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AGENDA

SPECIAL LIBRARY BOARD OF TRUSTEES MEETING

Wednesday, June 10, 2020

4:00 PM

**City Hall Council Chambers
232 W. Sierra Madre Boulevard
Sierra Madre, CA 91024**

*Barry Ziff, Chair; Rod Spears, Vice Chair;
Patricia Hall, Trustee; Shannon King, Trustee; Rich Procter, Trustee*

CALL TO ORDER / ROLL CALL

Trustees King, Hall, Procter, Spears, Ziff

APPROVAL OF AGENDA

Majority vote of the Board to proceed with Board business

APPROVAL OF MINUTES

Majority vote of the Board to approve the minutes from May 27, 2020 meeting.

COMMUNITY INPUT – COVID-19 NOTICE

As part of the City of Sierra Madre's COVID-19 transmission mitigation efforts, all City Council, Commission and Board meetings will be conducted virtually until further notice. The Brown Act provides the public with an opportunity to make public comments at any public meeting.

Public comment may be made by e-mail to csmart@cityofsierramadre.com with the subject heading PUBLIC COMMENT by 3:00 pm on June 10, 2020. Emails will be acknowledged at the Trustee meeting and read into public record with a limit of three minutes per person.

**To watch the meeting live, please access the live Zoom call
by visiting the following link: <https://bit.ly/SierraMadreLibrary>**

For more information, please contact City Librarian, Christine Smart via email at csmart@cityofsierramadre.com or by telephone at (626) 355-7186.

PUBLIC COMMENT

The Trustees will listen to the public on any item on the agenda. In addition, the Trustees will also devote time for public comment on items not on the agenda. Under the Brown Act, Trustees are prohibited from taking action on items not on the agenda, but the matter may be referred to staff or to a subsequent meeting.

Each comment read on the record will be limited to three continuous minutes, which may not be delegated. These rules will be enforced but may be changed by appropriate Library Board of Trustee action.

ACTION ITEMS AND REPORTS

1. Library Board of Trustees

City Manager Gabriel Engeland to discuss options concerning the Library Board of Trustees' internal organization, authority, and procedures of the Library.

2. Board of Trustees Terms of Office

Chair Ziff to discuss a possible term extension of one year per Trustee.

3. Items for Future Agenda

Chair and Vice Chair Appointments for the upcoming fiscal year, Sierra Madre Library Foundation MOU, and Robert A Day Fund to be discussed at the June 24th meeting..

****ACTION ITEMS***

Regardless of a staff recommendation on any agenda item, the Board will consider such matters including action to approve, conditionally approve, reject or continue such item. Further information on each item may be procured from the Library Board of Trustees.

ADJOURNMENT

The Library Board of Trustees may adjourn to a special meeting on June 24 at 4:00 pm.
If you require special assistance to participate in this meeting, please call the City Manager's Office at 626-355-7135 at least 8 hours prior to the meeting.



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MINUTES

SPECIAL LIBRARY BOARD OF TRUSTEES MEETING

Wednesday, May 27, 2020

4:00 PM

**City Hall Council Chambers
232 W. Sierra Madre Boulevard
Sierra Madre, CA 91024**

*Barry Ziff, Chair; Rod Spears, Vice Chair;
Patricia Hall, Trustee; Shannon King, Trustee; Rich Procter, Trustee*

CALL TO ORDER / ROLL CALL

Trustees King, Hall, Spears, and Ziff in attendance, Trustee Procter was absent

APPROVAL OF AGENDA

Trustee Hall motioned to approve the agenda, Trustee King seconded. All approved.

APPROVAL OF MINUTES

Trustee Spears motioned to approve the minutes with corrections. Trustee Hall seconded. All approved.

COMMUNITY INPUT – COVID-19 NOTICE

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Public comment may be made by e-mail to csmart@cityofsierramadre.com with the subject heading PUBLIC COMMENT by 3:00 pm on May 27th, 2020. Emails will be acknowledged at the Trustee meeting and read into public record with a limit of three minutes per person.

**To watch the meeting live, please access the live Zoom call
by visiting the following link: <http://bit.ly/CSMLibraryZoom>**

For more information, please contact City Librarian, Christine Smart via email at csmart@cityofsierramadre.com or by telephone at (626) 355-7186.

PUBLIC COMMENT

Toni Buckner

If the City Attorney has determined the Library's governance must be addressed before the Trustees make a recommendation to City Council to fulfill the donors' intentions stated in the Robert A Day Trust, I support the Trustees to retain its responsibilities as a policy-making board.

As a member of the Sierra Madre Library Foundation, we wanted to begin the process of presenting an option for how an endowment could be established in memory of the Days, thus fulfilling the donors' intent. I believe the letter drafted by Bart Doyle, Secretary of the Library Foundation, best explains my position and included in my comments for the record.

This generous gift to support City services is a testament to the quality of work provided by the many volunteers and employees of the City of Sierra Madre, and it deserves to be recognized and celebrated to inspire future generosity from others.

CONSENT CALENDAR

- 1. Library Warrants** – Trustee King motioned to approve the payment of Library Warrants in the aggregate amount of \$8,794.71, \$5,170.69, \$3,103.67, \$7,311.45, and \$2,633.29. Trustee Spears seconded. All approved.
- 2. Library Statistics** - Spring Statistical Reports were received and filed.

ACTION ITEMS AND REPORTS

1. Library Board of Trustees

City Manager Gabriel Engeland discussed the Agenda Report regarding the structure of the Sierra Madre Public Library Board of Trustees. After discussion, the trustees decided not to move forward with option one – library district – but the trustees were interested in the distinction between options two and three, a Board of Trustees and an Advisory Board. As a Board of Trustees, the fate of the building and the back lot is decided upon by the trustees. As an Advisory Board, it's city council's decision on what to do with the back lot with input from the Board.

Chair Ziff also asked about possible conflicts of interest in serving on both the Trustee Board, the Friends' Board and the Foundation Board. The City Librarian and City Manager will follow up with more details on all matters at the following meeting scheduled on June 10th at 4:00 pm.

2. City Librarian Report

City Librarian read the following report:

When we first closed, staff spent hours trying to work through the best ways to continue to support the public through a closed sign, and keep everyone informed. Right now, Library staff

are circulating materials through contact-free checkout, creating community programs, and publishing a variety of at-home crafts and science experiments on our social media platforms. More than 15% of our collection is checked out to all of you, through the diligent and skilled efforts of staff.

Our first community program was a bear hunt which asked participants to simply put a teddy bear in their front window, to encourage children to read and walk around town. My favorite message of happiness came from a childless adult, who said she leaves her front window open now, in order to hear the squeals of joy coming from the street when her bear is found.

Checkout of materials is such a fabulous way to help support families staying home. Patrons are overwhelmingly grateful to receive materials which are carefully crafted and curated for the individual needs of patrons who are getting a little antsy at home. Staff continue to practice extreme measures to stay away from both the public and other staff, but are lighthearted at knowing we are able to help.

Looking ahead, we will likely remain closed to the public for some time into the future, which has compelled us to create this newsletter. We continue to reevaluate our policies and practices as new state and county measures are announced; but I strongly believe that Library services are going to be extremely valuable to patrons as all of us are working to rebuild. A Library during a recession is a light in the dark, bringing resources and materials to everyone equally.

3. Items for Future Agenda

Robert A Day Fund to be discussed at the June 10th meeting. Chair Ziff has moved that agenda item further to June 24, following the conclusion of the Board of Trustees Discussion.

ADJOURNMENT

Trustee Ziff motioned to adjourn the meeting, Trustee Hall seconded. Meeting adjourned at 5:19 pm.



Library Board of Trustees

Barry Ziff, Chair
Rod Spears, Vice-Chair
Patricia Hall, Trustee
Shannon King, Trustee
Rich Procter, Trustee

SIERRA MADRE PUBLIC LIBRARY AGENDA REPORT

Library Board of Trustees

To: Library Board of Trustees
From: Christine Smart, City Librarian
Gabriel Engeland, City Manager
Date: June 10th, 2020

SUMMARY

This Library Board of Trustees held a special meeting on Wednesday, May 27, 2020 to discuss the organization and operation of the Library Board of Trustees in order to make a recommendation to the City Council as to how the Trustees should organize the Board. Staff presented the Trustees with three options to consider for their recommendation to the City Council; 1) create a Library District (Autonomous), 2) formalize role as Trustees (Semi-Autonomous), 3) reform as an advisory committee. Staff further advised that any of the three options could be implemented in Sierra Madre and be effective for management of the Library. At the meeting the Trustees decided not to pursue the creation of a library district (autonomous), but asked for additional information on the second and third options, please see attachment 1 in addition to this staff report for clarification.

Additionally, it was requested that the Deputy City Attorney make a determination on a potential conflict of interest, legal or otherwise, for Trustees serving as members of the Board of Trustees while holding leadership positions on the Board of the Library Foundation or Friends of the Library. For more information on this request, please refer to the relevant parts of this staff report.

STAFF RECOMMENDATION

Staff is recommending the Library Board of Trustees take the following actions:

1. Discuss the remaining two options concerning the internal organization, authority, and procedures of the Library.

2. Set future meeting date(s) to hold a discussion on the options presented and make a formal recommendation to the City Council on how the Library Board of Trustees believes it should be organized.
3. Schedule a joint meeting with the City Council to discuss the recommendation of the Board of Trustees.
4. It is further recommended the Library Board of Trustees discuss the future of the Library Building at the joint meeting with the City Council.

ANALYSIS

As discussed at the special meeting of the Library Board of Trustees on May 27, the Trustees were founded in the early 1900s under a State law which no longer exists. Neither the Trustees nor the City have updated the Sierra Madre Municipal Code since the State law(s) regarding Library Boards of Trustees were changed, amended, and/or eliminated in the 1970s. Currently the City's Municipal Code regarding the powers and duties of the Board of Trustees is in conflict with State law.

DISCUSSION

As a practice, the Library Board of Trustees have been acting as an advisory body with regards to their powers provided in the City Code. As an example, the Library Board of Trustees routinely approve warrants as part of their normal business process, however, these warrants have often already been approved by the City Council and a denial of the warrants or specific purchases by the Trustees would not stop accounts payable from processing payment. Attachment 1 shows the powers and duties provided to the Board of Trustees under State law and codified in City Ordinances, while also showing with an asterisk which duties are in conflict with current practice.

The Board of Trustees, if they continue to operate as Trustees, would need to make a recommendation to the City Council on which powers and duties they wish to retain and which would be better suited to remain with the City Council or City Manager. An example of this is the power to appoint and terminate Library employees, which is currently granted in State law. This section, like many others, is in direct conflict with City Code. Should the Library Board of Trustees wish to retain this role, they would also become responsible for the Human Resources elements of this power, as well as any legal risk associated with it.

Finally, it is important to note the Library Board of Trustees is not its own legal entity in either of the remaining options being discussed. The Trustees do not have the power to sue or be sued, to enter into independent legal agreements, or dispose of Library assets without the consent of the City Council.

With regards to the conflict of interest for serving on the Library Board of Trustees while simultaneously serving as a Board Member for either the Library Foundation or the Friends of the Library, the Deputy City Attorney deemed this not to be a legal conflict of interest or a violation of the Political Reform Act. This is based on the finding that the members do not receive any compensation or stipend for their service on the boards in question. The Library

Trustee would not legally need to recuse themselves from the decision, but should disclose they are serving on multiple Boards prior to the discussion taking place.

With this in mind, it is important to note that the perception of a conflict of interest can be as damaging to a person or entity as a legal conflict of interest. Should a Council Member find themselves to be in a similar position, staff would encourage the Council Member to recuse themselves from the conversation and leave the room in order not to unintentionally influence the conversation taking place. If the Council Member declined to recuse themselves as recommended, staff would ensure the Council Member declared their status on both boards and explained why a personal conflict of interest was not occurring, prior to any discussion taking place. It is unclear if these disclosures taken place as required during discussions at the Library Board of Trustees, the Library Foundation, or Friends of the Library.

Regardless of the recommendation of the Library Board of Trustees to the City Council, staff will be recommending members of the Board of Trustees are barred from serving on the Board of the Library Foundation, the Friends of the Library, or any other board where funds are regularly exchanged or provided between the organizations.

ATTACHMENTS

Library Board of Trustees Roles Outlined

	Library District	Board of Trustees	Advisory Board
Separate Legal Entity	YES	NO	NO
Can Sue or Be Sued	YES	NO	NO
Enter into Independent Legal Agreements	YES	NO	NO
Dispose of Library Assets	YES	NO	NO
Responsible for Insurance	YES	NO	NO
Responsible for Legal	YES	NO	NO
Responsible for IT	YES	NO	NO
Annual Report to Board & State	NO	YES*	NO
Establish Library Policy	YES	YES***	NO
Set Library Hours/Days of Operation	YES	YES**	NO
Establish Personnel Policy	YES	YES*	NO
Appoint/Fire Personnel	YES	YES*	NO
Responsible for HR	YES	YES*	NO
Responsible for Establishing Budget	YES	YES**	NO
Approve Warrants for Payment	YES	YES**	NO

*Conflicts with current practice

**Completed by City Council or Staff

***Current Practice