	<b>\$ 2,926.33</b>	<b>\$ 1,250.00</b>
670.000 Investment Income			0.00	0.00
665.000 Interest - Bank	1,126.97	83.33	5,338.98	1,000.00
665.001 Interest - Investment Fund	4,690.04		64,325.26	0.00
<b>Total 670.000 Investment Income</b>	<b>\$ 5,817.01</b>	<b>\$ 83.33</b>	<b>\$ 69,664.24</b>	<b>\$ 1,000.00</b>
681.006 Miscellaneous Income			1,256.72	0.00
666.000 Dividends		250.00	1,918.00	3,000.00
693.000 Sale of Fixed Assets			94.00	0.00
<b>Total 681.006 Miscellaneous Income</b>	<b>\$ 0.00</b>	<b>\$ 250.00</b>	<b>\$ 3,268.72</b>	<b>\$ 3,000.00</b>
<b>Total Revenue</b>	<b>\$ 650,950.13</b>	<b>\$ 220,837.74</b>	<b>\$ 2,691,343.96</b>	<b>\$ 2,650,052.99</b>
<b>Gross Profit</b>	<b>\$ 650,950.13</b>	<b>\$ 220,837.74</b>	<b>\$ 2,691,343.96</b>	<b>\$ 2,650,052.99</b>
<b>Expenditures</b>				
421.000 Tax Refunds			76.69	0.00
700.000 Salaries & Fringe Benefits			0.00	0.00
702.000 Salaries - Full-time	65,935.04	77,164.42	671,478.28	925,973.00
702.001 Salaries - Part-time	17,955.00	19,668.17	186,706.12	236,018.00

702.004 Sunday Staff	2,525.75	2,051.50	17,678.49	24,618.00
713.000 Life Insurance	605.38	687.50	6,678.87	8,250.00
713.001 Health Insurance	7,285.45	10,514.25	123,788.55	126,171.00
713.002 Retirement Benefits	6,746.37	7,991.75	72,066.99	95,901.00
713.003 Employer's FICA	6,560.34	7,904.00	66,574.62	94,848.00
713.004 State Unemployment Tax		416.67	67.15	5,000.00
713.005 Employee Assistance Program		41.67	470.70	500.00
713.006 Worker's Compensation	105.00	383.33	2,781.00	4,600.00
<b>Total 700.000 Salaries &amp; Fringe Benefits</b>	<b>\$ 107,718.33</b>	<b>\$ 126,823.26</b>	<b>\$ 1,148,290.77</b>	<b>\$ 1,521,879.00</b>
726.000 Supplies			0.00	0.00
727.000 Postage Expense	183.69	1,041.67	7,115.43	12,500.00
727.001 Office Supplies	101.35	208.33	1,145.40	2,500.00
727.004 Public Use Supplies		166.67	1,397.85	2,000.00
728.000 Library Supplies	221.72	250.00	1,679.46	3,000.00
728.001 Custodial Supplies	323.86	500.00	3,274.44	6,000.00
728.002 Equip & Furnishings, Disposable		166.67	0.00	2,000.00
<b>Total 726.000 Supplies</b>	<b>\$ 830.62</b>	<b>\$ 2,333.34</b>	<b>\$ 14,612.58</b>	<b>\$ 28,000.00</b>
800.000 Professional Services			0.00	0.00
801.000 Payroll & Accounting Services	1,252.22	1,200.00	13,124.56	14,400.00
801.001 Audit Fees		666.67	7,621.00	8,000.00
801.002 Legal Fees	5,896.00	333.33	7,436.50	4,000.00
801.003 Library Network Fees		583.33	3,620.00	7,000.00
801.004 Cataloging & Acquisitions	2,188.04	4,166.67	19,623.86	50,000.00
801.005 Other Professional Services	3,270.00	6,166.67	55,684.82	74,000.00
801.006 Managed Technology Services	6,308.51	6,000.00	36,557.46	72,000.00
<b>Total 800.000 Professional Services</b>	<b>\$ 18,914.77</b>	<b>\$ 19,116.67</b>	<b>\$ 143,668.20</b>	<b>\$ 229,400.00</b>
850.000 Technology			0.00	0.00
745.000 Technology Supplies		908.33	11,001.06	10,900.00
930.001 Technology Maintenance	-8,930.42	5,708.33	42,240.59	68,500.00
<b>Total 850.000 Technology</b>	<b>-\$ 8,930.42</b>	<b>\$ 6,616.66</b>	<b>\$ 53,241.65</b>	<b>\$ 79,400.00</b>
860.009 Community Relations			0.00	0.00
880.000 Marketing	1,183.06	1,851.67	18,089.36	22,220.00
900.000 Printing	200.50	1,583.33	5,613.25	19,000.00
901.002 Public Programing	2,538.04	3,791.67	29,633.89	45,500.00
901.003 Memberships - Non-library Organ	100.00	104.17	185.00	1,250.00
<b>Total 860.009 Community Relations</b>	<b>\$ 4,021.60</b>	<b>\$ 7,330.84</b>	<b>\$ 53,521.50</b>	<b>\$ 87,970.00</b>
920.000 Utilities			0.00	0.00
850.001 Telecommunications	1,817.56	1,083.33	9,266.23	13,000.00
920.001 Heating Fuel	993.29	1,000.00	5,290.46	12,000.00
920.002 Electricity	2,756.30	2,500.00	17,209.36	30,000.00
920.003 Sewer Use		479.17	3,184.91	5,750.00
<b>Total 920.000 Utilities</b>	<b>\$ 5,567.15</b>	<b>\$ 5,062.50</b>	<b>\$ 34,950.96</b>	<b>\$ 60,750.00</b>
931.000 Repairs & Maintenance			75.00	0.00
930.000 Rep & Maint-Equip & Furnishings		125.00	0.00	1,500.00
930.002 Rep & Maint-Buildings	2,852.38	2,583.33	28,328.30	31,000.00
930.004 Rep & Maint-Grounds	204.00	1,000.00	7,581.81	12,000.00
<b>Total 931.000 Repairs &amp; Maintenance</b>	<b>\$ 3,056.38</b>	<b>\$ 3,708.33</b>	<b>\$ 35,985.11</b>	<b>\$ 44,500.00</b>

940.000 Rental	169.00	166.67	1,456.19	2,000.00
955.000 Administrative Expenses			0.00	0.00
956.000 Bank Fees	182.53	208.33	1,300.63	2,500.00
956.002 Public Notices		20.83	0.00	250.00
956.005 Misc Administrative Expense	930.00	625.00	2,687.22	7,500.00
956.006 Cash Over/Short	3.25		-1.01	0.00
<b>Total 955.000 Administrative Expenses</b>	<b>\$ 1,115.78</b>	<b>\$ 854.16</b>	<b>\$ 3,986.84</b>	<b>\$ 10,250.00</b>
955.001 Property & Liability Insurance		2,050.00	23,785.00	24,600.00
957.000 Professional Development			400.00	0.00
802.000 Professional Membership - Staff	765.00	291.67	2,810.00	3,500.00
802.001 Professional Membership - Board		166.67	1,285.00	2,000.00
860.002 Staff Development	344.00	916.67	8,318.09	11,000.00
860.003 Board Training		41.67	102.96	500.00
860.004 Mileage Reimbursement - Staff	16.38	333.33	1,715.67	4,000.00
860.005 Mileage Reimbursement - Board		20.83	0.00	250.00
860.006 Travel		1,166.67	4,646.05	14,000.00
860.007 Meals	389.56	250.00	2,499.98	3,000.00
860.008 Board Travel		41.67	0.00	500.00
<b>Total 957.000 Professional Development</b>	<b>\$ 1,514.94</b>	<b>\$ 3,229.18</b>	<b>\$ 21,777.75</b>	<b>\$ 38,750.00</b>
980.000 Equipment	79.76		6,242.96	0.00
981.000 Library Materials		22,487.50	0.00	269,850.00
980.006 Periodicals (Magazines & Newspapers)		512.50	0.00	6,150.00
982.000 Collections Adult	10,869.87		76,500.59	0.00
982.001 Collections Reference			235.43	0.00
982.002 Collections Juvenile	1,458.43		13,648.61	0.00
982.003 Collections - Databases			15,367.59	0.00
982.004 Collections - E-Resources	8,779.24		82,333.65	0.00
982.005 Collections Young Adult	419.91		1,086.21	0.00
982.006 Collections Periodicals			6,062.71	0.00
<b>Total 981.000 Library Materials</b>	<b>\$ 21,527.45</b>	<b>\$ 23,000.00</b>	<b>\$ 195,234.79</b>	<b>\$ 276,000.00</b>
995.000 Transfer to Improvement Fund		0.00	0.00	0.00
<b>Total Expenditures</b>	<b>\$ 155,585.36</b>	<b>\$ 200,291.61</b>	<b>\$ 1,736,830.99</b>	<b>\$ 2,403,499.00</b>
<b>Net Operating Revenue</b>	<b>\$ 495,364.77</b>	<b>\$ 20,546.13</b>	<b>\$ 954,512.97</b>	<b>\$ 246,553.99</b>
<b>Net Revenue</b>	<b>\$ 495,364.77</b>	<b>\$ 20,546.13</b>	<b>\$ 954,512.97</b>	<b>\$ 246,553.99</b>



# Cromaine District Library

## GIFT March 2025

	Mar 2025		YTD Total	
	Actual	Budget	YTD Actual	Budget
<b>Revenue</b>				
675.000 Gifts - Unrestricted			0.00	0.00
674.001 General Donations	65.00		7,582.00	0.00
<b>Total 675.000 Gifts - Unrestricted</b>	<b>\$ 65.00</b>	<b>\$ 0.00</b>	<b>\$ 7,582.00</b>	<b>\$ 0.00</b>
675.001 Gifts - Restricted			-500.00	0.00
674.003 Restricted Donations-Materials			60.00	0.00
674.004 Restricted Donations-Other	4,300.00		30,820.00	0.00
<b>Total 675.001 Gifts - Restricted</b>	<b>\$ 4,300.00</b>	<b>\$ 0.00</b>	<b>\$ 30,380.00</b>	<b>\$ 0.00</b>
678.000 Grants & Related Gifts			0.00	0.00
529.000 Other Grants			4,100.00	0.00
<b>Total 678.000 Grants &amp; Related Gifts</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 4,100.00</b>	<b>\$ 0.00</b>
<b>Total Revenue</b>	<b>\$ 4,365.00</b>	<b>\$ 0.00</b>	<b>\$ 42,062.00</b>	<b>\$ 0.00</b>
<b>Gross Profit</b>	<b>\$ 4,365.00</b>	<b>\$ 0.00</b>	<b>\$ 42,062.00</b>	<b>\$ 0.00</b>
<b>Expenditures</b>				
726.000 Supplies		83.33	0.00	1,000.00
727.001 Office Supplies	81.28		81.28	0.00
<b>Total 726.000 Supplies</b>	<b>\$ 81.28</b>	<b>\$ 83.33</b>	<b>\$ 81.28</b>	<b>\$ 1,000.00</b>
850.000 Technology		166.67	0.00	2,000.00
860.009 Community Relations		1,666.67	0.00	20,000.00
880.000 Marketing			430.50	0.00
900.000 Printing			49.62	0.00
901.002 Public Programing	655.20		8,550.53	0.00
<b>Total 860.009 Community Relations</b>	<b>\$ 655.20</b>	<b>\$ 1,666.67</b>	<b>\$ 9,030.65</b>	<b>\$ 20,000.00</b>
931.000 Repairs & Maintenance			0.00	0.00
930.000 Rep & Maint-Equip & Furnishings			8,500.00	0.00
<b>Total 931.000 Repairs &amp; Maintenance</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 8,500.00</b>	<b>\$ 0.00</b>
980.000 Equipment			11.99	0.00
980.002 Furnishings - Life over 1 Year		833.33	1,731.47	10,000.00
981.000 Library Materials		333.33	160.00	4,000.00
982.002 Collections Juvenile			507.99	0.00
<b>Total 981.000 Library Materials</b>	<b>\$ 0.00</b>	<b>\$ 333.33</b>	<b>\$ 667.99</b>	<b>\$ 4,000.00</b>
<b>Total Expenditures</b>	<b>\$ 736.48</b>	<b>\$ 3,083.33</b>	<b>\$ 20,023.38</b>	<b>\$ 37,000.00</b>
<b>Net Operating Revenue</b>	<b>\$ 3,628.52</b>	<b>-\$ 3,083.33</b>	<b>\$ 22,038.62</b>	<b>-\$ 37,000.00</b>
<b>Net Revenue</b>	<b>\$ 3,628.52</b>	<b>-\$ 3,083.33</b>	<b>\$ 22,038.62</b>	<b>-\$ 37,000.00</b>





# Cromaine District Library

## IMP March 2025

	Mar 2025		YTD Total	
	Actual	Budget	YTD Actual	Budget
<b>Revenue</b>				
670.000 Investment Income			0.00	0.00
665.001 Interest - Investment Fund	4,690.03		64,325.22	0.00
<b>Total 670.000 Investment Income</b>	<b>\$ 4,690.03</b>	<b>\$ 0.00</b>	<b>\$ 64,325.22</b>	<b>\$ 0.00</b>
<b>Total Revenue</b>	<b>\$ 4,690.03</b>	<b>\$ 0.00</b>	<b>\$ 64,325.22</b>	<b>\$ 0.00</b>
<b>Gross Profit</b>	<b>\$ 4,690.03</b>	<b>\$ 0.00</b>	<b>\$ 64,325.22</b>	<b>\$ 0.00</b>
<b>Expenditures</b>				
421.000 Tax Refunds		62.50	0.00	750.00
975.002 Building Improvement		25,000.00	43,610.94	300,000.00
980.000 Equipment	18,889.49	8,333.33	32,162.89	100,000.00
980.001 Furnishings	107.40		107.40	0.00
980.002 Furnishings - Life over 1 Year	22,332.00	14,583.33	89,681.62	175,000.00
984.000 Public Use Hardware		3,083.33	19,399.36	37,000.00
984.001 Public Use Software		166.67	1,646.97	2,000.00
984.002 Staff Use Hardware		1,333.33	12,103.59	16,000.00
984.003 Staff Use Software		250.00	0.00	3,000.00
<b>Total Expenditures</b>	<b>\$ 41,328.89</b>	<b>\$ 52,812.49</b>	<b>\$ 198,712.77</b>	<b>\$ 633,750.00</b>
<b>Net Operating Revenue</b>	<b>-\$ 36,638.86</b>	<b>-\$ 52,812.49</b>	<b>-\$ 134,387.55</b>	<b>-\$ 633,750.00</b>
<b>Net Revenue</b>	<b>-\$ 36,638.86</b>	<b>-\$ 52,812.49</b>	<b>-\$ 134,387.55</b>	<b>-\$ 633,750.00</b>

IMP beginning balance after assignmet is: **\$2,701,341.00**

Saturday, Apr 12, 2025 12:07:29 PM GMT-7 - Accrual Basis



# Cromaine District Library Music Hall March 2025

	Mar 2025		YTD Total	
	Actual	Budget	YTD Actual	Budget
<b>Revenue</b>				
602.000 Charges for Services			0.00	0.00
607.001 Room Use Fees	5,380.12	833.33	13,700.12	10,000.00
<b>Total 602.000 Charges for Services</b>	<b>\$ 5,380.12</b>	<b>\$ 833.33</b>	<b>\$ 13,700.12</b>	<b>\$ 10,000.00</b>
675.001 Gifts - Restricted			0.00	0.00
674.004 Restricted Donations-Other	500.00		3,050.00	0.00
<b>Total 675.001 Gifts - Restricted</b>	<b>\$ 500.00</b>	<b>\$ 0.00</b>	<b>\$ 3,050.00</b>	<b>\$ 0.00</b>
<b>Total Revenue</b>	<b>\$ 5,880.12</b>	<b>\$ 833.33</b>	<b>\$ 16,750.12</b>	<b>\$ 10,000.00</b>
<b>Gross Profit</b>	<b>\$ 5,880.12</b>	<b>\$ 833.33</b>	<b>\$ 16,750.12</b>	<b>\$ 10,000.00</b>
<b>Expenditures</b>				
726.000 Supplies			0.00	0.00
728.001 Custodial Supplies	106.95	41.67	775.07	500.00
<b>Total 726.000 Supplies</b>	<b>\$ 106.95</b>	<b>\$ 41.67</b>	<b>\$ 775.07</b>	<b>\$ 500.00</b>
800.000 Professional Services			0.00	0.00
801.005 Other Professional Services		250.00	730.00	3,000.00
<b>Total 800.000 Professional Services</b>	<b>\$ 0.00</b>	<b>\$ 250.00</b>	<b>\$ 730.00</b>	<b>\$ 3,000.00</b>
850.000 Technology			0.00	0.00
930.001 Technology Maintenance		0.00	33.97	0.00
<b>Total 850.000 Technology</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>\$ 33.97</b>	<b>\$ 0.00</b>
860.009 Community Relations			0.00	0.00
880.000 Marketing			502.20	0.00
901.002 Public Programing	14.14		146.56	0.00
901.003 Memberships - Non-library Organ		83.33	0.00	1,000.00
<b>Total 860.009 Community Relations</b>	<b>\$ 14.14</b>	<b>\$ 83.33</b>	<b>\$ 648.76</b>	<b>\$ 1,000.00</b>
920.000 Utilities			0.00	0.00
850.001 Telecommunications	264.34	150.00	1,639.71	1,800.00
920.001 Heating Fuel			1,032.70	0.00
920.002 Electricity			1,612.66	0.00
920.003 Sewer Use			423.63	0.00
<b>Total 920.000 Utilities</b>	<b>\$ 264.34</b>	<b>\$ 150.00</b>	<b>\$ 4,708.70</b>	<b>\$ 1,800.00</b>
931.000 Repairs & Maintenance			468.05	0.00
930.002 Rep & Maint-Buildings	185.74	833.33	3,529.90	10,000.00
930.004 Rep & Maint-Grounds	35.00	333.33	2,779.96	4,000.00
<b>Total 931.000 Repairs &amp; Maintenance</b>	<b>\$ 220.74</b>	<b>\$ 1,166.66</b>	<b>\$ 6,777.91</b>	<b>\$ 14,000.00</b>
940.000 Rental			1.00	0.00
955.000 Administrative Expenses			0.00	0.00
956.000 Bank Fees			-52.00	0.00
<b>Total 955.000 Administrative Expenses</b>	<b>\$ 0.00</b>	<b>\$ 0.00</b>	<b>-\$ 52.00</b>	<b>\$ 0.00</b>
955.001 Property & Liability Insurance		9.17	0.00	110.00
957.000 Professional Development			0.00	0.00

802.000 Professional Membership - Staff				125.00	0.00
Total 957.000 Professional Development	\$ 0.00	\$ 0.00	\$ 125.00	\$ 0.00	
980.002 Furnishings - Life over 1 Year			261.81	0.00	
981.000 Library Materials			0.00	0.00	
982.002 Collections Juvenile	11.60		11.60	0.00	
Total 981.000 Library Materials	\$ 11.60	\$ 0.00	\$ 11.60	\$ 0.00	
Total Expenditures	\$ 617.77	\$ 1,700.83	\$ 14,021.82	\$ 20,410.00	
Net Operating Revenue	\$ 5,262.35	-\$ 867.50	\$ 2,728.30	-\$ 10,410.00	
Net Revenue	\$ 5,262.35	-\$ 867.50	\$ 2,728.30	-\$ 10,410.00	

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## Budget Memo

**To:** Cromaine District Library Board of Trustees  
**From:** Sarah Neidert, Library Director  
**Subject:** **Proposed** Fiscal Year 2025-2026 Operating and Improvement Budgets  
**Date:** May 9, 2025

Attached are the proposed fiscal year 2025-2026 Cromaine District Library operating and improvement budgets. I am highlighting any major changes from this fiscal year in this memo. On the attached spreadsheet each section has a short description of the type of costs covered in each line.

Yellow highlighted sections of this memo are contingent upon the numbers released by the Livingston County Equalization Department, used to calculate the millage rate for the proposed 2025-2026 budget. I have inquired about timing, and hope to have "real" numbers by mid-May. I will update both this memo, as well as the attached spreadsheets, with accurate estimates when I receive them..

### Highlights of the Proposed Operating Budget:

The library's proposed operating budget totals **\$xx,xxx,xxx**. Sources for the budget include **\$XXX** from local property taxes levied, an estimated \$58,000 from penal fines, 25,000 from state aid, \$12,150 from charges for services, \$2,500 miscellaneous income and \$1,350 from fines and forfeits.

Expenditures budgeted are **\$XXX**, as detailed in the attached spreadsheets. **\$XXX** is budgeted for salary and benefits, which includes a **2.9% cost of living adjustment and an additional 2.1% raise (5% total)**. Salaries and benefits make up **xx%** of the total budget.

Supplies show a small decrease, as we have ceased spending from this line that purchased items for containment of COVID (masks, gloves, etc).

Professional Services shows an increase based on the proposal for management of the outdoor improvement project awarded to Grissim, Metz, Andriese and Associates in the spring of 2025. The goal is to see this project completed by late spring 2026.

Community Relations increased with an addition of a marketing solution based on the strategic plan, as well as fees for the Hartland Living app shared by the Partners in Progress.

Utilities for the Music Hall have been broken out for ease of monitoring expenses, although the budgeted amounts remain nearly the same. Telecommunications costs have risen significantly, with wifi at the Music Hall increasing, as well as the addition of 7 additional hotspots, to replace aging devices.

Materials expenditures will increase with the addition of digital access to the online edition of the Wall Street Journal, as well as USA Today's online papers, including the Detroit News and

Detroit Free Press along with regional papers, including Livingston Daily. A new database for kids offering digital books in world languages (LOTE4Kids) will help children enjoy books and learn language through storytelling.

Budgeted expenditures are less than income, therefore this budget includes a transfer of **\$XXXXXX** to the Improvement fund for those projects.

### **Highlights of the Proposed Improvement Budget:**

The library's proposed improvement budget totals \$1,410,200. This budget is sourced from transfers in from the Operating fund. Since the major renovations in 2017, the Library Board has been saving money not spent on Operating for improvement projects each year, while spending small amounts on improvements. The fund stands today at \$2,701,341. As noted above, we plan to move an additional **\$XXX,XXX** from this fiscal year's operating budget into this fund. The recently completed strategic plan will help guide us in our plans to use these improvement funds to benefit the library.

Capital outlay for building improvements are budgeted at \$1,260,000 based on the rough order of magnitude estimate provided by GMAA in January of 2025 for the outdoor re-development project. \$66,000 of that amount is planned for site preparation (tree and pavement removals, site striping and grading, etc), \$225,000 for hardscape (sidewalks, pavers, piers, fences), \$45,000 for identity elements (such as signs), \$275,000 for site furnishings and lighting (including the permanent pavilion) along with \$150,000 for landscape elements (including trees, hedges, lawn and irrigation system). An additional \$500,000 is included for costs to be determined for stormwater management, utilities, and work associated with the parking lot as well as angled parking along Hartland Road and School Street.

Capital outlay for technology increased to \$83,000, to account for the anticipated RFID conversion as well as the addition of after hours pickup lockers outside the building, an added service identified by the strategic plan.

Our goal is to complete the major outdoor redevelopment project this fiscal year, and then begin space planning for further capital improvements inside the building in the following year. If we are able to complete the above improvement projects, \$1,283,341 will remain in the Improvement Fund to accomplish goals identified in future space needs assessments, with a potential for more depending on transfers in from the robust fund balance (**\$5,166,870** at the end of April 2025). Savings each fiscal year allow these plans to proceed without needing to go out for funding.

Please share any questions or concerns with me, as my goal is to help the board understand the budget to the best of my ability.

acct no.	GENERAL FUND REVENUE	24-25 7% estimated increase	25-26 ESTIMATE	% change this line needs to be corrected for 25-26	Notes on change
	<b>Class: Music Hall highlighted in yellow</b>				
		\$1,690,018,328			waiting on numbers from county equalization department, estimated increase.
	<b>TAX LEVIES</b>	1,423,857.24			
	<b>Revenue provided through property tax collection</b>				
101-000-403.000	Brighton: 2023 TV is 370568175	\$563,477			
101-000-403.001	Deerfield: 2023 TV is 123044531	\$187,099			
101-000-403.002	Genoa: 2023 TV is 39014423	\$59,324			
101-000-403.003	Harland: 2023 TV is 884600102	\$1,345,103			
101-000-403.004	Oreola: 2023 TV is 138543022	\$210,665			
101-000-403.005	Tyrone: 2023 TV is 134248075	\$204,135			
101-000-403.006	Livingston County				
101-000-411.000	Delinquent taxes				
	<b>Total: TAX LEVIES</b>	<b>\$2,569,803</b>	<b>\$2,600,000</b>	<b>1.16%</b>	PLACEHOLDER until we get real numbers
101-000-572.000	<b>STATE AID</b>	<b>\$20,000</b>	<b>\$28,000</b>	<b>40.00%</b>	
	<b>Funds received from the state as a per capita allotment of direct state</b>				We've underbudgeted the last two years, it was \$30,000 this year. So this is expecting a small decline.
	<b>CHARGES FOR SERVICES</b>				
	<b>Fees established in administrative procedures and policies for the use of the Library.</b>				
101-000-607.000	Non-Resident Fee	\$400	\$400	0.00%	
101-000-607.001	Room Use Fee	\$400	\$500	25.00%	
101-000-607.001	Room use - Music Hall Fees	\$10,000	\$10,000	0.00%	Music Hall
101-000-607.002	Fax Revenue	\$250	\$250	0.00%	
101-000-607.003	Print out fees	\$1,000	\$1,000	0.00%	
	<b>total CHARGES FOR SERVICES</b>	<b>\$12,050</b>	<b>\$12,150</b>	<b>0.83%</b>	these charges typically bring in more, but I like to be conservative in my estimates.
	<b>FINES AND FORFEITS</b>				
	<b>whom materials were loaned but not returned, refunds to patrons, and payment to lending libraries</b>				
101-000-681.000	Lost & Damaged Materials	\$1,000	\$1,000	0.00%	
101-000-681.001	Lost & Damaged Refunds	-\$100	-\$100	0.00%	
101-000-681.003	ILL Lost & Damaged	\$500	\$500	0.00%	
101-000-681.004	ILL Lost & Damaged Refunds	-\$50	-\$50	0.00%	
	<b>total FINES AND FORFEITS</b>	<b>\$1,350</b>	<b>\$1,350</b>	<b>0.00%</b>	
101-000-656.000	<b>Penal Fines</b>	<b>\$55,000</b>	<b>\$58,000</b>	<b>5.45%</b>	slight increase last year?
	<b>Revenue through county distribution of penal fines collected by the court for traffic and other infractions.</b>				
	<b>INVESTMENT INCOME</b>				
	<b>Interest of bank accounts and</b>				
101-000-665.000	Interest- Bank	\$1,000	\$1,000	0.00%	
101-000-665.001	Interest - Investment Fund	\$0	\$0		
	<b>Total Investment Income</b>	<b>\$1,000</b>	<b>\$1,000</b>	<b>0.00%</b>	



		24-25	25-26 ESTIMATE	% change	Notes
	<b>MISCELLANEOUS</b>				
	<b>Revenue not otherwise accounted for</b>				
101-000-666.000	Dividends	\$3,000	\$2,500	-16.67%	
101-000-693.000	Sale of fixed assets	\$0	\$0		
	<b>TOTAL MISCELLANEOUS</b>	<b>\$3,000</b>	<b>\$2,500</b>	<b>-16.67%</b>	
	<b>TOTAL OPERATING REVENUE</b>	<b>\$2,662,203</b>	<b>\$2,703,000</b>	<b>1.53%</b>	
	<b>GENERAL FUND EXPENDITURES</b>				
	<b>SALARIES &amp; BENEFITS</b>				
	<b>Salaries and wages and benefits of all employees (except contractors).</b>				
101-790-702.000	Salaries - Full-time	\$925,973	\$961,000	3.78%	Cost of Living Adjustment = 2.9%, slight decrease with longtime staff leaving and hiring new librarian at lower rate. moved music hall caretakers from prof. to 5%.
101-790-702.001	Salaries - Part-time	\$236,018	\$252,000	6.77%	
101-790-702.004	Sunday Hours	\$24,618	\$28,000	13.74%	
101-790-702.002	Wages - O.T. / Substitute		\$24,000		
101-790-713.000	Life & Disability Insurance	\$8,250	\$8,500	3.03%	Personnel indicated we should give more if we can-I added a 2.1% increase to bring raises to 5%.
101-790-713.001	Health Insurance	\$126,171	\$155,335	23.11%	
101-790-713.002	Retirement Benefits	\$95,901	\$99,100	3.34%	
101-790-713.003	Employer's FICA	\$94,848	\$98,100	3.43%	
101-790-713.004	Unemployment Insurance	\$5,000	\$5,000	0.00%	we began using substitutes regularly in FY 24-2 positions were left vacant. I'd like to plan for this.
101-790-713.005	Employee Assistance Program	\$500	\$0	-100.00%	
101-790-713.006	Workers' Comp.	\$4,600	\$4,600	0.00%	
	<b>TOTAL SALARIES &amp; FRINGE BENEFITS</b>	<b>\$1,521,879</b>	<b>\$1,635,635</b>	<b>7.47%</b>	
	<b>SUPPLIES</b>				
	<b>Items such as postage, copier paper, pens. Includes post office box and permits. Supplies for processing materials, ILL, MelCat</b>				
101-790-727.000	Postage Expenses	\$12,500	\$12,500	0.00%	Music Hall
101-790-727.001	Office Supplies	\$2,500	\$2,500	0.00%	
101-790-727.004	Public Use Supplies	\$2,000	\$2,000	0.00%	
101-790-728.000	Library Supplies	\$3,000	\$3,000	0.00%	
101-790-728.001	Custodial Supplies	\$6,000	\$6,500	8.33%	
101-790-728.001	Music Hall custodial supplies	\$500	\$500	0.00%	
101-790-728.002	Equip. & Furn., Disposable	\$2,000	\$0	-100.00%	
	<b>TOTAL SUPPLIES</b>	<b>\$28,500</b>	<b>\$27,000</b>	<b>-5.26%</b>	
	<b>PROFESSIONAL SERVICES</b>				
	<b>Services related to the administration of the library</b>				
101-790-801.000	Payroll & Accounting Services	\$14,400	\$16,000	11.11%	bill.com and increase in fees
101-790-801.001	Audit Fees	\$8,000	\$8,250	3.13%	
101-790-801.002	Legal Fees	\$4,000	\$10,000	150.00%	

new policies and reviews of existing- finance suggested increasing this line.



		24-25	25-26 ESTIMATE	% change	Notes on change	Notes
101-790-801.003	TLN Delivery & Library membership fee	\$7,000	\$7,000	0.00%		
101-790-801.004	Cataloging & Acquisitions	\$50,000	\$50,000	0.00%	RFID consideration	
101-790-801.005	Other Professional Services	\$70,000	\$88,000	25.71%	-Website maint: 2500/year, GMAA facilitation- 75K, HR software \$8, 000/year (est)	
	Managed IT Services	\$72,000	\$75,000	4.17%		
101-790-801.005	Music Hall contracted staff	\$3,000	\$0	-100.00%	moved this to p/t employment line	Music Hall
	<b>TOTAL PROFESSIONAL SERVICES</b>	<b>\$228,400</b>	<b>\$254,250</b>	<b>11.32%</b>		
	<b>PROFESSIONAL DEVELOPMENT</b>					
	<b>Memberships for library and staff in library-related organizations, conferences, workshops, travel</b>					
101-790-802.000	Professional Memberships-Staff	\$3,500	\$750	-78.57%	\$600 for AMA, \$150 for MI Festival membership	
101-791-860.001	Professional Memberships-Board (incl)	\$2,000	\$0	-100.00%	Board voted to not pay org. membership 25/26	
101-790-860.002	Staff Conferences and Training	\$11,000	\$13,000	18.18%	moved \$2000 from board memberships to this line	
101-791-860.003	Board Conferences and Training	\$500	\$250	-50.00%	fall all county board dinner/training from this line	
101-790-860.004	Mileage Reimb.-Staff	\$4,000	\$4,500	12.50%	moved \$500 from board travel to this line	
101-791-860.005	Mileage Reimb.-Board	\$250	\$0	-100.00%		
101-790-860.006	Travel	\$14,000	\$14,000	0.00%		
101-790-860.007	Meals	\$3,000	\$4,000	33.33%		
101-791-860.008	Board travel	\$500	\$0	-100.00%		
	<b>TOTAL PROFESSIONAL DEVELOPMENT</b>	<b>\$38,750</b>	<b>\$36,500</b>	<b>-5.81%</b>		
	<b>PROPERTY &amp; LIABILITY INSURANCE</b>					
101-790-955.001	Library P&L	\$24,600	\$25,000	1.63%	re-assessed in 2023	Music Hall
101-790-955.001	Music Hall P&L, Renter's insurances	\$110	\$125	13.64%		
	<b>Total Property &amp; Liability Insurance</b>	<b>\$24,710</b>	<b>\$25,125</b>	<b>1.68%</b>		
	<b>TECHNOLOGY MAINTENANCE</b>					
	<b>Includes library catalog (ILS), phone system, printer/copier maintenance, etc.</b>					
101-790-930.001	Technology: Maintenance	\$68,500	\$69,500	1.46%	added \$4500 for Orangeboy marketing platform to this line	
101-790-745.000	Technology: Supplies	\$10,900	\$15,000	37.61%	rough budget for new/upgraded phone system/network- <b>potential for adding zoom broadcast to board meetings?</b>	
	<b>TOTAL TECHNOLOGY MAINTENANCE</b>	<b>\$79,400</b>	<b>\$84,500</b>	<b>6.42%</b>		
	<b>COMMUNITY RELATIONS</b>					
	<b>Printing, promotion, incentives, community organization memberships</b>					
101-790-880.000	Marketing	\$22,220	\$27,320	22.95%	\$2000 for PIP app	
101-790-900.000	Printing	\$19,000	\$18,450	-2.89%		
101-790-901.002	Program Expenses	\$45,500	\$48,500	6.59%		
101-790-901.003	Memberships Non-lib. Org.	\$1,250	\$2,000	60.00%	moved Chamber, LCCOA, American Marketing Assoc.	
101-790-901.003	Music Hall Memberships/Advertising	\$1,000	\$1,000	0.00%		Music Hall
	<b>TOTAL COMMUNITY RELATIONS</b>	<b>\$88,970</b>	<b>\$97,270</b>	<b>9.33%</b>		
	<b>UTILITIES</b>					
	<b>Infrastructure costs--phone, lights, heat/cooling, sewer</b>					
101-790-850.001	Telecommunications	\$13,000	\$14,000	7.69%	This will likely rise- getting quote for replacement of 3 POTS lines (last to do is elevator emergency line)	
101-790-850.001	Music Hall Telecomm (WIFI)	\$1,800	\$3,200	77.78%	Comcast greatly increased their rates- I will do a compariso	Music Hall

		24-25	25-26 ESTIMATE	% change	Notes
101-790-920.001	Heating Fuel	\$12,000	\$8,500	-29.17%	we've come in below budget the last two years, this is just an estimate.
101-790-920.002	Electricity	\$30,000	\$26,000	-13.33%	we've come in below budget the last two years, this is just an estimate.
101-790-920.003	Sewer Use	\$5,750	\$5,000	-13.04%	we've come in below budget the last two years, this is just an estimate.
101-790-920.001	Heating Fuel- Gas	\$0	\$2,000		Music Hall pull MH out of the general operating for this year- for tracking purposes.
101-790-920.002	Electricity	\$0	\$2,500		Music Hall pull MH out of the general operating for this year- for tracking purposes.
101-790-920.003	Sewer Use	\$0	\$850		Music Hall pull MH out of the general operating for this year- for tracking purposes.
	<b>TOTAL UTILITIES</b>	<b>\$62,550</b>	<b>\$62,050</b>	-0.80%	
	<b>REPAIRS &amp; MAINTENANCE</b>				
	<b>Maintenance and repairs of mechanical systems, building, and grounds</b>				
101-790-930.000	Equipment and Furniture Repair & Ma	\$1,500	\$1,500	0.00%	
101-790-930.001	Building Repair & Maintenance	\$31,000	\$35,000	12.90%	
101-790-930.002	Grounds Repair & Maintenance	\$12,000	\$12,000	0.00%	
101-790-930.001	Music Hall Building Repair & Maintena	\$10,000	\$10,000	0.00%	
101-790-930.002	Music Hall Grounds	\$4,000	\$4,000	0.00%	
	<b>TOTAL REPAIRS &amp; MAINTENANCE</b>	<b>\$58,500</b>	<b>\$62,500</b>	6.84%	potential need to paint, soffit work mowing/snow removal Music Hall Music Hall
101-790-940.000	<b>Rent - Storage</b>	<b>\$2,000</b>	<b>\$2,000</b>	0.00%	
	<b>ADMINISTRATIVE</b>				
101-790-956.000	Bank Fees	\$2,500	\$2,500	0.00%	
101-790-956.001	Election Fees	\$0	\$0	0.00%	
101-790-956.002	Public Notices	\$250	\$250	0.00%	
101-790-956.005	Misc. Admin. Exp.- (Board Stipends, no	\$7,500	\$7,000	-6.67%	
101-790-956.006	Cash Over/ Short	\$0	\$0	0.00%	
	Administrative Expenses - Other				
	<b>TOTAL ADMINISTRATIVE</b>	<b>\$10,250</b>	<b>\$9,750</b>	-4.88%	
	<b>LIBRARY MATERIALS</b>				
	<b>Books, media, electronic resources, leased materials</b>				
101-790-981.000	Collections: Print & Nonprint	\$269,850	broken in to following collections in 2025		
101-790-982.000	Collection Adult		\$82,500		
101-790-982.002	Collections Juvenile		\$56,000		
101-790-980.005	Collections Young Adult		\$16,000		
101-790-982.003	Collections -databases		\$21,000		
101-790-982.004	Collections- e-resources		\$104,000		
101-790-980.006	Collections- Periodicals	\$6,150	\$6,150		
	<b>TOTAL LIBRARY MATERIALS</b>	<b>\$276,000</b>	<b>\$285,650</b>	3.50%	addition of online newspapers- WSJ, Freep and Detroit News and LOTE kids
	<b>TOTAL OPERATING EXPENSES</b>	<b>\$2,419,909</b>	<b>\$2,582,230</b>	6.71%	
101-790-995.000	Transfer-out to Improvement Fund	\$242,294	\$120,770	-50.16%	this number will increase when we get the actual income numbers
	<b>total music hall</b>		<b>\$24,175</b>		

IMPROVEMENT FUND REVENUE		24-25	25-26 ESTIMATE	notes
Beginning Balance		\$1,247,093	\$2,701,341	assigned at 2/20/25 board meeting we will be moving money, will update
Transfer in from General Fund (at year-end)		\$568,391	\$0	
Investment Income		\$0	\$0	
<b>Total Revenue</b>		<b>\$1,815,484</b>	<b>\$2,701,341</b>	
<b>IMPROVEMENT FUND EXPENSE</b>				
<b>Capital Outlay Non-capitalizable</b>				
<b>Capital Outlay - Building &amp; Grounds Improvements</b>				
975-001	Buildings: Additions		landscape/design construction plan- see ROM and quote from GMAA	
975-002	Buildings: Improvements	\$300,000	\$65,000	Site preparation
			\$225,000	hardscape
			\$45,000	identity elements
			\$275,000	site furnishings and lighting
			\$150,000	landscape elements
			\$500,000	costs tbd for project
<b>Total Capital Outlay: Buildings</b>		<b>\$300,000</b>	<b>\$1,260,000</b>	
<b>Capital Outlay - Technology</b>				
984-000	Public Use Hardware	\$37,000	\$35,000	\$23,000 for envisionware pickup lockers (ot estimated cost of RFID conversion
984-001	Public Use Software	\$2,000	\$30,000	
984-002	Staff Use Hardware	\$16,000	\$15,000	
984-003	Staff Use Software	\$3,000	\$3,000	
<b>Total Capital Outlay Technology</b>		<b>\$58,000</b>	<b>\$83,000</b>	
<b>Capital Outlay - Equipment &amp; Furnishings</b>				
980-000	Equipment	\$100,000	\$50,000	based on space plan
980-002	Furnishings/Life Over 1 Year	\$175,000	\$25,000	
<b>Total Capital Outlay Equip &amp; Furnishings</b>		<b>\$275,000</b>	<b>\$75,000</b>	
<b>DEBT SERVICE</b>				
991-000	Principal			
995-000	Interest on Debt			
<b>Total Debt Service</b>				
<b>TOTAL IMPROVEMENT EXPENSE</b>		<b>\$633,000</b>	<b>\$1,418,000</b>	
Remaining balance		\$1,182,484	\$1,283,341	



## **PERSONNEL COMMITTEE MINUTES 5/1/25**

Trustees: Dawn Smith, Kim Armstrong, Bill Bolin

Staff: Sarah Neidert, Darlene Randolph

### **Review of the FY 25-26 DRAFT-Personnel Budget:**

Director Neidert presented a Draft Budget of the Personnel section. The new millage rate has not been posted by Livingston County Equalization as of yet. Sarah explained the proposed numbers to the committee.

There has been no information on rates for next fiscal years Health Insurance. She will be meeting soon with a representative from Dempsey on pricing and may have different options that employees can choose from. When updating this with the real numbers, Sarah will know where we are with compensation and that we are able to continue the benefit of the Employers Health Insurance Deductible

The COL (cost of living) rose 2.9%, Sarah is proposing 3% COL raise for employees. President Bolin requested that when the real numbers come in from the county, we should try making it higher.

Director Neidert did an informal salary study from a salary study that Howell Carnegie Library had sent her. She noticed we are right in the middle, but that was just a broad view of it.

Director Neidert asked the board, "Since removing the library from the MLA membership, that line for next year's budget is \$0.00. An additional amount was moved to Staff Conferences and Training. She continued, since leaving MLA, this amount is for staff training, do we still keep sending our staff to conferences"? Trustee Smith commented, "It depends on what the meeting or conference would be about".

### **Policies Review:**

**Policy #8008-Ethics Statement – NO CHANGE**

**Policy #8009-Board Policy Development-NO CHANGE**

**Policy #8011-Board Compensation & Expenses – NO CHANGE**

### **Employee Handbook:**

Director Neidert received the updated Employee Handbook draft just yesterday from EchoTHR. It is much more detailed. Most items are based on Federal Law. Trustee Smith had a concern in Section 2. She questioned if listing *gender identity*, *gender expression* is federally required. She would like it to be removed.



Section 3.01 #3 was questioned by Trustee Smith. She says it sounds like socialism. She recommends changing the word from sustainable to reasonable.

Section 6.07, Trustee Smith asked if it is legal to prohibit churches?

Section 1.04, Trustee Armstrong asks if “safe” is the right word to describe the library environment? She recommends changing that word to pleasant or inviting or removing the word “safe” entirely.

### **HR Audit Report:**

The HR Audit Report was complete. We are consistent in the findings. Some suggestions were digitizing forms, performing back- round checks, and placements of files. All in all, it was very helpful. President Bolin recommends to do background checks on new employees, staff and volunteers.

Director Neidert attended a meeting with other directors. A state law requires that teen volunteers need to be over the age of 14, and require a student work permit from their school. The volunteer applications has been updated. Director Neidert suggested a volunteer policy be adopted.

Sarah and Darlene met with a representative from BambooHR, which was suggested by EctoHr. There are many other libraries that use this service for time-tracking, PTO tracking, and other HR services. We are currently using a service called WebHR. With the new implementation of the ESTA, this service can not accommodate that particular information.

### **Open Meetings Act:**

Director Neidert says that by making the committee meeting public, we need to make sure to add them on the library’s website calendar, having an actual agenda, posting the agenda and the minutes.

Meeting adjourned 7:15 pm.

Next meeting: June 5<sup>th</sup>, 6:00 pm.

<b>Cromaine District Library Policy</b>	Policy #: 8008
<i>ETHICS STATEMENT</i>	<u>Tracking Record</u> Date Approved: 1/20/00 Revised: 3/22/05; 5/15/14 Reviewed: 1/6/09; 1/12/10; 5/2/11; 5/1/12; 5/1/13; 6/3/15; 4/4/16; 5/4/17; 4/19/18; 5/2/19; 6/4/20; 5/6/21; 5/19/22; 5/5/23; 5/3/24; 5/1/25

### **Purpose**

The Board of Trustees of the Cromaine District Library (the library) recognizes the importance of codifying and communicating the ethical principles that guide the work of the Board. The Ethics Statement states the values to which the Board is committed and embodies the ethical responsibilities of its operation.

### **General Principles**

1. Trustees, as elected officials, must be cognizant of their responsibility to the citizens of the library district.
2. The responsibility to the library and citizenry must take precedence over personal interests and/or desires of special interest groups. Trustees will disqualify themselves from decision-making if a conflict of interest should arise.
3. Trustees have a responsibility to fully understand and endeavor to comply with laws governing freedom of information. Trustees should exercise discretion when discussing library business.
4. As a member of a decision-making group (the Library Board), trustees have a responsibility to apply their individual knowledge and express opinions. However, once a decision is made, trustees will support the Board decision.
5. Public statements concerning the business of the Board shall be the responsibility of the Board President or the President's designee.
6. Each trustee must be conscientious about preparation for and attendance at both Board and committee meetings. If circumstances require an absence, adequate notice should be given to the Director or committee chairperson.
7. Trustees will maintain communication with, and foster support of, the Friends of the Cromaine District Library.
8. Trustees will uphold the mission and core values of the library.

Trustees are expected to perform all the functions of the position while observing ethical standards of fidelity, integrity and honor.





<b>Cromaine District Library Policy</b>	Policy #: 8009
<i>BOARD POLICY DEVELOPMENT</i>	<u>Tracking Record</u> Date Approved: 7/15/99 Revised: 1/15/09 Reviewed: 2/2/10; 5/2/11; 5/17/12; 5/1/13; 5/7/14; 6/3/15; 4/4/16; 5/4/17; 4/19/18; 5/2/19; 6/2/20; 5/6/2021 5/19/22; 5/5/23; 5/3/24; 5/1/25

The formulation and adoption of policies constitutes one method by which the Board exercises its leadership in the operation of the library.

These policies shall provide guidelines for the discretionary actions of those to whom the Board delegates the authority to manage the library.

In formulating policies, the Board shall adopt general principles and statements of intent. Policies shall be framed and are to be interpreted in terms of the laws, rules and regulations of the state, and all other regulatory agencies within our local, county, state and federal levels of government.

Although the Board welcomes suggestions from the individuals or groups to be affected by policies, it reserves the function of policy development to itself with the advice of the Library Director. Proposals for Board policy shall always be discussed with the Board before the drafting of any documents. The Board shall determine the requirement for the policy and assign the parties to begin the draft. Unsolicited policy drafts shall not be considered for approval until the Board has the opportunity to determine the need for the policy and investigate the alternatives.

The Board may solicit advice from any competent source when it deems such expertise is essential for policy development.

The Board committees shall annually review appropriate policies to ensure continued relevancy to the library's needs.

Specific policy proposals and amendments or revisions of existing policies shall be submitted to the Board for discussion and review at a regular Board meeting. All policies and amendments shall be subject to this review before any action to adopt is taken. Formal adoption shall occur at a Board meeting.

The formal adoption of policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.



<b>Cromaine District Library Policy</b>	Policy #: 8011
<i>BOARD MEMBER COMPENSATION AND EXPENSES</i>	<u>Tracking Record</u> Date Approved: 7/15/99 Revised: 9/15/05; 4/15/10; 4/5/11; 5/18/17; 6/18/20; 5/20/2021; 5/19/22 Reviewed: 2/3/09; 5/17/12; 5/1/13; 5/7/14; 6/3/15; 4/4/16; 4/19/18; 5/2/19; 5/5/23; 5/3/24; 5/1/25

A stipend of \$30 shall be paid each Board member for attendance at each scheduled and special Board meeting and each committee meeting, including subcommittee and ad hoc committee meetings recognized by the Board and attendance of the Board designate at quarterly meetings of the Friends of Cromaine Library. Board members may choose to opt out of the stipend. The request should be provided in writing.

Board members shall be reimbursed for actual and necessary expenses incurred in carrying out Board authorized assignments or Board authorized attendance at workshops, seminars, conferences or conventions. To receive such reimbursement, an expense voucher (as established for all library personnel), along with supporting bills or evidence of expenses in keeping with library practices, shall be submitted to the Director for processing and payment.

Expenses for non-board members accompanying Board members are not reimbursable, nor are lost wages of a Board member.



Cromaine District Library

Finance Committee Meeting Minutes Monday, May 5, 2025, 4:30 via zoom

**Attendees:**

Becky Basley- Treasurer

Nancy Rosso- Secretary

Holly Naylor-Trustee

Sarah Neidert, Library Director

**Review of Monthly Financial Activity Statements for March 2025**

- Operating - no unusual revenue or expenses
- Improvement - no unusual revenue or expenses
- Gift - no unusual revenue or expenses
- Music Hall – no unusual revenue or expenses

**Investment Account:**

UBS Investment fund had a balance of \$5,166,870.64.

**Bank of Ann Arbor Accounts:**

- Checking Account - ending balance \$104,057.67
- Money Market Account – ending balance \$633,490.04

**Credit Cards:**

\$11,065.85 was paid in March. Charges in March were \$8,874.87

**Building:**

- No building items to discuss

**Finance Policies:**

- No policies to review

**Budget preparation:**

- Sarah presented a draft budget. Still waiting for actual numbers from the townships.
- Personnel reviewed the Salaries & Benefits as well as the professional development sections at their May meeting.
- Technology supplies budget line; conferencing and recording budget

**Other:**

- Preparation for upcoming budget cycle- Sarah will share in board report the process for May and June full board meetings.
- Discussion of making committee meetings public.

- This is covered in the Michigan Public Library Trustee Manual, p. 67 - basically, while committee meetings are exempt, most library law attorneys (including our legal counsel) suggest adhering to OMA rules.
- This committee decided virtual is the most convenient method for meeting due to work schedules. Sarah will publish the day and time of the meeting with an option to register for the meeting- and will email the zoom information to any public who register in advance of the meeting.

**Next Meeting:**

The next Finance committee meeting date will be Tuesday June 10, 2025 at 4:30 PM via zoom.

Community Relations and Strategic Planning Committee meeting Wednesday, May 7, 2025

**Trustees:** Dawn Smith, Holly Naylor, Jeannine Gogoleski

**Staff:** Sarah Neidert, Liz Welch

**Community Members:** Dick Krueger

Trustee Dawn Smith sent proposed policy language to the group, which Director Sarah Neidert consolidated with existing policy so changes could be tracked.

**Policy #3010**-after discussion it was decided that there will be two versions presented to the full board (see attachments). One will have changes that will enable books that have been challenged to be labeled as “not for minors” or similar language and another version that will include this as well as relocating these books to a specific section of the library to not be accessed by minors.

**Section B:**

Sarah expresses a concern about how the Library can continue our policy of not operating in loco parentis if we strike the portion of section B that parents are required to accompany their children. Dawn offered that we can strike the suggested change to section B if the group agrees.

**Section C:**

Group discussed clarity on how we are identifying “harmful for minors”, using the Library Privacy Act or Michigan Law? Current policy should reflect what we are using as the standard. Sarah clarified the Library Privacy Act is a Michigan Law- it uses MCL 722.674 section 4 as the test that defines “harmful to minors.” She wonders if it might be better to just use MCL 722.674 section 4 in the policy, rather than referring to it through the Library Privacy act? (both are attached for review).

In essence, there are two choices for approval: limit additions to #3010 to labeling at the end of the review process, or also include sequestering. This will give the Board options for debate and voting.

There is concern that moving these books will open up more chance for lawsuits. Holly will share information regarding a recent legal case in which books were moved. Holly questioned if any discussion has occurred about sequestering titles? Up until now we’ve only suggested labels. She is concerned that any physical sequestering of books is illegal and discussed current case law referenced in the Memo from Library counsel dated April 2024: (Virden et al v. Crawford County, Arkansas et al)- Attached for review.

Group agreed on: Language will be changed to state parent or guardian instead of just parent. For book challenges we would like to add that these must come from a patron or resident of the Cromaine District Library.

Sarah requested clarification- will the current book challenges she is working through be examined under the policy as it was when she received them, or new policy if one is approved? Sarah would request an extension to go back over the materials she's already assessed if the policy is changed.

**Community Relations budget** presented- budget is higher as costs have increased and a line was added for the Music Hall.

**Organ Fundraiser** Goal was met after generous donations made!!!!

**Meeting Format-** decision to keep meeting virtual, post agenda and meeting dates on website and send zoom link to those that request it. Add call to the public as part of agenda at the end of the meeting.

**Other items:**

Big thank you to the Kruegers for generous donation to Summer Concert Series!!!

There is an upcoming meeting with the Township and Sue Grissim to continue plans for the outdoor project.

Trees by the garden will be coming down next week per request of the Garden Club and as part of the plan for the outdoor space. One tree will be kept at the top of the hill for shade until fall.

**Next meeting:**

**\*\*Note alternate date:**

**June 4<sup>th</sup> at noon via zoom.**



<p align="center"><b>Cromaine District Library</b> <b>Policy</b></p>	<p>Policy #: 3010 Page 1 of 4</p>
<p align="center">Materials Selection Policy <i>(formerly Collection Development Policy)</i></p>	<p align="center"><u>Tracking Record</u> Date Approved: 4/15/03 Revised: 11/24/08; 4/17/14; 4/19/18; 4/18/19; 5/19/22 Reviewed: 10/21/09; 3/23/11; 3/28/12; 3/20/13; 4/17/14; 3/27/15; 4/14/16; 4/7/17; 5/4/20; 4/15/2021 Revised by Library Council 12/15/22; 9/21/23; 6/20/24</p>

### **I. Purpose.**

The purpose of Cromaine District Library's Material Selection Policy ("Policy") is to set broad guidelines to assemble, preserve, organize, administer, and promote the use of a wide range of communication media and to inform the public about the principles upon which selections are made. These functions are undertaken to further the objectives of the Cromaine District Library ("Library").

### **II. Definitions:**

The term "Library Materials" means books, magazines, DVDs, CDs, library programs or other synonyms as they may occur in the Policy having the widest possible meaning. This statement of Policy applies to all Library Materials in the collection, including adult, young adult, and juvenile. However, this Policy and the term "Library Materials" does not apply to Internet sites available through the Library's computers or Internet Collection. The Library has no control over the content of the Internet. Please see the Internet Use Policy for any issues related to computer or Internet Use.

The term "selection" refers to the decision to add, retain or withdraw material in the collection. **It does not refer to reader guidance.**

### **III. Goals of Materials Selection.**

- A. To meet the individuals need for information through maintenance of a well-balanced and broad collection of materials for information, reference, and research.
- B. To help the individual attain maximum self-development through life-long intellectual and cultural growth.
- C. To support the democratic process by providing materials for the education and enlightenment of the community.
- D. To assist individuals in their pursuit of occupational activity and practical affairs.
- E. To provide diverse recreational experience for individuals and groups.
- F. To assist institutions of formal education with services that will assist individual study.
- G. To maintain Michigan and local history collections.

### **IV. Responsibility for Selection.**

The responsibility for selection lies with the professional staff of the Library. That staff operates within the areas of service to children, young adults, and adults. Both the public and staff members may recommend materials for consideration. The ultimate responsibility for selection, however, rests with the Library Director

who operates within the framework of policies determined by the Library Board of Trustees. The Director shall be responsible for ensuring that the funds budgeted for collection development are allocated appropriately, depending upon the needs of the Library and the fulfillment of the above Goals of Material Selection.

## V. General Principles.

- A. Selection of Library Materials is based on the relationship of such work to the needs, interests and demands of the community. ~~Basic to this Policy is the Library Bill of Rights and the Intellectual Freedom Statement of the American Library Association to which this Library subscribes.~~

Selection is not made based on anticipated approval or disapproval by patrons or Library users, but solely on the merits of a work, without regard to the race, nationality, political or religious view of the writer.

- B. Responsibility for the reading material of children rests with their parents or legal guardians. Selection shall not be inhibited solely by the possibility that books may inadvertently come into the possession of children.

The Library respects each individual parent's ~~or legal guardian's~~ right to supervise his/her children's choice of reading materials. However, the Library does not have the right to act in loco parentis (in place of the parent ~~or guardian~~). ~~Therefore, a parent or legal guardian who chooses to restrict the materials his/her children select must accompany those children when they use the collection to impose those restrictions.~~ Juvenile material may be labeled with non-prejudicial, viewpoint-neutral labels.

- C. The Library Director is responsible for overseeing where the books are shelved and catalogued. However, the Library Board recommends that any materials that are appropriate for adults or older teens ~~but may be considered harmful to minors~~, as defined by the Library Privacy Act, are shelved within the adult collection.

- D. Further, Library Materials will not be marked or identified to show approval or disapproval of contents, ~~and no catalogued book or other item will be sequestered, except for the express purpose of protecting it from injury or theft. The use of rare and scholarly items of great value may be controlled to the extent required to preserve them from harm, but no further.~~

- E. It is the responsibility of the Library to provide circulating, reference and research materials for the public and students based on the services it is expected to perform. ~~The use of rare and scholarly items of great value may be controlled to the extent to preserve them from harm.~~

## VI. Specific Principles for Selection.

The following principles, individually or collectively, will prevail in the selection of all Library Materials. The total collection will attempt to represent a variety of points of view.

- Community needs, interest, relevance and demands
- Contemporary significance or permanent value
- Lack of bias, factual. Portrays issues sensitively
- Literary, artistic, historical, scientific, or intellectual merit

- Recommendations of reviews from professional journals or publications of national repute
- Diversity of viewpoint and availability of other information on the subject.
- Reputation, authority and qualifications of the author, illustrator, publisher, or producer
- Relation of work to existing collection
- Price, format, and ease of use
- Available shelf or storage space
- Availability of material through inter-library loan
- Popular demand: The Library will make an effort to have materials available which are in high demand by the public; however, selections by popular demand will still be guided by consideration of merit, use and the specific principles for selection.
- Duplication of materials already in the collection; i.e., purchase of additional copies of materials, shall be governed by intrinsic or historical value, or immediate need
- Collection objectives

## **II. Gifts.**

Please see the Gifts to the Library Policy #6004 for any issues related to gifts. Acceptance of gifts shall be governed by the same principles and criteria applied to the selection of items for purchase. Gifts of books or other materials which do not comply with the Library's objectives and policies will be refused. No conditions may be imposed relating to any item either prior to or after its acceptance by the Library. All gifts and donated materials (including works of local authors) become the property of the Library. The manner of disposition of any materials which are not added to the collection will be decided by the Library.

## **VIII. Maintenance of the Collection.**

The collection shall be periodically examined for the purpose of eliminating obsolete, damaged, duplicate, or unneeded materials, and for binding or repair of materials, in order to maintain a balanced, attractive and useful Library Materials collection.

## **IX. Challenges to Materials.**

No material shall be removed from the Library's collection until all steps in the following process have been completed.

- A. Patrons ("Requester") who object to Library Materials will be sent to the Director.
- B. The Director will discuss the Library Materials in question with the Requester, attempting to resolve the concern to both the Requester's and Library's satisfaction.
- C. If the Requester wishes to carry the request further, the Director will provide the Requester with a copy of the Materials Selection Policy, including the Request for Reconsideration of Library Materials ("Request for Reconsideration").
- D. Once a completed, signed copy of the Request for Reconsideration for each Library Material is received, the Library Director shall decide the Request for Reconsideration, taking into

consideration the Library's Materials Selection Policy and any other relevant information to reach a decision. The Director may consult with any other staff or consultants when making this decision.

- E. The Library Director shall send the decision in writing to the complainant within seventy-five (75) days of the receipt of each completed Request for Reconsideration form. If the decision is that the questioned material should be removed from the collection, the Requester will be notified in writing by the Library Director and all copies of the item will be withdrawn. If the decision is that the questioned material is to be retained, the Requester will be notified in writing by the Library Director that the material will be retained.
- F. A written appeal of the Library Director's decision may be made by the Requester to the Chair of the Library Board within ten (10) business days after the written decision is made by the Library Director. The appeal must include the specific Library Material being appealed and the reason that the Requester would like the decision reversed. The Library Board will review any documentation it deems necessary to decide within sixty (60) days of receipt of the appeal. The Library Board may issue an additional extension if necessary, in order to fully evaluate the material.
- G. The Library Board serves as the final authority in cases involving retention, labeling and restriction from access by minors, or withdrawal of Library Materials.
- H. The Library Board serves as the final authority as to where books will be located for viewing. Restriction from minors will not include removal, or restriction of adult access to said book(s) or material(s).
- I. If the Library Board determines that book(s) or material(s) shall have restricted access by minors, the Director shall comply within 10 business days.

**X. Revision of this Policy.**

This Policy shall be reviewed and revised to be consistent with the objectives of the Library.



<p align="center"><b>Cromaine District Library</b></p> <p align="center"><b>Policy</b></p>	<p>Policy #: 3010</p> <p>Page 1 of 4</p>
<p align="center">Materials Selection Policy</p> <p align="center"><i>(formerly Collection Development Policy)</i></p>	<p align="center"><u>Tracking Record</u></p> <p align="center">Date Approved: 4/15/03</p> <p align="center">Revised: 11/24/08; 4/17/14; 4/19/18; 4/18/19; 5/19/22</p> <p align="center">Reviewed: 10/21/09; 3/23/11; 3/28/12; 3/20/13;</p> <p align="center">4/17/14; 3/27/15; 4/14/16; 4/7/17; 5/4/20; 4/15/2021</p> <p align="center">Revised by Library Council 12/15/22; 9/21/23; 6/20/24</p>

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- C. The Library Director is responsible for overseeing where the books are shelved and catalogued. However, the Library Board recommends that any materials that are appropriate for adults or older teens ~~but may be considered harmful to minors~~, as defined by **state law, specifically MCL722.674 sec.4the Library Privacy Act**, are shelved within the adult collection.

- D. Further, Library Materials will not be marked or identified to show approval or disapproval of contents, and no catalogued book or other item will be sequestered, except for the express purpose of protecting it from injury or theft. The use of rare and scholarly items of great value may be controlled to the extent required to preserve them from harm, but no further.

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- Recommendations of reviews from professional journals or publications of national repute

- Diversity of viewpoint and availability of other information on the subject.
- Reputation, authority and qualifications of the author, illustrator, publisher, or producer
- Relation of work to existing collection
- Price, format, and ease of use
- Available shelf or storage space
- Availability of material through inter-library loan
- Popular demand: The Library will make an effort to have materials available which are in high demand by the public; however, selections by popular demand will still be guided by consideration of merit, use and the specific principles for selection.
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The collection shall be periodically examined for the purpose of eliminating obsolete, damaged, duplicate, or unneeded materials, and for binding or repair of materials, in order to maintain a balanced, attractive and useful Library Materials collection.

#### **IX. Challenges to Materials.**

If a patron objects to material owned by the Library, they may complete a Request for Reconsideration Form for submission to the Director. The patron submitting the request must be a resident of the Croma District Library service area and hold a preexisting patron card. No material shall be removed from the Library's collection until all steps in the following process have been completed.

- A. Patrons ("Requester") who object to Library Materials will be sent to the Director.
- B. The Director will discuss the Library Materials in question with the Requester, attempting to resolve the concern to both the Requester's and Library's satisfaction.
- C. If the Requester wishes to carry the request further, the Director will provide the Requester with a copy of the Materials Selection Policy, including the Request for Reconsideration of Library Materials ("Request for Reconsideration").
- D. Once a completed, signed copy of the Request for Reconsideration for each Library Material is received, the Library Director shall decide the Request for Reconsideration, taking into consideration the Library's Materials Selection Policy and any other relevant information to

reach a decision. The Director may consult with any other staff or consultants when making this decision.

- E. The Library Director shall send the decision in writing to the complainant within seventy-five (75) days of the receipt of each completed Request for Reconsideration form. If the decision is that the questioned material should be removed from the collection, the Requester will be notified in writing by the Library Director and all copies of the item will be withdrawn. If the decision is that the questioned material is to be retained, the Requester will be notified in writing by the Library Director that the material will be retained.
- F. A written appeal of the Library Director's decision may be made by the Requester to the Chair of the Library Board within ten (10) business days after the written decision is made by the Library Director. The appeal must include the specific Library Material being appealed and the reason that the Requester would like the decision reversed. The Library Board will review any documentation it deems necessary to decide within sixty (60) days of receipt of the appeal. The Library Board may issue an additional extension if necessary, in order to fully evaluate the material.
- G. The Library Board serves as the final authority in cases involving retention, labeling or withdrawal of Library Materials.

**X. Revision of this Policy.**

This Policy shall be reviewed and revised to be consistent with the objectives of the Library.



# Judge rules for library lawsuit plaintiffs

Crawford County on the hook for nearly \$113,000 in legal fees in case it lost

- Northwest Arkansas Democrat-Gazette
- 18 Apr 2025
- PENNY WEAVER Penny Weaver can be reached by email at

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**With green labels and in a separate section in the Van Buren Public Library, these books with LGBTQ+ themes were among those in the spotlight amid legal action against Crawford County. The 'social section' was dissolved on a judge's order in the fall of 2024. Visit [rivervalleydemocratgazette.com/rvphotos](https://rivervalleydemocratgazette.com/rvphotos) for today's photo gallery.**

**FORT SMITH — Crawford County must pay the plaintiffs' court expenses in a case it lost over its handling of LGBTQ-themed materials in county libraries amid what a federal judge called a "complicated morass" of post-judgment motions.**

On Wednesday, Judge Timothy Brooks in the U.S. District Court for the Western District of Arkansas granted the plaintiffs' motion that the defendants pay their \$112,978.31 in legal costs, according to the court document with the opinion and order.

Brooks also, however, denied multiple related motions filed by the county, its legal firm in the case, the Crawford County Library System director and the plaintiffs involved.

One of those was a motion to bar the county from using library system fees to pay the plaintiffs' legal expenses. Brooks determined the federal court is not in a position to make that decision.

The Virden v. Crawford County case stemmed from the separation of LGBTQ-related books in the county's public libraries, a 2023 move directed by the Crawford County Quorum Court at the behest of some local residents. Plaintiffs Rebecka Virden, Samantha Rowlett and Nina Prater alleged the county violated their First Amendment rights by placing LGBTQ-themed books into a separate section of the library.

On Sept. 30, Brooks ruled for the plaintiffs. He reiterated his decision Wednesday, court documents show.

"The social-section policy was a textbook example of viewpoint discrimination which violated the First Amendment," Brooks wrote.

'SPIRALED OUT OF CONTROL'

On the judge's order last fall, the social section of LGBTQ-themed books was dismantled in Crawford County libraries.

The plaintiffs then asked the court to order the defendants to pay \$108,377.75 in attorney fees and \$4,600.56 in court costs for a total of \$112,978.31, court records show.

U.S. law provides that plaintiffs who prevail in civil rights cases such as this can seek reasonable attorneys' fees as part of the costs which the defendants can be ordered to pay.

"This matter quickly spiraled out of control, spawning a bevy of related motions from Defendants and Plaintiffs, including motions between Defendants who were taking opposing, or at least inconsistent, positions," Brooks wrote in his Wednesday opinion.

He said the "unusually convoluted post-judgment motion" stemmed from the plaintiffs' wish that no funds from the library system be used to pay the legal fees.

"Apparently the County is considering having the library system pay some portion of any attorney fee award entered in this case, which Plaintiffs find objectionable," Brooks stated.

That issue originated with a December 2022 Quorum Court meeting, just before the library "social section" of gay-themed materials was created, Brooks said in the court document.

At least one justice of the peace at that time and in a later court deposition threatened to defund the county's library system and said "probably all of" the

Quorum Court would agree to defund the library if constituents' concerns related to the LGBTQ-themed books weren't addressed, Brooks wrote. Still, he denied the plaintiffs' motion to order the county not to use library funds to pay legal fees, in part citing the issue as one of Arkansas law and therefore outside federal court purview.

"The Court's Judgment went as far as it was permitted to go on this point, and no further," wrote Brooks.

**'COMPLICATED MORASS'**

Brooks denied the plaintiffs' subsequent motions for additional legal costs incurred after the court ordered payment of initial attorney and court fees by the defendants.

He said the plaintiffs' unsuccessful post-judgment motions "turned what should have been a fairly straightforward attorney-fee ruling into the complicated morass that has occupied this entire Opinion and Order." Other motions filed after the judge's decision on the primary case were denied in his Wednesday ruling.

They include a move by library system Director Charlene McDonnough, with her own attorney, to separate from the other Crawford County defendants; a motion by McDonnough regarding fees charged by PPGMR Law of Little Rock, which represented the county; and a motion to withdraw from the case by PPGMR.

"Irreconcilable differences" among county defendants regarding the source of payment of the plaintiffs' fees sparked the law firm's motion to withdraw as counsel, court documents show, so Brooks called the motion moot now that he has ruled on the payment.

He denied that motion without prejudice, he noted in his ruling, writing that PPGMR could refile the request to withdraw in the future if they believe "circumstances warrant it."

**Article Name: Judge rules for library lawsuit plaintiffs**

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## MCL - Section 722.674

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### DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO MINORS (EXCERPT)

**Act 33 of 1978**

#### **722.674 Additional definitions.**

##### **Sec. 4.**

As used in this part:

(a) "Harmful to minors" means sexually explicit matter that meets all of the following criteria:

(i) Considered as a whole, it appeals to the prurient interest of minors as determined by contemporary local community standards.

(ii) It is patently offensive to contemporary local community standards of adults as to what is suitable for minors.

(iii) Considered as a whole, it lacks serious literary, artistic, political, educational, and scientific value for minors.

(b) "Local community" means the county in which the matter was disseminated.

(c) "Prurient interest" means a lustful interest in sexual stimulation or gratification. In determining whether sexually explicit matter appeals to the prurient interest, the matter shall be judged with reference to average 17-year-old minors. If it appears from the character of the matter that it is designed to appeal to the prurient interest of a particular group of persons, including, but not limited to, homosexuals or sadomasochists, then the matter shall be judged with reference to average 17-year-old minors within the particular group for which it appears to be designed.

**History:** 1978, Act 33, Eff. June 1, 1978 ;-- Am. [2005, Act 108](#), Eff. Dec. 1, 2005

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**DISSEMINATING, EXHIBITING, OR DISPLAYING SEXUALLY EXPLICIT MATTER TO  
MINORS (EXCERPT)**  
**Act 33 of 1978**

**722.673 Definitions.**

Sec. 3. As used in this part:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations including logical, arithmetic, or memory functions with or on computer data or a computer program and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(f) "Sexually explicit matter" means sexually explicit visual material, sexually explicit verbal material, or sexually explicit performance.

(g) "Sexually explicit performance" means a motion picture, video game, exhibition, show, representation, or other presentation that, in whole or in part, depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.

(h) "Sexually explicit verbal material" means a book, pamphlet, magazine, printed matter reproduced in any manner, or sound recording that contains an explicit and detailed verbal description or narrative account of sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse.

(i) "Sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, video game, or similar visual representation that depicts nudity, sexual excitement, erotic fondling, sexual intercourse, or sadomasochistic abuse, or a book, magazine, or pamphlet that contains such a visual representation. An undeveloped photograph, mold, or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

(j) "Video game" means an object or device that stores recorded data or instructions generated by a person who uses it, and by processing the data or instructions creates an interactive game capable of being played, viewed, or experienced on or through a computer, gaming system, game console, or other technology.

**History:** 1978, Act 33, Eff. June 1, 1978;—Am. 1999, Act 33, Eff. Aug. 1, 1999;—Am. 2003, Act 192, Eff. Jan. 1, 2004;—Am. 2005, Act 104, Eff. Dec. 1, 2005;—Am. 2005, Act 107, Eff. Dec. 1, 2005.

**Constitutionality:** Act 33 of 1999 violates the First Amendment and the Dormant Commerce Clause of the US Constitution. Defendants are permanently restrained and enjoined from enforcing any provisions of 1999 PA 33. Cyberspace Communications, Inc v Engler, 142 F Supp 2d 827 (ED Mich, 2001).





**THE LIBRARY PRIVACY ACT**  
**Act 455 of 1982**

AN ACT to provide for the confidentiality of certain library records; to provide for certain exceptions to the confidentiality of those library records; to provide for the selection and use of library materials; and to provide remedies.

**History:** 1982, Act 455, Eff. Mar. 30, 1983;—Am. 2020, Act 315, Eff. Mar. 29, 2021.

*The People of the State of Michigan enact:*

**397.601 Short title.**

Sec. 1. This act shall be known and may be cited as "the library privacy act".

**History:** 1982, Act 455, Eff. Mar. 30, 1983.

**397.602 Definitions.**

Sec. 2. As used in this act:

(a) "Computer" means any connected, directly interoperable or interactive device, equipment, or facility that uses a computer program or other instructions to perform specific operations, including logical, arithmetic, or memory functions with or on computer data or a computer program, and that can store, retrieve, alter, or communicate the results of the operations to a person, computer program, computer, computer system, or computer network.

(b) "Computer network" means the interconnection of hardwire or wireless communication lines with a computer through remote terminals, or a complex consisting of 2 or more interconnected computers.

(c) "Computer program" means a series of internal or external instructions communicated in a form acceptable to a computer that directs the functioning of a computer, computer system, or computer network in a manner designed to provide or produce products or results from the computer, computer system, or computer network.

(d) "Computer system" means a set of related, connected or unconnected, computer equipment, devices, software, or hardware.

(e) "Crime" means that term as defined in section 5 of the Michigan penal code, 1931 PA 328, MCL 750.5.

(f) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic, or other impulses.

(g) "Harmful to minors" means that term as defined in section 4 of 1978 PA 33, MCL 722.674.

(h) "Internet" means that term as defined in 47 USC 230.

(i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

(j) "Library" means a library that is established by this state or by a county, city, township, village, school district, or other local unit of government or authority or combination of local units of governments and authorities, a community college district, or a college or university, or a private library open to the public.

(k) "Library record" means a document, record, or other method of storing information retained by a library that contains information that personally identifies a library patron, including the patron's name, address, or telephone number, or that identifies a person as having requested or obtained specific materials from a library. Library record does not include either of the following:

(i) Nonidentifying material that may be retained for the purpose of studying or evaluating the circulation of library materials in general.

(ii) Recorded video surveillance images made solely for security purposes that do not include images of any activity or any other document or record that identifies a person as having requested or lawfully obtained specific services, materials, or information resources from a library.

(l) "Minor" means an individual who is less than 18 years of age.

(m) "Obscene" means that term as defined in section 2 of 1984 PA 343, MCL 752.362.

(n) "Sexually explicit matter" means that term as defined in section 3 of 1978 PA 33, MCL 722.673.

(o) "Terminal" means a device used to access the internet or a computer, computer program, computer network, or computer system.

**History:** 1982, Act 455, Eff. Mar. 30, 1983;—Am. 1998, Act 7, Imd. Eff. Feb. 6, 1998;—Am. 1999, Act 37, Eff. Aug. 1, 1999;—Am. 2020, Act 315, Eff. Mar. 29, 2021.

**397.603 Library record not subject to disclosure requirements; release or disclosure of**

**library record without consent prohibited; exception; procedure and form of written consent; hearing; disclosure exception.**

Sec. 3. (1) A library record is not subject to disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) A library or an employee or agent of a library shall not release or disclose a library record or portion of a library record to a person without the written consent of the person liable for payment for or return of the materials identified in that library record, unless 1 of the following applies:

(a) A court has ordered the release or disclosure after giving the affected library notice of the request and an opportunity to be heard on the request.

(b) The release or disclosure is permitted under subsection (5).

(3) The procedure and form of giving the written consent described in subsection (2) may be determined by the library.

(4) A library may appear and be represented by counsel at a hearing described in subsection (2)(a).

(5) A library or an employee or agent of a library may disclose library records without a court order or the written consent described in subsection (2) under either of the following circumstances:

(a) The library or an employee or agent of the library may report information about the delinquent account of a patron who obtains materials from the library to a collection agency under contract with the library. The library or an employee or agent of the library shall provide the collection agency with only the library records necessary to seek the return of overdue or stolen materials or to collect fines from the patron.

(b) The library or an employee or agent of the library may disclose library records to another library or library cooperative for the purpose of conducting interlibrary loans. The library records must be limited to those required for providing interlibrary loans.

(6) This section does not prohibit an employee or agent of a library from providing a sworn statement or testimony to a law enforcement officer based solely on the personal knowledge of the employee or agent of the library regarding a crime alleged to have occurred at the library.

(7) As used in this section and section 4, "employee or agent" includes an employee of a library, a member of the governing body of a library, an individual who is specifically designated as a volunteer and who is acting solely on behalf of a library, and any other person who is lawfully performing services on behalf of a library under a written contract, including a collection agency.

**History:** 1982, Act 455, Eff. Mar. 30, 1983;—Am. 1996, Act 188, Imd. Eff. May 8, 1996;—Am. 2020, Act 315, Eff. Mar. 29, 2021.

**397.604 Violation of MCL 397.603; liability; civil action; damages; attorney fees and costs; equitable relief.**

Sec. 4. (1) If a library or an employee or agent of a library violates section 3, the library is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the library for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(2) If an employee or agent of a library knowingly violates section 3, the employee or agent is subject to liability to the person identified in a library record that is improperly released or disclosed. The person identified in the library record may bring a civil action against the employee or agent for actual damages or \$250.00, whichever is greater, reasonable attorney fees, and the costs of bringing the action. A court also may grant equitable relief to a person under this subsection.

(3) A civil action brought under this section by or on behalf of a person identified in a library record must be brought within 180 days after the date that the person first knew or had reason to know of the release or disclosure of the record giving rise to the civil action.

**History:** 1982, Act 455, Eff. Mar. 30, 1983;—Am. 2020, Act 315, Eff. Mar. 29, 2021.

**397.605 Selection and use of library materials.**

Sec. 5. (1) Except as otherwise provided by statute or by a regulation adopted by the governing body of the library, the selection of library materials for inclusion in a library's collection shall be determined only by an employee of the library.

(2) Except as otherwise provided by law or by a regulation adopted by the governing body of the library, the use of library materials shall be determined only by an employee of the library.

**History:** 1982, Act 455, Eff. Mar. 30, 1983.

**397.606 Restriction of internet access to minors; immunity from liability; exceptions.**

Sec. 6. (1) If a library offers use of the internet or a computer, computer program, computer network, or

computer system to the public, the governing body of that library shall adopt and require enforcement of a policy that restricts access to minors by providing the use of the internet or a computer, computer program, computer network, or computer system in 1 of the following ways:

(a) Both of the following:

(i) By making available, to individuals of any age, 1 or more terminals that are restricted from receiving obscene matter or sexually explicit matter that is harmful to minors.

(ii) By reserving, to individuals 18 years of age or older or minors who are accompanied by their parent or guardian, 1 or more terminals that are not restricted from receiving any material.

(b) By utilizing a system or method that is designed to prevent a minor from viewing obscene matter or sexually explicit matter that is harmful to minors.

(2) A governing body of a library, member of a governing body of a library, library, or an agent or employee of a governing body of a library or library, is immune from liability in a civil action as provided in section 7 of the revised judicature act of 1961, 1961 PA 236, MCL 691.1407.

(3) This section does not apply to a library established by a community college district, a college or university, or a private library open to the public.

**History:** Add. 1999, Act 37, Eff. Aug. 1, 1999;—Am. 2000, Act 212, Eff. Oct. 1, 2000.



UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

REBECKA VIRDEN; SAMANTHA ROWLETT;  
and NINA PRATER, on their own behalf and on  
behalf of their minor children

PLAINTIFFS

v.

No. 2:23-cv-2071

CRAWFORD COUNTY, ARKANSAS;  
COUNTY JUDGE CHRIS KEITH in his official  
capacity only; QUORUM COURT MEMBERS  
ROBERT KEVIN ARNOLD, LONNIE MYERS,  
MORGAN R. MORGAN, BRAD MARTIN,  
MARK SHAFFER, LONNIE JENNINGS, TIA  
WOODRUFF, JASON COX, CRAIG  
WAHLMEIER, MITCH CAROLAN, ROGER  
ATWELL, JAYSON PEPPAS, and JEFF  
BEAUCHAMP in their official capacities only;  
LIBRARY BOARD MEMBERS KEITH PIGG,  
TAMMARA HAMBY, KALEIN SCHAPER,  
KAYLA RICH, and ROBBY DYER in their  
official capacities only; and LIBRARY  
DIRECTOR CHARLENE McDONNOUGH in  
her official capacity only

DEFENDANTS

**OPINION AND ORDER**

Before the Court are Plaintiffs' and Defendants' cross-motions for summary judgment (Docs. 57, 63), as well as their various briefs, statements of facts, and notices of supplemental authority filed in support of or opposition to these motions. *See generally* Docs. 58, 62, 64–65, 75, 79–81, 89, 95, 96-1, 103–04. For the reasons given below, Defendants' motion is DENIED, and Plaintiffs' motion is GRANTED.

**I. Background.**

As described in several previous opinions and orders:

According to Plaintiffs' amended complaint, in late 2022 or early 2023 the Crawford County Library System implemented a policy under which its library branches must remove from their children's sections all books containing LGBTQ

themes, affix a prominent color label to those books, and place them in a newly-created section called the “social section.” Plaintiffs allege this policy was imposed on the Library System by the Crawford County Quorum Court in response to political pressure from constituents who objected, at least partly on religious grounds, to the presence of these books in the children’s section. Plaintiffs and their minor children are residents of Crawford County and users of its Library System. On May 26, 2023, Plaintiffs filed this lawsuit against Crawford County, claiming that the aforementioned policy violates the First Amendment to the United States Constitution.

(Doc. 36, p. 2; Doc. 102, p. 2). Specifically, Plaintiffs’ operative complaint claims that Defendants have violated their First Amendment right to receive information, and it seeks injunctive relief, asking the Court to “order the Crawford County Library System to operate in a manner consistent with the Cataloging Code of Ethics and the American Library Association’s Bill of Rights.” *See* Doc. 41, p. 12.

The parties have concluded the discovery process, and have filed cross-motions for summary judgment. Those motions have been fully briefed and are ripe for decision.

## **II. Legal Standard.**

On a motion for summary judgment, the burden is on the moving party to show that there is no genuine dispute of material fact and that it is entitled to judgment as a matter of law. *See* Fed. R. Civ. P. 56. The same standard applies to cross-motions for summary judgment, with each motion reviewed in its own right and each opposing party “entitled to the benefit of all inferences favorable to them which might reasonably be drawn from the record.” *Wermager v. Cormorant Twp. Bd.*, 716 F.2d 1211, 1214 (8th Cir. 1983). Once the movant has met its burden, the non-movant must present specific facts showing a genuine dispute of material fact exists for trial. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). In order for there to be a genuine dispute of material fact, the evidence must be “such that a reasonable jury could

return a verdict for the nonmoving party.” *Allison v. Flexway Trucking, Inc.*, 28 F.3d 64, 66–67 (8th Cir. 1994) (quoting *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)).

### **III. Discussion.**

#### **A. Standing.**

Defendants argue, as they have several times previously in this matter, that Plaintiffs lack standing to bring their claims. To whatever extent those arguments rehash previous ones, the Court adopts and reiterates its previous rulings on these issues without further discussion here. *See* Doc. 36, pp. 5–7; Doc. 102, pp. 3–4. But there are two standing issues that Defendants have raised for the first time in their briefing on the instant motions. One is whether Plaintiffs have standing to sue the members of the Quorum Court in this matter. The other is whether Plaintiff Rowlett in particular has capacity to sue on behalf of her stepchildren.

Regarding the members of the Quorum Court, Defendants argue that they are not properly named as defendants in this matter because the Quorum Court “lacks authority to redress the injury Plaintiffs complain of.” *See* Doc. 64, p. 6. Specifically, Defendants contend that the Quorum Court has no authority to oversee the operations of the County Library, and that its authority here is limited to the appropriation of funds. *See id.* at 6–7. But the Quorum Court’s authority to appropriate funds is central to Plaintiffs’ claims. Plaintiffs have produced uncontroverted evidence that during a December 2022 Quorum Court meeting shortly before the creation of the social section, at least one member of the Quorum Court threatened to withhold appropriations from the Library; and a member of the Quorum Court testified during his deposition that he and “probably all of” the Quorum Court’s members wanted to defund the Library if its director did not find a way to satisfy constituents’ concerns about books that were subsequently moved to the social section. *See* Doc. 75-4, pp. 8–9 (internally numbered as 25:17–26:5, 29:14–30:9). Thus a fact-finder could

reasonably infer that the social section was created in response to coercion from the Quorum Court. If creation and maintenance of the social section violates the First Amendment, then such an inference would support injunctive relief against members of the Quorum Court prohibiting them from conditioning funding on the social section's creation or maintenance. Legislative bodies have "wide latitude to attach conditions to the receipt" of funding in order to further their policy objections, but they "may not 'induce' the recipient 'to engage in activities that would themselves be unconstitutional.'" *U.S. v. Am. Library Assoc, Inc.*, 539 U.S. 194, 203 (2003) (quoting *South Dakota v. Dole*, 483 U.S. 203, 206 (1987)).

As for Ms. Rowlett, Defendants argue that although she may sue on her own behalf and two of her four minor children, she lacks capacity to sue on behalf of the other two who are her stepchildren but over whom she has not obtained a formal legal guardianship. This question is governed by Federal Rule of Civil Procedure 17, which provides that "[t]he following representatives may sue . . . on behalf of a minor . . . : (A) a general guardian; (B) a committee; (C) a conservator; or (D) a like fiduciary." Fed. R. Civ. P. 17(c)(1). Whether Ms. Rowlett is "a like fiduciary" is determined by Arkansas law. *See id.* at 17(b). This Court has not found, and neither party has cited, any Arkansas cases which directly answer this question. However, one case cited by Defendants is instructive. In *Daniel v. Spivy*, the Arkansas Supreme Court addressed whether a stepparent who had never undergone the legal formality of adopting their minor stepchild could nevertheless be awarded visitation rights with that child upon divorcing the child's biological parent. 2012 Ark. 39 at \*4–\*7, 386 S.W.3d 424. The *Daniel* court reaffirmed that this depends on whether the stepparent stands *in loco parentis* to the child, and that this equitable principle "refers to a person who has fully put [herself] in the situation of a lawful parent by assuming all the obligations incident to the parental relationship and who actually discharges those obligations."



*Id.* at \*6. A stepparent who has not formally adopted a minor child may satisfy this requirement, but this requires “something more” than merely furnishing necessities for and exercising some control over the child. *See id.* at \*6–\*7.

The evidentiary record in this case is sparse, nearly to the point of nonexistence, on the extent to which Ms. Rowlett has assumed and discharged “all the obligations incident to the parental relationship” with respect to her two stepchildren. The closest any testimony comes to addressing this question is Ms. Rowlett’s own testimony that hers is a “blended family” and that she is a “co-parent” of her two stepchildren. *See* Doc. 63-4, pp. 9 – 10 (internally numbered 33:23–34:21). She was never asked during her deposition to elaborate on what she understands her co-parenting duties to entail. *See generally* Doc. 63-4. Nor was the topic ever explored or even mentioned during the depositions of her two stepchildren. *See generally* Docs. 63-5, 63-6. The evidence on this issue must be construed in the light most favorable to Ms. Rowlett, since it is raised in Defendants’ summary judgment motion. Under that standard, a fact-finder could reasonably infer from this record that Ms. Rowlett’s testimony that she is a “co-parent” of her two stepchildren was meant in the literal and fullest sense; thus there is a material dispute of fact on the question whether Ms. Rowlett is “a like fiduciary” under Arkansas law and within the meaning of Rule 17(c)(1)(D). Accordingly, Defendants are not entitled to summary judgment on this issue.

**B. First Amendment.**

The Court turns now to the merits of Plaintiffs’ claims. First, as a factual matter, the Court finds that even when the evidentiary record is construed in the light most favorable to the Defendants, it is indisputable that the creation and maintenance of the social section was motivated in substantial part by a desire to impede users’ access to books containing viewpoints that are unpopular or controversial in Crawford County. On or around November 10, 2022, Dr. Jeffrey

Hamby and Tamara Hamby sent a letter to the Quorum Court, County Judge, and County Judge-elect, expressing concern “about the agenda that is being pushed by the Van Buren Public Library, aiming education of alternative lifestyles to prepubescent children”—in particular, the “progressive woke ideology normalizing and equating homosexual and transsexual lifestyles with heterosexual family units.” *See* Doc. 75-8. The letter admonished its addressees that they “are responsible for hiring people to represent the values of our community,” and ultimately concluded: “We are asking you to take the steps needed to ensure that this agenda is not sponsored by our tax money.” *Id.* In her deposition, Ms. Hamby explained that the agenda her letter referred to was “an agenda of nontraditional values,” which include showing homosexual relationships as typical or “[t]he idea of transgender.” *See* Doc. 63-12, p. 5 (internally numbered as 17:15–20:8). She further testified that she attended a December 2022 Quorum Court meeting at which this topic was discussed, and that later that same evening she met personally with the then-Library Director and told her a compromise needed to be reached because “the side that wanted the books gone was getting madder and madder and madder,” and that the Library Director “was crying” and “upset” during this meeting. *See id.* at 14–15 (internally numbered as 56:15–58:22). The following month, Ms. Hamby was appointed to the Library Board and elected its Chairman, and held the latter position for one year. *See id.* at 2 (internally numbered as 7:6–7:21). She is still on the Board today. *Id.*

Another member of the Library Board, Kaelin Schaper, testified that “in response to that [December 2022 Quorum Court] meeting,” the Library Director “pulled those books from the children’s section, perhaps other sections, wherever they were and formed the social issues section.” *See* Doc. 63-14, p. 4 (internally numbered as 13:8–13:14). When asked to elaborate on the reason for placing books in the social section, Mr. Schaper replied: “that the court and the

community considered those books inappropriate for the children's section" because they contained content "that emphasized sexuality." *See id.* (internally numbered as 13:17–14:21). But when asked whether content "emphasizing sexuality" meant "normaliz[ing] homosexual relationships," Mr. Schaper replied: "Could be other reasons. But yes to that as well." *Id.* Later in his deposition, Mr. Schaper was asked to review a children's book about two men getting married that is currently in the social section, and to opine on whether it is inappropriate for inclusion in the children's section; Mr. Schaper replied that it is inappropriate. *See id.* at 5–6 (internally numbered as 20:25–22:22). Then when asked whether it would be appropriate for inclusion in the children's section if it were identical except one of the characters getting married were changed to be a woman, Mr. Schaper replied that it would be appropriate. *Id.*

The fact that viewpoint discrimination was a substantial motive for the creation and maintenance of the social section has profound First Amendment implications. After all, "if there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." *Texas v. Johnson*, 491 U.S. 397, 414 (1989).

To be clear, there is evidence that viewpoint discrimination was not the *only* motivation for creation and maintenance of the social section. For example, there was apparently concern over at least one book housed in the adult section which contained an illustration depicting a sex act, and concern that minors should be unable to access it. *See* Doc. 75-4, p. 10 (internally numbered as 34:10–34:25). It is unquestionably true that the First Amendment permits public libraries to restrict minors' access to materials that are not age-appropriate, but while those restrictions will inevitably be content-based they must still be "viewpoint-neutral." *See, e.g., GLBT Youth in Iowa Schools Task Force v. Reynolds*, 114 F.4th 660, 670 (8th Cir. 2024). In other words, for First

Amendment purposes it is one thing to restrict minors' access to sexually explicit material, but a very different thing to restrict minors' access to unpopular opinions. Here, the undisputed evidence shows that the social section was created not only for the former purpose but also for the latter, which violates the First Amendment.

Defendants offer several legal arguments for why there is no First Amendment violation here. None is persuasive. One is an argument that was already raised and rejected by this Court during earlier rounds of motion practice in this case: that Plaintiffs have no First Amendment right to receive information. The Court will not reconsider or revise its ruling on that point, and would simply refer readers to its previous order discussing that issue. *See* Doc. 36, pp. 9–12.

Another of Defendants' arguments is that the First Amendment has not been violated here because the books in question have not been removed from the Library, but rather have simply been relocated to a different area which is still accessible to all patrons. This makes no difference for purposes of the First Amendment. "Restraint on protected speech generally cannot be justified by the fact that there may be other times, places or circumstances for such expression." *Pratt v. Ind. Sch. Dist. No. 831, Forest Lake, Minn.*, 670 F.2d 771, 779 (8th Cir. 1982). When a government actor "use[s] its official power to perform an act clearly indicating that the ideas contained in [media] are unacceptable and should not be discussed or considered," then "[t]his message is not lost on" library users, "and its chilling effect is obvious." *See id.* "What is at stake is the right to receive information and to be exposed to controversial ideas—a fundamental First Amendment right." *Id.*

To avoid a finding that they have violated the First Amendment, Defendants "must establish that a substantial and reasonable governmental interest exists for interfering with [Plaintiffs'] right to receive information." *See id.* at 777. They have not done so. As already noted

numerous times above, suppressing ideas or opinions on the grounds that “certain elements of populace object” to them is not a legitimate governmental interest at all. *See id.* at 778.

Defendants also argue that Plaintiffs’ requested relief runs afoul of the principle articulated in the Supreme Court case of *United States v. American Library Association* (hereinafter “ALA”) that “public libraries must have broad discretion to decide what material to provide to their patrons” in order “[t]o fulfill their traditional missions,” and that “[a]lthough they seek to provide a wide array of information, their goal has never been to provide ‘universal coverage.’” 539 U.S. at 204 (plurality opinion). But the issue here is not whether public libraries have an obligation to provide Plaintiffs with access to all conceivable ideas and opinions; they don’t, and indeed that would be practically impossible. Rather, the issue is whether public libraries have an obligation not to stigmatize disfavored viewpoints that are already in their collection. And as already discussed above, they do.

Finally, Defendants argue that creation and maintenance of the social section amounts to “government speech,” and that therefore no First Amendment violation has occurred. “Under the government speech doctrine, courts recognize that the First Amendment’s Free Speech Clause does not impose ‘a requirement of viewpoint-neutrality on government speech.’” *GLBT Youth*, 114 F.4th at 667 (quoting *Matal v. Tam*, 582 U.S. 218, 234 (2017)). However, the Supreme Court has not extended that doctrine to the placement and removal of books in libraries, and the Eighth Circuit has very recently declined to do so as well. *See id.* at 667–68.

For all the foregoing reasons, then, Plaintiffs are entitled to summary judgment on their claim. There remains the question of what injunctive relief should be awarded. The Court believes it will be sufficient to order that the social section be eliminated and that the materials contained therein be moved to appropriate sections in general circulation without consideration of whether

the viewpoints expressed in such materials are unpopular or controversial. The Court will further order that Defendants refrain from coercing Library staff into violating this injunction.

**IV. Conclusion.**

IT IS THEREFORE ORDERED that Plaintiffs' motion (Doc. 57) for summary judgment is GRANTED, and Defendants' motion (Doc. 63) for summary judgment is DENIED. Judgment will be entered contemporaneously with this order.

IT IS SO ORDERED this 30th day of September, 2024.

*P. K. Holmes, III*

P.K. HOLMES, III  
U.S. DISTRICT JUDGE

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION**

**REBECKA VIRDEN; SAMANTHA ROWLETT;  
and NINA PRATER, on their own behalf and  
on behalf of their minor children**

**PLAINTIFFS**

**V.**

**CASE NO. 2:23-CV-2071**

**CRAWFORD COUNTY, ARKANSAS; COUNTY  
JUDGE CHRIS KEITH in his official capacity  
only; QUORUM COURT MEMBERS ROBERT  
KEVIN ARNOLD, LONNIE MYERS, MORGAN R.  
MORGAN, BRAD MARTIN, MARK SHAFFER,  
LONNIE JENNINGS, TIA WOODRUFF, JASON  
COX, CRAIG WAHLMEIER, MITCH CAROLAN,  
ROGER ATWELL, JAYSON PEPPAS, and JEFF  
BEAUCHAMP in their official capacities only;  
LIBRARY BOARD MEMBERS KEITH PIGG,  
TAMMARA HAMBY, KALEIN SCHAPER, KAYLA  
RICH, and ROBBY DYER in their official capacities  
only; and LIBRARY DIRECTOR CHARLENE  
McDONNOUGH in her official capacity only**

**DEFENDANTS**

**MEMORANDUM OPINION AND ORDER**

Before the Court are:

- Plaintiffs' Motion to Amend the Judgment (Doc. 114) and Brief (Doc. 115) in support, Defendants' Response (Doc. 118) in opposition, Plaintiffs' Reply (Doc. 121), and separate Defendant Charlene McDonnough's Response (Doc. 130) to Plaintiffs' Motion;
- Separate Defendant McDonnough's Motion to Strike Ms. McDonnough from Defendants' Response to Plaintiffs' Motion to Amend the Judgment (Doc. 128);
- Separate Defendant McDonnough's Motion to Disgorge PPGMR's Fees and for PPGMR to Indemnify the Crawford County Library System (Doc. 136) and Brief

(Doc. 137) in support, PPGMR's Response (Doc. 141) in opposition, separate Defendant McDonnough's Reply (Doc. 145), and PPGMR's Surreply (Doc. 148);

- Plaintiffs' Motion for Costs & Attorney Fees (Doc. 107) and Brief (Doc. 108) in support, Defendants' Response (Doc. 127) in opposition, Separate Defendant McDonnough's Response (Doc. 129), and Plaintiffs' Reply (Doc. 138);
- Plaintiffs' Supplemental Motion for Attorney Fees (Doc. 116) and Brief (Doc. 117) in support;
- Plaintiffs' Second Supplemental Motion for Attorney Fees (Doc. 123) and Brief (Doc. 124) in support;
- Plaintiffs' Third Supplemental Motion for Attorney Fees (Doc. 139) and Brief (Doc. 140) in support, and Defendants' Response (Doc. 142) in opposition; and
- PPGMR Law, PLLC's ("PPGMR") Motion to Withdraw as Counsel of Record (Doc. 135).

For the reasons given below, Plaintiffs' Motion to Amend (Doc. 114) and Separate Defendant McDonnough's Motions to Strike (Doc. 128) and Disgorge (Doc. 136), are all **DENIED**; Plaintiffs' Motion for Costs & Attorney Fees (Doc. 107) is **GRANTED**; Plaintiffs' Supplemental (Doc. 116), Second Supplemental (Doc. 123), and Third Supplemental (Doc. 139) Motions for Attorney Fees are all **DENIED**; and PPGMR's Motion to Withdraw (Doc. 135) is **DENIED**.

## I. BACKGROUND

In May 2023, Plaintiffs brought this lawsuit under 42 U.S.C. § 1983 against Crawford County, Arkansas and various official-capacity Defendants. They claimed that the Crawford County Library System, under pressure from various County officials, had



removed books containing LGBTQ themes from their original sections and had placed them in a new section called the “social section.” Plaintiffs argued that this policy violated the First Amendment to the United States Constitution, and they sought injunctive relief ordering the social section's dissolution. On September 30, 2024, this Court entered Judgment in Plaintiffs' favor. See Doc. 106. In its accompanying Opinion and Order, the Court found on summary judgment that the social-section policy was a textbook example of viewpoint discrimination which violated the First Amendment. See Doc. 105, pp. 5–10.

Following the entry of Judgment, Plaintiffs moved for an award of attorney fees and costs as the prevailing parties in this action.<sup>1</sup> But instead of the relatively straightforward briefing which fee motions typically entail, this matter quickly spiraled out of control, spawning a bevy of related motions from Defendants and Plaintiffs, including motions between Defendants who were taking opposing, or at least inconsistent, positions. The issue which has driven this unusually convoluted post-judgment motion practice is the question of whence the funds for payment of attorney fees will come. Apparently the County is considering having the library system pay some portion of any attorney fee award entered in this case, which Plaintiffs find objectionable. Therefore Plaintiffs have moved for an amendment to the judgment prohibiting Defendants from using library funds to pay any fee award. Separate Defendant Library Director Charlene McDonnough also opposes the use of library funds for this purpose, and has made numerous filings reflecting that position. Ms. McDonnough has also asked this Court to disgorge the fees of PPGMR, the law firm which represented Defendants throughout this

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<sup>1</sup> Upon the filing of Plaintiffs' initial Motion for Attorney Fees, this matter was transferred to the undersigned, in light of the Honorable P.K. Holmes, III's retirement from the bench.

lawsuit. The conflict between Ms. McDonnough on the one hand and PPGMR and the other Defendants on the other hand eventually led PPGMR to move to withdraw as counsel for Defendants in this case. Meanwhile, Plaintiffs filed three supplemental motions for additional attorney fees incurred or arising from this post-judgment motion practice. All of these motions have now been fully briefed and are ripe for decision.

## **II. DISCUSSION**

The Court will first take up Plaintiffs' Motion to Amend the Judgment (Doc. 114). Then the Court will address the two motions filed by separate Defendant McDonnough (Docs. 128, 136). Next the Court will decide all four fee motions filed by Plaintiffs (Docs. 107, 116, 123, 139). Finally, the Court will rule on PPGMR's Motion to Withdraw (Doc. 135).

### **A. Plaintiffs' Motion to Amend the Judgment (Doc. 114)**

This Court's September 30, 2024 Judgment awarded Plaintiffs the following injunctive relief against Defendants:

Defendants are . . . ORDERED to immediately dissolve the "social" or "social issues" sections in the Crawford County Library System and to move the materials contained therein to appropriate sections in general circulation without consideration of whether they approve or agree with the viewpoints expressed in such materials, and without consideration of whether the viewpoints expressed in such materials are unpopular or controversial. Defendants are further ORDERED to refrain from coercing Crawford County Library System staff into acting inconsistently with this injunction.

(Doc. 106, p. 1). This final sentence regarding coercion was necessary because the record on summary judgment contained "uncontroverted evidence that during a December 2022 Quorum Court meeting shortly before the creation of the social section, at least one member of the Quorum Court threatened to withhold appropriations from the Library," along with a Quorum Court member's deposition testimony that "he and

'probably all of' the Quorum Court's members wanted to defund the Library if its director did not find a way to satisfy constituents' concerns about books that were subsequently moved to the social section." See Doc. 105, p. 3. The Court explained in its Opinion and Order on summary judgment that this "would support injunctive relief against members of the Quorum Court prohibiting them from conditioning funding on the social section's creation or maintenance," because although "[l]egislative bodies have 'wide latitude to attach conditions to the receipt' of funding in order to further their policy objections, . . . they 'may not "induce" the recipient "to engage in activities that would themselves be unconstitutional.'" See *id.* at 4 (quoting *U.S. v. Am. Library Assoc., Inc.*, 539 U.S. 194, 203 (2003) (internally quoting *South Dakota v. Dole*, 483 U.S. 203, 206 (1987))).

Plaintiffs now argue that if the funds for attorney fees were paid from the Library system's coffers, then that would violate this Court's injunction as well as Arkansas statutory law regarding county library appropriations. See Doc. 115, ¶¶ 2, 5. Therefore, Plaintiffs ask that the Court add the following sentence to its award of injunctive relief: "Defendants are further ORDERED that none of the monies for the fees, expenses, or other costs of this lawsuit (or any subsequent proceedings) come, directly or indirectly, from Crawford County Library System funds or the System's anticipated, normal income." See Doc. 114, p. 4.

As for whether paying attorney fees from library funds would violate Arkansas law—that question is beyond the scope of this Court's authority to decide here. Plaintiffs' Motion was brought under Rule 59(e) of the Federal Rules of Civil Procedure, which permits motions to alter or amend a judgment to be filed within 28 days of its entry. "Rule 59(e) motions serve a limited function of correcting manifest errors of law or fact or to

present newly discovered evidence. Such motions cannot be used to introduce new evidence, tender new legal theories, or raise arguments which could have been offered or raised prior to entry of judgment.” *Innovative Home Health Care, Inc. v. P.T.-O.T. Assocs. of the Black Hills*, 141 F.3d 1284, 1286 (8th Cir. 1998) (internal quotation marks and citations omitted). Rule 59(e) “was not intended to apply” to “issues wholly collateral to the judgment in the main cause of action.” *Buchanan v. Stanships, Inc.*, 485 U.S. 265, 268–69 (1988). The question whether Arkansas law permits library funds to be used for payment of litigation expenses was irrelevant to the claims and injunctive relief in this case, which all arose from the First Amendment to the United States Constitution, not Arkansas statutory law.

As for whether using library funds to pay for litigation expenses would violate this Court’s previous injunction—it would only violate the injunction if it were done, or threatened to be done, in order to “coerc[e] Crawford County Library System staff into acting inconsistently with” this Court’s order to “dissolve the ‘social’ or ‘social issues’ sections in the Crawford County Library System and to move the materials contained therein to appropriate sections in general circulation” without consideration of whether the viewpoints expressed therein were agreeable or unpopular. See Doc. 160, p. 1. But Plaintiffs have not presented this Court with any evidence that the County’s recent discussions around possibly paying litigation expenses from library funds have involved threats or coercion for library staff to recreate the social section or to adopt some similar policy.

It is unsurprising, then, that Plaintiffs are not asking for the injunction to be enforced on its own terms but rather for its language to be amended—and expanded. But this is

not proper under Rule 59(e), because the First Amendment implications for funding or defunding public libraries were already argued and addressed in this Court's September 30, 2024 Opinion and Order. The Plaintiffs presented evidence that the County had threatened to withhold funds from the library system, and this Court carefully analyzed judicial precedent establishing that while there is no First Amendment right to fund libraries in general or to provide "universal coverage" of all different viewpoints in libraries, public actors may not condition access to such funds on recipients' willingness to engage in viewpoint discrimination. See Doc. 105, pp. 3–4, 9. Thus the Court's Judgment went as far as it was permitted to go on this point, and no further. Plaintiffs may not use Rule 59(e) to tender new legal theories or to seek injunctive relief that they could have sought before judgment was entered. Therefore, Plaintiffs' Motion to Amend the Judgment (Doc. 114) will be DENIED.

**B. Separate Defendant Library Director Charlene McDonnough's Motions to Strike (Doc. 128) and to Disgorge (Doc. 136)**

The Motion to Amend the Judgment that was discussed in the preceding subsection was opposed by Defendants, who filed a Response in opposition at Doc. 118. Subsequently, separate Defendant McDonnough moved under Rule 12(f) of the Federal Rules of Civil Procedure for her name to be stricken from the names of the Defendants appearing in that oppositional Response. Ms. McDonnough then filed her own separate Response to Plaintiffs' Motion to Amend at Doc. 130, in which she argued that Plaintiffs' Motion should be granted.

The Court has noted Ms. McDonnough's withdrawal of support from the other Defendants' Response (Doc. 118), and included Ms. McDonnough's separately-filed Response (Doc. 130) in the materials it considered when ruling on Plaintiffs' Motion to

Amend. However, as a technical matter, Ms. McDonnough's Motion to Strike will be DENIED, because Rule 12(f) does not authorize the relief requested therein. Rule 12(f) only authorizes courts to strike material "from a pleading"; and "pleadings" are defined in Rule 7(a) as being expressly limited to complaints, answers to complaints, answers to counterclaims designated as counterclaims, answers to crossclaims, third-party complaints, answers to third-party complaints, and court-ordered replies to answers. Briefs filed in response to motions are not pleadings, as they do not appear in that list.

The Court turns now to Ms. McDonnough's Motion to Disgorge (Doc. 136). In this Motion, Ms. McDonnough argues that the disagreement between herself and the other Defendants as to whether library funds should be used to pay litigation expenses creates a conflict of interest for PPGMR (which had represented all Defendants in this matter up through Judgment). She further alleges that PPGMR "apparently knew that the County always reserved the right to take library money," and that accordingly this conflict of interest existed throughout the pendency of this matter. See Doc. 137, ¶ 4. She cites an Arkansas case for the proposition that:

[A]n attorney must not represent opposed interests; and the usual consequence has been that he is debarred from receiving any fee from either, no matter how successful his labors. Nor will the court hear him urge, or let him prove, that in fact the conflict of his loyalties has had no influence upon his conduct; the prohibition is absolute and the consequence is a forfeiture of all pay.

*Crawford & Lewis v. Boatmen's Trust Co. of Ark., Inc.*, 338 Ark. 679, 686 (1999) (quoting *Silbiger v. Prudence Bonds Corp.*, 180 F.2d 917, 920–21 (2d Cir. 1950) (Hand, J.)). Thus Ms. McDonnough asks this Court to order PPGMR "to disgorge its fees and use those disgorged fees to indemnify the [library system] from any monies it may have to pay as a

result of the instant case,” including the fees for the attorney who Ms. McDonnough hired to represent her in this post-judgment motion practice. See Doc. 127, ¶ 8.

The Court lacks authority to provide the requested relief in this procedural posture. PPGMR is not a party to this case, nor is its relationship with the Defendants—contractual, fiduciary, or otherwise—the subject of any of the claims or defenses in this matter. In her reply, Ms. McDonnough characterizes her request, for the first time, as one for restitution to remedy unjust enrichment. See Doc. 145, ¶ 23. In essence, Ms. McDonnough is attempting to assert a state-law claim in this federal case, against a non-party, and through post-judgment motion practice rather than in a proper pleading such as a third-party complaint, see Fed. R. Civ. P. 7(a), 14(a)(1), long after the deadline to add parties or amend pleadings has passed, see Doc. 31, § 4. Ms. McDonnough’s Motion to Disgorge is DENIED, and the Court makes no findings as to whether PPGMR’s relationship with the Defendants it represented in this matter was ever characterized by any conflict of interest.

**C. Plaintiffs’ Motions for Attorney Fees (Docs. 107, 116, 123, 139)**

42 U.S.C. § 1988 states that, in a § 1983 action, “the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney’s fee as part of the costs.” The Supreme Court has made clear that, in the absence of special circumstances, “a district court not merely ‘may’ but *must* award fees to the prevailing plaintiff.” *Indep. Fed’n of Flight Attendants v. Zipes*, 491 U.S. 754, 760–61 (1989) (emphasis in original). This near-mandatory awarding of fees under § 1988 is to ensure “‘effective access to the judicial process’ for persons with civil rights grievances,” and thereby fulfill § 1983’s purpose. *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (quoting

H.R. Rep. No. 94–1558, p. 1 (1976)). “Accordingly, a prevailing plaintiff should ordinarily recover an attorney’s fee unless special circumstances would render such an award unjust.” *Id.* (internal quotations and citations omitted). By providing a mechanism by which attorneys who take on civil rights claims can recover their fees should they prevail, Congress has incentivized the bar to take these cases in the first place.

“[A] plaintiff ‘prevails’ when actual relief on the merits of his claim materially alters the legal relationship between the parties by modifying the defendant’s behavior in a way that directly benefits the plaintiff.” *Farrar v. Hobby*, 506 U.S. 103, 111–12 (1992). Here, Plaintiffs are the prevailing party, and Defendants do not challenge that. Rather, Defendants argue the amount requested is unreasonable.

To calculate a reasonable fee award, courts look to the “lodestar” amount, *i.e.*, “the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Hensley*, 461 U.S. at 433. When making this determination, courts may consider the twelve factors identified in *Johnson v. Georgia Highway Express*, 488 F.2d 714 (5th Cir. 1974).<sup>2</sup> But often, these factors “are subsumed within the initial calculation of hours reasonably expended at a reasonable hourly rate.” *Hensley*, 461 U.S. at 434 n.9.

As noted in Section I of this Opinion and Order, Plaintiffs have filed four separate fee Motions: one immediately following the entry of Judgment in this matter, and then

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<sup>2</sup> “The twelve factors are: (1) the time and labor required; (2) the novelty and difficulty of the questions; (3) the skill requisite to perform the legal service properly; (4) the preclusion of employment by the attorney due to acceptance of the case; (5) the customary fee; (6) whether the fee is fixed or contingent; (7) time limitations imposed by the client or the circumstances; (8) the amount involved and the results obtained; (9) the experience, reputation, and ability of the attorneys; (10) the ‘undesirability’ of the case; (11) the nature and length of the professional relationship with the client; and (12) awards in similar cases.” *Hensley*, 461 U.S. at 430 n.3 (1983) (citing *Johnson*, 488 F.2d at 717–19).



three supplemental Motions for additional attorney fees incurred or arising from the voluminous post-judgment motion practice which followed. The Court will deal first with Plaintiffs' initial fee Motion, and then with the three supplemental Motions.

Plaintiffs' initial fee Motion asks the Court to award fees based on the following rates and hours:

Requested Fees

<b>Biller</b>	<b>Requested Hourly Rate</b>	<b>Hours Billed</b>	<b>Billed Amount</b>
Brian Meadors (attorney)	\$325	278.8	\$90,610.00
Terrence Cain (attorney)	\$325	54.67	\$17,767.75
<b>Total</b>		<b>333.47</b>	<b>\$108,377.75</b>

Defendants make four challenges to this fee request. First, they challenge the reasonableness of the requested hourly rate. Then, they argue that there are three separate categories of excessively billed time.

First, regarding the reasonableness of the requested rate, Defendants argue that \$325 is too high, and that reasonable rates would instead be \$300 for Brian Meadors and \$275 for Terrence Cain. In support of this position, Defendants argue that neither of Plaintiffs' attorneys is a full-time litigator or partner at a law firm, and that neither has "vast experience in First Amendment litigation." See Doc. 127, p. 2. It is certainly true that neither attorney is currently employed at a law firm, but of course this is not the only way to obtain litigation experience and subject-matter expertise. Terrence Cain is a tenured law professor who teaches courses on, among other things, constitutional law and federal

civil rights litigation. See Doc. 107-2, ¶ 3. He has also served as lead appellate counsel in at least 73 cases over the last 22 years. See *id.* at ¶ 5. And although Brian Meadors is currently general counsel for a corporation, he has extensive litigation experience including more than 20 jury trials and 60 bench trials taken to verdict. See Doc. 107-3, p. 5. He also has been published twice on First Amendment issues, and was counsel of record in a previous lawsuit involving a library and the First Amendment. See *id.* at ¶¶ 4.2.1, 4.8. Both of these men have the quantity and quality of experience and expertise that would justify charging a premium market rate for their services in this matter, and one certainly cannot dispute that they obtained outstanding results for the clients here: summary judgment and complete injunctive relief in their favor.

Although \$325 is likely higher than the premium market rate for litigators in Crawford County, Arkansas, this Court has nevertheless found that to be an appropriate rate in situations where plaintiffs had to search outside their geographic area to find counsel with significant subject-matter expertise and experience litigating First Amendment issues. See, e.g., *Human Rights Defense Center v. Baxter Cnty., Ark.*, 2023 WL 7404236, at \*8–\*9 (W.D. Ark. Oct. 30, 2023) (Brooks, J.); see also *Snider v. City of Cape Girardeau*, 752 F.3d 1149, 1159–60 (8th Cir. 2014) (“In a case where the plaintiff does not use local counsel, the district court is not limited to the local hourly rate, if the plaintiff has shown that, in spite of his diligent, good faith efforts, he was unable to find local counsel able and willing to take the case.”). Likewise, the Court finds so here.

As for the number of hours billed, Defendants contend that Plaintiffs should not be awarded attorney fees for three categories of billed time: (1) 7.8 of the 10.8 hours that Mr. Meadors billed for assisting Dr. Daniel N. Joudrey with the composition of his expert

report; (2) 10.3 hours that Plaintiffs' counsel billed for work involving a related but separate lawsuit: *Fayetteville Public Library et al. v. Crawford Cnty., Ark. et al.*, Case No. 5:23-cv-5086 (W.D. Ark.) ("the Act 372 case"); and (3) 36.31 hours that Plaintiffs' counsel billed for work on pre-judgment filings that were unsuccessful. Regarding the time billed for expert assistance, the Court finds that this figure to be reasonable and not excessive, especially considering that Dr. Joudrey's opinions were eventually the target of an unsuccessful (Doc.102) Motion to Exclude (Doc. 60) under Federal Rule of Evidence 702 and *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993).

As for time spent on the Act 372 case, Professor Cain billed 5.0 hours for traveling to and attending the Act 372 preliminary injunction hearing, and Mr. Meadors billed 5.3 hours for things like reviewing filings and orders in that case and meeting with counsel in that case. The Court finds that these hours are also reasonable and not excessive, because the Act 372 case—which was litigated in this Court before the undersigned—was closely related to the instant matter. Both were cases involving libraries and the First Amendment, in which Crawford County was a defendant and in which Crawford County was represented by PPGMR. It was reasonable and prudent for Plaintiffs' counsel in the instant case to monitor and stay abreast of developments in the Act 372 case so as to be aware of any implications that one might have for the other.

And as for time spent drafting filings that were ultimately unsuccessful, the general rule is that such fees are recoverable so long as the issues on which the plaintiff lost are related to those on which the plaintiff won. See *Jenkins by Jenkins v. State of Mo.*, 127 F.3d 709, 716. "If the plaintiff has won excellent results, he is entitled to a fully compensatory fee award, which will normally include time spent on related matters on

which he did not win.” *Id.* Here, all of Plaintiffs’ unsuccessful pre-judgment filings were related to the issues on which Plaintiffs ultimately won; and, as already noted, Plaintiffs’ victory was essentially complete, in that they received full injunctive relief on summary judgment. The Court has reviewed all hours billed and submitted for review by Plaintiffs’ counsel in this matter, and finds them to be reasonable, not excessive, and fully compensable.

Plaintiffs’ initial fee Motion also seeks to recover \$4,600.56 in costs. Defendants “take no issue with Plaintiffs’ bill of costs,” (Doc. 127, p. 8), and neither does the Court. Therefore, Plaintiffs’ initial fee Motion will be GRANTED in full, and Plaintiffs will be awarded \$108,377.75 in attorney fees and \$4,600.56 in costs, for a total of \$112,978.31.

However, Plaintiffs’ three supplemental fee Motions fare less well. Plaintiffs’ first (Doc. 116) and second (Doc. 123) supplemental fee Motions seek to recover fees for time spent drafting materials in support of their unsuccessful post-judgment Motion to Amend the Judgment (Doc. 114), which was denied in Subsection II.A. The Eighth Circuit provides the following guidance for such requests:

When plaintiff initially prevails and obtains injunctive relief in [§ 1983] litigation, some types of post-judgment activities are generally compensable as necessary adjuncts to the initial litigation, whereas other types of activities are more like a new, separate lawsuit and require a fee determination independent of the underlying case. Reasonable fees for defending the injunction from attack are compensable, but a prevailing party who aggressively seeks a greater victory and fails is entitled to a proportionally lesser fee award than a prevailing party who merely defends his victory, even if the defense is less than completely successful. Work that is more like a new, separate lawsuit requires a fresh determination of entitled to fees.

*El-Tabech v. Clarke*, 616 F.3d 834, 841–42 (8th Cir. 2010) (internal quotation marks, citations, and alterations omitted).

As the Court explained in its discussion above *en route* to denying Plaintiffs' Motion to Amend, Plaintiffs' Motion was "not asking for the injunction to be enforced on its own terms but rather for its language to be amended—and expanded." *Supra*, p. 6. As such, the Motion was not "defending the injunction from attack," but rather was "aggressively seek[ing] a greater victory and fail[ed]." *El-Tabech*, 616 F.3d at 841–42. Therefore, Plaintiffs are not entitled to recover their attorney fees for that post-judgment motion practice, so their first (Doc. 116) and second (Doc. 123) supplemental fee Motions will be DENIED.

Finally, Plaintiffs' third supplemental fee Motion (Doc. 140) makes three separate requests: (1) an attorney fee award for 10.0 hours that Mr. Meadors spent working on Plaintiffs' Reply in support of their initial fee Motion and on their third supplemental fee Motion; (2) for a "fee enhancement" of pre-judgment interest to compensate for the delay in payment that the post-judgment motion practice caused; and (3) for post-judgment interest to begin running from the date that the original Judgment was entered (September 30, 2024, see Doc. 106), rather than from today's date when the Amended Judgment will be entered awarding Plaintiffs attorney fees.

The Court will deny Plaintiffs' first request because Mr. Meadors's affidavit in support of this Motion does not itemize the time spent on the separate tasks for which he seeks compensation, which prevents this Court from determining whether the time spent for each task was reasonable. The Court will deny Plaintiffs' second request because the delay in an award of attorney fees in this matter was due in no small part to Plaintiffs' unsuccessful post-judgment motion practice, which turned what should have been a fairly

straightforward attorney-fee ruling into the complicated morass that has occupied this entire Opinion and Order.

Plaintiffs' third request requires a bit more discussion. Generally, "[i]nterest shall be allowed on any money judgment in a civil case recovered in a district court," and "[s]uch interest shall be calculated from the date of the entry of the judgment." 28 U.S.C. § 1961(a). Plaintiffs cite the case of *Jenkins by Agyei v. State of Missouri* for the following proposition:

If a judgment is rendered that does not mention the right to attorneys' fees, and the prevailing party is unconditionally entitled to such fees by statutory right, interest will accrue from the date of judgment. If, however, judgment is rendered without mention of attorneys' fees, and the allowance of fees is within the discretion of the court, interest will accrue only from the date the court recognizes the right to such fees in a judgment. . . . [I]nterest accrues from the date that the party becomes unconditionally entitled to fees, even if those fees are not yet quantified. . . . [I]nterest on an attorney fee award . . . runs from the date of the judgment establishing the right to the award, not the date of the judgment establishing its quantum.

931 F.2d 1273, 1275–76 (8th Cir. 1991) (quoting *Copper Liquor, Inc. v. Adolph Coors Co.*, 701 F.2d 542, 545 (5th Cir. 1983)).

Plaintiffs contend that "[i]n a successful § 1983 case like this one, Plaintiffs' attorney's fee award is not discretionary, and this is confirmed by *Jenkins, supra*, which computed post-judgment interest from the time of judgment, not fee quantification." (Doc. 140, ¶ 8). This is not correct. First, and most importantly, the relevant statute explicitly states that in a § 1983 action, "the court, *in its discretion*, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs." 42 U.S.C. § 1988 (emphasis added). Now it is certainly true that, as this Court noted above, the Supreme Court has clarified that, absent special circumstances, "a district court not merely 'may' but *must* award fees to the prevailing plaintiff." *Indep. Fed'n of Flight*

*Attendants v. Zipes*, 491 U.S. 754, 760–61 (1989) (emphasis in original). And indeed, that prompted this very Opinion and Order to refer above to an award of fees here as “near-mandatory.” But the critical words here are “near” and “special circumstances.” To quote the Supreme Court again: “a prevailing plaintiff [in a § 1983 case] should ordinarily recover an attorney’s fee unless special circumstances would render such an award unjust.” *Hensley v. Eckerhart*, 461 U.S. 424, 429 (1983) (quoting S. Rep. No. 94–1011, p. 4 (1976)) (internal quotations and citations omitted). In other words, a district court’s discretion is cabined here, but it is not nonexistent; the Court must still determine, in its discretion, whether special circumstances exist which would make an award of fees unjust. As such, post-judgment interest properly runs not from the date when Judgment was entered in Plaintiffs’ favor which did not mention any right to attorney fees, but rather from the date when a judgment is entered recognizing the right to such fees, regardless of whether it quantifies those fees. And that date is today.

*Jenkins by Agyei* does not differ in this regard. The Eighth Circuit ultimately held in that case that the prevailing “class is entitled to post-judgment interest on its attorneys’ fees accruing from the February 24, 1986, order *declaring the class’s entitlement to those fees*.” 931 F.2d at 1277. Therefore, Plaintiffs’ third supplemental fee Motion will be DENIED.

#### **D. PPGMR’s Motion to Withdraw (Doc. 135)**

The Court turns finally to PPGMR’s Motion to Withdraw as Counsel of Record (Doc. 135). PPGMR states that it should be permitted to withdraw as counsel because “irreconcilable differences have arisen between Defendants which have materially impacted PPGMR’s ability to represent Defendants in this case.” *Id.* at ¶ 1. Those

differences, of course, have already been extensively discussed above in Subsections II.A and II.B of this Opinion and Order. PPGMR further states that it “has given notice to Defendants and their counsel of PPGMR’s intent to withdraw,” and “requests that the Crawford County Library Board Defendants be given ample time to retain new counsel.” *Id.* On the same day that PPGMR filed its Motion to Withdraw, Gentry C. Wahlmeier entered his appearance as counsel for all Defendants in this matter except Ms. McDonnough and Library Board Members Keith Pigg, Tammara Hamby, Kalein Schaper, Kayla Rich, and Robby Dyer. See Doc. 133. Also that same day, the Court granted Ms. McDonnough’s Motion to Substitute Attorney, permitting attorney Joshua W. Bugeja to replace PPGMR as counsel of record for Ms. McDonnough in this matter. See Doc. 134. However, to date no new attorney has entered his or her appearance for Defendants Pigg, Hamby, Schaper, Rich and Dyer (“the Library Board Defendants”).

It seems likely to the Court that PPGMR’s Motion is now moot, given that this Opinion and Order resolves all other pending motions and no further motion practice is anticipated. But if the Court is mistaken on the latter point and more filings in fact loom on the horizon, then the Court is unpersuaded that the Library Board Defendants would not be prejudiced by granting PPGMR’s Motion, given that no attorney has entered any appearance for them in the more than four months that have passed since PPGMR filed its Motion. Therefore, PPGMR’s Motion to Withdraw will be DENIED, but without prejudice to refiling if PPGMR believes circumstances warrant it.

### **III. CONCLUSION**

**IT IS THEREFORE ORDERED** that Plaintiffs’ Motion to Amend (Doc. 114) and Separate Defendant McDonnough’s Motions to Strike (Doc. 128) and Disgorge (Doc.



136), are all **DENIED**; Plaintiffs' Motion for Costs & Attorney Fees (Doc. 107) is **GRANTED**; Plaintiffs' Supplemental (Doc. 116), Second Supplemental (Doc. 123), and Third Supplemental (Doc. 139) Motions for Attorney Fees are all **DENIED**; and PPGMR's Motion to Withdraw (Doc. 135) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendants shall reimburse Plaintiffs their reasonable attorney fees in the total amount of **\$108,377.75** and costs in the amount of **\$4,600.56**, for a total award of **\$112,978.31**. An Amended Judgment reflecting this award will be filed contemporaneously with this Opinion and Order.

**IT IS SO ORDERED** this 16<sup>th</sup> day of April, 2025.



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TIMOTHY L. BROOKS  
UNITED STATES DISTRICT JUDGE

