



LOMPOC PUBLIC LIBRARY SYSTEM  
LIBRARY BOARD OF TRUSTEES  
SPECIAL MEETING AGENDA  
TUESDAY, MAY 20, 2014, 11:30 AM  
501 E. NORTH AVE., LOMPOC, CA  
PRESIDING: ANN RUHGE, PRESIDENT

**CLOSED SESSION – 10:30AM – GROSSMAN GALLERY**

- 1. CALL TO ORDER**
- 2. BUSINESS ITEM - PERSONNEL MATTER**
  - A. PUBLIC EMPLOYMENT – Library Director

**1. CALL TO ORDER**

**2. PUBLIC COMMENT**

The public comment period is reserved for comment on matters within the subject matter jurisdiction of the Board of Trustees. Comments related to non-agenda items are appropriate at this time. Public comment on agenda items will be invited by the Chair as they are introduced. Each person may address the Board for up to 5 minutes.

**3. LIBRARY'S STATUS AS A CITY DEPARTMENT**

A staff report is included in the Board packet.

**4. ADJOURNMENT**

The next Regular meeting of the Library Board of Trustees will be held on June 10, 2014 at 10:00 AM at the Lompoc Public Library, 501 E. North Avenue, Lompoc.

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Any documents produced by staff and distributed to the Trustees regarding any item on the Agenda will be made available for public inspection in the lobby of Lompoc City Hall at 100 Civic Center Plaza between 9 AM and 5 PM. Monday through Friday, and the Lompoc Library Information Desk at 501 E. North Avenue between 10:00 AM and 7:00 PM Monday through Thursday, and 1:00 PM and 5:00 PM Friday and Saturday.

### 3. LIBRARY'S STATUS AS A CITY DEPARTMENT

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#### BACKGROUND

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On June 24, 1907, Lompoc City Council approved the formation of the Library Board of Trustees under the State Education Code 18910, et. seq. (Attachment 1 – relevant code). This has allowed for the Library to act under the governance of an administrative Board of Trustees, with oversight by the Lompoc City Council. The library is not “technically” a city department, but rather a “functional” city department.

In December 2011, the Library's relationship in regards to the structure of administration and governance was analyzed by the Library Board of Trustees (see 12/11/11 minutes, Attachment 2). Discussions with City Attorney, Joe Pannone, and Management Services Director, Brad Wilkie, also occurred.

Previous Library Director, Molly Gerald, reached out to other California public libraries to research models of structure and governance. Her findings shared in December 2011 are included in this packet (Attachment 3).

The Library's status as a City department continues to be questioned by Library staff, City staff, and the Library Board of Trustees. Further discussion of the subject has been requested by all parties.

#### DISCUSSION

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Potential impacts to consider when looking at making changes are included in the chart provided (Attachment 4).

The following people will attend the special meeting to help facilitate discussion of this topic:

City Administrator, Patrick Wiemiller  
Management Services Director, Brad Wilkie  
City Attorney, Joe Pannone

## **ATTACHMENT 1 – RELEVANT CODE RELATED TO LIBRARY GOVERNANCE AND TRUSTEES**

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### **FROM THE LOMPOC MUNICIPAL CODE**

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#### **2.12.040 Jurisdiction and Authority Over City Departments, Officers, and Employees.**

The City Administrator shall have jurisdiction over all departments, divisions, and agencies of the City except the Office of the City Attorney and the Public Library; provided, however, that when officers of those departments perform functions other than those assigned to the department by law, such additional functions shall be under the administrative direction of the City Administrator. The heads of the administrative departments under the City Administrator shall be directly responsible to him or her for the efficient administration of their respective departments. The City Administrator may designate acting department heads when necessary to assure the continuity of the City's business. (Prior code § 0207)

#### **2.40.010 Establishment and Maintenance of Public Library.**

A public library is established in and for the City, to be maintained in all respects in accordance with the provisions of Sections 18900, et seq., of the Education Code. (Prior code § 0203)

#### **2.64.030 Competitive Service.**

A. Except as otherwise specifically provided, the provisions of this Chapter shall apply to all offices, positions and employments in the service of the City, except:

1. Elective officers;
2. Members of appointive boards, commissions and committees;
3. The City Administrator and the City Attorney who are appointed by and serve at the direction of the City Council. Those positions, other than the secretary, appointed by and serving at the direction of the City Administrator;
4. **Employees assigned to the City Library;**
5. Persons engaged under contract to supply expert, professional, technical or other services;
6. Volunteer personnel, such as volunteer firefighters;
7. Emergency employees who are hired to meet the immediate requirements of any emergency condition, such as extraordinary fire, flood, or earthquake which threatens life or property;
8. Employees who are employed less than half time which is hereby defined as employees who are expected to or do work less than 1,040 hours in any one fiscal year.

B. Notwithstanding the provisions of this Section, and unless otherwise provided by contract or agreement, the provisions of this Chapter and of the personnel rules relating to attendance and leaves, (reference Personnel Rule X), authorization and procedures for expense reimbursement (reference Personnel Rule XVII) and assignment and use of City property (reference Personnel Rule XVII) shall apply to the City Administrator, City Attorney, City Clerk, and City Treasurer, and those

positions, other than the secretary, appointed by and serving at the direction of the City Administrator. (Prior code § 2404)

### **3.20.100 Library Funds.**

The library funds are the depositaries of money received from any source for the public library established pursuant to Section 2.40.010, and its branches. These funds shall be expended only for library purposes. (Prior code § 1517)

### **3.36.040 Exceptions to Formal Bidding Procedures. (Only G shown below as relating to Library)**

G. Other Purchases. The provisions of this Chapter do not apply to purchases of the following items, so long as funds have been properly appropriated therefor:

1. Materials, supplies, equipment or services from public or private nonprofit California corporations operating workshops serving the handicapped;
2. Books, periodicals, records, tapes, and similar materials used at the public library;
3. Software and other intellectual property;
4. Items and services acquired with Federal or State loan or grant funds when the terms and conditions of the loan or grant conflict with this Code;
5. Insurance, insurance adjusting, legal, and related services. If a new appropriation therefor is required or an existing appropriation is insufficient, the City Administrator or Management Services Director is authorized to bind coverage or otherwise provide for such services until the required appropriation has been approved. (Ord. 1563(10) §§ 5—9; prior code § 2604)

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## EDUCATION CODE SECTION 18910-18927

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18910. The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality.

18911. The trustees shall hold office for three years. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter. The legislative body of the municipality may, by ordinance, provide for the compensation of such trustees; provided that the respective compensation for such trustees shall not exceed fifty dollars (\$50) per month.

18912. Men and women are equally eligible to appointment as trustees.

18913. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made.

18914. Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution.

18915. Meetings of the board are governed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

18916. A majority of the board shall constitute a quorum for the transaction of business.

18917. The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem.

18918. The board shall cause a proper record of its proceedings to be kept.

18919. The board of library trustees may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto.

18920. The board of library trustees may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

18921. The board of library trustees may prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library; determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices or positions at the pleasure of the board.

18922. The board of library trustees may purchase necessary books, journals, publications, and other personal property.

18923. The board of library trustees may purchase real property, and erect or rent and equip, such buildings or rooms, as may be necessary, when in its judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for the library.

18924. The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

18925. The board of library trustees may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the board may prescribe.

18926. The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

18927. The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

## ATTACHMENT 2 – EXCERPT OF MINUTES FROM 12/13/11 LIBRARY BOARD OF TRUSTEES MEETING

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Lompoc Library Board of Trustees  
Lompoc Library, 501 E. North Ave., Lompoc, CA  
Tuesday, December 13, 2011  
Regular Meeting Minutes

### **7A. Consideration of the Lompoc Public Library's relationship to the structure of administration and governance in the City of Lompoc**

Trustee White asked if the current situation was working well or if the Library Director wanted a change. Mrs. Gerald mentioned that the Board's current status provides a level of protection for funding and decision making, in that Trustees follow library needs closely and advocate to Council on the library's behalf. However, the library's status can lead to a perception by Council that the library is not an integral part of the City structure, especially during budget decision making. Trustee White then asked City Attorney, Joe Pannone, if there were any legal impediments to making the library a city department. He advised that it's clear in the State ordinance and from a legal point that the library is a separate entity from the City. From a practical standpoint, however, the City treats the library the same as other departments by providing assistance with human resources, payroll, and other inter-departmental services. The Library Director confirmed that she is treated the same as other department heads during weekly staff meetings and has a good working relationship with the City Administrator and other department heads.

Trustee White asked if there is a financial disadvantage to the current structure. Management Services Director, Brad Wilkie, stated that the difference in the governance of the library from the governance of other City departments might facilitate a perspective of the library by the governing body of the City, the City Council, that the library is different from other City departments at the policy level. At the operational level there is no distinction between the library and other City departments. There are areas where the policy level and the operational level meet, and the fact that there is a separate compensation plan (identical to the compensation plan for the other City departments) for library staff is an example of this.

Trustee Aguiniga is concerned with the perception that the library is in the same category as the Lompoc Museum and Chamber of Commerce during budget discussions. When asked how he sees the Library, Mr. Wilkie answered that in the day-to-day operation the library is the same as any other department; during the budget process, the same as the Museum as they relate to the budget. City Council has the responsibility and authority to decide how much to fund the library. A specific benefit to not being a City department is that the management of the Library's Reserves is under the Trustees' control.

Trustee Dale asked if the other organizations with which the Library is grouped are nonprofits and was informed that the Museum is a 501(c)3 and the Chamber is a 501(c)6.

Trustees will discuss at a future meeting the merits of the current relationship and decide if it should be brought up at the joint meeting with the City Council in July 2012. **(1.15.14 – This was decided not to be pursued during the joint meeting and though the Library Board has discussed this issue, there has not been any action taken in regards to further pursuing the topic.)**

## **ATTACHMENT 3 – RESEARCH ON OTHER PUBLIC LIBRARIES IN CALIFORNIA, PROVIDED TO THE LIBRARY BOARD OF TRUSTEES IN DECEMBER 2011**

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The report below was prepared by previous Library Director, Molly Gerald, in 2011

### **INFORMATION REGARDING CHANGING THE LIBRARY STATUS TO CITY DEPARTMENT:**

1) From: *California Public Library Organization*, published 2007 by the CA State Library

<http://www.library.ca.gov/lids/docs/CAPubLibOrgRpt.pdf>

The following are direct quotes from the document:

#### **Governing Board:**

Libraries formed under the Municipal Library Law are managed by a five-member board of trustees appointed by the mayor or city manager, with the city council's consent. The city council may appoint its own members as the library trustees and then create an advisory board to help govern the library system. (p. 6)

#### **Local Financing for Operations:**

Municipal libraries rely primarily on allocations from the city General Fund, competing with other local service priorities, such as police services, roads, and parks for funding.

City council members can fund library services from any source of revenue in the city General Fund. To provide greater resources or revenue certainty for libraries, city council members and voters can earmark a portion of the city's general revenues, or a portion of a specific revenue source, to support the city library.

Council members may also ask voters to impose or increase taxes to provide additional revenues for the city library. If council members want to impose or increase a tax specifically for library services, including a parcel tax, 2/3 of the city voters must concur. If city voters want to generate additional income for the city general fund (for the support of any city activity, including libraries), the voters can impose the tax with a simple majority vote.

City libraries can also generate revenues by providing library services to other jurisdictions. (p. 7)

#### **Library Generated Revenues:**

Most libraries of all types charge fines and fees for materials that are lost or returned late. Some libraries also engage in more entrepreneurial activity such as renting out meeting rooms and reception halls and selling library merchandise, like coffee mugs and book bags. Many libraries also seek and receive donations from Friends of the Library groups, library foundations, citizens, patrons, and businesses. (p.8)

#### **Service Area:**

City libraries serve within the city's boundaries but can contract with neighboring cities or the county to provide services. (p.9)

**2) From Lompoc Library staff research, 2011**

The Library Director requested information regarding governance/administration in general law cities through the statewide library listserv. She received responses from public libraries in Benicia, Glendora, Livermore, Lodi, Rancho Cucamonga, and Yorba Linda.

**Is the library recognized as a city department?**

Benicia	yes	
Glendora	yes	
Livermore	yes	
Lodi	yes	
Rancho Cucamonga	yes	
Yorba Linda	yes	

**Is the library board of trustees administrative or advisory?**

Benicia		advisory
Glendora	administrative	
Livermore		advisory
Lodi	administrative	
Rancho Cucamonga		advisory
Yorba Linda		advisory

**Does the library director work at the pleasure of the library board or is the director hired by and responsible to the city administrator?**

Benicia	reports to city manager	
Glendora	reports to both city/library board	Reports to both city/library board
Livermore	hired by/reports to city manager	
Lodi		hired by/reports to library board
Rancho Cucamonga	reports to city manager	
Yorba Linda	reports to city manager	

**Does the library have a separate compensation plan?**

Benicia	no
Glendora	no
Livermore	no
Lodi	No, in the early 1980's library board turned over HR function to the city; library employees have the same compensation/benefit plans as all other city employees.
Rancho Cucamonga	no
Yorba Linda	no



**Does the library have a separate reserve fund that cannot be used without library board approval?**

Benicia	Yes; separate funds from a sales tax measure are not commingled with the city General Fund.	But, library general fund monies are part of the General Fund.
Glendora		no
Livermore		no
Lodi	Yes, unexpended library monies are kept in a reserve fund & are not returned to the city General Fund	
Rancho Cucamonga	Yes, library has its own reserve fund.	But, library board has no authority over its use.
Yorba Linda	Yes, library existed as a district before the city was incorporated & has its own funding stream that is restricted & separate from city funds.	

**More specifics about governance/administration of the above libraries:**

**Livermore Public Library:**

From a 1979 opinion by the city attorney (Provided by City of Livermore Library Director, 10/11)

In 1962 the Library Board approved a resolution which formally delegated to the city council “both personnel and budget-setting functions.” Since the Library Board has never rescinded this resolution, the previous resolution remains. He maintains that since the financial framework that once supported a conceptual autonomy for the Library Board is no longer supported, the Library Board is not autonomous. He states it is “his opinion that the grant of autonomy under the CA Education Code has been rendered largely illusory by the action of the State in refusing to provide for the independent funding upon which autonomy must be based.” The Livermore Library Board gave over personnel and budgeting responsibilities to the city. After the passage of Proposition 13, the city accepted the library as a city department funded by the General Fund.

**Excerpts from a letter to the CA State Librarian from the city attorney, City of Oceanside (7/12/1993)**

(Provided by Library Director, City of Escondido, 10/11)

3 very relevant sentences in this letter are highlighted in the letter below:

The Oceanside Library is operated as what is sometimes commonly called an “Education Code” library. Pursuant to the CA Education Code and implementing provisions of the Oceanside City Code, the power to “manage” the library is vested in a “board of library trustees.” The board of library trustees has those powers specified by Education Code 18910 et seq. **However, as noted by the court in one reported California opinion dealing with the relationship between cities and their libraries, “it is quite evident that a municipal library is entirely dependent upon the city... and although it may be said to be completely autonomous as to the manner of its internal operation, nevertheless it is not independent of the city.” City of Ukiah v. Board of Trustees of Municipal Library of city of Ukiah (1961) 195 Cal. App. 2d 344, 15 Cal. Rptr. 811,182.**

Under the City’s personnel system, library employees are actually city employees and the city’s Library Director is a city department head. This practice is authorized pursuant to Government Code Section 45002. **The California Attorney General has found that the manner of designating employees of a city**

**library is entirely within the discretion of the particular municipality. 58 Ops. Cal. Atty. Gen 104, 106 (1975).**

It is my understanding that this practice applies to the current Library Director, which was the reason for the city Manager's "consent" to her selection by the Board of Trustees.

As to the issue of library management, there is no dispute with the general proposition that the management of the library is vested in the Board of Trustees. The authority to manage includes the general authority, subject to certain limitations, to administer any trust declared or created for the library, receive and use property for the benefit of the library and, where not otherwise provided, dispose of property for the benefit of the library. However, with respect to employment matters, the authority of the Library Board of Trustees is constrained.

The Library Director and library employees are city employees pursuant to Chapter 23 of the Oceanside City Code and the personnel system adopted pursuant thereto. The City of Oceanside salary schedule adopted by the City council lists library employees as city employees and establishes the compensation for those employees. Thus, while the Library Board of Trustees can establish rules and procedures for the operation of the library and for the conduct of city employees assigned to the library, ultimate authority to hire, fire, discipline, and other control library employees is vested in the City. This practice is consistent with the Ukiah case cited above.

Thus, under the ordinances of the city of Oceanside, and in accordance with the provisions of the Government Code and the Education Code, this office has determined that the Oceanside City Council is authorized to appoint the Library Board of Trustees, to levy taxes to support the library, to appropriate funds to support the library, to establish a personnel system that includes library employees, and to discontinue the library by repealing the ordinance creating it (subject, of course, to the limitations imposed by statute, see *Friends of the Library of Monterey Park v. City of Monterey Park* 211 Cal App 3d 358 (1989)). **Consistent with those same provisions of law, we have also advised the City Council that it does not have the power directly to determine matters relating to library operations because that authority is vested in the Board of Trustees.**

#### **Discussion:**

Based on this information from the State Library and from other General Law cities in California, there is clearly an opportunity for the Library Board and the City Council to work together to bring the Lompoc Library into the City structure as a City Department, while allowing the Board to retain designated oversight responsibilities.

- The library staff salary schedule is already part of the City staff salary schedule.
- Although a separate compensation plan for library employees is currently in effect, the document mirrors that of city employees in comparable classifications.
- The library follows City personnel guidelines in personnel matters.
- The Library Director participates fully in the City budget development process.
- The Library Director attends weekly department head meetings and prepares all reports requested of department heads.

ATTACHMENT 4 – POTENTIAL IMPACTS

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City Council	City Administration	Finance	Human Resources
<ul style="list-style-type: none"><li>•During the 2 year budget cycle decision making, Council would be made aware that the library is a City department and is a City Library. It would be considered with other departments and not with other nonprofits such as the museum, Chamber of Commerce and animal shelter.</li><li>•The Board would likely reform as an advisory Board, giving up administrative status. The Board could still control policies, rules and procedures for the operation of the library, if agreed upon by Council.</li></ul>	<ul style="list-style-type: none"><li>•City Administrator already includes the library in the budget development process that is followed with all departments.</li><li>•Library Director currently attends department head meetings weekly and submits a weekly report to the City Administrator.</li><li>•City Administrator would have greater oversight of library operations, with the Library Director reporting directly to the City Administrator and not the Board.</li><li>•City's administration fee charged to the library each year could go up based on higher level of coordination needed from City.</li></ul>	<ul style="list-style-type: none"><li>•The Library already functions within the framework of City finance and would continue.</li><li>•The library reserve funds would be held within the general fund, but would continue to be allocated for the main library and branches by the Board of Trustees. Or the Board might lose authority over use of reserves, and funds unspent in any year might not go into the reserve fund. A clear understanding would need to be in place.</li><li>•An enterprise fund could be set up for Library fines and fees, so that money accumulated by the library would return to the Library and not the general fund.</li></ul>	<ul style="list-style-type: none"><li>•The Board of Trustees might lose authority in hiring the Library Director, as City HR would take a more active role.</li><li>•The City's compensation plan could include library employees.</li><li>•During the budget process, the Library's compensation plan would not be in question in the minds of Council.</li></ul>