

March 12, 2003

Minutes of the regular meeting of the Board of Trustees of the Skokie Public Library held in the Skokie Public Library Board Room, Wednesday, March 12, 2003.

CALL TO ORDER

John M. Wozniak, President, called the meeting to order at 7:28 p.m.

Members present: John M. Wozniak, President; Richard Witry, Vice President (arrived at 7:32 p.m.); Zelda Rich, Secretary; John Graham; Susan Greer; Diana Hunter; Eva Weiner; and Carolyn A. Anthony, Director.

Visitors present: Richard Spicer, Fred Berglund & Sons, Inc.; and Barbara A. Kozlowski, Associate Director for Public Services.

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 12, 2003

Mr. Graham made a motion, seconded by Mrs. Rich, to approve the minutes of the regular meeting of February 12, 2003, subject to additions and/or corrections. There being no additions or corrections, the minutes were approved and placed on file. Mrs. Hunter and Mrs. Greer abstained from voting.

Dr. Wozniak asked the Board to move the regular order of business and move directly to Building Project. The Board agreed.

BUILDING PROJECT

Change Orders

Mrs. Anthony explained that the only change orders this month are for additional millwork, to be performed by Cain under contract to Camosy. The change orders are as follows:

AV Self Check-Out Counter	\$2,690.
AV Screen Wall	\$9,091.
Stack End Panels	<u>\$218,447.</u>
	\$230,228.

The AV self check-out counter is a simple counter for future installation of an AV self check-out station. We do not anticipate a self check-out in this area immediately, but will want one at a future date. We will have three self-checkout stations at opening—by the

west entrance, outside Youth Services at the east entrance and at the top of the stairs for use by adults leaving the non-fiction area.

The AV screen wall is an architectural element designed by Bob Hunter to lead into the AV Department. Incorporated in the design is space for a movie poster, a gobo-lit announcement that the department has "Movies, Music and More", LIFT slatwall for display and shelves for display.

The stack ends will have anigre veneer faces, black painted veneer backs and solid maple edges. One hundred sixty-six of the four hundred forty-seven stack ends will have slatwall panels for display of materials. The price quoted includes installation of all the stack ends by Camosy. There will not be wood end panels on the end of stacks nearly abutting a wall.

Mr. Graham made a motion, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE CHANGE ORDERS BY CAMOSY FOR MILLWORK AS FOLLOWS: AV SELF CHECK-OUT COUNTER, \$2,690.; AV SCREEN WALL, \$9,091.; STACK END PANELS, \$218,447. TOTAL: \$230,228.

The roll call vote for approval was unanimous.

#### Budgetary Status of Construction Project

Mr. Witry arrived at 7:32 p.m.

Mrs. Anthony presented the bimonthly report of the status of the building project fund showing total projected expense of \$19,412,140. including contractual commitments and other budget considerations.

These expenses may be more than covered by Project revenues to date of:

Bond Proceeds	\$17,500,000.00
Reserve Fund	\$1,927,212.00
Interest on Bond Fund	<u>\$331,470.00</u>
	\$19,758,682.00

Balance in the Bond Fund as of January 31, 2003 was \$4,071,945.20. The Library has not yet received the February statement.

Factored into other budget considerations were several items which will need the Board's attention and action.

The Library incurred additional expense for the extra February move, a "sub-phase" which Mrs. Anthony approved to expedite progress. The total amount of increase was \$13,945., consisting of additional expense of \$2,745. for Relocation Advisers, \$7,500. for Hallett Movers and \$3,700. for Wal-Tek (shelving installers.)

Mrs. Anthony anticipated expense of about \$30,000. for some coaxial cabling required within the building for transmission of video signal. A proposal from MCSi was received for the Board's consideration.

Mike Lukich of Gewalt Hamilton has been working with the Village on requirements for a field survey for determination of grading and drainage for the south end of the parking lot. His proposal is on the agenda for the Board meeting. This expense should be covered by the \$70,000. allotted for parking lot completion.

#### Extension of Berglund Contract

Mrs. Anthony reported that an item needing action is an extension of the contract for Fred Berglund & Sons, Inc. Construction Managers for an additional two months. At \$45,250. per month, this would total \$90,500. The bimonthly Project status including budgetary considerations does allow for the additional \$90,500.

Mr. Graham made a motion, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES  
EXTEND THE CONTRACT OF FRED BERGLUND & SONS, INC.  
CONSTRUCTION MANAGERS, FOR AN ADDITIONAL TWO  
MONTHS AT \$45,250. PER MONTH FOR A TOTAL OF \$90,500.

The roll call vote for approval was unanimous.

Mr. Graham stated that the staff of Fred Berglund has served us well and have kept extremely good records.

#### Engineering Services for Parking Lot Expansion

Mrs. Anthony presented a proposal for engineering services for the parking lot expansion from Gewalt Hamilton Associates, Inc. The proposal is based on the schematic design Master Plan as developed by the Village of Skokie. The engineer is to develop a design for grading and water retention that will tie in with the northwest expansion already completed and allow for ready development of the middle property when it is acquired. It

is our intent that, when the next phase of parking lot expansion can occur, no reconstruction will be necessary and we will simply need to grade and asphalt the last parcels.

Engineer Michael Lukich has prepared his proposal in segments, each to be done on a time and material basis, not to exceed the amounts quoted. We will not need Phases E and F, Bidding and Negotiation and Construction Management as the plan is to incorporate this work into the present construction process, along with the repairs to the retaining wall and replacement of the fence. If the engineering begins immediately, the process, including all hearings, should take about two months.

All engineering services should not exceed \$17,800. Mr. Lukich agreed that the Schematic Design phase should be minimal since the Village has already developed a Master Plan. We would like to include a survey of the remaining private properties, but will need the owners' consent to do so.

The Engineer estimates reimbursable expenses to be \$1,300.-\$2,500. Mrs. Anthony requested the Board's approval of this expense, including engineering fees not to exceed \$17,800. and reimbursable expenses not to exceed \$2,500. for a total expense of up to \$20,300.

Mrs. Rich made a motion, seconded by Mr. Graham:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE PROPOSAL FOR ENGINEERING SERVICES FOR THE PARKING LOT EXPANSION FROM GEWALT HAMILTON ASSOCIATES, INC. FOR \$17,800. AND REIMBURSABLE EXPENSES NOT TO EXCEED \$2,500. FOR A TOTAL EXPENSE OF UP TO \$20,300.

Discussion followed regarding the two remaining properties and if the survey by Gewalt Hamilton can be done with or without the owner's permission. At the Board's request, Mrs. Anthony will check with Library legal counsel regarding Gewalt Hamilton's proposal.

The roll call vote was unanimous, subject to review by Library counsel.

Mrs. Anthony informed the Board that the East entrance will be closed as of March 22 and the Village is allowing staff to park in the Galitz lot through May.

### RF Distribution System

Mrs. Anthony presented a proposal from MCSi for an RF Distribution System within the Library. The system will allow video and audio received via cable to be distributed to any of five locations within the building. Signal from either cable could be distributed and the distribution may be different to each location.

In the west entrance lobby, a monitor will carry Library Cable Network programming all hours the Library is open. Plasma screens by each service desk will carry cable or web-based programming of an informational nature.

The proposal consists of equipment costs of \$13,869., with engineering and installation costs of \$19,053. for a total of \$32,922.

After brief discussion, Mrs. Greer made a motion, seconded by Mr. Graham:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES  
APPROVE THE PROPOSAL FROM MCSi FOR AN RF  
DISTRIBUTION SYSTEM WITH EQUIPMENT COSTS OF \$13,869.  
AND ENGINEERING AND INSTALLATION COSTS OF \$19,053.  
TOTAL COST: \$32,922.

The roll call vote for approval was unanimous.

### CLOSED SESSION

At 8:03 p.m. a motion was made by Mr. Graham, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES GO  
INTO CLOSED SESSION TO DISCUSS PENDING OR PROBABLE  
OR IMMINENT LITIGATION.

The roll call vote for approval was unanimous.

### Adjournment

At 8:23 p.m. a motion was made by Mr. Witry, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES  
ADJOURN FROM CLOSED SESSION.

The roll call vote for approval was unanimous.

### BILLS (Items B2-5 and B7-11)

A motion was made by Mr. Graham, seconded by Mrs. Hunter:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE 2001 BUILDING EXPANSION PROJECT BILLS FOR PAYMENT APPROVAL; APPLICATION AND CERTIFICATE FOR PAYMENT FROM CROUCH-WALKER CORP. FOR \$3,751.55 DATED FEBRUARY 28, 2003; APPLICATION AND CERTIFICATE FOR PAYMENT FROM CAMOSY INCORPORATED FOR \$153,003.00 DATED FEBRUARY 28, 2003; APPLICATION FOR PAYMENT FROM McDANIEL FIRE SYSTEMS. FOR \$15,584.00 DATED FEBRUARY 28, 2003; PAYMENT APPLICATION FROM F.J. KERRIGAN PLUMBING CO. FOR \$13,215.76 DATED FEBRUARY 28, 2003; AND PAYMENT APPLICATION FROM MONACO MECHANICAL. FOR \$27,652.50 DATED FEBRUARY 28, 2003, AS PRESENTED, SUBJECT TO AUDIT.

The roll call vote for approval was unanimous.

A motion was made by Mr. Witry, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE LIST OF BILLS FOR PAYMENT APPROVAL, AS PRESENTED, SUBJECT TO AUDIT.

The roll call vote for approval was unanimous.

A motion was made by Mr. Graham, seconded by Mrs. Rich:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE INVOICE NO. 0060346 FROM O'DONNELL WICKLUND PIGOZZI AND PETERSON FOR \$4,671.81 DATED FEBRUARY 13, 2003.

The roll call vote for approval was unanimous.

A motion was made by Mr. Graham, seconded by Mr. Witry:

MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE INVOICE NO. 13033 FROM FRED BERGLUND & SONS, INC. FOR \$45,797.93 DATED MARCH 4, 2003.

The roll call vote for approval was unanimous.

Mr. Spicer left the meeting at 8:30 p.m. The Board took a short break.

The meeting resumed at 8:35 p.m.

CONSENT AGENDA (Year-to-Date Budgetary Status; Bills; Circulation Report; Library Use Statistics; Report(s) from Department Head(s); Correspondence; Personnel; Gift)

Mr. Graham made a motion, seconded by Mr. Witry:

MOTION: THAT THE LIST OF BILLS, BE APPROVED FOR PAYMENT, SUBJECT TO AUDIT, AND THAT THE FOLLOWING CONSENT AGENDA ITEMS BE PLACED ON FILE:

1. YEAR-TO-DATE BUDGETARY STATUS
2. CIRCULATION REPORT
3. LIBRARY USE STATISTICS
4. REPORT(S) FROM DEPARTMENT HEAD(S)
5. CORRESPONDENCE: LETTER TO TRUSTEES, SKOKIE PUBLIC LIBRARY FROM LOUISE MCAULAY, EXECUTIVE DIRECTOR, LIMRiCC, DATED FEBRUARY 28, 2003.
6. PERSONNEL: HIRE: JENNIFER L. PHILLIPS-BACHER, FULL-TIME REFERENCE LIBRARIAN, ADULT SERVICES DEPARTMENT, EFFECTIVE MARCH 24, 2003; TERMINATION: MILJAN STANOJEVIC, PART-TIME BOOKMOBILE ASSISTANT, COMMUNITY SERVICES DEPARTMENT, EFFECTIVE MARCH 22, 2003; PROMOTION: RICKI NORDMEYER, FROM FULL-TIME READERS' ADVISORY SERVICES SPECIALIST, ADULT SERVICES DEPARTMENT, TO FULL-TIME MANAGER OF ADULT POPULAR SERVICES, ADULT SERVICES DEPARTMENT, EFFECTIVE MARCH 24, 2003.
7. GIFT: \$50 FROM WOMAN'S CLUB OF SKOKIE/LINCOLNWOOD FOR MATERIALS FOR THE PARENT/TEACHER COLLECTION.

The motion passed unanimously.

PROJECTED OPERATING BUDGET FY 2004

Mrs. Anthony presented an adjusted look at an operating budget for FY 2004. The projection is within the approved 2002 levy of \$8,858,062. of which \$1,447,951. is for payment of debt and \$7,410,111. is for operating budget.

Some considerations in the Projected Operating Budget:

- Salaries—Mrs. Anthony has projected a 3% Cost of Labor adjustment for approximately \$124,000., about \$83,000. for step increases and \$190,000. for additional positions. There will not be the expense for temporary taggers of \$42,254. in FY 2003. Proposed staff additions include four part-time Information Assistants for the new AV Desk, one part-time Readers Services Assistant, 50 additional shelving hours per week, about 45 hours per week additional computer assistance, one circulation clerk, one substitute (10-12 hrs. per week) Information Assistant for Youth Services, a part-time Acquisitions Assistant and one janitor.
- Maintenance of Equipment—These expenses have been increasing and can be expected to rise with the addition of maintenance agreements for newly installed audiovisual equipment which will be coming off warranty before the end of the fiscal year.
- Maintenance of Buildings and Grounds has been decreased again as little should be needed in the way of repairs though we will still have ongoing expenses such as an HVAC maintenance contract, light bulbs, equipment such as vacuums and snow-blowers, etc.
- Maintenance of Auto Equipment—The Library vehicle will be new and under warranty, but the Mobile Library can be expected to have a certain amount of maintenance expense.
- Insurance (Health, Dental & Life)—We still do not know rates from proposed new programs, but double digit increases have been the norm the past couple years. Given our experience rating, we may have an increase of as much as 50%.
- Insurance—Mrs. Anthony has allowed for an increase of 15% in costs and also figured that we will not have to pay Builder's Risk (ca. \$9,800. in Fiscal Year 2003).
- Conference, Memberships & Workshops—There will be a biennial PLA Conference in spring 2004 and we typically send at least half a dozen staff members.
- Reception and Entertainment—There will be an expense for an opening dedication, probably in late June, 2003.
- Copier Lease—We have sorted things out after the bankruptcy and dissolution of US Office Solutions and should have a stable situation with copier and printer costs for the year.



- Library Materials—There is a shift in library materials expense from Periodicals to Electronic Resources, reflecting the fact that more periodicals and other library resources are acquired in electronic formats.
- Library Supplies was unusually high this year because we had to allow for the purchase of both security strips for our present 3M system as well as RFID tags for new acquisitions. We are discontinuing purchase of the 3M tags as the RFID system should be operational later this month.

### DIRECTOR'S REPORT

USAGE—Circulation in February was up nearly nine percent, in spite of construction and a closed day for a collection move. Book circulation increased in both Youth and Adult Services, by 7% and 2.5% respectively. The largest gains were in the circulation of video formats, with DVDs becoming the popular format. Remote renewals by Web were up more than 50%, while the gate count was down by 6%.

OPEN MEETINGS ACT—Mrs. Anthony attended a meeting about the Open Meetings Act at NSLS. The presenters were two attorneys from Klein, Thorpe and Jenkins. The Act defines a meeting as "...any gathering of a majority of a quorum of the members of a public body held for the purpose of discussing public business." It applies equally to meetings of committees and subcommittees of the Board as well as to the Board as a whole. If a library board is invited to make a presentation to the Village Board and three or more Board members will be present, the Library is responsible for publicizing the meeting. Some other points were made which might be of general interest to the Board. If a public body reschedules a regular meeting, it need only give 48 hours notice of the changed meeting date and include the agenda for the rescheduled meeting in said notice. The notice need only be posted and sent to the news media; it need not be published. A change may be posted on a Web site, but that does not constitute sufficient notice; it must be posted in the body's main place of business. A member may be included in a meeting by phone, but should not be relied on for a quorum as courts have not ruled on the matter. There must be a roll call vote to go into a closed session and the statutory exception that allows the particular closed meeting must be cited e.g. "I move that the Board hold a closed meeting to discuss pending or probable or imminent litigation." There may be a single motion for a series of closed meetings on a topic if the dates and general subject of the meetings is given. The meetings must all be held within a three month period of the motion. Minutes of closed meetings must include the date, time and place of the meeting; members recorded as present or absent and a summary of all matters proposed,

deliberated or decided. A summary might simply say, for example, that the Board discussed a maximum price to be paid for a piece of property, without specifying the price or who said what. If there is just general discussion of a matter, without deliberation or decision, no summary is required. Minutes of a closed meeting may be approved in a closed session and should be filed separately from the minutes of open meetings. Public bodies must periodically, but no less than semi-annually, review all minutes of closed sessions to determine if the minutes or portions thereof no longer require confidential treatment.

**SYNERGY**—Mrs. Anthony has agreed to be a mentor for the second annual leadership training class sponsored by the Illinois State Library. Two Skokie Public Library librarians, Laura McGrath and Linda Zeilstra, participated in the first Synergy class and were very positive about the experience. Mrs. Anthony is on the Leadership Planning Committee and will attend three three-day workshops over the coming year with the newly selected group of librarians. The development of such a program was part of her agenda as President of ILA so it is rewarding to see it come to fruition.

**LIBRARY ON CABLE**—As of February 19, we have library programming running continuously on Channel 24 on the RCN cable in Skokie. Josh Pfluger, LCN Coordinator, set the programming up on a computer server at SPL. Mark Kadzie and Tracy Shields-O'Reilly assisted in getting the system going. As you can see from the attached schedule, twenty-five programs will play through March on a schedule that shifts one hour each day, varying the play time for each program. We do not know how many subscribers RCN has in Skokie as that is proprietary information, but they have conducted a vigorous marketing campaign against their competitor AT&T.

**OAKTON WIDENING**—Mike Lukich of Gewalt Hamilton reports that he has been meeting with Village officials to finalize plans for the widening of Oakton Street and installation of the left-turn lane. Plans must now be sent to Cook County for review. Depending on the review process, a September construction date is anticipated. The Village will pay the costs and oversee the construction.

Mr. Witry suggested that Mrs. Anthony contact Fred Shattner regarding expediting the permit process. Mr. Witry would like to be kept informed on this issue.

**FILTERING**—The American Library Association took its challenge of the Children's Internet Protection Act to the Supreme Court in oral arguments presented March 5. Although a ruling by the Court will not be forthcoming for several months, the justices' questions indicated that they had concerns about filters over-blocking sites, about the

stigma of requesting unblocking and about staff having unfiltered access. There was discussion about ways in which the Internet is different from the Library's book collection and whether the Internet is a public forum.

COLLEAGUE'S PASSING—Sylvia Murphy-Williams, 41, Director of Dundee Township Library and President of ILA, passed away this week suddenly.

#### UPDATE ON EMPLOYEE INSURANCE

Mrs. Anthony distributed an informational memo from Gail Kay, Head of Human Resources, stating that we are in the process of securing quotes from insurance carriers, and also applying for membership in insurance cooperatives. We would prefer that this process already be completed, but insurance companies and cooperatives want to use the most recent claims history available for preparing quotes and making membership decisions.

#### POLICY FOR RESPONDING TO SEARCH WARRANTS AND SUBPOENAS

Mrs. Anthony reported that we requested a "Policy for Responding to Search Warrants and Subpoenas" from our attorneys because of concerns about requests made to libraries under "FISA" (Foreign Intelligence Surveillance Act) subsequent to the passage of the USA Patriot Act in October, 2001. Heidi Katz and Keith May prepared a draft policy for the Board which was reviewed at the November meeting, revised and reviewed in December and again in January. At that time, there was a motion to table consideration of the policy until March.

Because this matter has continued over several months, the various drafts and related concerns and supporting materials were distributed by Mrs. Anthony so the issue can be reviewed in its entirety.

Mrs. Anthony has had occasion to attend two different programs on the matter in recent months—one was a teleconference sponsored by the American Library Association and the other a presentation by William F. Zieske of Ross & Hardies, P.C., attorneys for the Arlington Heights Memorial Library. The Arlington Heights Library has developed an extensive policy on the matter, training for all staff in dealing with search warrants and subpoenas and designation of a Privacy Officer, similar to our Librarian-in-Charge concept such that a designated Privacy Officer is in the building at all times. While Mrs. Anthony does not recommend as extensive a procedure for the Skokie Public Library, she does think it is vital that we reach a conclusion about how such requests should be handled.

One of the issues for the Board seems to be a concern about whether and when attorneys should be consulted. William Zieske, counsel for Arlington Heights Memorial Library, advised that attorneys be consulted any time a subpoena or warrant is presented to a Library staff member. He indicated that a subpoena is prepared by a clerk at the request of an attorney and has not been subject to judicial review. It also does not require immediate compliance. A warrant may be invalid for procedural or jurisdictional reasons or lack of proper authority. He suggested that the Library's attorney be contacted immediately to decide whether and to what extent the Library should comply or cooperate. In the case of a FISA request, the attorney may only be consulted before responding to the request as no one is to be informed subsequent to the Library's response.

Mrs. Anthony thinks it is appropriate that our policy indicates that only the Director, Department Head or other Librarian-in-Charge respond to a search warrant or subpoena and that our attorneys be involved in reviewing the request and advising an appropriate response.

Mr. Graham made a motion, seconded by Mrs. Greer:

**MOTION: THAT THE SKOKIE PUBLIC LIBRARY BOARD OF TRUSTEES APPROVE THE POLICY FOR RESPONDING TO SEARCH WARRANTS AND SUBPOENAS AS ORIGINALLY PRESENTED AT THE NOVEMBER 13, 2002 BOARD MEETING (COPY ATTACHED).**

Mrs. Hunter voiced her disappointment in the library profession. The library profession should have reacted as a group in a much stronger way to the USA Patriot Act. She feels this is a sad day for the profession and this country. Discussion followed.

Mr. Graham shares some of Mrs. Hunter's sentiments. He dislikes intensely when something is put into the statutes and a policy needs to be developed.

Mrs. Greer feels that the Policy for Responding to Search Warrants and Subpoenas should be posted in some way. For example, it could be a pop-up screen on the public computers. The Board concurred and would like a notice posted so patrons understand what is going on regarding this Policy.

The roll call vote for approval was unanimous.

Mrs. Kozlowski left the meeting at 9:04 p.m.

**SKOKIE PUBLIC LIBRARY**  
***Policy for Responding to Search Warrants and Subpoenas***

**I. PURPOSE**

The Skokie Public Library is committed to ensuring the confidentiality of all personally identifiable information about Library users. Accordingly, the Library reaffirms its support for Article III of the American Library Association's *Code of Ethics*, which states that "[librarians shall] protect each library user's right to privacy and confidentiality with respect to information sought or received, and resources consulted, borrowed, acquired, or transmitted."

However, the Library also recognizes that there may be occasions when records regarding library users will be requested through lawfully issued subpoenas and search warrants. It is the policy of the Library that confidential Library records should not be released or made available in any form to a federal agent, law enforcement officer, or other person unless a court order in proper form has been entered by a court of competent jurisdiction after a showing of good cause by the law enforcement agency or person seeking the records. To respond appropriately to such requests, the Library hereby adopts the following policy and procedures.

**II. LAW ENFORCEMENT REQUESTS FOR INFORMATION**

All law enforcement requests for library patron information shall be forwarded immediately to the Library Director, or other designated officer. The Library's legal counsel shall also be consulted prior to responding to the request, if possible.

The Library Director or other designated officer should meet with the agent or officer with Library legal counsel or another colleague in attendance. If the agent or officer does not have a court order compelling the production of records, the Library Director or other designated officer should explain the Library's confidentiality policy and the State's confidentiality law, and inform the agent or officer that users' records are not available except when a proper court order in good form has been presented to the Library.

If the agent or officer presents a court order, the Library Director or other designated officer shall immediately refer the court order to the Library's legal counsel for review. Valid court orders can come in two forms – a subpoena, or a search warrant.

**Subpoenas**

If the court order is in the form of a subpoena, Library legal counsel shall examine the subpoena for any legal defect, including the manner in which it was served on the Library, the breadth of its request, its form, or an insufficient showing of good cause made to the issuing court.

If a defect exists, Library legal counsel shall advise on the best method to resist the

subpoena, or ensure that the subpoena's defect(s) be cured before records are released and that the subpoena is strictly limited to require release of specifically identified records or documents. Library legal counsel shall also review the documents or other records that may be produced in response to the subpoena before they are released to confirm that production is limited to materials specifically requested in the subpoena. If disclosure of Library user information is required, Library legal counsel shall ask the court to enter a protective order, determining the information to be confidential and limiting its use to the particular case.

### **Search Warrants**

If the court order is in the form of a search warrant, it is executable immediately. The law enforcement agent or officer may begin a search of Library records as soon as the Library Director or other designated officer is served with the court's order. However, the Library Director or other designated officer should insist that Library legal counsel be present, if possible, before the search begins in order to allow counsel an opportunity to examine the warrant and to ensure that the search conforms to its terms. The Library Director or other designated officer shall cooperate with the search to limit production to the records identified in the warrant, and to protect against the viewing or scanning of other users' records.

### **USA PATRIOT Act Search Warrants**

If the court order is a search warrant issued pursuant to the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("USA PATRIOT Act" or "Act"), special requirements must be followed. The USA PATRIOT Act became law on October 26, 2001 and expanded the authority of law enforcement to gain access to business records, medical records, educational records and library records, including stored electronic data and communications. It also expanded the laws governing wiretaps and "trap and trace" phone devices to Internet and electronic communications. The Act allows law enforcement agents or officers to obtain a search warrant for "any tangible thing," which can include books, records, papers, floppy disks, data tapes, and computers with hard drives.

If the Library is served with a search warrant issued under the USA PATRIOT Act, no Library employee may disclose the existence of the warrant or the fact that records were produced as a result of the warrant. The Library patron whose records were produced may not be informed that his or her records were given to law enforcement authorities or that he or she is the subject of a law enforcement investigation.

Law enforcement agents can also obtain a court order allowing the monitoring of Internet and e-mail use, or requiring that the Library provide the information about such use to law enforcement from the Library's records. If an order of this type is received, the Library shall cooperate with law enforcement in setting up monitoring devices or providing information. Again, the Library is prohibited from disclosing to the Library user or any other party that communications are being monitored.

The strict confidentiality requirements of the USA PATRIOT Act do not affect the Library's right to have Library legal counsel present before and during the search. The Library shall have, if possible, Library legal counsel review the search warrant for any legal defects prior to the search.

Once law enforcement's search is concluded, the Library Director or other designated officer shall confer with legal counsel to ensure that the Library complies with any remaining requirements, including restrictions on sharing information with other parties. The Library shall also review its policies and staff response and make any necessary revisions to this policy.

### **III. CIVIL SUBPOENAS**

The Library and its employees also are subject to the subpoena powers of state and federal courts in civil matters. Through the issuance of subpoenas, third persons involved in claims and lawsuits to which the Library is not a party often seek to compel production of Library records that they consider relevant to the issues involved in such cases. Third-party subpoenas may present issues of confidentiality and may also be subject to other valid objections in some cases.

To protect the interests of the Library and Library users, any Library employee who is served with a subpoena in a civil matter relating in any way to Library operations shall immediately forward the subpoena to the Library Director or other designated officer for his or her review. In no event shall the employee receiving the subpoena undertake actions to comply with or respond in any way to the subpoena, before review by the Director. All decisions as to the appropriate responses to subpoenas are to be made only by the Library Director or other designated officer.

The Library Director or other designated officer shall identify and review any records that are the subject of the subpoena and shall consult with legal counsel as to any legal issues involved, including procedures to be followed in either complying with or filing motions to quash or for a protective order. The Library Director or other designated officer shall arrange for an appropriate response to be made to the subpoena within required time constraints.

LIBRARY CABLE NETWORK CHANNEL 24

The March 2003 Cable Guide was noted.

NORTH SUBURBAN LIBRARY SYSTEM

The report from Pat Groh was noted.

COMMENTS FROM TRUSTEES

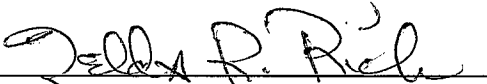
Mrs. Greer would like patrons to be notified in advance that their library cards are about to expire.

Mr. Graham received wonderful accolades about the Skokie Public Library and its staff.

Dr. Wozniak reminded the Board that the Consolidated Election is April 1.

ADJOURNMENT

At 9:09 p.m. a motion was made by Mr. Witry, seconded by Mr. Graham to adjourn the regular meeting. The motion passed unanimously.

  
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Zella R. Rich, Secretary