



DOWNERS GROVE PUBLIC LIBRARY

1050 Curtiss Street
Downers Grove, IL 60515
630-960-1200
dglibrary.org

November 26, 2024

Dear Mayor Barnett and Village Council:

I write on behalf of the Downers Grove Board of Library Trustees with regard to Council Resolution 2024-10593, which seeks to place a nonbinding referendum on the ballot next April asking “Shall the trustees of the Downers Grove Public Library be elected, rather than appointed?” The resolution is scheduled for a vote on December 3, 2024, and was introduced at the Council’s November 19, 2024 meeting.

We respond in detail below, but in short, based on the initial assessment that the unreasonably short timing of the Council’s scheduled vote has allowed us to conduct, we believe:

1. the language of the referendum is nonsensical because we are aware of no legal mechanism to allow for the election of trustees under the existing library structure;
2. the extensive legal and structural changes that would be required to implement an elected library board, such as becoming an independent taxing body separate from the Village, will have costs that will likely result in higher taxes for Downers Grove residents.

Regardless of the merits of the proposal itself, however, proceeding with the referendum on such a chaotic timeline is contrary to the best interests of our residents, and unprofessional to ask of a fellow unit of government—one that has existed in its current form for over 130 years. For that reason, we previously asked that the Council grant us the courtesy of delaying its vote by at least one month to allow us to prepare a proper report on the impact of proceeding with the proposed referendum, but to date, that request has not been granted.

We unequivocally ask that you vote no on this resolution.

The History and Achievements of the Library.

The library has existed as a commission form of government since 1891, which is why, pursuant to Illinois law, its trustees are appointed and not elected. While we recognize that need not be set in stone, we think the Council should proceed with humility in determining, over the course of two weeks, whether to ask voters to undo something that has worked for over 130 years, even in a non-binding fashion.

Against this long tradition, the proponents of the resolution have not identified any real-world problem they are attempting to solve. To the contrary, the library is thriving. Attendance and circulation continue to increase, and the library was named among the top 10 public libraries in its budget class in the country, all while consistently staying under

budget, handling capital needs responsibly, meeting its strategic goals, and implementing structural changes to our operations to continue to best serve the community. Top-quality public libraries like ours increase marketability and property values, which should not lightly be put at risk.

All that the proponents of the resolution have offered in support of it are abstract political theories, unsupported by any empirical evidence or any tangible problems in need of fixing. That is hardly a sufficient basis to ask voters to overthrow 130 years of tradition and a proven record of success, let alone after only two weeks of consideration and little opportunity for the library to evaluate the full ramifications of the proposed referendum.

Preparing for the Referendum On Such Short Notice Will Interfere With the Library's Strategic Plan, Operational Priorities, and Budget.

As the Council knows because its members participated in the process, the library undertook an extensive strategic planning and work plan development process in 2023. The development and implementation of a strategic plan is critical to good government: that is why the Council consistently connects its own actions to its own strategic plans, though here the only justification from the Council's strategic plan for the proposed referendum is the goal of "exceptional municipal services." We are confident that the library consistently provides exceptional services under its current structure, and to the extent the Council disagrees, it can and should raise any specific concerns with us. We are not aware of any library service issues that arose in the Village's own strategic planning process.

Ignoring the importance of strategic planning to the operation of good government, Council members in support of the measure have said that any efforts to educate the public about the proposed referendum will fall on the library. So over the course of less than four months, and starting completely from zero with no prior warning, the library will need to undertake significant efforts and incur significant costs. This will come at the expense of other budget priorities, of work that has been planned in furtherance of our strategic plan, and of our regular operations.

We have not been given nearly enough time to assess these properly and in the level of detail they deserve, but here are immediate expenses (required before April 2025) that we have identified so far:

1. **Legal fees.** We are not aware of any mechanism that would allow for the change the referendum contemplates within the existing library structure. The only way we can conceive to accomplish the objective of the referendum is to create a new library district, but our lawyers have not evaluated that question for us. Whatever the answer, they would then need to prepare a comprehensive report about all of the changes that would come with creating a new library district.
2. **Financial consultant fees.** Once we have identified the actual legal changes that would be required to have an elected library board, we would likely need to retain a financial consultant to analyze the impact on the library's budget of those changes, and thus, the impact on Downers Grove taxpayers. While we can do some initial estimating ourselves, and have provided very preliminary assessments below, we trust you will agree that taxpayers ought to have as solid of information as possible about the financial ramifications of their vote if it is later acted upon. Otherwise, there is little point to the referendum other than political theater.
3. **Communication consultant fees.** Once the legal, financial, and other ramifications of the referendum's proposal have been identified, we would need to conduct a campaign to educate the public about them. This would likely require us to retain a communications consultant, as a project of this scope would be difficult to accomplish internally without making significant compromises to our other communications efforts, including the publishing of our Discoveries newsletter.

In addition to these hard costs, preparing for the referendum will require significant focus from the Board and library staff. This will necessarily divert our limited bandwidth away from our strategic plan and work goals. Our 2025 Work Plan is available on our website, but among other goals for 2025, we will be working on implementing new ADA accessibility legal requirements on all digital content, initiatives around the quality and browsability of our resources, expanding our teen graphic novel collection, creating programs for new parents and newborns, building/space assessment, auditing our policy manual, and implementing a host of

new policies and operational improvements. In all, our work plan for 2025 has 41 items, and acting on them while also spending the first quarter of the year in an all-out sprint to prepare for an April 1 referendum is not the kind of good and orderly government our constituents expect of us or from the Council.

The Referendum Language is Problematic.

We trust that you agree that the language of a referendum should be specific about precisely what question voters are being asked. Otherwise, the results of the referendum will be of little use to the Council in deciding how to proceed. Thus, the recent gambling referendum stated:

Shall the Village of Downers Grove permit video gaming only for establishments holding (i) restaurant liquor licenses and located outside of the Downtown and (ii) club and recreational facilities liquor licenses, with restrictions placed on the number of licenses, the number of terminals, terminal configuration, terminal visibility, establishment proximity to churches and schools, and with no allowance whatsoever for video gaming cafes in the Village of Downers Grove, County of DuPage, State of Illinois? YES / NO

The proposed library referendum, however, states: “Shall the trustees of the Downers Grove Public Library be elected, rather than appointed?” But we are aware of no legal option in the current library structure to accomplish this. Rather, such a change could only take place in the context of specific changes to the legal status of the library, which is not even identified in the referendum and which would introduce a whole host of issues and questions that go beyond the referendum’s question. To know that a majority of residents prefer an elected board in the abstract tells the Council nothing about whether they want to accept the real-world ramifications of making legal changes to permit it. And the current proposed referendum language obscures this by removing the language that appeared in the resolution proposed in the Council’s November 12, 2024 agenda, asking whether the library should “become an independent unit of government.”

Because of the timing with which the sponsor of the resolution elected to proceed, there has simply not been enough time to develop appropriate language for the referendum itself. Indeed, it has already been significantly changed once, which demonstrates the complexity of the issue and the need to get the language right, rather than rush this through in a matter of weeks. The vague nature of the referendum language will make it needlessly difficult, and more expensive, for the library to educate the public on exactly what the referendum is asking so as to address the actual ramifications of what it is being asked.

The Likely Financial Impact on Taxpayers of Replacing the Library With a New Legal Entity.

Because of the unreasonably short two-week timeframe the Council has given us to respond to this measure before its vote, our analysis of the financial impacts of the proposed referendum, if eventually implemented, is only preliminary, and the true impact may be significantly higher. For this reason, we hesitate even to provide an estimate, but believe that Council members should at least have an initial sense of the likely tax increase that their referendum, if successful and implemented, would have on the taxpayers they represent.

We first note, however, that the proponents of the resolution have not even attempted to quantify the financial impact of what they have proposed, and did not even seek out this information from the library before placing this item on the Council’s agenda for a vote.

In the limited time available since November 19, when the Council voted to place this on its December 3 agenda for a vote, we have identified at least the following additional costs to taxpayers—costs that do not have any significant corresponding reduction to the Village’s own tax levy. In other words, the total cost of government to Downers Grove taxpayers will likely go up if the referendum were to pass and the changes it would require to implement were made, and most of these costs would be ongoing.

1. A new library entity may need to raise a levy of over **\$2 million** to establish an operating reserve. That’s a nearly **35% one-time increase** to the library’s tax levy, which will fall on the shoulders of Downers Grove taxpayers.

2. A new library entity will lose the free electricity that it currently receives through the Village from ComEd, at a cost of at least **\$100,000 per year**.
3. A new library entity will need to employ its own additional administrative staff and consultants to replace those that are currently provided by the Village at only modest incremental cost to the Village. As those with business experience know, there are often cost savings when companies merge, which is why there is a trend towards consolidation of the unusually large number of units of government in Illinois, not expansion. We initially estimate these to be at least **\$150,000 per year**, and they could easily be much higher.
4. The **bond rating** of a newly created entity would presumably be lower than that of the Village, resulting in higher borrowing costs that we are unable to quantify.
5. We have not yet been able to examine the **deed and lease history** of the property on which the library sits to determine what additional costs might be required if the library is transferred to a new legal entity.
6. There would be a significant amount of costly **legal work** to effectuate the transfer of assets and operations to a new entity.

These are significant additional costs, and the amount of the annual increase to the library's tax levy to cover them could easily **double** the level of annual cost-of-doing-business increases, in addition to the significant year-one costs of creating a reserve and effectuating a transfer.

To be sure, tax levy increases are sometimes necessary and appropriate to provide the kinds of services our community expects and to ensure that our capital needs are met. Against the significant tax increase residents may face from this proposal, however, its proponents have not identified a single tangible benefit to the community of any kind that would be gained from these increased costs.

It is true that there may be ways to minimize these financial impacts, though we are not aware of any at present. But the critical point we wish to convey is that those things should be sorted out **before** voting to place the issue on the referendum, and the language of the referendum should present voters with an accurate description of what would be entailed to create an elected library body. These are things that we could have done in an orderly fashion had the sponsor of the resolution either introduced it months earlier or taken more time for discussion before moving to vote on the issue in the span of two weeks, one of which includes the Thanksgiving holiday. And there are things that we could better address if the Council would take the modest and reasonable step of delaying its vote by at least one month, as we have requested in the November 23, 2024 email attached to this letter.

The Library Board is Accountable in its Present Form.

We understand the proponents of the resolution to believe that an elected Library Board would increase accountability. As trustees, we owe a fiduciary duty to the library and to the residents of Downers Grove. We strongly believe we have fulfilled these duties, and the Council has not suggested otherwise.

To the extent the Council disagrees and believes that any trustees are failing to fulfill their duties, however, it can remove them. Two trustees have been removed by the Council in recent years, and the Council has recently updated its practices on appointment of library trustees, which has only begun to play out in recent appointments. In fact, unlike Council members who can serve out the remainder of a term before being held accountable by the voters for bad decisions, and who may not be running for reelection or even eligible to run for reelection due to term limits, trustees can be removed by the Council at any time.

The Referendum Will Be Needlessly Divisive.

As the Council is aware, the library has been the subject of attacks and even death threats. Many of those have come from outside the community. A referendum on this issue will attract significant interest from those same groups, who will pour their money, vitriol, and threats into the referendum. And if the non-binding referendum eventually leads to its goal of creating an elected library board, those same outside interest groups

will likely attempt to influence our local elections to further ideologies that are out of touch with the vast majority of this community.

We of course believe in the principles of the democratic republic on which our nation and village are founded, but those principles are reflected already in the commission form of government under which we have operated for well over a century. The Council should give further consideration to whether it wants to put the residents of Downers Grove through a divisive election on this issue at this time.

Regardless of the Merits, the Timing of This Referendum is Irresponsible.

The Council took years of careful planning to discuss video gambling before proceeding with a referendum—an issue not nearly as complex or laden with financial and other risks as this one. We have been given two weeks, one of which is Thanksgiving week, to weigh in on this issue, and will have only a few months to prepare for the referendum if the resolution passes.

The Council does not appear to have done any investigation of its own either: there has been no effort by the Council, the sponsor of the resolution, or Village staff acting at the Council's direction to obtain any information from the library about the impact on Downers Grove taxpayers of the referendum or the legal changes that would be required to implement it if successful. Rushing this issue through in two weeks, and leaving the library only a few months to prepare for a referendum, is irresponsible.

Nor has the sponsor of the resolution provided any explanation for the hasty consideration of this issue. We are not aware of any recent or anticipated events or issues that have precipitated the introduction of the resolution at this time or that justify departure from the principles of good and orderly government that our residents expect before the Council votes.

For these reasons and others, we recently asked the Council to postpone its vote for at least one month to allow the library time to prepare a more fulsome report of the impact the referendum will have on its operations, strategic plan, and budget over the coming months. We reiterate that request again here.

Conclusion.

One hundred and thirty years is a long time for an institution to endure, and that tradition deserves due respect, especially when the institution has consistently succeeded in achieving its mission. The Council should take far more than two chaotic weeks to consider the financial and other implications of what it is contemplating or what it would ask voters to consider in the referendum. We are happy to discuss all of this with the Council in an orderly fashion. Unfortunately, the proposed resolution, if enacted, does not allow that. We strongly encourage you to vote against the resolution.

Sincerely,

Matt Topic
President
Downers Grove Board of Library Trustees

CC: Downers Grove Board of Library Trustees

December 3 Village Council Meeting

1 message

Matthew Topic <mtopic@dglibrary.org>

To: mayorcouncil@downers.us

Bcc: Board of Trustees <board-of-trustees@dglibrary.org>, Julie Milavec <jmilavec@dglibrary.org>

Sat, Nov 23, 2024 at 12:43 PM

Dear Mayor Barnett:

I am writing to request that the village council delay its December 3 vote on the proposed referendum regarding the library by at least one month so as to allow us to prepare a report of the impact on our operations, strategic plan, and budget should the referendum go forward.

The referendum will require the library to engage in fact finding, analysis, and public education about the proposal and its ramifications. We believe the council would greatly benefit from a better understanding of what those efforts entail and what sacrifices they will require. To be clear, this report would not be directed to the merits of the referendum question itself, which will require more time to develop fully, but will address the impact on the library to prepare for the referendum and, if appropriate, propose alternative language for the referendum. As the council was likely unaware when it set the timing for the December 3 vote, there has not been an opportunity for our board to meet as a group to discuss this in sufficient detail and to receive comments from the public before December 3; our only meeting fell the day after after the council voted to place the item on its December 3 agenda, and we were only able to discuss briefly, since there was no opportunity to place this on our agenda.

In addition, I am new to the library board and have been its president for less than two months. As a professional courtesy, I would ask that you allow me a little more time to navigate the library through this issue in a responsible manner. I am also scheduled to be out of town for a court hearing on behalf of a client on December 3, and while I will make every effort I can to return in time for the council meeting, those circumstances are beyond my control and rescheduling my hearing is not an option. Further, this week is a holiday week, and I do not want to ask our hard-working staff to make sacrifices over the Thanksgiving holiday to attempt to prepare, as best as possible, for the December 3 vote. This modest delay will also allow for additional time for the public to provide its feedback to us and to the council before it votes. Additional time would be preferable, but a one-month delay would help us significantly.

Given that the council already postponed its vote on whether to consider this resolution once, and that the library has existed in its current form for over 130 years, I think our request for a modest amount of additional time to prepare a proper report on the impact of the referendum and allow for more fulsome public debate about the impact of holding it is a reasonable one, and I ask that you grant it. Please let me know as soon as possible so we can prepare accordingly. I have blind-copied the library trustees, who unanimously concur in this request. Feel free to call me any time to discuss.

Sincerely,

Matt Topic
President
Downers Grove Public Library Board of Trustees