

Clinton-Macomb Public Library

Board of Trustees Meeting Minutes

October 25, 2023

- I. **Call to Order** – The regular meeting of the Board of Trustees of the Clinton-Macomb Public Library was called to order at 6:32 p.m., October 25, 2023 in the Board Room at 4090o Romeo Plank Road, Clinton Township, Michigan. The presiding officer was President Amy Wille.

A quorum was present, including the following: Cheryl Cannon; Ruth Cummins; Lynda Locke; Elizabeth Pugh; Camille Silda; Lori Scharich; James Veal, Jr.; Amy Wille; ex-officio, non-voting member Larry Neal; and guests John Waugh and Colleen Kuehnel from Municipal Employees' Retirement System of Michigan (MERS).

- II. **Adoption of the Agenda** – On a motion from Mrs. Cannon and seconded by Mr. Veal the agenda was adopted as presented.

- III. **Public Comment** – There were no members of the public present.

- IV. **Presentation** – Mr. Waugh and Ms Kuehnel presented an overview of the services provided by MERS for 401a and 457b retirement plans.

Mr. Waugh and Ms Kuehnel left the meeting at 7:45 p.m.

On a motion from Mrs. Scharich and seconded by Ms Pugh the Board approved the update to *BENR-2 Pension* policy as revised.

On a motion from Mrs. Cannon and seconded by Mrs. Silda the Board approved the following resolution:

“WHEREAS, the participating entity desires to adopt the MERS Defined Contribution Plan for its designated employees;

WHEREAS, the participating entity has furnished MERS with required data regarding each eligible employee and retiree;

WHEREAS, as a condition of MERS membership, and pursuant to the MERS Retirement Board’s power as plan administrator and trustee under Plan Document Section 71 and MCL 38.1536, as each may be amended, it is appropriate and necessary to enter into a binding agreement providing for the administration of the Defined Contribution Plan, the reporting of wages, and the payment of the required contributions of a participating entity and withholding of employee contributions; now, therefore,

IT IS HEREBY RESOLVED:

On behalf of the participating entity, the governing body of the Clinton-Macomb Public Library adopts the MERS Defined Contribution Plan in accordance with Plan Section 4 for its eligible employees as described in the MERS Defined Contribution Adoption Agreement, subject to the

MERS Plan Document and as authorized by 1996 PA 220, as both may be amended.”

On a motion from Mrs. Cannon and seconded by Mrs. Locke the Board approved the MERS Defined Contribution Plan Adoption Agreement as presented.

On a motion from Mrs. Silda and seconded by Mrs. Scharich the Board approved the Contribution Addendum for MERS Defined Contribution as presented.

On a motion from Mrs. Cannon and seconded by Mr. Veal, the Board approved the following resolution:

“WHEREAS, the Municipal Employees Retirement Act of 1984 (the “Act”), MCL 38.1536(2)(a) (MERS Plan Document (Section 71) authorizes the Municipal Employees’ Retirement Board (the “Board”) to “establish additional programs including but not limited to defined benefit, defined contribution, ancillary benefits, health and welfare benefits, and other postemployment benefit programs,” and on November 8, 2011, the Board adopted the MERS 457 Deferred Compensation Plan.

WHEREAS, this Uniform Resolution has been approved by the Board under the authority of Section 71, and the Board has authorized the MERS 457 Deferred Compensation Plan, which shall not be implemented unless in strict compliance with the terms and conditions of this Resolution.

WHEREAS, the Participating Employer, a participating “municipality” (as defined in the Act; MCL 38.1502b(2); Plan Document Section 2) or participating “court” (circuit, district or probate court as defined in the Act, MCL 38.1502a(4) – (6); Plan Document Section 2) within the State of Michigan has determined that in the interest of attracting and retaining qualified employees, it wishes to offer a deferred compensation plan;

WHEREAS, the Participating Employer has also determined that it wishes to encourage employees’ saving for retirement by offering salary reduction contributions;

WHEREAS, the Participating Employer has reviewed the MERS 457 Supplemental Retirement Program (“Plan”);

WHEREAS, the Participating Employer wishes to participate in the Plan to provide certain benefits to its employees, reduce overall administrative costs, and afford attractive investment opportunities;

WHEREAS, the Participating Employer is an Employer as defined in the Plan;

WHEREAS, concurrent with this Resolution, and as a continuing obligation, this Governing Body has completed and approved, and

submitted to MERS and the Board documents necessary for adoption and implementation of the Plan; and

WHEREAS, the Governing Body for and on behalf of the Participating Employer is authorized by law to adopt this Resolution approving the Participation Agreement on behalf of the Participating Employer.

In the event any alteration of the terms or conditions stated in this Resolution is made or occurs, it is expressly recognized that MERS and the Retirement Board, as sole trustee and fiduciary of the Plan and its trust reserves, and whose authority is nondelegable, shall have no obligation or duty to continue to administer (or to have administered) the MERS 457 Supplemental Retirement Program for the Participating Employer.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body adopts the MERS 457 Supplemental Retirement Program as provided below.

I. The Participating Employer adopts the Plan for its Employees.

II. The Participating Employer hereby adopts the terms of the Participation Agreement, which is attached hereto and made a part of this Resolution. The Participation Agreement sets forth the Employees to be covered by the Plan, the benefits to be provided by the Participating Employer under the Plan, and any conditions imposed by the Participating Employer with respect to, but not inconsistent with, the Plan. The Participating Employer reserves the right to amend its elections under the Participation Agreement, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board.

III. The Participating Employer shall abide by the terms of the Plan, including amendments to the Plan made by the Board, all investment, administrative, and other service agreements of the Plan and the Trust, and all applicable provisions of the Internal Revenue Code and other applicable law.

IV. The Participating Employer acknowledges that the Board is only responsible for the Plan and any other plans of the Employer administered by MERS and that the Board has no responsibility for other employee benefit plans maintained by the Employer that are not part of MERS.

V. The Participating Employer accepts the administrative services to be provided by MERS and any services provided by a Service Manager as delegated by the Board. The Participating Employer acknowledges that fees will be imposed with respect to the services provided and that such fees may be deducted from the Participants' accounts.

VI. The Participating Employer acknowledges that the Plan contains provisions for involuntary Plan termination.

VII. The Participating Employer acknowledges that all assets held in connection with the Plan, including all contributions to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights shall be held in trust for the exclusive benefit of Participants and their Beneficiaries under the Plan. No part of the assets and income of the Plan shall be used for, or diverted to, purposes other than for the exclusive benefit of Participants and their Beneficiaries and for defraying reasonable expenses of the Plan. All amounts of compensation deferred pursuant to the Plan, all property and rights acquired or purchased with such amounts and all income attributable to such amounts, property or rights held as part of the Plan, shall be transferred to the Board to be held, managed, invested and distributed as part of the Trust Fund in accordance with the provisions of the Plan. All contributions to the Plan must be transferred by the participating Employer to the Trust Fund. All benefits under the Plan shall be distributed solely from the Trust Fund pursuant to the Plan.

VIII. This Resolution and the Participation Agreement shall be submitted to the Board for its approval. The Board shall determine whether the Resolution complies with the Plan, and, if it does, shall provide appropriate forms to the Participating Employer to implement participation in the Plan. The Board may refuse to approve a Participation Agreement by an Employer that does not possess State statutory authority to participate in the Plan. The Governing Body hereby acknowledges that it is responsible to assure that this Resolution and the Participation Agreement are adopted and executed in accordance with the requirements of applicable law.

**BE IT FINALLY RESOLVED:** This Resolution shall have no legal effect under the Plan until a certified copy of this adopting Resolution is filed with MERS, and MERS determines that all necessary requirements under the 457 Supplemental Retirement Program Plan and Trust, the participation Agreement, and this Resolution have been met. All dates for implementation of the Plan shall be determined by MERS from the date of filing with MERS of this Resolution in proper form and content. Upon MERS determination that all necessary documents have been submitted to MERS, MERS shall record its formal approval upon this Resolution, and return a copy to the Employer.”

On a motion from Mrs. Locke and seconded by Mr. Veal the Board approved the following resolution:

“WHEREAS, the Clinton-Macomb Public Library (“Employer”) is a participating municipality with the Municipal Employees’ Retirement System of Michigan (“MERS”) and has adopted one or more retirement, insurance, investment or other post-employment benefit products administered by MERS;

WHEREAS, MERS requires signatures of an authorized representative of the Employer to execute contracts with MERS, the entry of which is authorized by the governing body and permitted under the applicable MERS Plan Document(s);

WHEREAS, the Employer wishes to designate certain job position(s), the holder(s) of which may sign MERS' contracts relating to the adoption, amendment and termination of MERS' products, and defined benefit service credit purchase approvals on behalf of Employer to implement decisions and actions of the governing body;

WHEREAS, this Resolution is not intended to apply to MERS forms or any other MERS document except as specifically mentioned herein,

Therefore, the Governing Body resolves:

The holders of the following job position(s) are hereby Authorized Officials that can sign:

(1) MERS Adoption Agreements, Resolutions, Participation Agreements, Administrative Services Agreements, Withdrawal Agreements and any other contracts between MERS and the Employer with respect to Employer's participation in any MERS-administered product and any amendments and addendums thereto, and (2) MERS Defined Benefit service credit purchase approvals:

1. Library Director

Optional additional job positions:

2. [BLANK]

3. [BLANK]

This Resolution may be revoked in writing or amended by the Governing Body at any time, provided that it will not be effective until such writing or amended Resolution is received by MERS. The Governing Body agrees that MERS may rely upon this Resolution as conferring signing authority upon the holders of the above job position(s) to bind Employer with respect to MERS."

V. **Approval of Consent Agenda Items** – On a motion from Mrs. Silda and seconded by Mrs. Scharich the Consent Agenda items were approved/received and filed:

- September 20, 2023 board meeting minutes
- September 2023 treasurer's report
- Resolution certifying 2023-24 fiscal year budget and millage rate
- Approved 2023-24 fiscal year budget
- Approved 2024 planning calendar
- Letter banning customer due to conduct
- Suburban Library Cooperative 2023-24 annual plan of service

- Governor Whitmer's proclamation making October Michigan Library Appreciation month
- September 2023 *Tips for Top Notch Teachers*
- October 2023 *Library Matters Monthly*
- October 2023 *Digital Download*
- October 2023 *Early Lit Tips*
- September 2023 *MLBPD Reading Is for Everyone Monthly*
- October 2023 *MLBPD Reading Is for Everyone Monthly*
- Customer comment cards
- Press coverage

VI. **Approval of Monthly Bills** – On a motion from Mrs. Cannon and seconded by Mrs. Silda the September checks totaling \$334,030.57 and electronic payments totaling \$811,359.62 were approved.

VII. **Reports** –

*Library Director* – The report was received, reviewed and filed.

VIII. **Other Business**

*Relocation of Main Library dedication, donor and past board member signage* – On a motion from Mrs. Cannon and seconded by Ms Pugh the Board requested Mr. Neal to propose a solution to relocate the dedication and donor information and signage recognizing the service of former trustees to the glass wall along the Customer Care workroom.

*Request to authorize expenditure of additional Suburban Library Cooperative Centralized Purchasing Funds* – On a motion from Mrs. Silda and seconded by Mrs. Scharich the Board authorized an out of budget expenditure in the amount of \$30,545.35 towards Hoopla using the additional SLC centralized purchasing funds.

*Update to MGT-7 Request for reconsideration of library materials policy and form* – On a motion from Mrs. Silda and seconded by Mrs. Locke the Board approved the updates to *MGT-7 Request for reconsideration of library materials policy and form* as presented.

*Library Director's annual evaluation* – On a motion from Mrs. Scharich and seconded by Ms Pugh the Board on a unanimous roll call vote and upon the Library Director's request, the Board entered into closed session at 8:40 p.m. to discuss the evaluation.

Mr. Neal left the meeting at 8:43 p.m.

At 9 p.m. a note was put on the public entrance door notifying the public how to attend the Board meeting once it returned to open session.

On a motion from Mrs. Silda and seconded by Mrs. Cummins the Board returned to open session at 9:04 p.m.

Mr. Neal rejoined the meeting at 9:04 p.m.

On a motion from Mrs. Silda and seconded by Ms Pugh the Board awarded Mr. Neal a \$10,000 bonus for his outstanding service over the past year.

IX. **Adjournment** – On a motion from Mrs. Silda and seconded by Mrs. Cummins the meeting was adjourned at 9:10 p.m.

Approved: November 15, 2023

Elizabeth Pugh, Secretary