



AGENDA

Board of Library Trustees Retreat | Altadena Library District
Virtual – Zoom – January 8, 2021 – 9:00 a.m.

IMPORTANT NOTICE REGARDING JANUARY 8, 2021 BOARD RETREAT

This meeting is being conducted utilizing teleconference and electronic means consistent with the **State of California Executive Order N-29-20** dated March 17, 2020, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed by visiting the Altadena Library District's YouTube channel at the following URL <https://www.youtube.com/c/AltadenaLibrary>

SUBMISSION OF PUBLIC COMMENT: For those wishing to make Public Comments at the January 8, 2021 Meeting, please submit your comments by email to be read aloud at the meeting. If multiple comments are submitted, only the first comment will be read aloud during the meeting. Email and Electronic Comments submitted online will be accepted up to two (2) hours prior to the start of the meeting. Email comments can be submitted to hello@altadenalibrary.org. Electronic Comments may also be submitted online at www.altadenalibrary.org/publiccomment.

Email and Electronic Comments will be submitted to the legislative body and shall become part of the record of the meeting.

If you wish to make public comment during the live meeting, you can call in to (626) 798-0833 ext. 118, during the corresponding item of the agenda. For public comment on any non-agenda item, please plan to call at 9:00 am.

PUBLIC REQUESTS FOR DOCUMENTS: The District provides a public inspection copy of all materials included in the agenda packet distributed to the Board members. Members of the public who wish to obtain a copy of any document may do so by completing a Request for Public Document form and submitting it to Administration who will arrange for the documents to be copied at a charge of 15¢ per page. Request forms are available at the District Administration offices.

In compliance with the Americans with Disability Act, if you need special assistance to participate in the meeting, please contact Library Administration at (626) 798-0833 x118 at least 48 hours prior to the meeting so the Altadena Library District may make reasonable arrangements to ensure accessibility to the meeting.

- I. **Call to order**
- II. **Open Session**
 - a. Roll Call
 - b. Approval/Reordering of Agenda Items
 - c. Adoption of Agenda
 - d. Public Comment on Non-Agenda Items
- III. **Public Service Round Table Conversation/Appreciation Activity**
- IV. **Presentation**
 - a. Introduction to Debt Issuance - Mike Williams, Managing Director, Columbia Capital Management, LLC

- V. **Break** (10:45 a.m. - 11:00 a.m.)
- VI. **Presentation**
 - a. Public Works Contracting - John P. Coggins, Advisor, Regional Government Services
- VII. **Break** (11:45 a.m. - 12:00 p.m.)
- VIII. **Governance Round-Table Discussion** - Pages #4-262
 - a. Brown Act Refresher – Dr. Katie Clark, Board Trustee
 - b. Goal setting and Commitments
 - c. Review Annual Evaluation Format
- IX. **Adjournment**



RETREAT SCHEDULE

Board of Library Trustees Retreat | Altadena Library District
Virtual – Zoom – January 8, 2021 – 9:00 a.m.

ITEM	TIME
Call to order	9:00 A.M.
Open Session	9:00 A.M. – 9:05 A.M.
Public Service Round Table Conversation / Appreciation Activity	9:05 A.M. – 10:00 A.M.
Presentation Introduction to Debt Issuance - Mike Williams, Managing Director, Columbia Capital Management, LLC	10:00 A.M. - 10:45 A.M.
Break	10:45 A.M. - 11:00 A.M.
Presentation Public Works Contracting - John P. Coggins, Advisor, Regional Government Services	11:00 A.M. – 11:45 A.M.
Break / Buffer time	11:45 A.M. - 12:00 P.M.
Governance Round-Table Discussion	12:00 P.M. – 1:00 P.M.
Adjournment	1:00 P.M.



Altadena
Libraries



Altadena Library District Board of Trustees Handbook

FISCAL YEAR 2020 - 2021



Altadena Library District (ALD) Trustee Handbook

1. District Information

- 1.1. About Altadena and The Library
- 1.2. Board Roster

2. Bylaws and Policies

- 2.1. [ALD Policies and Procedures](#)
- 2.2. Rosenberg's Rules of Order

3. Financial and Operating Information

- 3.1. [ALD Fiscal Year Budget](#)
- 3.2. [ALD Strategic Plan](#)
- 3.3. ALD Operating Plan

4. Calendars

- 4.1. Board of Library Trustees Master Calendar
- 4.2. [Board of Trustees Meeting Calendar](#)
- 4.3. [ALD Holiday Calendar](#)

5. Guidance for Trustees

- 5.1. Required and Recommended Training
- 5.2. California Special Districts Association Board Member Handbook
- 5.3. [OPEN & PUBLIC V: A Guide to the Ralph M Brown Act](#)
- 5.4. ALA Code of Ethics
- 5.5. Library Bill of Rights
- 5.6. Twelve Golden Rules for Board Members
- 5.7. [Urban Libraries Council Leadership Brief: Five Leadership Roles for Library Trustees](#)

6. Support Groups

- 6.1. Altadena Library Foundation
- 6.2. Friends of the Library
- 6.3. Friends and Libraries - Working Effectively Together

7. Evaluations

- 7.1. Library Trustee Self-Assessment
- 7.2. Board Evaluation – Assessing Governing Board Effectiveness
- 7.3. District Director Evaluation Forms

Section 1: District Information



ABOUT THE ALTADENA LIBRARIES

The Altadena Library District is an independent special district that was formed in December 1926 under the provision of Sections 19600-19734 of the California Education Code. It encompasses the approximate 8 square miles of Altadena, which is an unincorporated area of Los Angeles County. The purpose of forming the special library district was to permit residents of unincorporated towns and villages to create for themselves an independent, locally controlled library district supported by property taxes and governed by a locally elected Board of Library Trustees responsive directly to the service needs of the community.

The District contracted with the County of Los Angeles for library services until 1955, when it became independent, providing its own building, collection, personnel, and services for the District. Currently, the District provides library services to a population of approximately 51,000 people.

The Main Library located at 600 E. Mariposa Street was built in 1967. A park-like setting surrounds the 25,000 square foot building, which was designed by architect Boyd Georgi. The Branch Library, known as the Bob Lucas Memorial Library & Literacy Center in which the District's Literacy Services are housed, was dedicated on the current site on Lincoln Avenue in 1957.



BOARD OF LIBRARY TRUSTEES

ROSTER AND TERMS OF APPOINTMENT

	<u>Term Appointed/Elected</u>	<u>Term Expires</u>
Terry Andrues [REDACTED] tandrues@altadenalibrary.org	11/10/2020	12/06/2024
Jason Capell [REDACTED] jcapell@altadenalibrary.org	11/06/2018	12/02/2022
Katie Clark [REDACTED] kclark@altadenalibrary.org	11/06/2018	12/02/2022
Rushmore Cervantes [REDACTED] rcervantes@altadenalibrary.org	12/08/2020	12/02/2022
Kameelah Wilkerson [REDACTED] kwilkerson@altadenalibrary.org	11/10/2020	12/06/2024



VISION

An Altadena where all are learning,
growing, and thriving together

MISSION

The Altadena Libraries bring people
and ideas together.

VALUES

Equity | Empathy | Innovation

Section 2: Policies

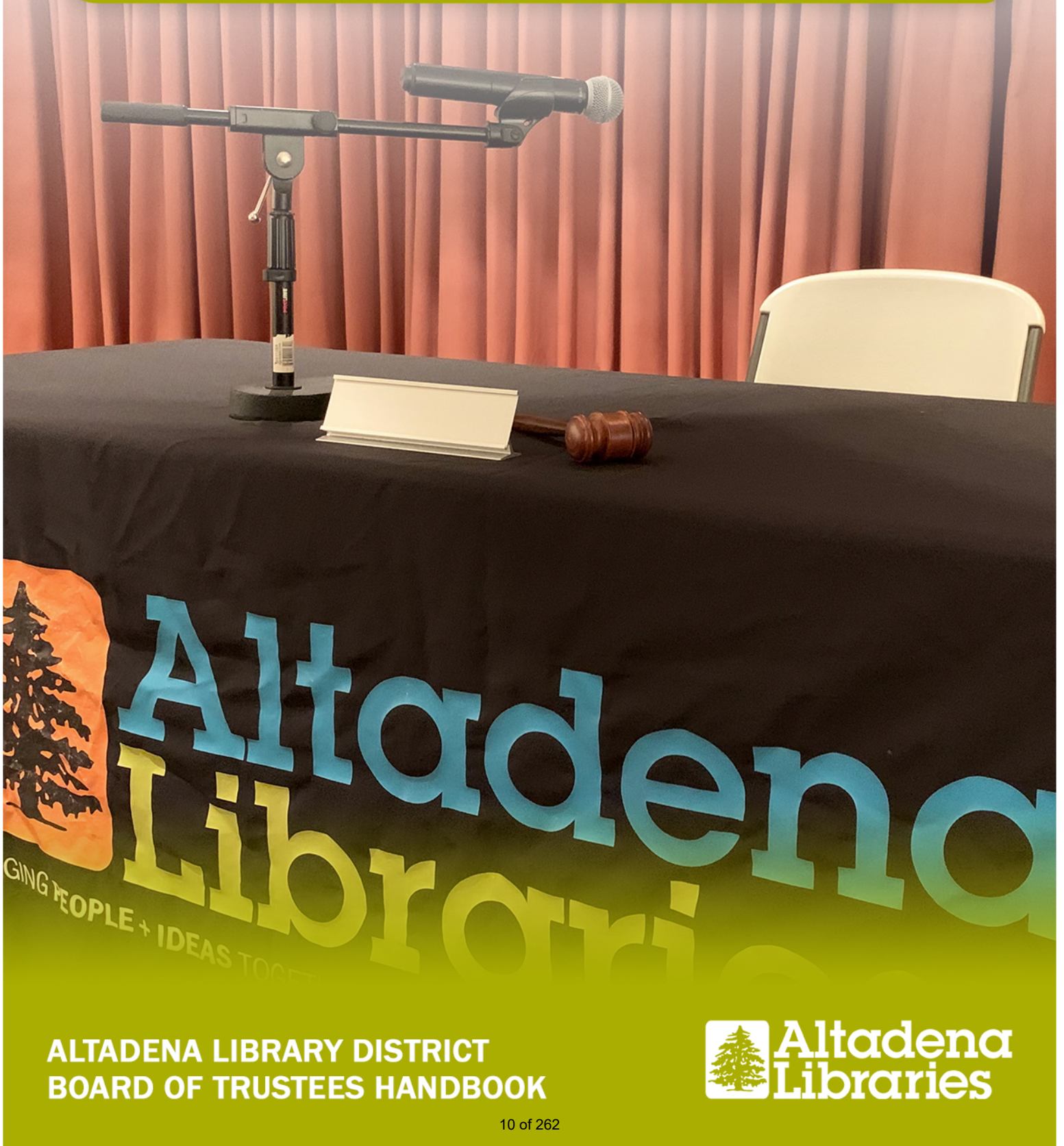


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Altadena Library District Board of Trustees Policies and Procedures

1. Library Board of Trustees Roles and Responsibilities

The Board of Trustees of the Altadena Library District is an elected, administrative board of five trustees residing and registered to vote within the District, as formed under CA Ed. Code §§19600-19734, December 1926. Their primary task is defining the mission and vision of the Altadena Library District, and guiding and advising the Library Director in the execution of same.

The Board of Trustees leads in strategic planning, and sets the policies that govern the Altadena Library District. It provides financial oversight and ensures a sustainable financial future for the Altadena Library District. It hires the District Director, to whom it delegates management authority. The Board of Trustees holds the Director accountable through a formal evaluation process.

The Board of Trustees represents and advocates for the Altadena Library District in the community.

The Board of Trustees holds authority only as an aggregate body, not as individual trustees, and works to maintain a unity of purpose among its members as they work in the best interests of the Altadena Library District and the community of Altadena.

As a publicly elected body administering a special district, the Board of Trustees complies with and ensures that the Altadena Library District complies with all legal requirements and ethical standards, and strives to ensure an open and transparent process of governance.

2. Election of Library Board of Trustees

The Board of Trustees consists of five members elected at large from the District, and who serve without pay for four-year staggered terms. Elections are held biennially in even numbered years on the same day as state general elections, the first Tuesday after the first Monday in November. Pursuant to Education Code §19700, Trustees take office the first Friday in December succeeding their election.

2.1. Official Tabulation of Votes

The official tabulation of votes in a Trustee election, furnished by the Registrar-Recorder of Los Angeles County, shall be recorded in the minutes of the next Board meeting following an election (or upon receipt).

2.2. Vacancies on the Library Board of Trustees

If a vacancy should occur on the Library Board of Trustees based on any of the prescribed events contemplated by Gov. Code §1770 occurring before the expiration of a term of office, the District shall notify the county elections official of the vacancy no later than 15 days following either the date on which the district board is notified of the vacancy, or the effective date of the vacancy, whichever is later. The remaining Trustees shall fill that vacancy within 60 days of the date on which the district board is notified of the vacancy, or the effective date of the vacancy, whichever is later (Gov. Code §1780(d)(1)-(e)(1)), either by appointing a new Trustee or by calling an election at the next established election date. Any

individual appointed to a vacancy on the Library Board of Trustees by any means shall assume his or her office at the next regular meeting of the Board.

2.3. Appointment to a Vacancy

If the Board of Trustees decided to appoint someone to fill the vacancy, a notice of said vacancy must be posted in three or more conspicuous places in the district (including the Main Library and the Branch Library), as well as on the District’s website, at least 15 days before the appointment is made. The District must then notify the county elections official of the appointment no later than 15 days after the appointment is made, and that appointee shall fill the vacancy under whichever of the following two scenarios applies (Gov. Code §1780(d)(2)):

- A. If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

- B. If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

At the public meeting at which the vacancy appointment is considered by the Board of Trustees, and in advance of any Board action, the Board shall provide the public with the procedure by which the appointment will be made, including selection criteria, process, timeline, and voting. The Board shall endeavor to make the appointment in line with general principles of transparency and open-government best practices.

2.4. Calling an Election to Fill a Vacancy

In lieu of making an appointment, the remaining members of the Board may within 60 days of the date they are notified of the vacancy or the effective date of the vacancy (whichever is later), call an election to fill the vacancy. The election shall be held on the next established election date that is 130 or more days after the date the District Board calls the election (Gov. Code §1780(e)(2)). Established election dates are defined by Elections Code §1000.

2.5. Failure to Act

If the vacancy is not filled by the Board either via making an appointment or calling a special election within 60 days, then between 60 and 90 days, the Los Angeles County Board of Supervisors may fill the vacancy either by appointing a new Library Trustee or by ordering the District to call an election. The election shall be held on the next established election date that is 130 or more days after the date the Board of Supervisors orders the election.

If the number of remaining members of the Board falls below a quorum, then at the request of the district secretary or a remaining Board Member, the Board of Supervisors may waive the 60 day period during which the Board is allowed to take action (but would be unable to act due to the lack of quorum), and the Board may either appoint immediately to fill the vacancy, or may call an election to fill the vacancy. The election shall be held on the next established election date that is 130 or more days after the date the Board of Supervisors calls the election. The Board of Supervisors shall fill only enough vacancies to provide the Board of Trustees with a quorum.

If within 90 days of the date the Board of Trustees is notified of the vacancy or the effective date of the vacancy (whichever is later), no action has been taken by any governing body to fill the vacancy either by appointment or by calling for a special election, the Altadena Library District must call an election to fill the vacancy (Gov. Code §1780(g)(1)). The election shall be held on the next established election date that is 130 or more days after the date the District Board calls the election.

2.6. Election

A person elected at a regular board member election or appointed in lieu of election takes office at noon on the first Friday in December following his or her election in November and shall serve for four years or until his or her successor qualifies and takes office (Elec. Code §§10554, 10507). A special election, should it be required, ordered, or necessary, shall be held in accordance with CA Election Code §1000.

2.7. Candidate Statements for District Elections

The District requires payment to the County of Los Angeles in advance of each candidate's *pro rata* share of the printing, handling, and mailing costs of the candidate's statement included in the voter's sample ballot pamphlet. If the actual cost exceeds the estimate, the District will bill each candidate for the coverage after the election. The maximum word limitation for the candidate's statement is 200 words. The county shall bill any candidate for District office for the actual prorated costs of printing, handling, and translating his statement of qualifications contained in the voter's pamphlet accompanying the sample ballot (Public Resources Code §9546).

2.8. Seating of New Members on the Library Board of Trustees

The presiding officer (or his/her designee) will conduct a brief ceremony at the first meeting of the Library Board of Trustees at which newly elected or newly appointed members of the Board assume office. The ceremony will consist of the newly elected or newly appointed Trustee affirming an oath of allegiance, as written below:

I, _____ [name], do solemnly swear (or affirm) that I will support and defend the Constitution of the United States, and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

3. Officers

At the Board's first regular meeting called after the last Friday in November, the Board shall elect its President and Secretary for one-year terms (Ed. Code §19424).

3.1. Election of Officers

The Library Board of Trustees elects officers at its regular board meeting called after the last Friday in November from among its members, effective immediately. The officers remain in office for a term of one year or until their successors are duly elected.

3.2. Vacancies

A resignation, death, or other cause creating a vacancy in one of the offices shall be filled by a majority vote of the Board at the next regular meeting. The term of office shall be for the unexpired term.

3.3. Duties of Officers

A. President

- 1. Chairs all Library Board of Trustees meetings;
- 2. Works closely with the District Director (or his or her designee(s)) to facilitate effective communication among the Board of Trustees and the community;
- 3. Works closely with the Director in preparing the agenda for all Board of Trustees meetings;
- 4. Shall sign, with the Secretary, all official documents implementing Board action;
- 5. Appoints Standing Committees (including a chair of each committee), Board Liaisons, and may create Special Committees or Ad-Hoc Committees to perform a specific task; with all appointees requiring an approval by a majority of the Board of Trustees;
- 6. Shall be an ex-officio member of all Standing Committees;
- 7. Represents the District in official functions, or designates a representative; and
- 8. Shall be (or shall designate) the official spokesperson for Board of Trustees actions.

B. Secretary

- 1. Assumes the duties of the President in the absence of the President or in the event that s/he must vacate the chair during the course of a meeting;
- 2. Presides at all regular and special meetings in the absence of the President; and
- 3. Certifies all District documents as may be required by law, and signs, with the President, all official documents implementing Board action.

3.4 Personal and Individual Liability of Trustees

The District shall include in its standard insurance policy a Directors & Officers Liability insurance policy, such that Board members are not at risk of joint and several liability for actions taken in the proper exercise of their official duties to the extent permitted by law.

4. Library Board of Trustees Committees

Board Committees are constituted to facilitate the effectiveness of the Library Board of Trustees within the powers and authority delegated by the Board as a whole. The creation of committees is discretionary, and may be appointed at any time. Either the President or the Board shall designate the chair and membership of each committee, depending on its nature and composition.

The Board may appoint community members and/or staff to serve on committees. A public statement may be issued asking for volunteers to serve on a committee, if appropriate. Members of the community wishing to serve on the committee shall submit a statement of interest or resume to the Chair of the committee for consideration, and the Chair shall submit a recommendation to the full Board for approval by a simple majority.

Staff may participate in committees in two fashions:

- A. The District Director may forward staff recommendations to the Chair of the committee for membership as s/he sees appropriate, with the understanding that participation in the committee will be on work time, and those recommendations shall be submitted by the Chair to the full Board for approval by a simple majority; or
- B. Members of staff may, of their own volition, submit themselves for membership on a committee as members of the community, but it shall be understood that they are not participating in their role as a District employee nor are they representative of the viewpoints or perspective of the institution nor shall they be paid for their time.

In establishing committees, the Board will comply with all relevant legislation, including the Ralph M. Brown Act.

4.1. Committees Subject to the Brown Act

- A. *Standing Committees.* Standing committees may be appointed by the Board to deal with a continuing area of interest for an unspecified duration. No more than two members of the Board shall sit on any standing committee. Standing committees may or may not include other members, including staff or members of the public, and shall have a continuing subject matter and a fixed meeting schedule. All standing committees must operate within the confines of the Ralph M. Brown Act, which dictates that meetings shall be held in a suitable location, be open to the public, have an agenda posted at least 72 hours prior to the meeting, and that items from the public will be heard if they are within the subject-matter jurisdiction of that committee.
- B. *Special Committees.* Special committees may be created at any time to perform a specific task for a specified duration. Membership of a special committee may be composed exclusively of trustees (provided that it is more than a quorum; i.e., three or more trustees), or may be composed of trustees, staff, members of the community, or any combination of the aforementioned, and shall have a special area of interest. They may meet on a fixed schedule or on an as-needed basis, but that shall be determined and set forth by the Board when the special committee is composed by the Board. All special committees must operate within the confines of the Ralph M. Brown Act, which dictates that meetings shall be held in a suitable location, be open to the public, have an agenda posted at least 72 hours prior to the meeting, and that items from the public will be heard if they are within the subject-matter jurisdiction of that committee.

4.2. Committees Not Subject to the Brown Act

- A. *Ad-hoc Committees.* Ad-hoc Committees, otherwise known as temporary advisory committees, may be created by the President at any time to perform a specific task. Membership of an ad-hoc committee is limited to less than a quorum, *i.e.*, two members of the Board, and shall be comprised exclusively of Board members (no additional members are permitted). Thus composed, a less than quorum ad-hoc committee is not subject to the constraints of the Brown Act (although it is perfectly free to operate according to them should it wish) (Gov. Code §54952(b)). At its creation, the committee shall be given a specific charge, a timeframe for completion of that charge, a designation of the composition of membership (either less than quorum ad-hoc or special), a full description of the functions to be discharged, and the authority that the committee will have. Ad-hoc committees are automatically dissolved once their specific tasks are completed but no later than twelve months following their creation.

4.3. Reporting of Committees

The Chair of each committee shall provide a comprehensive (written or oral) report to the Library Board of Trustees at the regular meeting following each committee meeting. A written report is recommended.

5. Library Board of Trustees Liaisons

The Board President may appoint designated liaisons between the Board and appropriate Library support groups and/or other governing bodies as applicable. Appointments shall be made by the Board President with the concurrence of a majority of the Board.

Each liaison will provide the Board with a comprehensive (written or oral) report of activities at the regular Board meeting immediately following any relevant activity, including recommendations for Board actions when appropriate.

5.1. Government Relations Liaison

The Government Relations Liaison shall:

- A. Monitor current legislative activity at city, county, state, and federal levels that would impact the Altadena Library District;
- B. Provide information to the Board of Trustees regarding legislative issues and their impact on the Altadena Library District;
- C. After consultation with the Board, contact legislators, as appropriate, to advocate for the Altadena Library District's position on individual legislative issues; and
- D. Attend legislative days in Sacramento representing the Altadena Library District.

5.2. Friends of the Altadena Library Liaison

The Friends of the Altadena Library Liaison shall:

- A. Attend meetings of the Friends of the Altadena Library;
- B. Represent the Board of Trustees at those meetings; and

- C. Provide context to the Board about any relevant information, activity, or recommended Board action.

5.3. Altadena Library Foundation Liaison

The Altadena Library Foundation Liaison shall:

- A. Attend meetings of the Altadena Library Foundation Board;
- B. Represent the Board of Trustees at those meetings; and
- C. Provide context to the Board about any relevant information, activity, or recommended Board action.

6. Library Board of Trustees Representatives

From time to time, the Board of Trustees may appoint from its members a representative to professional or community-wide committees or organizations to represent the unique interests of the Altadena Library District. Such appointments must be made in compliance with state law.

7. Library Board of Trustees Appointments

The Board of Trustees may call upon members of the community to represent the Altadena Library District as needed with appointments to local, state, or regional boards or committees as a delegate from the Altadena Library District.

7.1. Appointment of District Representatives to Local, Regional, State Committees and Boards

When local, state, or regional committees or boards request a community member as a delegate from the Altadena Library District, the Board directs the District Director to recruit and suggest for appointment such community members. The District Director will submit these recommended appointees, including position and length of term, to the Board of Trustees for approval at a regular meeting.

8. Library Board of Trustees and Relationship with the District Director

The Board of Trustees determines the strategic direction and operating policies of the Altadena Library District, and delegates their implementation to the District Director. Moreover, the Board appropriates all monies to be expended via the approved budget, and works closely with the Director to ensure a well-run library district which fulfills the needs of the community.

While the Board retains authority under the law to conduct all library business, it shall be Board policy to delegate responsibility for the operation of the library to the District Director, and to endorse his/her policies and practices, as long as they continue in the library's best interest.

It is the District Director's responsibility to keep the Board informed of library activities, and to make recommendations for Board action in all matters as required by law.

8.1. Appointment of a District Director

The District Director shall be appointed at a regular meeting from a list of qualified candidates as the result of an open competitive oral and written process. No fewer than four Trustees must be present in a closed session meeting when each applicant is being interviewed for final selection. An applicant must receive at least three affirmative votes from the Board of Trustees to be appointed District Director, which must be announced in compliance with the Ralph M. Brown Act.

8.2. Temporary Absence of the District Director

In the temporary absence of the District Director, the District Director shall appoint a qualified current librarian on staff to serve as Acting Director, without additional compensation. A temporary absence is defined as 1 to 10 consecutive business days, wherein the Acting Director shall assume the full range of duties and responsibilities. If the District Director is temporarily incapacitated and unable to appoint an Acting Director, the Board of Trustees shall appoint an Acting District Director by majority vote.

8.3. Prolonged Absence of the District Director

In the case of prolonged absence, which shall be understood to be longer than the above defined temporary absence, the Board of Trustees shall immediately appoint an Acting District Director and establish appropriate compensation.

8.4. Appointment of an Interim Director

In the case of the resignation, death, or dismissal of the District Director, the Board of Trustees shall immediately appoint an Interim District Director and establish appropriate compensation.

8.5. Administration Leeway in Absence of Board Policy

In situations arising where there are no policies or guidelines for administrative action, the Director shall have the power to act in compliance with State law and in consultation with General Counsel, as necessary; however, the Director’s actions shall be subject to review and action by the Board of Trustees at its next regular meeting. It shall be the duty of the Director to immediately inform the Board of such situations, and of the need for policy.

8.6. Library Board of Trustees Requests of Staff or Legal Counsel

The Director shall be the line of official communication between the Board and all District personnel, including contractors, vendors, legal counsel, and volunteers. Except for the purpose of inquiry and unless there is reasonable cause to do otherwise, the Board of Trustees shall provide direction to District personnel through the District Director, in compliance with all applicable open meeting and transparency State laws. Neither the Board nor its members shall attempt to influence or to direct any subordinates of the Director.

The Director may, from time to time, assign specific members of the staff or request legal counsel to work directly with a Board member, a Board committee, or on a Board project.

8.7. Evaluation of the District Director

The District Director shall, upon his or her appointment, have an introductory period of 12 months. A series of preliminary evaluations shall take place at three and six months with the Board of Trustees, with a final evaluation and determination upon passage of the introductory period at one year. Thereafter, the Board shall undertake a formal evaluation of the Director annually, and may, at their discretion, undertake

special evaluations as needed, if such a special evaluation is approved with the vote of a majority of the Board. All formal evaluation processes must be conducted in compliance with the Ralph M. Brown Act and state law requirements, including the general rule of confidentiality regarding personnel records (Gov. Code §6254(c)) and the closed session procedure set forth for the performance evaluation of District employees (Gov. Code §54957).

9. Library Board of Trustees Expense Reimbursement Policy

The purpose of this policy is to (1) define the types of meetings, conferences, and other activities for which a Library Trustee may receive reimbursement from the District for actual and necessary expenses incurred in attending such meetings, conferences, or activities; and (2) to provide the rate or rates of reimbursement for travel, meals, lodging, and other actual or necessary expenses incurred by Library Trustees in attending those meetings, conferences, and activities; and (3) to provide the procedures and other requirements for seeking reimbursement from the District for those expenses.

This policy is intended to comply with the requirements of Government Code §§53232-53232.4.

9.1. Applicability

This policy applies only to members of the Board of Trustees. Reimbursement for expenses to the District Director and to employees of the Altadena Library District shall be governed by the District's personnel rules and policies.

9.2. Authorized Expenses

A Library Trustee is eligible to receive reimbursement for travel, meals, lodging and other and necessary expenses incurred in attending the following meetings, events and activities, provided the attendance is approved by the Board of Trustees, and includes (but is not limited to) the following categories:

- A.** Conferences, Meetings and Workshops
Attendance at conferences, meetings and workshops of regional, state and national organizations whose activities benefit or affect the District's activities or interests;
- B.** Special Projects
Attendance at conferences and meetings regarding special library projects;
- C.** Community Activity or Visibility
Attendance at community sponsored functions, where the presence of a representative is requested or important;
- D.** Legislative Activity and Meetings with Local, Regional, State or National Officials
Attendance at meetings with local, regional, state or national officials on legislative issues or District policy or program issues; and
- E.** Ethics, Harassment, Brown Act, or Special District Training
Attendance at a conference, meeting, workshop or organized educational activity conducted in compliance with Government Code §54952.2(c), including but not limited to ethics training required by Government Code §53234.
- F.** Educational Conferences and Professional Meetings (as outlined in §10 of this policy).

Event categories not subject to reimbursement, and which will not receive Board approval, include social events, District-sponsored employee events, festival and holiday events, and meetings of political organizations.

9.3. Library Board of Trustees Budget Approval for Activity

A budget for attendance by a member of the Board at eligible meetings or events as described in Section 9.2 of this policy will be established as a line item in the District's budget. Adoption of the budget by the Board of Trustees will constitute prior approval of such expenses provided the total expenditures do not exceed the approved budget. Expenses which exceed the approved budget must be approved by the Board before they are incurred.

9.4. Reimbursement Rates and Amounts

A. Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs, the Trustee's time constraints, and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if more than one District official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available.

1. **Airfare.** Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered by the State of California shall be, in most normal circumstances, presumed to be the most economical and reasonable for purposes of reimbursement under this policy. The Board recognizes and acknowledges that such airfares are not always practicable or available in certain limited circumstances, and finds that higher airfares may be appropriate in individual cases.
2. **Automobile.** Automobile mileage shall be reimbursed at Internal Revenue Service rates presently in effect (see <http://www.irs.gov/>). These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed. Mileage for travel to meetings, conferences, and activities with a ten-mile radius shall not be reimbursed by the District.
3. **Car Rental.** Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this policy.
4. **Taxis/Ride-Share/Shuttles.** Taxi, ride-sharing, or shuttle fares may be reimbursed, including a 15% gratuity per fare, when the cost of such fare is equal or less than the cost of car rentals, gasoline and parking combined, or when such transportation is necessary for time-efficiency.

B. Lodging

Lodging expenses will be reimbursed or paid for when travel on official District business reasonably requires an overnight stay.

1. **Conferences/Meetings.** If such lodging is in connection with a conference, lodging expenses must not exceed the group rate published by the conference sponsor for the

meeting in question if such rates are available at the time of booking. If the group rate is not available, see subparagraph 2 below.

2. **Other Lodging.** Travelers must request government lodging rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelsmart.com/lodguideframes.htm>. Lodging rates that are equal or less than government rates are presumed to be reasonable and hence reimbursable for purposes of this policy. In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.hotels.com, www.expedia.com, or an equivalent service shall be considered reasonable and hence reimbursable if, given the circumstances of the travel, such comparable rates can be found. In unique circumstances, the District Director may approve the reimbursement of reasonable lodging costs that exceed the two standards above, if necessary, under the particular circumstances.

C. Meals

Trustees shall, when available, take meals that are provided as part of a seminar or conference registration fee. Reimbursable meal expenses and associated gratuities shall not exceed \$60 per day.

D. Telephone/Fax/Cellular

Trustees will be reimbursed for all actual telephone and fax expenses incurred for Altadena Library District business. Telephone bills should identify which calls were made on Altadena Library District business.

E. Internet

On out-of-town trips, Trustees will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15 per day, if Internet access is necessary for Altadena Library District related business.

F. Airport and Other Parking Charges

The Altadena Library District will reimburse parking costs based on actual costs or the equivalent of long-term parking rates used for travel exceeding 24 hours.

G. Other

Baggage handling fees and reasonable gratuities will be reimbursed. Expenses for which Trustees receive reimbursement from another agency are not reimbursable. Any and all expenses that do not fall within the adopted reimbursement policy are required to be approved by the Library Board of Trustees in a public meeting prior to the expense(s) being incurred.

9.5. Non-Reimbursable Expenses

Examples of personal expenses for which the Altadena Library District will not reimburse a Trustee include, but are not limited to:

- The personal portion of any trip;
- Political or charitable contributions;

- Family expenses, including partner’s expenses when accompanying an official on agency-related business, as well as children or pet-related expenses;
- Entertainment expenses, including theater, movies (either in-room or at the theater), recreational events not related to Altadena Library District business (including gym or massage expenses), cultural events not related to Altadena Library District business;
- Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline;
- Personal losses incurred while on Altadena Library District business; and
- Personal alcohol or bar expenses.

9.6. Expense Report Content and Submission Deadline

All expense reimbursement requests must be submitted on an expense report form provided by the Altadena Library District. This form shall include the following advisory:

“All expenses reported on this form must comply with the Altadena Library District’s policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Altadena Library District’s policies may include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.”

Expense reports must document that the expense in question met the requirements of this policy. Except as required sooner by this policy, Trustees must submit their expense reports within 30 calendar days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documentation. The inability to provide such documentation in a timely fashion may result in the expense being borne by the Trustee.

9.7. Verification of Expense Reports

Trustees shall submit their reimbursement forms to the District Director for review, final approval and payment. Included on the reimbursement form will be an explanation of the Altadena Library District-related purpose for the expenditure(s), and receipts evidencing each expense shall be attached.

The District Director shall review and approve all reimbursement requests. The District Director may request additional documentation or explanation of individual expenditures for which reimbursement is requested by the Trustee. Expenses that do not adhere to the adopted reimbursement policy and that do not receive approval from the Board of Trustees in accordance with the above policies prior to the expense being incurred shall not be eligible for reimbursement.

9.8. Reports to the Public

At the next subsequent regular Board meeting, each member shall briefly report, orally or in writing, on all meetings attended at District expense. If multiple members of the Board of Trustees attended an event, a joint report or individual report on behalf of all attendees may be made.

9.9. Compliance with Laws

Trustees should keep in mind that some expenditures could be subject to reporting under the Political Reform Act and other laws. Records of all District expenditures and documentation regarding expense reimbursements are public records subject to disclosure under the Public Records Act, subject to any applicable exemptions.

9.10. Violation of this Policy

Failure of District officials to abide by this Policy, following its adoption, may result in disciplinary action, up to and including censure, removal from office (including for designated events constituting a vacancy before expiration of term under Gov. Code §1770) or referral for criminal prosecution.

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: (1) loss of reimbursement privileges, (2) a demand for restitution to the Altadena Library District, (3) the Altadena Library District reporting the expenses as income to the Trustee to state and federal tax authorities, (4) civil penalties pursuant with California state law, or (5) prosecution for misuse of public resources (Penal Code §424).

10. Training, Education, and Conferences

Trustees are encouraged to attend educational conferences and professional meetings when the purposes of such activities are to improve Board and/or District operations. Attendance at such educational conference and professional meetings are considered a part of an official's performance of their official duties for the Altadena Library District. There is no limit as to the number of Trustees attending a particular conference or seminar when it is apparent that their attendance is beneficial to the Library District. "Junkets" (a tour or journey for pleasure at public expense), however, will not be permitted.

It is the policy of Altadena Library District to encourage board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with interests of the Altadena Library District. Cash advances are not permitted. All reimbursement of actual and necessary expenses shall be pursuant to the policies outlined in previous sections.

A Trustee shall not attend a conference or training event for which there is an expense to the Library District if it occurs after they have announced their pending resignation, or if it occurs after the election in which it has been determined that they will not retain their seat on the Board. A Trustee shall not attend a conference or training event when it is apparent that there is no significant benefit to the Altadena Library District.

Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the Altadena Library District, the Trustees shall either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. The report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District Director to be included in the library for the future use of other staff.

The District Director (or his/her designee) must provide information on available training to the Board as it becomes available, or at least once a year.

10.1. Ethics Training

All Trustees and the District Director shall receive two hours of training in general ethics principles and ethic laws relevant to public service within one year of election or appointment to the Library Board of Trustees, and at least once every two years thereafter, pursuant to Government Code §§53234-53235.2.

This policy shall also apply to all staff members that the Board of Trustees designates and to members of all commissions, committees and other bodies operating subject to the Ralph M. Brown Act who receive

any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

Trustees and the District Director shall obtain proof of participation after completing the ethics training. Altadena Library District staff shall maintain records indicating both the dates that the District Director and Trustees completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after the District Director and the Board of Trustees receive training, and are public records subject to disclosure under the California Public Records Act. Altadena Library District staff shall provide the District Director and Board of Trustees with information on available training that meets the ethics training requirements of this policy at least once every year.

Ethics training may consist of either a training course or a set of self-study materials with tests, and may be taken from home, in person or online. Any Trustee that serves on the board of another agency is only required to take the training once every two years.

10.2. Sexual Harassment Prevention Training

Government Code §§53237-53237.5 requires each local agency official to receive sexual harassment prevention training. Trustees shall receive at least two hours of sexual harassment prevention training and education within the first six months of taking office, and every two years thereafter. Any entity which provides training must also provide the participants with proof of participation, and the Altadena Library District shall maintain records for at least five years detailing the dates on which Trustees fulfilled said training, as well as the entity that provided it.

10.3. Brown Act & Special District Training

Trustees are encouraged within their first six months of tenure on the Board to take advantage of free training from CSDA, the Los Angeles District Attorney’s office, or other similar agencies, on board member best practices, the Brown Act, and other issues and concerns applicable to the Altadena Library District. The District shall provide training annually for the Board on the *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 case and the District’s use of electronic communications in line with state statutory and decisional law requirements.

11. Board Meetings

11.1. Regular Meetings

Regular meetings of the Altadena Library District Board of Trustees are generally held the fourth Monday of each month in one of Altadena Library District libraries. The schedule of dates and locations of Board meetings for the next year is determined at the regular November or December meeting of the prior year, although the schedule and location may be modified by Board action, if appropriate.

All meetings are subject to the Ralph M. Brown Act. The Altadena Library District shall post the agenda for its regular meeting at least 72 hours prior to the meeting.

11.2. Special Meetings

Pursuant to the provisions of Government Code §54956, Special Meetings of the Board of Trustees may be called by or at the direction of the President, or by a majority of Board members, with at least 24-

hours' notice before the meeting, as required by the Brown Act. Although the Education Code specifies that a special meeting may also be called by a majority of Board members, by written notices served upon each member of the Board at least 12 hours before the time specified for the meeting (Ed. Code §19429), it shall be the policy of this Board to require at least 24-hours' notice in line with Brown Act provisions. Once such a special meeting is called by a majority of Board members, written notice must also be delivered to any newspaper, radio station, or television station that has requested such notice (Gov. Code §54956(a)). The call and notice shall specify the time and place of the special meeting and the business to be transacted. Non-agenda items shall not be considered or discussed at such meetings. Special Meetings must be open to the public.

11.3. Emergency Situations

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of Library District facilities, the Board may hold an emergency meeting without complying with the 24-hour notice requirement of this section.

For the purposes of this situation, "emergency situation" can be understood to mean any of the following:

- A. Work stoppage of other activity which severely impairs public health, safety, or both, as determined by a majority of the members of the Board;
- B. A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting may endanger the public health, safety, or both, as determined by a majority of members of the Board (Gov. Code §54956(a)(2)).

However, any local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to Government Code §54956 shall be notified by the presiding officer of the Board, or designee thereof, one hour prior to the emergency meeting by telephone.

In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and all reasonable efforts shall be made to notify those media outlets of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

Should a closed session be necessary under the closed session provisions set forth in Gov. Code §54957, notwithstanding emergency closed session provisions as set forth in Government Code §54957, the Board shall not meet in closed session during a meeting called pursuant to this section.

All special meeting requirements, as prescribed above, shall be applicable to a meeting called pursuant to this section, save for the 24-hour notice requirement. The minutes of a meeting called pursuant to this section, a list of persons whom the presiding officer (or designee of the Board) notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

11.4. Teleconferencing

As per Gov. Code §54953, teleconferencing - meaning the connection of members of the Board of Trustees by electronic means, either through audio or video or both - may be used for the benefit of the public and the District in connection with any meeting or proceeding authorized by law. It may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the Board of

Trustees. All votes taken during a teleconferenced meeting shall be by roll call. The following practices must be observed:

- A. No action shall be taken by secret ballot, whether preliminary or final.
- B. The Board shall publicly report any action taken and the vote or abstention on that action of each member present for the action.
- C. At least a quorum of Trustees must be within the District at the time of the teleconferenced meeting (although they may teleconference from locations within the District).
- D. Agendas shall be posted at all teleconference locations, and each teleconference location shall be identified in the notice and agenda of the meeting, and shall be accessible to the public. The agenda shall provide an opportunity for members of the public to address the Board of Trustees directly at each teleconference location.

11.5 Closed or Executive Sessions

The Ralph M. Brown Act allows private executive sessions, or closed sessions, for discussion of anticipated and initiated litigation, certain personnel matters and public employment, and labor and real estate negotiations. The Meyers-Milias-Brown Act also allows executive sessions for discussion of matters related to recognized employee organizations. A member of the Board of Trustees may participate in the discussion via telephone and may vote (by roll call) if needed under the provisions set forth above for teleconferencing. If he/she is within the territorial limits of the agency, that member may be counted toward the quorum, but if he/she is outside the territorial limits of the agency, that member may participate in discussion and vote (by roll call), but may not be counted as part of the quorum. These sessions require the same notice as Special Meetings.

11.6 Parliamentary Procedure

Robert's Rules of Order (most current edition) shall govern the parliamentary procedures of the Board of Trustees, with two exceptions:

- A. A Trustee proposing a motion may speak briefly on behalf of the proposal prior to making the formal motion. However, there shall be no further debate or discussion until the motion is properly made and seconded.
- B. While the president must vacate the chair prior to making or seconding a motion (e.g. shall pass the gavel to the Secretary), in all other matters the officers shall be considered equal in privilege and responsibility to one another. They shall be encouraged to participate in debate and discussion and to vote on all matters brought before the Board.

The steps based on *Robert's* for a motion presented to the Board of Trustees are as follows:

- A member is recognized by the Chair;
- That member makes a motion;
- The motion is seconded by another member;
- The motion may be restated by the Chair at his/her discretion or at the request of any member;
- Discussion of the motion
- A vote is taken, and ayes, nays, and abstentions are recorded; and
- The Chair announces the results of the vote and what action shall be taken.

11.7. Quorum

A quorum consists of three members of the Board of Trustees. An affirmative vote by a majority of the members present and voting is required to approve any action. The Chair shall, after calling the meeting to order, recognize the arrival or departure of any member of the Board of Trustees before adjournment. This information shall be included in the minutes of that meeting.

11.8. Voting

All measures shall be passed by a majority of those present and voting. Voting shall be by voice and hand vote unless a member specifically requests a roll call vote, or when a roll call vote is mandated by State law.

11.9 Censure and Disciplinary Procedure

Failure by any member of the Board of Trustees to abide by the requirements set forth in this Policy may result in disciplinary action, up to and including censure, removal from office (including for designated events that constitute a vacancy before expiration of term under Gov. Code §1770 - e.g., failure to perform official duties for three consecutive months) or referral for criminal prosecution.

- A. *Censure Requirements.* To censure any Board member for offending conduct that may violate this policy, any offended Board member may prepare, or may request that legal counsel prepare, a resolution to be brought back to the full Board of Trustees, to be voted upon at the next regularly scheduled Board meeting. The censure resolution shall be placed on the agenda for the next regularly scheduled Board meeting with the same notice otherwise required under the Brown Act, and the item must be considered in open session. The Board member(s) preparing or requesting censure shall include (or direct legal counsel to include) all actions allegedly taken by the offending Board member that are contrary to the legitimate interests of the District, and which were taken without authorization, approval, or ratification by the Board.
- B. *Notice to Board member subject.* The Board member subject of the censure resolution shall receive individualized notice of the resolution by mail in advance of the scheduled Board meeting at which the censure resolution is set to be heard. That notice is effective at the date of mailing. At the time the censure resolution is considered, the Board member proposed for censure shall be afforded an opportunity to be heard, although he or she has no right to cross-examine any other Board member. For the alleged offending Board member(s) to be censured, the resolution would need to be adopted by a majority of the Board, excluding the alleged offending Board member(s).

12. Presenting Matters to the Board of Trustees

12.1. Agendas

- A. Every staff member and committee member of the Altadena Library District, and every citizen, individual, corporation, committee, or civic group having reports, communications, proclamations, resolutions or any other matter of business to be presented at a regular meeting, shall notify the District Director of the fact in writing at least 10 business days prior to the date of that meeting. The District Director and the President of the Board of Trustees shall determine which of such items are to be placed on a future agenda as matter directly related to Altadena Library District business.

- B. All items requested to be placed on an agenda by a member of the Board of Trustees shall appear on the agenda, with a brief general description of the item for inclusion in the agenda.
- C. The District Director shall work closely with the Board President to prepare the agenda. The District Director shall deliver to members of the Board a complete copy of such agenda not later than 72 hours preceding a regular meeting, and 24 hours preceding a special meeting. The agenda shall be prominently displayed at the Board of Trustees meeting, and shall be made publicly available on the District's website in compliance with the Brown Act. The agenda shall contain a brief, general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the meeting and a copy thereof shall be posted on a business day at least 72 hours before any regular meeting in a location that is freely accessible to members of the public and designated by the Board of Trustees.
- C. Each agenda item must be marked ACTION and/or INFORMATIONAL. No matters other than those on the agenda shall be acted upon by the Board of Trustees; provided, however, that the Board of Trustees may take action on a matter not appearing on the posted agenda upon a determination by a majority vote that an emergency situation exists, as defined in Government Code §54956.5.
- D. No action will be taken on agenda items for which there are District-generated or District-provided review attachments unless the attachments have been provided to each member of the Board of Trustees at least 24 hours prior to the Board of Trustees meeting. Documents which are public records, and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the Altadena Library District or after the meeting if prepared by another party, in accordance with the Ralph M. Brown Act.
- E. Any Trustee may add an item at the time of the Board of Trustees meeting for inclusion on a future agenda. No action shall be taken on these future agenda items at the meeting at which they are added.

12.2. Order of Business

The order of business as set forth in the agenda may be adjusted during the meeting with the approval of the Board of Trustees. As a permanent agenda item, there will be an opportunity for communication and comments from the public concerning items not on the agenda.

12.3. Minutes

Minutes of Board of Trustees meetings are a matter of public record. The official written Minutes are filed in the Administrative Office at Main Library and on the Altadena Library District's website and are available for public inspection and review during normal business hours.

12.4. Adequate Information to Precede Action

Except in emergencies, the Board of Trustees shall not attempt to decide upon any question before examining and evaluating information any person requests the Board of Trustees to consider. The District Director shall be given an opportunity to examine and evaluate all such information and to recommend action before the Board of Trustees attempts to make a decision. All budget considerations shall be

presented with adequate financial context from the budget, so the Board of Trustees can give each item adequate consideration.

12.5. Trustee Suggestions

Trustees may individually make suggestions for library services and operations to the District Director for evaluation.

12.6. Official Reports

Whenever a member of the Board of Trustees attends a meeting as an official representative of the Board or of the Altadena Library District, a written or oral report should be made available to the other members of the Board of Trustees. A written report is recommended.

12.7. Guidelines for Addressing the Board of Trustees by Members of the Public

At each regular meeting, time is set aside for oral communications from the public. Members of the audience may speak on any District-related subject which is not included on the agenda under the agenda item "Communication and Comments from the Public Concerning Items Not on the Agenda."

Later, when each agenda item comes before the Board of Trustees, the President (or Chair) will invite those who have filled out request cards to speak on that item before comments from staff and the Board of Trustees.

The Board of Trustees recognizes its responsibility to openness in governing and the importance of public input. However, in order to conduct its business in an orderly and efficient manner, the Board of Trustees will require reasonable policies regarding public presentations to the Board of Trustees.

- A. Those wishing to address the Board of Trustees are requested to fill out a request card for each agenda item or topic they wish to speak on and hand it to an appropriate staff member.
- B. When called to speak, speakers should go to the microphone and are requested to identify themselves by name.
- C. Remarks shall be limited to three minutes per person. This applies to both non-agenda and agenda items.
- D. All remarks are to be directed to the Chair. Dialogue between members of the public and between the public and Trustees is not permitted in a manner that would violate Brown Act principles. Trustees may briefly respond to comments or questions from the public at their discretion. It shall be within the Chair's discretion to ensure that Board members do not engage in dialogue that would impede the orderly conduct of agendized business.
- E. Remarks by any person addressing the Chair which reflect adversely upon the political or religious views, or character of any person, are not permitted. Derogatory, insulting or abusive remarks directed toward any employee of the Altadena Library District shall not be permitted. The Board of Trustees cannot prohibit public criticism of policies, procedures, programs or services of Altadena Library District or the acts or omissions of the Board of Trustees itself. (Gov. Code §54954.3(c)). (The law provides no immunity for defamatory statements.)
- F. The Chair shall rule on the appropriateness of the subject being presented and whether

presentation is within the time limits specified.

- G. Violations of these rules that severely disrupt the meeting may lead to removal of the individual from the meeting. Severe disruption will be categorized as action that renders the meeting proceedings unfeasible, in the Chair's discretion. When an individual or group of persons render the orderly conduct of the meeting unfeasible and order cannot be restored by removal of those individuals willfully interrupting the meeting, the Board may order the meeting room cleared and continue in session in line with the Brown Act procedure laid out in Gov. Code §54957.9.

12.8. Agenda Attachments

All items indicated as attachments to the agenda for any items to be considered by the Board of Trustees will be available via the Altadena Library District's website and in print at least 72 hours prior to the commencement of the meeting at which Board of Trustees deliberation is required, and when possible, at the time of agenda distribution. Documents which are public records, and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the District or after the meeting if prepared by another party, in accordance with the Ralph M. Brown Act.

12.9. Support Request

There may arise an occasion when an Altadena resident, special interest group, non-government organization, government organization, or other entity will ask the Altadena Library District (ALD) Board of Trustees to support an idea, cause, grant application or other project. Each request will be unique, not only regarding the purpose but implications, and will be treated separately using the following guidelines.

- The initiating person or entity will provide a written request by mail, email, or fax, to the ALD Board of Trustees that includes the specific history or details of the circumstance, incident or cause, or provide details of the grantors other projects and the reason the ALD should consider supporting the request.
- This request will be forwarded to the ALD Director, who will solicit and encourage any additional comments or supporting information to be submitted with the request to the ALD Board of Trustees.
- The request will be presented to the ALD Board of Trustees as "correspondence" on the subsequent monthly meeting agenda. The ALD Board of Trustees will review the request, consider potential implications, and may request additional information to aid deliberations and discussions. The initiating person, representative or entity may be invited to participate in the meeting.
- The ALD Board of Trustees Chair will have the discretion to delegate the decision of support to the ALD Director or set the request as "New Business" at a subsequent monthly meeting for a formal vote.
- If the ALD Board of Trustees agrees to support the request, the ALD Director will communicate this request response and any additional request of the ALD Board of Trustees to the submitting person or entity for their understanding of the ALD position.

13. Correspondence

Members of the Board of Trustees acting in their capacity as an officer, committee chair, or liaison, may issue correspondence on Altadena Library District letterhead stationery as it relates to the office, committee, or liaison function. Members of the Board of Trustees shall provide a copy to the District Director for file and distribution to the Board of Trustees as required. Correspondence representing or

advocating an Altadena Library District position on an issue (e.g., a ballot measure) require prior Board of Trustees approval.

14. Awards and Honors

The Board of Trustees may honor and recognize the service of the staff. Recognition of staff five-year milestones (beginning at five years, and every five years thereafter) should be organized in close concert with the District Director.

The Board of Trustees may from time to time of its own accord honor and recognize individuals from the community who have distinguished themselves by service to the Altadena Library District. Such recognition may be in the form of a Certificate of Recognition to be presented, if possible, at a Board of Trustees meeting.

The Board of Trustees may also, from time to time of its own accord, honor and recognize individuals from the community who have distinguished themselves. Such recognition may be in the form of a Certificate of Recognition to be presented, if possible, at a Board of Trustees meeting.

Acting upon recommendations submitted by the District Director, the Board of Trustees will recognize volunteers who have contributed significant hours of service or value to Altadena Library District. Such recognition may be in the form of a Certificate of Recognition to be presented, if possible, at a Board of Trustees meeting.

15. Communications

15.1. Media

A. Responsibility

1. The District Director shall coordinate the release of information concerning Altadena Library District and the actions of the Board of Trustees.
2. The President of the Board of Trustees or his/her designee shall be the official spokesperson for Board of Trustees actions. Individual Board members who speak to media representatives should clarify to media representatives that any comments they choose to make are their own personal viewpoints and do not represent a consensus of or position taken by the Board of Trustees unless such position was passed by a motion of the Board of Trustees. In such a case, the motion should be quoted exactly.
3. Individual Board members should report all relevant media contacts to the District Director, and, in turn, the District Director will keep the Board informed of media activity in the District.
4. Altadena Library District employees and/or volunteers shall refer media inquiries to the District Director. Altadena Library District employees and/or volunteers shall clarify to media representatives that any comments they choose to make are their own personal viewpoints and do not represent the official position of the Altadena Library District. Employees and/or volunteers should report all media contact to the District Director.

B. Cooperation with Media

1. The Altadena Library District shall cooperate with media representatives in an effort to provide accurate information in response to media interests and for dissemination to the public through the media.
2. Media representatives are encouraged to attend meetings of the Board of Trustees and its standing committees and will receive meeting announcements, agendas, and agenda packets upon request.

C. Visits to Altadena Library District Facilities

1. When visiting Altadena Library District facilities in an official capacity, media representatives are requested to notify staff of their presence and activity. Staff so notified shall inform the District Director of the presence of media representatives at an Altadena Library District facility.
2. Media wishing to photograph Altadena Library District facilities shall adhere to any applicable guidelines and policy regarding video, media, or still photography on District property that is compliant with State or Federal law.

D. Crisis Communications

During crisis situations, all media inquiries shall be routed to the office of the District Director or his/her designee, who shall prepare and update an official statement responding to the situation as events unfold. The Director will keep the Board of Trustees informed.

E. Confidentiality

The Altadena Library District shall not release information which is private or confidential as identified by law.

15.2. Email and Personal Devices

15.2.1 Purposes

The purpose of this Email and Personal Devices Policy (“Policy”) is to provide clear and concise direction regarding the business of the Altadena Library District (“District”) via electronic communications by the Board of Trustees and any District official, as defined below, and is enacted with reference to broader District operational guidelines for all District employees. Specifically, this Policy is adopted in light of the *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 case, which held that local agency employees’ communications related to the conduct of public business do not cease to be public records under the California Public Records Act (“PRA”) simply because they were sent or received using a personal email account or personal electronic device.

Existing and emerging electronic communications technologies have become an integral part of the ability of District officials to efficiently and effectively conduct District business. However, with such technology in the work environment, the District must ensure it continues to meet its legal obligations with respect to transparency in the conduct of the people’s business, including in the area of public records disclosure and retention requirements. To that end, the following policies and protocols will be followed.

15.2.2. Definitions and Scope

For purposes of this policy, the following definitions shall apply:

- A. “District business” shall be construed broadly to mean topics within the subject matter of the District’s jurisdiction, including, but not limited to, pending or potential Altadena Library District projects and all past or prospective District agenda items.
- B. “District network” shall mean any Internet access, computer server, computer network, intranet, local area network, wireless network, e-mail system, cloud storage system, or file-sharing system owned or made available by the District.
- C. “District official” shall mean any person elected or appointed to a legislative body, commission, or committee of the Altadena Library District.
- D. “District personnel” shall collectively refer to all District employees, elected officials, appointed officials, and consultants who create, transmit, or retain electronic communications related to Altadena Library District business.
- E. “Electronic communications” includes any and all electronic transmission, and every other means of recording upon any tangible thing in any form of communication or representation, regardless of the manner in which the record has been stored. Without limiting the nature of the foregoing, “electronic communications” include e-mails, texts, voicemails, and also include communications on or within commercial applications (apps) such as Facebook Messenger, Twitter, WhatsApp, etc.
- F. “Electronic device” shall refer to a device depending on the principles of electronics for its operation, including but not limited to cellular telephones, laptops and desktop computers, tablets, pagers, cameras, televisions, and DVD/CD players.

- G. “Electronic messaging account” means any account that creates, sends, receives or stores electronic communications.
- H. “Public record” shall mean any writing, as defined in Government Code §6252(f), that is prepared, owned, used, or retained by the District and that substantively relates to District business.

15.2.3 Policy and Procedures: Personal Devices

- A. All District officials shall be assigned a District electronic messaging account. All electronic communications created, sent, received, deleted, or stored using the District’s network or a District-owned device are the property of the District.
- B. Only District-issued electronic messaging accounts and, if applicable, District-issued electronic devices shall be used to conduct District business. To the greatest extent possible, District officials shall not use personal electronic messaging accounts for the creation, transmission or storage of electronic communications regarding District business.
- C. District electronic messaging accounts and access to the District’s electronic messaging server are solely for the purpose of conducting District business and shall not be used for personal business or political activities. Incidental use of District-issued electronic messaging accounts for personal use by District officials is permissible under state law, though discouraged.
- D. District-provided ethics training, pursuant to AB 1234, should include a discussion of the impacts of the *San Jose* case and this policy. Such training should include information on how to distinguish between public records and personal records.
- E. To avoid greater intrusion into District officials’ personal electronic devices and electronic communications than is necessary in response to a Public Records Act request, all District officials should, within 30 days following the adoption of this Policy, search all private, non-governmental electronic messaging accounts and electronic devices to locate any electronic communications that might constitute a public record regarding District business. All such public records should be forwarded to the District-issued electronic messaging account assigned to that District official or to a District-controlled storage system. To the extent the District official believes that any part of such records contains personal matter not related to the District’s business, the District official shall consult with District counsel. Newly elected or appointed members of the Board of Trustees shall be required to sign acknowledgement of this Policy within 30 days following their first Board meeting to ensure communications that may be subject to disclosure under the Public Records Act are retained exclusively on a District-issued electronic messaging account to the greatest extent possible.
- F. If a District official receives an electronic message regarding District business on his/her non-governmental electronic messaging account, the District official shall either: (a) copy (“cc”) any communication from the District official’s personal electronic messaging account to his/her District electronic messaging account; or (b) forward the associated electronic communication to his/her District account as soon as possible. District officials should request persons sending electronic communications regarding District business to utilize that District official’s electronic messaging account.

- G District officials understand they have no expectation of privacy in the content of any electronic communication sent or received on a District electronic messaging account, on communication utilizing District servers, or any District-issued electronic device. District officials understand that electronic communications regarding District business that are created, sent, received or stored on an electronic messaging account, may be subject to the Public Records Act, even if created, sent, received, or stored on a personal electronic messaging account or personal electronic device.

Public Records Requests

- H. In the event that the District receives a Public Records Act request that is specifically seeking public records prepared, owned, used, or retained by District personnel, the request shall promptly be transmitted to the relevant District personnel who may reasonably be in possession of records responsive to the request, along with the date by which any potentially responsive electronic communications need to be transmitted back to the District for review and subsequent transmit to the requesting party.
- I. It shall be the duty of all District officials receiving such a request to promptly conduct a good faith and diligent search of his/her personal electronic messaging accounts and devices for responsive electronic communications, and/or be able and willing to declare that such records being sought are not stored or retained on his/her personal electronic messaging accounts and devices, signed under penalty of perjury, included as Attachment A to this Policy. If any responsive records are located, District officials shall promptly transmit those records to the appropriately designated member of District personnel.
- J. District officials who makes a decision to withhold or redact any electronic communication identified as potentially responsive must submit a declaration, included as Attachment A to this Policy, under penalty of perjury with facts sufficient to show the record is not related to District business. In the event a question arises as to whether or not a particular communication, or any portion of it, is a public record or purely a personal communication, the District official should consult with District counsel.
- K. This policy does not waive any exemption to disclosure that may apply under the California Public Records Act.
- L. District officials understand that all electronic communications regarding District business are subject to the District's Records Retention policy, regardless of how the communications was transmitted or stored. Since it is unlawful to destroy, alter or falsify a public record, District officials must retain all electronic communications regarding District business in accordance with the District's adopted records retention policy.

15.2.4. Policy and Procedures: Email Usage

- A. Communication on the District's network should be focused on District business. District officials are not to use email for non-governmental business, including, but not limited to commercial ventures or religious or political causes. The District's network shall not be used for any activity that is a violation of local, state, or federal law.
- B. District officials are prohibited from using the District's network to transmit any electronic communication containing or expressing:
 - 1. Messages of a religious nature or promoting or opposing religious beliefs.

2. Messages containing language that is insulting, offensive, disrespectful, demeaning, or sexually suggestive.
 3. Messages containing harassment of any form, sexual or ethnic slurs, obscenities, or any representation of obscenities.
 4. Messages that promote, foster, or perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws.
 5. Messages used to send or receive copyrighted material, proprietary financial information or similar materials, unless the transmission of such material is directly related to District business.
 6. Messages used for gambling or any activity that is a violation of local, state, or federal law.
 7. Threats of violence or injury to any person, property, or organization.
 8. Messages that conduct or encourage illegal activity.
 9. Non-work-related newsletters or other mailers, which may be susceptible to spam or a malicious attack.
- C. District officials are strongly discouraged from using any program, application, or platform to discuss or conduct District business or to exchange electronic communications related to District business other than their District-issued email account, as these communications constitute public records under the Public Records Act.
- D. District officials are responsible for managing their mailboxes, including organizing and deleting any non-District related messages.
- E. District officials are expected to remember that email sent from District email accounts or on behalf of the District is a representation of the District. All District personnel must use normal standards of professional and personal courtesy and conduct when drafting email messages.
- F. District officials should avoid “broadcasting” messages and documents unless the message is of interest to all District personnel.
- G. The District reserves the right to retrieve any and all electronic communications transmitted through the District network or on District-owned technology. As a routine matter, the District does not read or monitor the content of electronic communications created, sent, received, deleted, or stored through the District network or on District-owned technology, but may monitor or access such electronic communications as permitted by Federal or State law.
- H. Most communications among District personnel are not confidential communications. However, certain communications such as police investigations, personnel records, or attorney-client communications may contain confidential information under the Public Records Act. Questions about whether communications are confidential, and how they are to be preserved, should be discussed with District counsel. The use of passwords to protect documents does not guarantee confidentiality or security.
- I. District officials shall not forward messages from his/her District-issued electronic messaging account to any non-governmental account(s) for the purpose of creating a personal email archive of any record related to District business.

- J. District officials are responsible for respecting and maintaining the security of District electronic resources and networks, and shall not attempt to access information protected by privacy laws, impersonate other network users or install or use illegal software or files, including unauthorized apps, on any Department-issued electronic devices.
- K. District officials who are leaving the office have no rights to the contents to any electronic communications stored on the District's network or on a District-owned device.

15.2.5 Violations

- A. Failure of District officials to abide by this Policy, following its adoption, may result in disciplinary action, up to and include censure, removal from official or referral for criminal prosecution.
- B. If a District official uses his or her personal electronic device to send text messages or instant messages to conduct District business he/she must retain the message(s) in accordance with the District's Records Retention policy, and/or ensure that a copy is forwarded to a District electronic messaging account. The same is true for conducting District business via social media, in line with the District's Social Media and Online Activity Policy.

ATTACHMENT A: DECLARATION

ATTACHMENT B: POLICY ACKNOWLEDGEMENT

[attached on following pages]

In the matter of:

California Public Records Act Request
Pursuant to Gov. Code §6250 *et seq.*

Re: _____

Insert shorthand name of record request, including
request number, if applicable

Requester: _____
Print or type name of requester

Declaration of:

Print or type name of official

**Regarding Search of Personal Electronic
Messaging Account**

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
ALTADENA LIBRARY DISTRICT

I, declare: Print name

1. I received notice of a California Public Records Act (“CPRA”) request regarding a search of my personal electronic messaging account(s).

2. I understand that the CPRA request seeks:

_____ Insert
text of CPRA request.

3. I am the owner or authorized user of the following personal electronic messaging account and have the authority to certify the records:

_____ Insert
description of personal electronic messaging account(s).

4. I have made a good faith, diligent, thorough, and complete search of the above mentioned personal electronic messaging account(s) for all electronic communications potentially responsive to the above mentioned CPRA request.

5. Any responsive electronic communications discovered, and referenced below, were prepared or used by me in the ordinary course of business at or near the time of the act, condition or event.

6. Any responsive electronic communications discovered, and referenced below, are true copies of all records described in the above mentioned CPRA request.

Check the applicable box:

I certify that I do not possess responsive electronic communications.

I certify that I cannot reasonably recover responsive electronic communications.

_____ Explain efforts to retrieve responsive electronic communications and why you were unable to recover responsive electronic communications.

I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account, but I am withholding that information because the information is “personal” business. This is for the following reasons:

_____ Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.

I certify that I discovered potentially responsive electronic communications from my personal electronic messaging account. I am providing all responsive information. However, some information is nonresponsive, and I am withholding that information, because the information is personal business. This is for the following reasons:

_____ Describe with sufficient facts why the contested information is personal business and not subject to the CPRA. Attach additional pages, if necessary.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I have personal knowledge of the facts set forth above.

Executed this ___ day of _____, 20___, in _____, California.

By: _____

Print Name: _____

POLICY ACKNOWLEDGEMENT

District employees who have access to desktop computers, local area networks and the Internet, printers, fax machines, modems, application software, data files, voice mail, electronic mail (e-mail), and data imaging must indicate their acceptance and agreement to comply with this policy in writing. Failure to do so will result in termination of access to the computer resources specified above. Employees wishing to have access are required to indicate their written agreement prior to being given access. Please return this form to your supervisor or administrator to be kept on file.

ACKNOWLEDGEMENT OF RECEIPT

This is to acknowledge that I, _____, have received a copy of the District's Email and Personal Devices Policy. I understand that it contains important information on the District's policies with regard to the use of the District's network and District-owned technology, as well as my obligations and responsibilities.

I acknowledge that I have read, understand, and promise to adhere to the District's Email and Personal Devices Policy. I understand that the provisions in the Policy govern my use of the District's network and District-owned technology and that the District, in its sole and absolute discretion, may change, rescind, or add to this Policy from time to time, with or without prior notice to me. I further understand that it is my responsibility to regularly review and comply with any changes to the Policy.

Furthermore, I understand that any unlawful use of District's network and District-owned technology or any violation of this policy may result in discipline up to and including termination, as well as referral for criminal prosecution.

Printed Name: _____

Signature: _____

Date: _____

15.3. Social Media and Online Activity

15.3.1. General Purpose

The purpose of this Social Media Policy ("Policy") is to establish guidelines for the establishment and use by District officials of social media sites as a means of conveying information to members of the public. The District has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites, the content that is attributed to the District and its officials, and compliance with federal and state law.

15.3.2 Definitions

The following words and phrases whenever used in this Policy shall have the meaning defined in this section:

- A. "District business" shall be construed broadly to mean topics within the subject matter of the District's jurisdiction, including, but not limited to, pending or potential Altadena Library District projects and all past or prospective District agenda items.
- B. "District official" shall mean any person elected or appointed to a legislative body, commission, or committee of the Altadena Library District.
- C. "Posts" or "postings" means information, articles, pictures, videos or any other form of communication posted on a District social media site or social media site maintained by a District official.
- D. "Social media sites" means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, NextDoor, Blogs, RSS, YouTube, and LinkedIn.

15.3.3 District Officials' Use of Social Media

- A. While District officials are encouraged to maintain social media accounts in their capacity as elected or appointed officials ("official sites"), which can be used to encourage public participation, disseminate information, and expand transparency, District officials should be aware that a personal social media site that is used for District business can result in that social media site being made public to all, and its postings subject to public records and record retention laws. District officials should keep their personal social media presence ("personal sites") separate from that of the District and should, to the greatest extent feasible, refrain from using personal social media sites to discuss District business.
- B. The District is not responsible for the contents or accuracy of material posted on District

officials' personal or official social media sites, or for any comments made on District's social media pages posted independently and without the District's consent or approval. Publication of such content does not constitute an endorsement by the District.

- C. District officials cannot use electronic communications to respond to or deliberate with other District officials serving on the same District legislative body, as doing so with a majority of members would constitute an unlawful serial meeting under the Brown Act.
- D. District officials cannot discuss, deliberate or express opinions on current or future items that are set to or might reasonably be expected to come before the legislative body, as doing so could prejudice the public's ability to participate in District business or otherwise lead to the perception that the District does not value public input. District officials may, at their discretion and operating from their official accounts, provide information to the public that is already part of the public record or publicly available from the District or other public sources.
- E. During an emergency, District officials should share only confirmed information on personal or official social media sites to avoid confusion, and should refer constituents to the official Altadena Library District website or District social media sites for up-to-date information.
- F. A district official will include the following language on their personal and/or official social media sites to prevent confusion and public expectations: "This page is not operated by the Altadena Library District and is not a reflection of the District's official policies or opinions."
- G. To the extent that District officials cannot avoid interacting on personal social media sites with constituents on District business, District officials should take a screenshot of that social media correspondence, and forward it to their District electronic messaging account for preservation under the Public Records Act and in line with the District's record retention guidelines as soon as possible.
- H. Any social media posting made by District officials regarding District business shall not contain any of the following:
 - 1. Profane or obscene language or content;
 - 2. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
 - 3. Sexual content or links to sexual content;
 - 4. Solicitations of commerce;
 - 5. Conduct or encouragement of illegal activity;
 - 6. Information that may tend to compromise the safety or security of the public or

- public systems;
- 7. Content that violates a legal ownership interest of any other party; or
- 8. Threats of violence or injury to any person, property, or organization.

Failure of District officials to abide by this Policy following its adoption may result in disciplinary action, up to and include censure, removal from official or referral for criminal prosecution.

16. Regular Policy Reviews

The Board of Trustees shall review all District policies, including Board policies herein, on a regular basis, no later than three years after the policy was last approved.

Amendments to these policies may be made at any time. A Trustee shall introduce a suggested amendment at a regular Board meeting by written resolution, and such an amendment shall require a majority vote of the Board, at either a regular or a special meeting to pass.



Rosenberg's Rules of Order

REVISED 2011

Simple Rules of Parliamentary Procedure for the 21st Century

By Judge Dave Rosenberg



MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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INTRODUCTION

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

The Role of the Chair

While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:

First, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

Second, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

Third, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

Fourth, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move . . .”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

The motion to amend. If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

Second, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

Motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

Motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

Motion to fix the time to adjourn. This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

Motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

Motion to limit debate. The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

NOTE: A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

Counting Votes

The matter of counting votes starts simple, but can become complicated.

Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in

California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

How does this work in practice?

Here are a few examples.

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

Order. The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.



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Section 3: Financial and Operating Information



Altadena Library District

Proposed Budget

Fiscal Year 2020/21

	FY 2019/20 Adopted Budget	FY 2020/21 Proposed Budget	\$ Difference	% Difference
1 REVENUES				
2 Drawdown / (Addition) To Reserves	\$ 36,900	\$ 194,550	\$ 157,650	427%
3 Donations & Grants				
4 4705 · Altadena Library Foundation	10,000	10,000	-	0%
5 4710 · Friends of the Library	33,000	25,000	(8,000)	-24%
6 4730 · Undesignated	-	-	-	0%
7 4740 · CA Library Literacy Services	18,000	18,000	-	0%
8 Total Donations & Grants	61,000	53,000	(8,000)	-13%
9 Fines & Fees				
10 4305 · Fees	4,000	4,000	-	0%
11 4310 · MFM / Printer Revenue	5,500	8,000	2,500	45%
12 4340 · Passport Services Fees	120,000	90,000	(30,000)	-25%
13 4350 · Sales of Products	1,500	1,500	-	0%
14 Total Fines & Fees	131,000	103,500	(27,500)	-21%
15 Interest Income				
16 4220 · County Interest Allocation	21,000	21,000	-	0%
17 4210 · Savings	-	400	400	0%
18 Total Interest Income	21,000	21,400	400	2%
19 Other Revenues				
20 4915 · Film Rental Revenue	2,000	1,000	(1,000)	-50%
21 4930 · E-Rate Revenue	36,000	36,000	-	0%
22 4999 · Credit Card Rebates	10,000	10,000	-	0%
23 Total Other Revenues	48,000	47,000	(1,000)	-2%
24 Property Taxes & Assessments				
25 4010 · Current Secured	2,556,700	2,576,000	19,300	1%
26 4020 · Current Unsecured	86,900	86,900	-	0%
27 4030 · Prior-Year Secured	10,200	-	(10,200)	-100%
28 4040 · Prior-Year Unsecured	10,200	-	(10,200)	-100%
29 4050 · Homeowners Exemption	15,300	15,300	-	0%
30 4060 · Special Assessment	846,400	846,400	-	0%
31 4080 · Penalties, Interest & Costs	10,000	10,000	-	0%
32 Total Property Taxes & Assessments	3,535,700	3,534,600	(1,100)	0%
33 TOTAL REVENUES	3,833,600	3,954,050	120,450	3%
34 EXPENSES				
35 Personnel				
36 Salaries & Wages				
37 5010 · Salaried	374,300	908,300	534,000	143%
38 5020 · Hourly	1,416,200	974,100	(442,100)	-31%
39 Total Salaries & Wages	1,790,500	1,882,400	91,900	5%

Altadena Library District

Proposed Budget

Fiscal Year 2020/21

	FY 2019/20 Adopted Budget	FY 2020/21 Proposed Budget	\$ Difference	% Difference	
40	District-Paid Taxes / Benefits				
41	5120 · Payroll Taxes (ER)	153,300	155,600	2,300	2%
42	Insurance				
43	5220 · Health Insurance	138,000	132,000	(6,000)	-4%
44	5221 · Health Insurance - Retirees	77,700	71,700	(6,000)	-8%
45	5230 · Dental Insurance	13,800	13,200	(600)	-4%
46	5240 · Vision Insurance	4,100	3,900	(200)	-5%
47	5260 · Life Insurance	1,400	1,400	-	0%
48	5270 · Workers' Compensation	31,300	47,050	15,750	50%
49	Total Insurance	266,300	269,250	2,950	1%
50	CalPERS Retirement				
51	5210.01 · CalPers CLASSIC	25,000	20,300	(4,700)	-19%
52	5210.02 · CalPers PEPRA	90,000	104,300	14,300	16%
53	5218 · PERS Unfunded	147,900	168,700	20,800	14%
54	Total CalPERS Retirement	262,900	293,300	30,400	12%
55	5222 · OPEB Contribution	60,000	60,000	-	0%
56	Total District-Paid Taxes / Benefits	742,500	778,150	35,650	5%
57	Total Personnel	2,533,000	2,660,550	127,550	5%
58	Operating Expenses				
59	Advertising & Marketing				
60	6618 · Recruitment	1,800	2,500	700	39%
61	6627 · Advertising / Marketing	7,000	7,000	-	0%
62	Total Advertising & Marketing	8,800	9,500	700	8%
63	Fees				
64	6745 · Banking & Service Fees	2,000	2,000	-	0%
65	6746 · Payroll Fees	10,200	10,200	-	0%
66	7530 · County Tax Collection Fees	33,700	33,700	-	0%
67	Total Fees	45,900	45,900	-	0%
68	Insurance				
69	6430 · Insurance-Gen, Prop, Liab	33,000	48,800	15,800	48%
70	6432 · Earthquake Insurance	30,400	33,100	2,700	9%
71	Total Insurance	63,400	81,900	18,500	29%
72	Staff Costs & Prof. Development				
73	6623 · Trustee Prof. Development	1,000	3,000	2,000	200%
74	6625 · Training & Education	15,000	15,000	-	0%
75	6626 · Staff Recognition	3,000	2,000	(1,000)	-33%
76	6710 · Meetings & Travel	9,000	10,000	1,000	11%
77	6730 · Mileage & Parking Reimbursement	2,000	2,000	-	0%
78	Total Staff Costs & Prof. Development	30,000	32,000	2,000	7%

Altadena Library District

Proposed Budget

Fiscal Year 2020/21

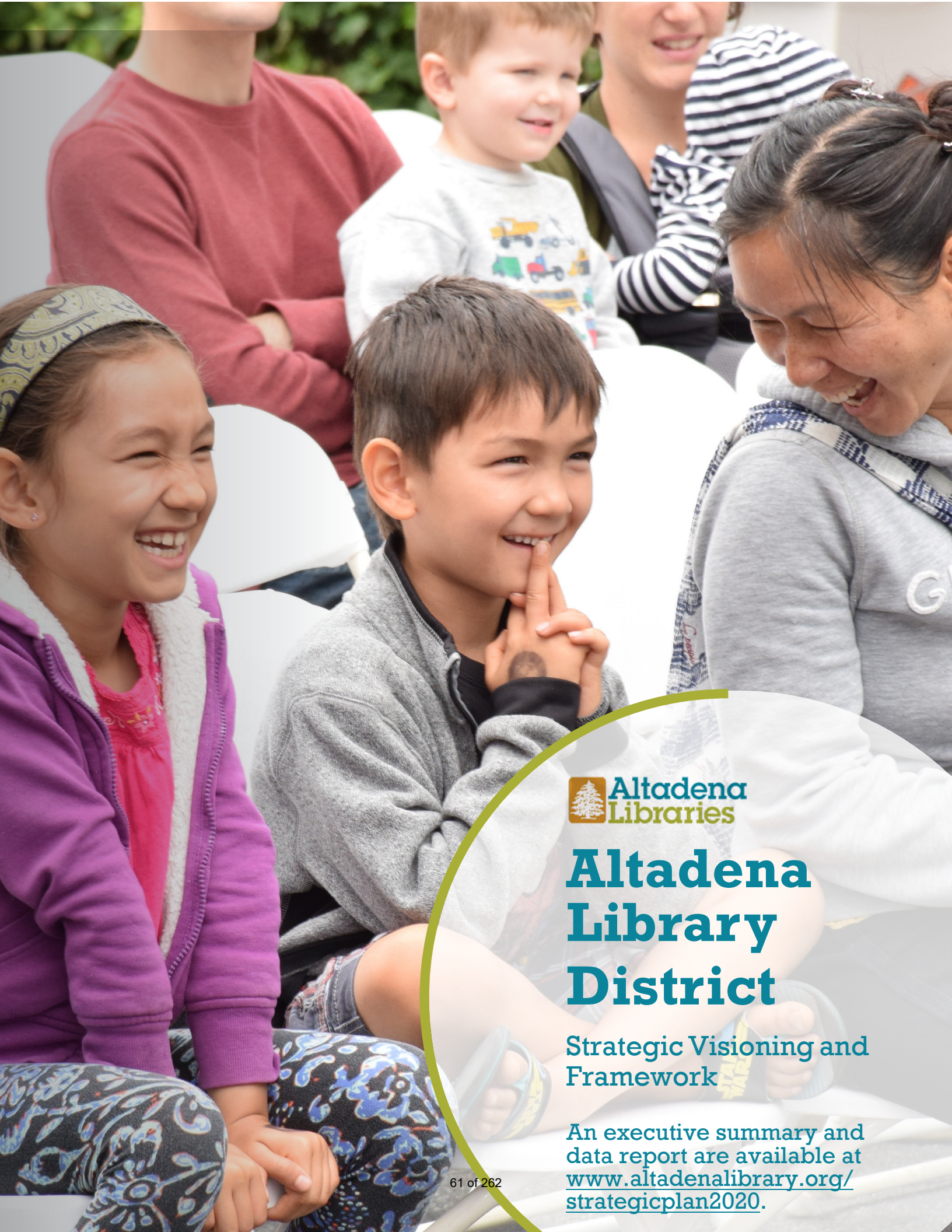
		FY 2019/20 Adopted Budget	FY 2020/21 Proposed Budget	\$ Difference	% Difference
79	Utilities				
80	6920 · Electricity	50,000	40,000	(10,000)	-20%
81	6930 · Natural Gas	5,000	4,000	(1,000)	-20%
82	6940 · Water & Sewage	8,000	8,000	-	0%
83	6950 · Refuse	7,000	7,000	-	0%
84	Total Utilities	70,000	59,000	(11,000)	-16%
85	Other Operating Expenses				
86	6620 · Membership Dues & Subscriptions	15,000	14,000	(1,000)	-7%
87	6740 · Postage & Delivery	8,000	7,000	(1,000)	-13%
88	6750 · Printing & Reproduction	5,000	5,000	-	0%
89	6755 · Small Equipment	7,000	7,000	-	0%
90	6765 · Janitorial Supplies	6,000	6,000	-	0%
91	6770 · Operating Supplies	15,000	15,000	-	0%
92	6775 · Technical Services Supplies	5,000	5,000	-	0%
93	6780 · Operating Software	1,500	1,500	-	0%
94	6960 · Cost of Sales of Products	200	200	-	0%
95	6970 · Equipment Lease & Rental	26,600	20,000	(6,600)	-25%
96	Total Other Operating Expenses	89,300	80,700	(8,600)	-10%
97	Total Operating Expenses	307,400	309,000	1,600	1%
98	Professional & Technical				
99	Professional Services				
100	7125 · Audit and Financial Consulting	61,200	60,000	(1,200)	-2%
101	7130 · Legal Fees	107,000	60,000	(47,000)	-44%
102	7140 · Architectural & Engineering	64,000	50,000	(14,000)	-22%
103	7145 · Collection Agency	1,900	-	(1,900)	-100%
104	7155 · Consultants - Other	88,000	100,000	12,000	14%
105	Total Professional Services	322,100	270,000	(52,100)	-16%
106	Information Technology (IT)				
107	7135 · Technology Consulting	3,500	7,000	3,500	100%
108	7170 · Telecommunications	9,500	10,000	500	5%
109	7175 · Internet Service / E-Rate	42,000	53,000	11,000	26%
110	7180 · Technology Equipment	11,700	15,000	3,300	28%
111	7185 · Technology Maintenance Fees	21,000	18,000	(3,000)	-14%
112	7190 · Website Development	1,500	500	(1,000)	-67%
113	Total Information Technology (IT)	89,200	103,500	14,300	16%
114	Total Professional & Technical	411,300	373,500	(37,800)	-9%
115	Library Materials				
116	6110 · Cataloging Expenses	22,000	22,000	-	0%
117	6115 · Electronic Databases & Subscrip	30,000	30,000	-	0%
118	6120 · Books	130,000	130,000	-	0%
119	6125 · Audio CD	15,000	10,000	(5,000)	-33%
120	6130 · DVD's & Videogames	35,000	45,000	10,000	29%

Altadena Library District

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Fiscal Year 2020/21

	FY 2019/20 Adopted Budget	FY 2020/21 Proposed Budget	\$ Difference	% Difference	
121	6135 · Processing of Materials	50,000	-	-100%	
122	6140 · Periodicals	20,000	15,000	(5,000)	-25%
123	6150 · Downloadables	30,000	43,000	13,000	43%
124	6155 · Library of Things	5,000	2,000	(3,000)	-60%
125	Total Library Materials	337,000	297,000	(40,000)	-12%
126	Facilities, Grounds & Maintenance				
127	7205 · Maintenance Contracts	13,300	12,000	(1,300)	-10%
128	7210 · Building Maint & Repairs	29,500	30,000	500	2%
129	7220 · Landscape	18,400	19,000	600	3%
130	Total Facilities, Grounds & Maintenance	61,200	61,000	(200)	0%
131	Programs				
132	6200 · Youth Services	12,700	11,000	(1,700)	-13%
133	6210 · Teen Services	5,400	5,500	100	2%
134	6220 · Adult Services	28,900	25,000	(3,900)	-13%
135	6230 · Bob Lucas Branch Services	5,700	4,500	(1,200)	-21%
136	6240 · Literacy Services	7,000	5,000	(2,000)	-29%
137	6250 · Volunteer Services	2,500	2,000	(500)	-20%
138	6260 · Summer Reading	9,200	10,000	800	9%
139	Total Programs	71,400	63,000	(8,400)	-12%
140	Election Expense & Misc.				
141	7510 · Miscellaneous Expense	-	-	-	0%
142	7540 · Trustee Election	-	70,000	70,000	0%
143	Total Election Expense & Misc.	-	70,000	70,000	0%
144	Capital Expenditures				
145	7310 · Equipment, Furniture & Fixtures	46,700	50,000	3,300	7%
146	7320 · Structures & Improvements	65,600	70,000	4,400	7%
147	Total Capital Expenditures	112,300	120,000	7,700	7%
148	TOTAL EXPENSES	\$ 3,833,600	\$ 3,954,050	\$ 120,450	3%
149	NET INCOME/(LOSS)	\$ -	\$ -	\$ -	0%
	Projected Beginning Cash 7/1		\$ 3,573,000		
	(Drawdown) / Addition To Reserves		(194,550)		
	Projected Ending Cash 6/30		\$ 3,378,450		



Altadena Library District

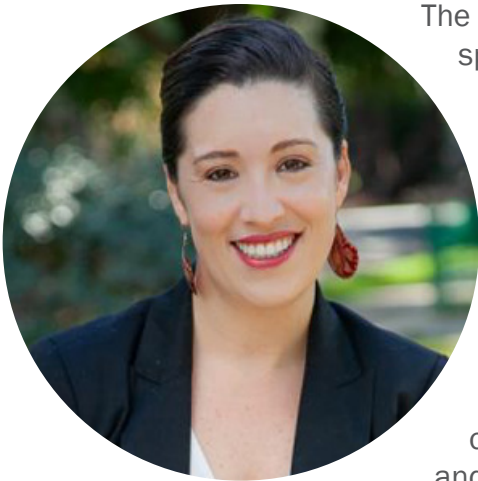
Strategic Visioning and
Framework

An executive summary and
data report are available at
[www.altadenalibrary.org/
strategicplan2020](http://www.altadenalibrary.org/strategicplan2020).

Altadena Library District Board of Trustees

Terry Andrues
Jason Capell
Katie Clark
Betsy Kahn
Gwendolyn McMullins





The Altadena Library District is remarkable in so many ways - as the oldest special library district in the state of California, we're used to being on the frontiers. And since the 1920s, Altadena has had a unique and important place for our library - nearly a century later, that could not be more true or more relevant. As we approach 2020, Altadena today is vastly different than the Altadena of a hundred years ago, yet profoundly similar - we are still a vibrant, diverse, interesting community with strong opinions, deeply-held beliefs, and a shared love for our mountain town. As Trustees of a special district, we have a special responsibility and a special relationship to uphold, which means ensuring that our Library District is focused on serving our entire community, and meeting the needs that we have in a real and sustainable way. It means finding and securing a strong financial footing for the future, addressing our facilities and services so that they are truly accessible and welcoming to everyone, and measuring our performance in a real, transparent, and public way. This strategic framework is the first step in a much larger conversation with the entire community, and I look forward to meeting with more of my neighbors to hear from you in the coming year. My fellow Board members and I are deeply honored to be entrusted with the care of our much-loved Altadena public libraries. We are proud of the improvements we have seen in the last year, and profoundly optimistic about our path forward. Thank you for allowing us to watch over this remarkable public agency on your behalf.



Katie Clark,
ALD Board of Trustees

As the newly appointed District Director, I am excited to lead the Altadena Library District into a new era of community-driven services. As we launch this strategic plan, you will see us practicing our values - empathy, innovation, and equity - and you will see our strategic priorities executed with intention, joy, and a renewed commitment to all of our neighbors. This strategic plan is bold, inclusive, and optimistic. It positions ALD as a central anchor and leader of the community's aspirations. We will work differently in the years ahead - learning with the community, planning with the community, and co-creating services with the community to break down barriers and provide opportunities for all to enjoy what our unique town has to offer. We are curious. We are connecting. We are neighbors. I am thrilled to lead the years ahead, as we activate and honor this promise to you.




Nikki Winslow,
ALD Director





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"The 21st century library nurtures the social, economic, and educational well-being of communities and individuals."

Introduction

In late 2019, the Altadena Library District undertook a comprehensive strategic planning process, facilitated by Margaret Sullivan Studio (MSS). Over the course of four months, MSS conducted a highly participatory process that included the contributions of the Board of Trustees, the community-based Strategic Planning Committee, all members of the Altadena Library District staff, representatives from the Friends of the Altadena Library, and the Altadena Library District Foundation. The plan, as documented in this report, also incorporates specific community input from a diverse cross-section of community members, Town Council members, and Altadena Library District patrons. This input was gathered through a series of community engagement sessions, focus groups, one-on-one conversations, and a community survey.

The goal of this process was to develop a flexible strategic framework for the future of the Altadena Library District. As our community changes and shifts in the coming years, our Library District will be a central pillar, and can be a catalyst for a town that truly thrives.

This document encapsulates the results of the strategic process. It sets out a strategic framework for the Altadena Library District's future that prioritizes the community's needs and aspirations, while honoring those unique characteristics that define Altadena as a special community. The next-generation Altadena Library District will be a powerful contributor to the civic, cultural, economic, and educational health and well-being of all Altadena's residents. Our library district can and should be a national example of how a public library creates a stronger community.

02 Philosophy & Process

Philosophy & Process

The Changing Role of Libraries

New technologies, modes of communication, competitors, and models of service combined with ever-expanding patron expectations, interests, and needs, are requiring all institutions to adapt and innovate — and libraries are no exception.

In the past, libraries relied on passive models: patrons would come into the library, request materials or collection items, and take them away. It was a transaction model grounded in a physical collection that grew over time. Today, the library of the 21st century exists in an entirely different context, and while the historical legacy of libraries will always be a core component of our work, it is no longer sufficient as our *only* work.

Libraries in the 21st century must be active: not just in our efforts to engage patrons, but in our programs, our services, and our thinking. Libraries are one of the few remaining public spaces for learning, connection to ideas, and to serve an essential role in a democratic, free society where access is available to all. The primary mode of library service has shifted away from transactions to the creation of intentionally designed human-centered experiences.

The Altadena Library District has recognized this moment as an ideal opportunity to strengthen community relationships and to adapt and adopt new techniques of service. This is an opportunity to more effectively, and more intentionally, provide relevant, transformational services for all.

The Altadena Library District's role and fundamental mission has not changed, but the ways in which the library executes that mission can either lag behind and react to a changing world, or the library can take a proactive role in transforming our community. We choose the latter.



Town council member focus group.

Community-Centered Planning

The active community participation in this plan development has affirmed that the Altadena Library District is an essential community institution, playing a key role in the areas of learning and literacy, family-centric services, and community gathering.

This process has also enabled the library to engage in conversations with the community to build deeper, richer, and more meaningful relationships.

This planning process was undertaken with a community-centered approach, and it is an approach that ALD will continue to prioritize in the implementation of our strategic framework. It is clear from this, and other recent experiences, that while our efforts to reach out to and engage the community have been a good start, there is a great deal of work left to do. Being responsive to a community’s needs means hearing from - and representing - the entire community, not only the self-selected portions who already engage with the library.

Our work will require a continuous, evolving awareness of what our patrons expect us to provide. We will work with all of Altadena to understand how to strengthen core services and how best to provide resources to empower and transform all the lives in Altadena.



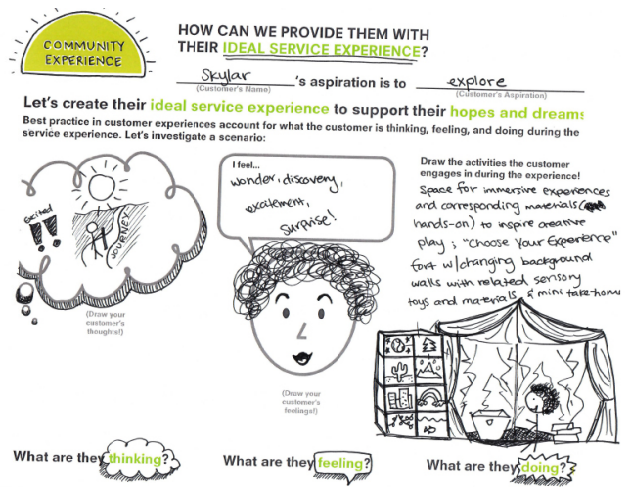
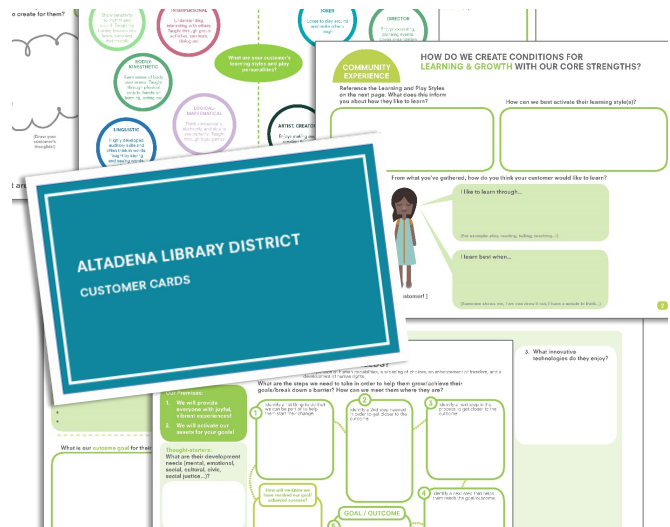
Staff workshop activity to discover community needs that ALD can develop into core services for the community.

Time of Transition for ALD

ALD is in a position of strength to lead the town’s community development agenda with new leadership, an energetic and talented staff, an active board, a Foundation eager to engage in robust fundraising, and a supportive and stalwart Friends group. In the past year, a committed staff, volunteers, and community leaders have been building the infrastructure and support to position our public libraries as a dynamic force. All of us will unite with a shared vision, mission, and set of values - set out in this strategic plan - that clearly define what we plan to do, why, and in service of what ends.

As a special District, ALD is uniquely positioned to operate with agility, speed, and independence. This gives us the opportunity to proactively set a course for the future and execute it more rapidly than many other peer institutions.

We are also anticipating a redistricting effort that will take place after the 2020 census, shifting the representation of the Board from at-large elections to by-district elections. In an effort to make our democratic process more inclusive, more representative, and more accessible, this shift falls in line with our many transitions writ large.



Journey through the Framework worksheets that Staff engaged in to design ideal customer experiences for the Altadena community.

03 Strategic Planning Process

Strategic Planning Process

Over the course of four months, ALD, in conjunction with MSS, conducted a highly participatory process that included the contributions of the Board of Trustees, the community-based Strategic Planning Committee, all members of the Altadena Library District Staff, representatives from the Friends of the Altadena Library, and the Altadena Library District Foundation. The following outlines the process.

Phase I

The purpose of ALD's Strategic Planning Phase I process was to gather information, analyze this information for context, and to introduce participants to the community-centered planning process.



Staff researching case studies for community-centered activities.

Pre-Work

In July 2019, the following preparation work occurred:

- A. The Strategic Planning Committee (SPC) and the Board of Trustees articulated goals and objectives of the Strategic Planning process and how ALD will continue its relevance into the future.
- B. A Leadership Working Group was identified to assist in developing strategic priorities and to learn service design thinking methodologies to better understand and respond to patron and community needs.
- C. The Board of Library Trustees provided their input to the process. The Consultant Team had conversations with individual board members to gain insight into ALD's history and the Board's vision for the library's future.
- D. The SPC, Board of Trustees, and Leadership Working Group were provided materials to read in preparation of the Strategic Planning work which included:

1. [Rising to the Challenge: Re-Envisioning Public Libraries](#), a report of the Aspen Institute
2. [Museums, Libraries, and 21st Century Skills](#), produced by the Institute of Museum and Library Services
3. [Transforming Communities](#), a Strategic Plan produced by the Institute of Museum and Library Services
4. [Library as Movement](#), article by David Lankes

AUGUST 2019 - PHASE ONE

In August 2019, the consultant team met with all of the staff to kick-off the Strategic Planning Process. Workshop #1 engaged the staff in two days of workshops and presentations; the purpose was to introduce the staff to service design methodologies, and to illuminate barriers, difficulties, and challenges library patrons face.

The consultant team also facilitated a Town Hall Meeting for all community members, leaders, and staff members. The goal of the meeting was to involve and update the community in the Strategic Planning process and to facilitate dialogue to that was framed around how the library can create a role in contributing to a

stronger Altadena. Participants were introduced to how libraries and public institutions across the country are addressing complex community conditions. Community members worked collectively to identify challenges, needs, and opportunities.

Using the Healthy Community framework, participants engaged in discussion around Civic Health, Cultural Health, Educational Health, Economic Health, and Personal Health.

Phase One concluded with a Strategic Planning Committee Meeting. Building on the work to date, SPC members contributed to an understanding of community conditions to evolve the strategic themes. The complete Phase I Point In Time Deliverable can be found [here](#).



Town Hall meeting during Phase One.

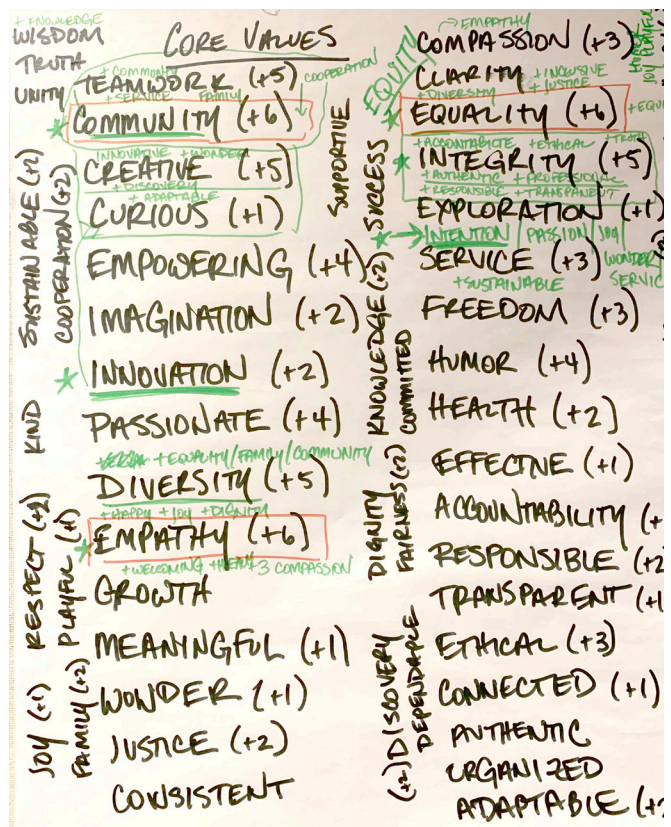
SEPTEMBER 2019 - PHASE TWO

The consultant team met with all members of the staff, with members of the Town Council, with leadership and members of the Friends and Foundation support groups, with the Facilities Committee, and with the Strategic Planning Committee. The purpose was to work with all stakeholders to identify emerging strategic themes and opportunities for the library district as a whole.

A two-day workshop with staff was held to engage the group in a series of activities to synthesize their learnings from patron interviews and observations, to identify gaps in their synthesis (to inform the next phase of work), to envision future scenarios of activities, programs, and resources to improve the community and their patron’s lives, and to align the work with emerging strategic themes.

Staff also developed a set of Core Values which was combined with those previously identified by the Strategic Planning Committee. They created the outlines and first phase of a Community Asset Map, and came to the workshop with information they had gathered through directed storytelling (in-depth patron interviews) and

ethnographic observations with current patrons. The Staff participated in a series of activities to better understand and analyze “patron journeys” in order to improve future patron experiences. These activities helped Staff identify patron needs, motivations, and challenges and identify opportunities for the library’s role in the future in meeting patron needs.



Core Values developed by the Staff.

A meeting with the Facilities Committee was focused on how the library’s facilities update (currently in its planning phases) can best align with the strategic planning work. It brought up the ways in which physical spaces will need to play a role in activating the strategic work; how future leadership can think about the “town” as the library’s domain, and the “brand experience” of the library. It reiterated the need for funding strategies for facilities in the future to be innovative, to serve Altadena’s needs and to support equity.

The Strategic Planning Committee engaged discussions around the future of the Altadena Library and its role as an essential contributor to community. The work to date provided a broader context to Committee member’s understanding of the library’s role in improving quality of life for Altadena’s residents. The complete Phase II Point In Time Deliverable can be found [here](#).



Staff workshop activity to discover patron needs from customer interviews.

OCTOBER & NOVEMBER 2019 - PHASE THREE

During Phase Three, the consultant team worked with the Board of Trustees, the Strategic Planning Committee, the staff Leadership Team, and the new Director to synthesize, define, and articulate a strategic vision. Consultants and staff also facilitated a public community conversation at the Bob Lucas Branch. In that conversation, neighbors in attendance provided feedback on the work completed to date, and spoke to their concerns, priorities, and goals in the work that will take place after the planning process is complete. The major goal of Phase Three was to refine all the data, conversations, and observations from Phases One and Two into usable, strategic documents that can guide the implementation planning process.



Staff workshop activity to discover patron needs from customer interviews.



04 Discoveries

Discoveries

As part of this process, community feedback was garnered from four primary platforms:

1. Patron Interviews
2. Community Town Halls
3. Community Survey
4. Town and Library Leadership Conversations

1. PATRON INTERVIEWS

Staff engaged in intensive one-on-one interviews with core patrons to learn how the library can be a valuable partner for their personal goals. These conversations provided anecdotal evidence that allowed library staff to understand their current service strengths, and how future services can be refined to better serve our community.

(A) Community Cohesion and Enjoyment

- Patrons come to ALD for enjoyment, to participate in programs, to meet friends, to utilize communal space, to simply be in a comfortable environment, to have fun with friends and staff, to watch movies, to enjoy events, and to use and experience our many resources (including toys, drawing, coloring, reading, chess, games, exploring, and playing).

Patron Interviews	
(A) Community Cohesion and Enjoyment <i>Why patrons need ALD</i>	
Enjoyment	Communal Space
Life Transition Support	Our Resources
Community & Support	Programs & Events
Fun with Friends & Staff	Building Connection & Friendships
(B) Education and Information <i>Why patrons need ALD</i>	
Life Transition Support	Community & Support
Programs & Events	Enjoyment
After School Support	Developing Passion for Lifelong Learning
College Prep & Job Training	Building Connections & Friendships
(C) Creation and Innovation <i>Why patrons need ALD</i>	
Accessing Technology	Playing & Growing
Learning	Discovering Interests
Exploration	Programs & Events
Preparing for the Future	Developing Independence

Summary of patron needs discovered through patron interviews by staff.

(B) Education and Information

- Patrons come to us to work on school projects, study, use the internet, access tutoring, home-school, find answers, read, and assist in early literacy. They are looking for help with homework, for help with job searches, and for help preparing for their individual futures.
- **Needs identified include:** testing boundaries, developing a passion for lifelong learning, providing after school support, helping with homework, developing life skills, preparing for college and job training, assisting with financial literacy, providing resources for health and wellness, family planning and support, building on a career, retirement planning, accessing technology, and enhancing food security.

(C) Creation and Innovation

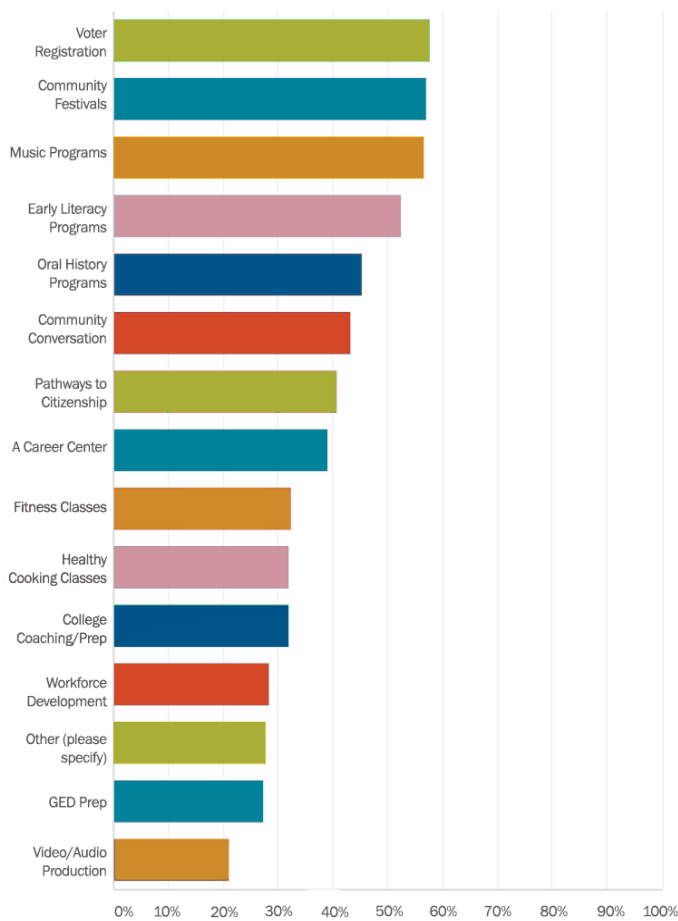
- Patrons come to us for printing, 3D printing, VR, home-school materials, computer access, learning new and interesting things, preparing for their futures, growing, playing, and exploring.
- **Needs identified include:** providing safe places to explore, discovering and exploring interests, developing independence, developing personal identity, developing passions, accessing technology.

Staff Observations
 What is the ONE THING our staff would like to provide for our patrons?

Create a Community for Altadena that is Equitable for ALL People	Community Appreciation Day!	Better Schools
Food Security	Connect Patrons to Services in Altadena	Community-owned Maker Space
Urban Sustainable Agriculture	Health and Wellness and Life Skills Support	Multi-lingual Resources (Indian, Chinese, Spanish)
A Vibrant Downtown with Improved Walkability	Diverse Programming (Inclusive of all Cultures and Identities)	Expanded Social Services for Job Seekers

Summary of results from staff workshop answering the question: What is the ONE THING our staff would like to provide for our patrons?

What programs/services can the library develop that contribute to our civic, economic, educational, and personal health, as well as our community’s cultural identity?



Results of community survey question: What programs/services can the library develop that contribute to our civic, economic, educational, and personal health, as well as our community’s cultural identity?

2. COMMUNITY SURVEY

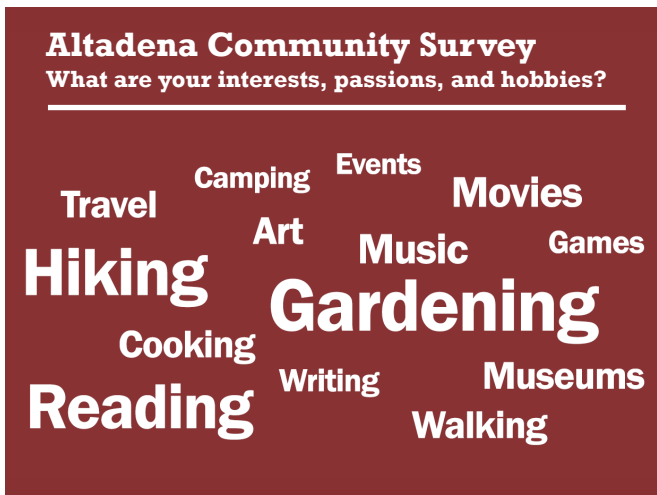
Over 200 residents have taken the community survey to date. The following is a synthesis of the results.

Respondents describe themselves as people who:

- Mostly using the Altadena Library, followed by the Pasadena Central Library.
- Love doing outdoor activities (especially biking and hiking), playing and attending sporting events, making art and visiting art museums, reading, traveling, and many other fun activities.
- Love ALD's great programs, its welcoming and cozy space, its convenience, and its librarians.
- Come to the library for materials, programs, and for renewing passports.
- Find their greatest challenges in the rising cost of living, coming together as a community, and aging/health.
- Enjoy that the library offers voter registration, community festivals, music programs, early literacy programs, oral history programs, and pathways to citizenship.
- Find information about their community through Nextdoor, the Library website, Facebook, and the Pasadena Star-News.
- Get to the library by car, usually solo.
- Would like to learn new skills, strengthen

basic and complex digital skills, learn how to sew, learn new art techniques, improve writing skills and meet with other local writers, and learn to speak new languages.

- the potential role the library can play to provide services that will foster the health and well-being of everyone in the community.



Summary of ALD Community interests, passions, and hobbies from the community questionnaire.

The following identify the characteristics of community health identified in our conversations. It is worth briefly outlining the definitions for our major areas of concentration - respondents then discussed the particular local contours of these areas, identifying key challenges and needs.

Community Cohesion is achieved when a community is invested and participating; when it accepts, understands, and empathizes with diversity; when it celebrates diverse skills and talents; when it is self-reliant; when it discusses its issues and works together to create solutions; when it is created and built by its people (the members are the core); when it is connected; when it supports and welcomes its newcomers; and when it is affordable.

With regards to education and information, a healthy community understands how government systems work; is informed; has access to materials for knowledge growth and to support lifelong learning; supports its

3. COMMUNITY TOWN HALLS

The consultant team and ALD also facilitated community conversations framed around the Healthy Communities model of community development. This provided an opportunity for community members to articulate

- shared characteristics of what it means to be a healthy Altadena,
- the key challenges the community is experiencing that prevent these outcome goals, and

Community Town Halls

What are the greatest needs in order to make Altadena a healthy community?

• Community Cohesion



• Education and Information



• Creation and Innovation



youth and future generations; and values the health and well being of its members (through nature, exercise, nutrition, healthcare, classes, workshops).

When it comes to creation and innovation, a healthy community is improving; supports its local small businesses; creates and shares its stories; and offers access to exciting and diverse innovations that its community needs and desires.

Common themes that arose from these conversations are similar to those that many communities are experiencing nationally: lack of access to quality education for all, scarcity of transportation options as a barrier



Summary of Community Town Hall input on community needs.

Community Town Hall participants sharing their thoughts.

to opportunities (including access to library services), the need to overcome poverty and inequality, and the stresses that demographic shifts are having on the community’s diversity, equity and inclusion values.

We were able to hear how those challenges are expressed uniquely in Altadena, as well as what residents identified as desirable in addressing them.

Community Cohesion: Local Challenges

- Scarcity of transportation options as a barrier to opportunities (including access to library services);
- Overcoming poverty and inequality;
- Stresses that demographic shifts are having on the community’s diversity, equity and inclusion values;
- Being unincorporated;
- Lack of coordinated communication about Altadena’s resources;
- Concerns about gentrification and the lack of affordable housing;
- The implications that development will have on the community’s shared values;
- The need for intentional efforts to foster positive social interactions to reflect Altadena’s diversity; and
- Lack of walkability.

Community Cohesion: Altadena Wants &

Needs

- Opportunities for civic engagement;
- A place to gather to discuss local events and concerns;
- For its members to understand government;
- Awareness of local events;
- To combat difficult problems (e.g. homelessness); and
- Safer and more walkable/active streets and parks.

Education and Information: Local Challenges

- Lack of access to quality education for all;
- Need for effective information dissemination;
- Connecting to schools;
- Language diversity;
- Lack of healthcare awareness and information; and
- Lack of healthy food options.



Community Town Hall participants sharing their thoughts.

Education and Information: Altadena Wants & Needs

- To engage, empower, and inform its youth;
- A resource for information, services, and voting;
- To help people find jobs;
- Guidance on educational materials;
- To catalyze relationships between public schools and other community institutions;
- Improved and more equitable education; and
- Access to, and information on healthier eating practices

Creation and Innovation: Local Challenges

- No local newspaper;
- Disengaged community members;
- Lack of empathy; and
- Difficult for small businesses to survive.

Creation and Innovation: Altadena Wants & Needs

- Pop-ups to engage the community;
- A local newspaper to share its stories; and
- To leverage its local resources.

Key Takeaways From the Evidence

It is essential to identify the ways in which the Altadena Library District can play a role in answering some of these challenges. While of course ALD cannot - nor should it! - do all things,

it can play a meaningful role in addressing some of our community’s identified problems.

It is also essential to remember that the evidence gathered in this strategic planning document is drawn from a very small, and in no way demographically representative, sample of citizens (relative to Altadena as a whole). While this feedback is very valuable in identifying contours of the larger conversation, it is a starting point for further investigation and conversation to be undertaken as part of our work going forward, not a definitive answer to a question.

This process garnered feedback on how the community currently uses ALD, what it most values about ALD, and how core patrons envision using



Community Town Hall participants engaging in conversation on community needs.

library services in the future. It is confirmed that Altadena residents use and value the library for the services they have enjoyed throughout their lives, including checking out books and movies, studying, research, and family-centered activities.



Community Town Hall participants engaging in a workshop activity to gather information on community needs.

The community also expressed appreciation that the library facilities provide spaces for community meeting, quiet spaces for reflection, reading, and escape, and spaces for teens to hang out. We learned about programs that are currently popular: youth service programs, community-centered programs, art exhibits and STEM programs. In fact, during this process, the

library conducted innovative new programs that were extremely well attended.

These included an event that ALD hosted at the Bob Lucas Branch long-time residents with a diverse background of lived experiences shared their “Altadena” stories; ALD hosted a panel discussion celebrating the achievements of talented scientific innovators, all women who are making an impact in the fields of astrophysics, engineering, biology, and chemistry; and the Main Library hosted a family festival to celebrate the Summer Reading program.

We also learned that the community is largely eager to embrace an expanded role of the library in order for the Altadena to reach its potential. At the same time, it is true that some residents expressed frustration that the role of the library was changing - in the words of one respondent, “Why can’t you just check out books?”

The answer to this is simple: ALD does check out books. As a Library District, we have, until recently, largely embodied the traditional model of library usage throughout the twentieth century, and it is safe to say that we have neither the resources nor the square footage to be a major research library on the scale of, say, the main branch of the LA County Library.



Staff workshop activity to discover patron needs, aspirations, and challenges.

It is also true that continuing to solely pursue our traditional, twentieth-century model of library service would not serve all our constituents. Adding more books to a collection will continue but will not address the many other needs of Altadena residents who do not currently use the library, or who don't think that the library is a place that is welcoming, relevant, or useful to their lives.

And finally, it is undeniable that the world is changing rapidly. We can either take proactive steps to decide how to deal with that change, or we can deny its reality. It is our belief that our

task as a public library system is to serve all of Altadena to the best of our ability: to connect our neighbors to ideas, experiences, and learning opportunities that will directly and indirectly make their lives better.

Our role as a library district is not to do all things for all people, but rather to be intentional and deliberate about how to best align the services, resources, and experiences we can provide with the needs of our town. In some areas, the library absolutely can and should be a leader - in other areas, we envision ourselves bringing value more as a partner or supporter.

To that end, the Strategic Planning Committee, the Staff, and the Board of Trustees are recasting our mission, our vision, our core values, and our strategic priorities to represent the Altadena Library District as it currently exists in the community, and as we envision it moving into the future in a bold, innovative, and courageous way.



Staff workshop activity to discover patron needs, aspirations, and challenges.

Ideas Generated By The Staff



Summary of the staff's ideas for programs and services to be implemented in the library.



05 Mission

We bring people and ideas together.

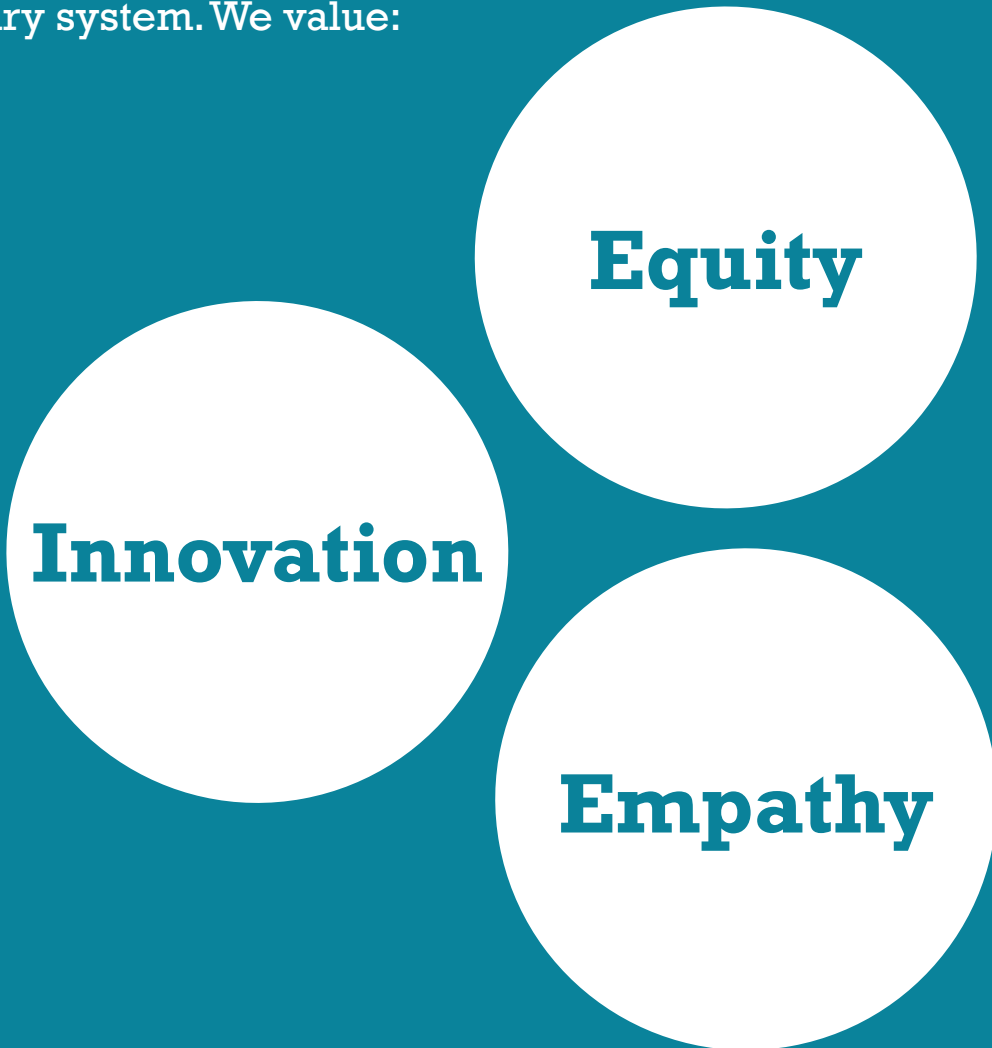
Vision

An Altadena where all are learning, growing, and thriving together.

Values

Our core values are ALD’s enduring, passionate, and distinctive core beliefs that will guide everything we do, define our organizational culture, and serve as the foundation for our strategic objectives.

These values articulated by the community and by the staff are in alignment and serve as the bedrock of our library system. We value:



06 Strategic Priorities

Strategic Priorities

We are... curious.

We are teachers, learners, and seekers. We are interested in you, your life, your needs, and how we can help. We want to learn from and with our community, and we want to constantly develop, improve, and build our skills to serve you better. We value curiosity and are open to new ideas.

We are... connectors.

We lead constructive collaborations and partnerships, break down barriers, connect groups of neighbors, and centralize communication to improve the quality of life for all of us.

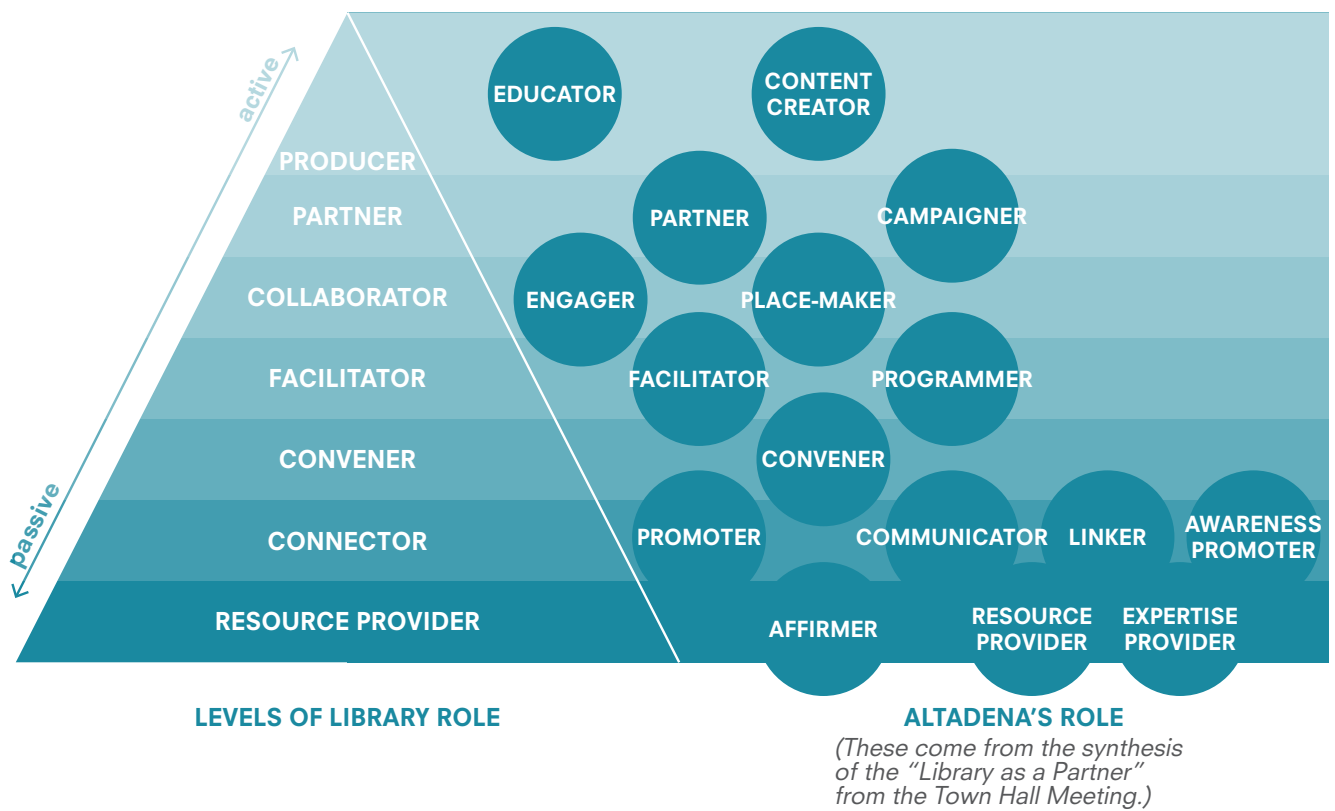
We are... neighbors.

We are more than eight square miles. We are neighbors helping neighbors, whether it's on the next block or in the next city. We embody the best of our unique town and our diverse community.

In the next years you will see ALD providing services that embody our mission, vision, and values in the following ways:

- Enhancing local communication and access to information, in ways that ensure better access for all residents.
- Meaningfully engaging a wider swath of Altadena in events, programming, collection growth, and services.
- Finding ways to contribute intentionally on serious problems facing our community, including homelessness, mental health, affordable housing, income gaps, and a shrinking middle class.
- Improved transparency and accountability at all levels.
- Acting as a reliable and good-faith partner with local institutions, organizations, and community groups.
- Continuing to advance our available technology.
- Promoting local industries and enterprises.
- Promoting the library and library services in new and different methods.
- Seeking equity in provision of services across neighborhoods, populations, and areas of Altadena.
- Continuing to build the relevance of our work into the future and communicating it effectively to all of Altadena.
- Approaching all patrons, experiences, opportunities, and situations with compassion.
- Constructing and nurturing viable community feedback loops, to consistently improve the provision of library services.

The Library's role is shifting from passive to active contributor to our community.



07 Next Steps & Implementation

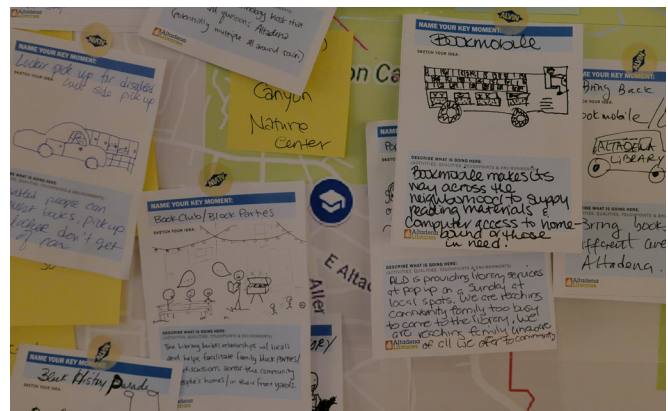
Next Steps & Implementation

The board will adopt this plan by the end of 2019. The Strategic Plan directs the work of the Altadena Library District, including staff and Board, and will also inform and orient the work of our support groups, including the Friends and Foundation. In the next year, the District Director will work with the Board of Trustees to develop a one-year activation plan, a three-year implementation plan, and a five-year business plan. The following outlines a three-phased approach to be accomplished in the first three years. Progress will be assessed regularly, based on collectively defined success indicators.

Year One, Phase One: Listening, Learning, and Following Through

By the end of Phase One, ALD will have accomplished:

- Community asset mapping;
- Strengthened relationships with community members and institutions;
- Strengthened trust;
- Improved cultural empathy & awareness;
- A better alignment between community needs and library services;
- The development of staff skills and talents necessitated by strategic objectives; and
- The institutional adoption and embodiment of our core values in every patron experience and interaction.



Library staff created this Asset Map to illustrate Altadena's resources.

Year Two, Phase Two: Prototyping Services

By the end of Phase Two, ALD will have accomplished:

- The implementation of new services and programs aligned with community-identified wants and needs;
- Implementation and practice of enhanced staff skills and talents;
- Increased competency in evaluating and assessing our impact, our successes, and our areas which require improvement.

Year Three, Phase Three: Fuller Implementation

By the end of Phase Three, ALD will have accomplished:

- A demonstrable creation of public value;
- Confidence and improved core competencies from staff;
- Improved reach and interaction with the community across all demographic and geographic ranges;
- The ability to align our facilities, our services, our assets, our resources, and our staff skills and talents with our strategic objectives.

The Library's Board of Trustees will serve the role of championing the strategic work, will communicate stories of impact, initiative, and relevance to community peers and civic leaders; and will continue to build, nurture, and develop relationships. The Board will support the Altadena Library District's leadership to ensure strategic success. The District Director will create the culture, lead the brand development and grow the business.

Undertaking this work will require ALD to build its capacity as influencers and storytellers. It will require ALD to strengthen its public trust by demonstrating increased value. Ultimately, this work represents the commitment of a Board, staff and community to demonstrating how impactful and important a public library can be in a town like ours.



Community Town Hall participants engaging in a workshop activity to gather information on community needs.



Thank You

We are profoundly grateful to all of our neighbors, friends, peers, and colleagues who gave so generously of their time, insight, and experience throughout this process. Over three months, we had the opportunity to hear from more than 300 of our neighbors about what they wanted in a public library, and in a community. We appreciated the chance to take this first step together, and are looking forward to engaging a much wider range of our diverse, interesting, vibrant Altadena in the months to come. We don't see our work as finished, but only as grounded in a set of principles and a vision that will guide us forward and allow us to incorporate an ever-increasing set of voices into our plans for the future.

So to all of you who have been part of this process, to all who are joining this conversation now, and to all who will help us grow and evolve in the future: thank you! We can't wait to hear your thoughts as we move forward. What we have come to understand over the course of this process is that developing a strategic framework is not a final, static, finished product, but rather a flexible architecture that will let us imagine and create together, as a community, the public library system that we want.

The Altadena Library District sought community engagement at every turn. Participants from across the community, including members of the Friends of the Altadena Library and the Altadena Library Foundation, as well as our colleagues from the Altadena Town Council, shared their thoughts and vision with us. The opportunity to gather a deeper understanding of the needs, challenges, and aspirations of Altadena residents was invaluable. In addition to focused conversations, staff conducted 30 individual patron interviews, and we received more than 200 responses to our online survey. For a deeper dive into the data, please see the Strategic Visioning and Framework. (Note: all materials for meetings and surveys were available in English and Spanish.)

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Nikki Winslow District Director

Diana Wong Library Manager, Branch & Literacy Services

Alice Wynne Library Clerk



Altadena Library District
600 E Mariposa Street
Altadena, CA 91001



Altadena Library District Operational Plan 2021

The following Operational Plan is reflective of the Altadena Library District’s mission, vision, and values as stated below. This document outlines a plan of action for achieving the three strategic priorities set forth in the District’s Strategic Plan so that the Altadena Libraries can continue to meet the present, future, and ever-evolving needs and interests of its diverse community.

MISSION: We bring people and ideas together

VISION: An Altadena where all are learning, growing, and thriving together

VALUES: Equity, Empathy, Innovation

STRATEGIC PRIORITIES:

We are CURIOUS

We are teachers, learners, and seekers. We are interested in you, your life, your needs, and how we can help. We want to learn from and with our community, and we want to constantly develop, improve, and build our skills to serve you better. We value curiosity and are open to new ideas.

We are CONNECTORS

We lead constructive collaborations and partnerships, break down barriers, connect groups of neighbors, and centralize communication to improve the quality of life for all of us.

We are NEIGHBORS

We are more than eight square miles. We are neighbors helping neighbors, whether it’s on the next block or in the next city. We embody the best of our unique town and our diverse community.

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Administrative Services & Facilities – We are CURIOUS.

Objective #1: Continue professional development and coaching for all ALD Staff.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Implement a monthly Staff Training Schedule including cross-training within departments.	January 2021	December 2021	Database of all training staff is completing, updated monthly.	Staff members attend and report training a minimum of 12 times throughout the year.
Integrate EDI concepts and training in workplans, evaluations, policy and procedure and recruitment practices.	Ongoing		Regular meetings and evaluation by the EDI Team on these processes	An organizational culture that considers EDI concepts in all aspects of operation
Maintain regular workplan meetings with supervisors and direct reports.	Ongoing		Supervisors will track staff progress using the template they prefer.	Annual Evaluations are given on time and are reflective of regular workplans.
All staff evaluations will be completed in a timely and thorough manner.	Ongoing		ALD Evaluation Forms	Forms submitted to Administrative Services by set deadlines
Identify staff technology knowledge gaps against common patron questions/needs to aide in development of a training plan and schedule for staff.	January 2021	Ongoing	Staff and managers will evaluate whether they were able to achieve their self-identified learning objectives.	Staff demonstrate increased knowledge of technology competencies with direct application of learned skills when assisting patrons.

Objective #2: Maintain updated Policies and Procedures.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Establish a cohesive location for all Policy, Procedure, Manuals and centralized staff file management.	January 2021	May 2021	Task staff with trying to find policies or files.	Staff can locate any file they need without hesitation.
Complete the Emergency Policy Manual.	Started June 2020	March 2021	Review and updating done by the EAST.	Review and approval of the Board of Trustees
Update the Filming and Facilities Rental Policy and Fee Schedule.	January 2021	May 2021	Utilize existing policies and compare to similar facilities or organizations to create a competitive fee structure.	Review and approval of the Board of Trustees
Update the ALD Financial Policies.	January 2021	June 2021	Take existing policy and compare to other Special Districts policies, sending all updates to BBK for legal compliance.	Review and approval of the Budget Committee and Board of Trustees
Create new Collection Development Policy.	January 2021	April 2021	Aligning policy with current collection development practices, EDI principles and strategic priorities	Review and approval of the Board of Trustees

Continue updating and creation of all Library Operations policies.	Started June 2020	December 2021	Led by the Assistant Library Director in coordination with the public services Managers, comparing our existing policies with other library systems and updating these	Review and approval of the Board of Trustees
Continue to do a comparative review of similar libraries and districts to evaluate remaining policies needed at the ALD.	Ongoing		Using the policy audit provided by the previous Director, identify new policies to draft and implement.	Review and approval of the Board of Trustees

Administrative Services & Facilities – We are CONNECTORS.

Objective #4: Prepare a plan to maintain service for the community during closure for construction.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Identify alternate sites to offer services and materials.	Once architectural plans are finalized		Ongoing discussion with Management Team as we find an alternate site	Opening an alternate site to offer services during the closure
Draft a plan for staff to work at alternate sites or telework during a closure.	Once architectural plans are finalized		Ongoing discussion with Management Team as we find an alternate site	Finalized schedule and plan to staff the alternate site

Objective #5: Continue to plan for expanded services due to COVID-19.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Work with Management Team to develop Telework Expectations & Remote Work Plans.	Now	Ongoing due to pandemic	Same as in-house evaluations with some minor adjustments	Regularly completed workplans and continued productivity from remote work
Update our Internal Protocols and Service Model as current pandemic restrictions allow.	Now	Ongoing due to pandemic	Verify against State, County and CDC regulations and recommendations and implement accordingly.	Accurate and reliable guidelines and a safe service model

Objective #6: Provide services outside of the existing library buildings to the community.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Build at least 3 little free libraries to be implemented in the community.	March 2021	December 2021	TBD	Little libraries used and placed out in the community

Administrative Services & Facilities – We are NEIGHBORS.

Objective #7: Establish the Community Facilities District.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Coordinate with a Board of Trustees Committee to establish a timeline and process for both building projects.	Once Committee established	Ongoing	Regular open meetings with the CFD Standing Committee and Adhoc Facilities Committee	Established timeline and schedule of work on the building projects
Work with our consultants to sell and cash our bonds to provide necessary funding.	January 2021	Ongoing	Include consultants in the CFD Standing Committee and Adhoc Facilities Meetings to inform the budget needed for the projects.	Appropriately funded projects

Objective #8: Build relationships with local organizations and businesses.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Identify local vendors or businesses from which we can purchase services and goods whenever possible.	Ongoing		Meet with Administrative Services Manager to evaluate which vendors currently used and identify local competitors.	Shift of utilized vendors to more local Altadena businesses where possible, supporting local economy
Strive to negotiate competitive pricing on all contracts or spending.	Ongoing		Less spending on goods and services	Invoices and budget reflect lowered costs
Partnerships with non-profit groups focused on sustainable practices.	January 2021	Ongoing	Monthly updates of program	Partnerships established
Have facilities staff assist and lead outdoor how-to projects.	March 2021	Ongoing	Monthly updates	TBD

Adult Services – We are CURIOUS.

Objective #1: Build a comprehensive Community Asset Map for Altadena.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Complete mapping of existing community connections and identify gaps in our current network.	Oct 2020	February 2021	Review and additions of content by all library staff	The asset map is a library-wide, useful tool and is integrated into all library planning. Staff is continuously adding to the asset map.

Objective #2: Achieve greater organizational clarity through improved internal information resource management.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Full revision and continuous updates to Information Desk Manual (Includes Circulation and Reference) The manual will be created with an anti-discriminatory lens, to ensure the services we provide are equitable.	January 2021	Ongoing (First evaluation in May 2021)	Practicing work from manual from start to finish Staff review of processes and procedures to solicit accurate and most current practices	All steps are described thoroughly, and staff will be able to onboard new staff members and offer internal trainings. Documentation clear enough to allow for self-guided learning

Objective #3: Our role is in service to the interests, curiosity, and challenges of each patron.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Work with Marketing & Community Engagement Manager to develop content and opportunities for online engagement of diverse populations.	January 2021	Ongoing (Initial review in June 2021)	Social media and website analytics, patron feedback	Increased engagement, based on quantitative and qualitative data
Complete weeding of the adult collections in anticipation of building closures.	January 2021	Ongoing (Weeding complete by April 2021)	Koha reports, patron feedback	Circulation numbers increase across adult collections.
Perform a diversity audit of the adult collection.	April 2021	October 2021	Discussions with EDI team collection development subcommittee throughout the process	Collection better represents diverse experiences, voices and perspectives.
Enhance ESL instruction with a dedicated component to practice listening and speaking in English.	January 2021	Ongoing	Ongoing assessment with literacy staff and volunteers	Demonstrated fluency and comfort using English

			Gather base-line data and assess learners quarterly.	
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Adult Services – We are CONNECTORS.

Objective #4: Utilize Community Asset Map for a more connected Altadena.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Use Community Asset Map to connect neighbors (individuals, businesses and institutions), thereby helping them realize their aspirations.	February 2021	Ongoing (Progress to be evaluated every quarter)	Tracking requests for connections and evaluating the success rate of referrals through ongoing conversations	Positive neighbor feedback Neighbors view Library as a rich resource and the first place to go when starting a new endeavor. Data is collected while maintaining patron privacy.
Utilize Community Asset Map to grow Adult Literacy Program by recruiting learning and tutors.	March 2021	Ongoing	Ongoing communication with partner organization to assess partnership relevance for both parties	10% increase in learners and tutors

Objective #5: Our partnerships with individual community members and local organizations work to enhance the user experience.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Implement customer service expectations that include organically learning about patron aspirations, needs, and obstacles. (Can be done via phone, chat and email during COVID-19).	January 2021	Ongoing	Thematic tracking of aspirations, concerns, issues and obstacles in weekly Adult Services meetings	Emerging patterns will guide decision making.
In collaboration with the Marketing & Community Engagement Manager, staff will initiate (and be responsive to) community engagement opportunities.	January 2021	Ongoing (Progress to be evaluated every quarter)	Systematic documentation of staff experiences during engagement, including thematic tracking of the aspirations, concerns, issues and obstacles voiced by community	Based on conversations with community members where staff are primarily active listeners, the most relevant priorities of the entire community (not just library users) will drive our decision making.
Partner with Arlington Garden to establish community compost hub at the Bob Lucas Library.	Spring 2021	Ongoing	Monthly tracking of number of participants using compost bin	At least 5 participants/families are regularly utilizing compost bin by December 2021.

Adult Services – We are NEIGHBORS.

Objective #6: Develop and grow Read Local, Shop Local!

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
10 thriving business partnerships by June 2021.	December 2020	June 2021 (Evaluation)	Interactions with businesses Track how many library users are using the program.	At least 10 business partnerships are established.
Leverage the benefits of the rewards card to entice more people to sign up for library cards and convert digital cards to physical cards.	January 2021	June 2021	Koha statistics, possible survey	Measurable increase in patrons converting digital cards to physical cards.
<i>Read Local</i> by partnering with local publishers and writers. Establish an equitable and innovative way to engage the community around literacy, reading and self-expression.	Planning starts spring 2021	Fall/Winter 2021 <i>A COVID-19 contingency plan is necessary.</i>	Number of participants, qualitative assessment involving both partners and participants	Wide community participation, including bridging experiences: “forging unexpected connections between diverse collaborators and audience members”

Objective #7: Creative opportunities for neighbors to come together around a shared purpose.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Creation of a community zine, created by and for our community.	December 2020	March 2021	Participation level and popularity of final product. Qualitative assessment involving creators and readers.	Community and library interest in producing additional community zines.
Explore solutions for outdoor programming and other COVID-19 compatible opportunities that deepen neighbors' connections.	January 2021	December 2021	Participation levels and qualitative assessment.	The library is seen as the destination for human connection in Altadena.
Leverage Community Asset Map to identify and support existing community activities that align with the library's vision and strategic priorities.	February 2021	December 2021	Assessing experience of community partners and library staff.	Learning more about the community and ourselves and documenting what we've learned
Continue building the Library of Things collection.	January 2021	December 2021	Circulation statistics, qualitative assessment through building relationships with user base	Increased circulation and engagement

<p>Introduce monthly hands-on learning experiences related to the Demonstration Garden at the Bob Lucas Library. <i>COVID Contingency - Offer virtual pre-recorded programs</i></p>	<p>March 2021</p>	<p>June 2021</p>	<p>Attendance and qualitative assessment</p>	<p>Workshops reach at least 75% attendance.</p>
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I.T. & Technical Services – We are CURIOUS.

Objective #1: Acquire information about our community to guide operations and continue to implement novel technology.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Work with Administrative Assistant to to create a duplicable system of collecting randomized surveys by census tract using volunteers.	March 2021	September 2021	Quantities attained must be adequate to achieve 95% confidence interval or higher.	Randomized polling in each census tract
Acquire Makerbot Method via grant funding to support 3D printing services.	January 2021	December 2021	N/A	Makerbot Method attained

I.T. & Technical Services – We are CONNECTORS.

Objective #2: Expand technology access for all and foster relationship building through shared technology resources.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Implement Project All-In-One, facilitation of 5G as a public utility through library resources.	January 2021	December 2021	Correspondence between CSL, Crown Castle, ATC, ALD, and other players	Universal Support from all players; planning in motion for 5G
Install Steelcase Thread Power to optimize library electrical infrastructure.	January 2021	September 2021	Planning, Funding, and Installation	Thread is in the floor and providing electrical power.
Integrate technology systems with community partners under single licensing umbrellas to reduce cost for all community organizations.	January 2021	December 2021	Quantity of Software Relationships	1+ partners over last FY
Provide software on public systems to support local schools and organizations in coordination with the Youth & Family Services department.	January 2021	December 2021	Contact Organizations and Determine Feasibility	1+ partners over last FY

I.T. & Technical Services – We are NEIGHBORS.

Objective #3: Bolster operational efficiency and stewarding of taxpayer dollars.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Explore drone delivery of materials and implement test flights to improve services to homebound community and increase accessibility to library resources.	January 2021	September 2021	Compare to existing distribution chains' operational efficiency and end user satisfaction.	Drone acquired via Grant and 10 successful missions

Marketing & Community Engagement – We are CURIOUS.

Objective #1: Engage with Altadena to determine updated aspirations and needs of the community, post-COVID-19, to guide both library operations and to share with fellow local stakeholders.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Implement a Community Conversations initiative to assess aspirations, needs, and action priorities of community, especially as it relates to the upcoming building renovations.	January 2021	May 2021	Attendance numbers of meetings Quality of data collected and applicability to overall library knowledge	Involving at least 400 participants in Community Conversations process Distribution of conversations includes evenly spread across Altadena census tracts
Compile reports of both Community Conversations to share with community partners and use internally.	May 2021	June 2021	-	Publication of a report documenting the process, results, and application to library operations
Facilitate a series of engagements or support existing efforts to address key issues that arose in the conversations.	June 2021	November 2021	Number of engagements Depth of relationships with community groups working on the identified issues	At least 2 engagements around identified priorities More ongoing and collaborative relationships with at least 2 new community groups

Objective #2: Inspire curiosity through strategic partnerships and collaborative community engagement opportunities.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Continue to foster balanced, collaborative relationship with Altadena Town Council and Altadena Historical Society around Hidden Histories initiative, resulting in engaging events that illuminate stories of the Altadena community.	January 2021	December 2021	Number of events Surveys collecting feedback from participants and guests at events Views on both landing page and recordings of events	At least 2 large annual events that highlight speakers whose stories have not been told Positive feedback from guests and speakers Regularly growing view/listen count
Implement a regularly posted podcast featuring stories of Altadenans to share Altadena history and experiences.	January 2021	December 2021	Publication schedule Viewership	At least one podcast a month At least 50 listens a month, growing steadily throughout the year

Marketing & Community Engagement – We are CONNECTORS.

Objective #3: Provide a digital, centralized hub of digital resources, news, and stories.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Engage volunteer and stakeholder support to make Altadena Connections more sustainable and utilized by more of the community.	January 2021	Ongoing	Usage of staff time Amount and quality of volunteer and stakeholder engagements in the process Size of Altadena Connections email list	Majority of story collection is from volunteers or submissions Regular check-ins with partners Steady monthly increase in email list size
Utilize social media and networking to establish Community Calendar as a central hub of Altadena events and the go-to source for community engagements.	April 2021	Ongoing	Monthly views Amount of community submissions	Steadily increasing views Regular communication with community groups about adding their events to calendar External links on partner websites to calendar
Form a network of volunteer experts to make up a Library of Experts for use by individuals and community groups.	February 2021	Ongoing	Tracking requests for connections and evaluating the success rate of referrals through ongoing conversations	Positive neighbor feedback Neighbors view Library as a rich resource and the first place to go when starting a new endeavor.

Objective #4: Streamline internal marketing processes and expand digital marketing presence.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Hire a Marketing & Technology Assistant to support the marketing function and infrastructure.	January 2021	TBD	-	Hiring of a qualified Assistant
Implement a more regular posting schedule for social media that incorporates all accounts.	March 2021	Ongoing	Amount and breadth of posts	Increased engagement
Integrate departments directly in content development for audience-specific accounts (ie. @AltadenaTeens).	March 2021	Ongoing	Followers and engagements on those pages/accounts Results from posts' calls to action	Steady increase of followers and engagement statistics More meaningful follow-through with audience (event signups, visits to library, checkout of materials)

Objective #5: Foster a culture of volunteerism and provide support for our fundraising groups.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Streamline and expand the adult volunteer onboarding and evaluation process to include background checks and better capturing of volunteer data.	January 2021	March 2021	Files and data in the volunteer database Regular volunteer surveys	All existing and future volunteers have background checks on file. Low attrition and high volunteer satisfaction
Integrating literacy tutors into volunteer recruitment efforts to support overall literacy programming.	February 2021	Ongoing	Location of literacy tutor data Number of literacy tutors	Literacy tutor data transferred to general volunteer database Number of tutors meets demand of literacy learners
Mentorship program for civic engagement-minded individuals to provide experiences in the public sector.	January 2021	Ongoing	Volunteer placement Regular volunteer survey	Acquisition of at least one volunteer for the program Continued interest in public service
Work with support groups to streamline establish balanced schedule of fundraising campaigns supported by library staff with highest possible returns on investment.	January 2021	Ongoing	Friends and Foundation's annual campaign/event plans Existence of a schedule for support group staff support	Staff and support group leaders are aware of a shared plan. Staff regularly implement assigned tasks in support of Friends and Foundation.

Marketing & Community Engagement – We are NEIGHBORS.

Objective #6: Increase District's reach throughout all of Altadena.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Implement at least one marketing campaign per quarter designed to drive library card signups.	January 2021	December 2021	Reports in Koha at beginning of year and again after each campaign	4% increase in library card signups at end of 2021
Maintain and expand the Read Local, Shop Local initiative to maximize relationships with participating businesses and to include more businesses in Altadena.	January 2021	Ongoing	Count of actively involved businesses Approximate count of participating local customers (based on business self-reporting)	Customer visits recorded at all participating businesses

Identify and implement strategies to spread awareness and increase participation in use of the Bob Lucas Memorial Library.	January 2021	Ongoing	Koha and statistics reports Attendance/engagement at Bob Lucas Memorial Library programming and activities	Increase in Bob Lucas Branch library cards and visitors More stable attendance count at Branch events and initiatives
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Objective #7: Implement a mobile library program that extends library services to all of Altadena.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Acquire and modify a vehicle to meet service needs in coordination with the IT and Facilities Managers.	December 2020	January 2021	-	Purchase of a vehicle within budget on time
Develop and implement a balanced matrix of engagements around Altadena to attempt different services with the mobile unit.	January 2021	Ongoing	Contents of the matrix Feedback from engaged community members	Engagements in all census tracts to a variety of audiences Goal and function of engagement varies (activity, materials focus, technology, Wi-Fi) Positive interactions
Compile an evaluation report of first 6 months of service (assessment, summary, adjustments moving forward).	November 2021	December 2021	-	Internal publication of a report evaluating service to be used for future planning by end of year
Create specific social media engagements around Bookmobile in coordination with launch of services to spread awareness for users and potential collaborators.	March 2021	Ongoing	Social media analytics	External posts/tags regarding bookmobile interactions Increase in interest from community groups to engage with bookmobile programming

Objective #8: Create a channel of communication about building updates that engages community in process and highlights improvements and implications for expanded library offerings.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Build an online presence with a stream of updates about building, shares vision for new spaces, and solicits involvement from community.	Depends on start of building project	Ongoing	Awareness in community as judged through digital and in-person conversations with the community	Community members are aware and actively involved in the building process.

Youth & Family Services – We are CURIOUS.

Objective #1: Evaluate our current collections and introduce unique items for circulation.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Add new items to the Library of Things for children and teens.	Started November 2020	December 2021	Number of items added per age group, number of circulations, feedback from patrons	One circulating LOT item for each age group that fits into each of the following categories: STEM, Arts, Lifestyle/Career, Literacy, and Wellness. Each item will circulate at least once within the first three months of availability.
Create themed picture book kits for patron checkout.	January 2021	August 2021	Number of kits created, number of circulations, feedback from patrons	10 picture book kits created and circulating. Each kit will circulate at least once by the end of August 2021
Analyze collection diversity audit and utilize the results.	January 2021	December 2021	Discussion within team on completion of audit and quality of analysis	Completed diversity audit and analysis/evaluation. Best practices established by audit will be implemented to create teen and children's collection development plans. Complete research about additional vendors for books about BIPOC and other diversity.

Objective #2: Revitalize and create new ways for community members to interact with library resources outside of the library building.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Restart or create a new deposit library for children's materials on the West side of Altadena. Partner with Friends of ALD to source materials.	March 2021	August 2021	Track change in number of books monthly. Evaluate partner experience and any patron feedback	Establish one deposit library in the community that is regularly utilized by visitors. When updated monthly, at least one third of the available books will have been dispersed among the community.
Teen Librarian will establish regular schedule of on-site visits to local high schools in order to provide circulation and reference services and promote programming.	September 2021	December 2021	Number of visits, quality of relationship with school administrators, number of student engagements, number of new card holders	Monthly visits to schools with 5 or more interactions with students per visit. 20 new high school student library card holders by end of year.

				<i>*COVID Contingency – At least one virtual visit per month to after school student groups</i>
Outdoor programming at the library and in the community.	May 2021	December 2021	Track number of programs and participants, feedback and evaluation from participants	3 outdoor programs at the main or branch library and 2 outdoor programs in the community. Programs may be synchronous or asynchronous.
Offer 5 Virtual Playdates for Toddlers and Pre-school aged children.	January 2021	May 2021	Number of registrations, feedback and evaluation from participants	60% attendance rate per virtual playdate. Sufficient attendance to hold all 5 playdates.

Youth & Family Services – We are CONNECTORS.

Objective #3: Create lasting partnerships with local schools and childcare facilities.				
GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Collaborate with Bob Lucas Branch Library staff to research and retrieve contact information for all childcare facilities in Altadena, including home-based centers.	January 2021	March 2021	Measuring completion of list (name of location, name of director, and email or phone number). Keeping track of when list is updated	Comprehensive list that is not missing any information or locations. List is regularly maintained and updated every 6 months.
Contact all schools and childcare facilities, share information about programs and services, and have conversations about their needs.	January 2021	May 2021	Compare the number of contacts that receive a response to the total number of facilities in Altadena. Evaluate the quality and extent of initial conversations.	Establishing a relationship with at least 10 organizations
Deliver outreach services and programs to Altadena schools and childcare facilities.	April 2021	December 2021	Number of visits. Quality of interactions. Invitations to return to facility.	Conduct 2 outreach visits per quarter to schools and daycare facilities. <i>*COVID contingency – virtual programming for children and/or staff members</i>
Work with Marketing & Community Engagement Manager to develop content and opportunities for online engagement of diverse populations.	January 2021	Ongoing (initial review in June 2021)	Social media and website analytics, patron feedback	Increased engagement, based on quantitative and qualitative data

Youth & Family Services – We are NEIGHBORS.

Objective #4: Build partnerships with local foster homes.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Contact home directors and have discussions about their needs as well as any recommended guidelines and parameters.	January 2021	March 2021	Number of successful discussions. Evaluation of productivity of discussions	Contact all foster homes in the Altadena area. Successfully contact and initiate conversations with all directors.
Conduct group discussions with foster youth about their interests and needs.	January 2021	August 2021	Number of discussions held and number of attendees. Amount of feedback collected. Building relationships with members of the group	Schedule and hold discussions. Discussions are attended by at least 25% of foster youth housed in the contacted homes. Participants are eager to utilize library. <i>*COVID contingency – survey or online interviews</i>
Create and implement a new program or service that is inspired by previous discussions.	March 2021	December 2021	Number of interactions with the service or program. Participant feedback and evaluation. Reflecting on program and improving for future.	Successful creation and implementation of program or service. Established patron engagement or 5 program attendees in the first three months of availability.

Objective #7: Provide parenting resources to the Altadena Community.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Evaluate current Parenting collection and research and purchase new items as needed.	January 2021	December 2021	Collection reports, researching current titles in collection, researching new titles. Comparing number of checkouts and size of collection before and after	10% increase in circulation for entire collection. Status November 2020, 74 items circulated a total of 682 times in the past two years, average of 9.2 circs per item. 10% increase = appx 10 circs per item in a two-year period
Provide parenting programs and workshops.	June 2021	December 2021	Number of programs, number of participants, feedback from participants, requests for additional parenting programming	Provide one educational parenting program per quarter

Provide programs or services that allow parents to connect and interact with other parents.	June 2021	December 2021	Number of programs and attendees or utilizations of new services. Feedback and requests for similar programs or services	Provide one social based program per quarter for parents <i>*COVID contingency – virtual events</i>
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Objective #6: Offer responsive and diverse programming for patrons to learn, grow, connect, and experience.

GOALS	START	END	EVALUATION METHOD	EVIDENCE OF SUCCESS
Offer Cantonese Family storytime at the Bob Lucas Branch Library to introduce the language to the Altadena community. <i>*COVID contingency - Offer short pre-recorded programs online.</i>	June 2021	December 2021	Number of attendees, repeat attendees, feedback and evaluation from patrons	Cantonese Family storytimes are regularly attended by 2-5 children with their caregivers
Restart regular Bilingual English/Spanish Storytimes at the Bob Lucas Branch Library and increase the number of participants. <i>*COVID contingency – Offer additional pre-recorded Spanish offerings for young children online</i>	June 2021	December 2021	Number of attendees, repeat attendees, feedback and evaluation from patrons	Regularly scheduled Bilingual English/Spanish storytimes. Increase average number of child caregiver groups that attend from 2 to 6.
Coordinate outreach efforts between the Bob Lucas Branch Library and the Youth and Family Services team to market and share information about bilingual storytimes with local businesses and the community.	May 2021	December 2021	Number of locations visited, number of patrons referred from those locations	Locate and visit 3 businesses that have many Spanish or Cantonese speaking visitors. Regularly supply these locations with information about upcoming bilingual programs. New visitors to the library referred from those locations.

Section 4: Calendars





BOARD OF LIBRARY TRUSTEES CALENDAR – 2020/2021
(AMENDED)

JULY	Publicity for Trustees Election – Even Year Mid-Year Operational Plan Review
AUGUST	Filing Deadline for Trustees Election - Even Year
SEPTEMBER	Review CalPERS Benefits/ Open Enrollment
OCTOBER	Health Care Premiums – Resolution – as needed Audit Report for Previous Fiscal Year
NOVEMBER	Trustees Election – Even Year Annual CLA Conference Report Holiday Closure Schedule for Upcoming Year
DECEMBER	New Trustees Swearing-In Ceremony – Even Year Election of Officers Appointment of ALD Board Liaisons and Committee Assignments Employee Service Awards Operational Plan for Upcoming Calendar Year Annual Report for Previous Fiscal Year (Internal and External) Board Calendar for Upcoming Year
JANUARY	Bank Signature Cards – as needed Board Retreat Final Review of Previous Year Operational Plan
FEBRUARY	Investment Policy Review Mid-Year Budget Review of Current Budget
MARCH	Conflict of Interest Forms
APRIL	Auditor bids – every three years or as needed National Library Week Volunteer Recognition Event
MAY	Proposed Budget Review for Forthcoming Fiscal Year Presentation: Summer Reading Program Review Property and Earthquake Insurance
JUNE	Adoption of Final Budget for Upcoming Fiscal Year <ul style="list-style-type: none">• Salary Schedule Approve Master Calendar for Board of Library Trustees for Following Fiscal Year Event: Friends Annual Meeting Review Gann Appropriations Limit Resolution to ask Auditor/Controller of Los Angeles County to Prepare New tax roll for Account No. 57.12



Board of Library Trustees

Meetings are held the fourth Monday of the
Month (unless otherwise noted)

Location: Altadena Library District Barbara J. Pearson Community
Room Time: 5:00 p.m. (unless otherwise noted)

Agendas are posted 72 hours prior to the
meetings.

Meeting Dates for 2021

January 25, 2021

February 22, 2021

March 22, 2021

April 26, 2021

May 24, 2021

June 28, 2021

July 26, 2021

August 23, 2021

September 27, 2021

October 25, 2021

November 22, 2021

**December 20, 2021
(Third Monday due to Christmas Holiday)**



HOLIDAYS AND CLOSURES FOR 2021

New Year's Day	Friday	January 1
Martin Luther King Jr. Day	Monday	January 18
Presidents' Day	Monday	February 15
Memorial Day	Monday	May 31
Independence Day	Monday	July 5
Labor Day	Monday	September 6
Columbus/Indigenous Peoples Day (Professional Development Day)	Monday	October 11
Veterans Day	Thursday	November 11
Thanksgiving Day	Thursday	November 25
Day After Thanksgiving	Friday	November 26
Christmas Eve Holiday	Friday	December 24
Christmas Day Holiday	Saturday	December 25
Flexible Holiday	Friday	December 31

Early Closure

Thanksgiving Eve	Wednesday 6 pm	November 24
Christmas Tree Lane Lighting	Saturday 2 pm	December 11

Section 5: Guidance for Trustees





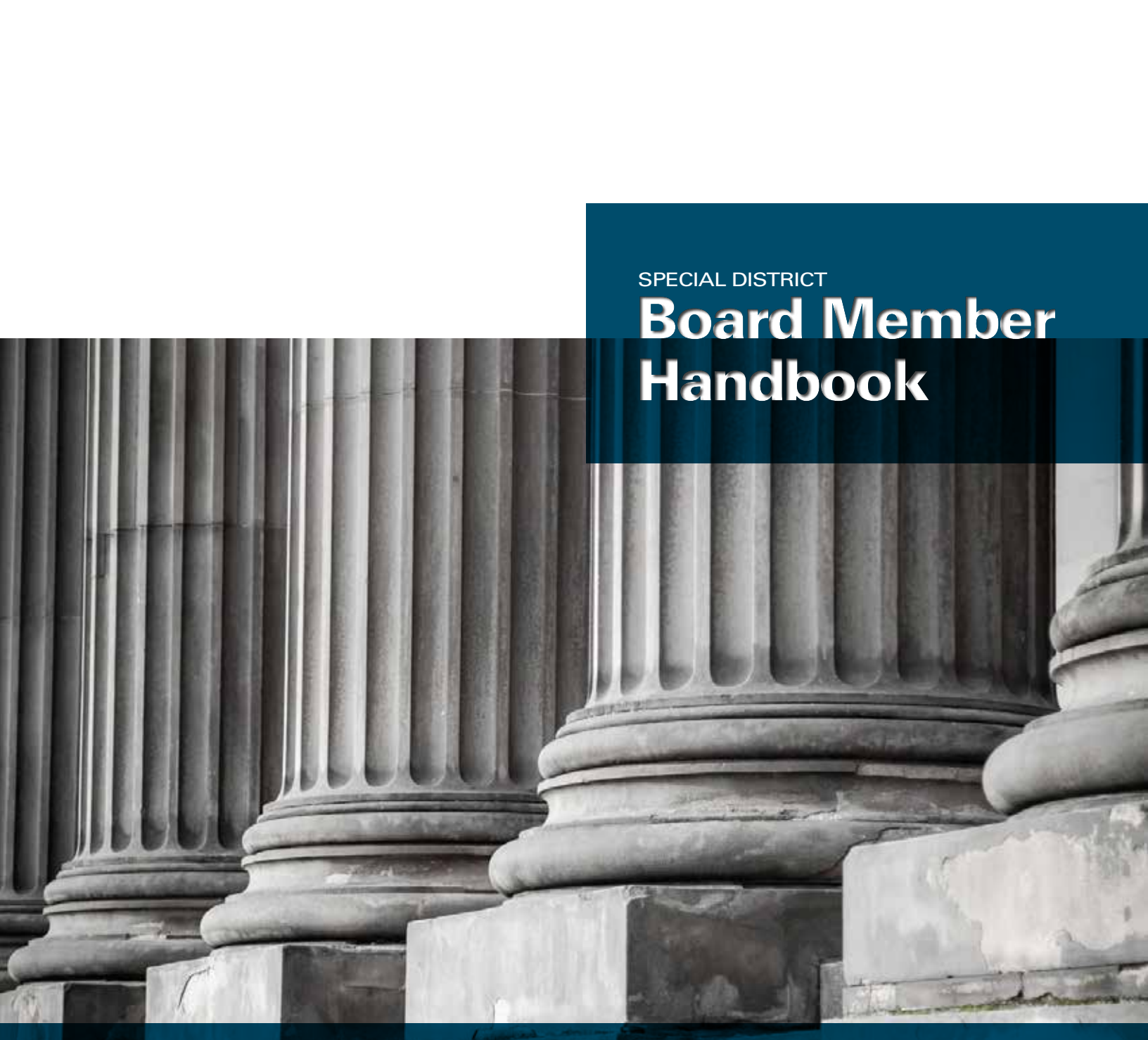
Required and Recommended Trainings

- 1) Trustees are required by law ([AB 1234, Chapter 700, Stats. of 2005](#)), to complete [AB1234 Ethics](#) training every two years. This can usually be completed for free online, through the California Special Districts Association (CSDA). The Altadena Library District will organize the scheduling of this training.
- 2) Trustees are required by [SB 1343](#) to complete a 2-hour Sexual Harassment and Abusive Conduct Prevention training once every two years. This can usually be completed for free online, through the California Special Districts Association (CSDA). The Altadena Library District will organize the scheduling of this training.
- 3) The California Special Districts Association provides legislative advocacy, education, and member services for all special districts. Trustees may access their account by visiting, www.csda.net.
- 4) Trustees will be required to attend a Library Board Effectiveness Training workshop. The workshop will take place on a mutually convenient Saturday and will be approximately a ½ day. The Altadena Library District will work with the Trustees to develop the agenda and procure the trainer. The Library Board Effectiveness Training will be held through a partnership with the California Public Library Advocates (CPLA), whose mission is "Strengthening California Libraries Through Advocacy and Education". More information may be found at www.cpladvocates.org
- 5) Trustees will be required to attend a yearly Boards Retreat that may include members of the Altadena Library Foundation and Friends of the Altadena Library. This annual training will take place on a date that can accommodate the most attendees. The Altadena Library District will facilitate the preparation for the retreat including location, refreshments, and any additional items needed.

The following webinar topics are recommended to enhance Trustees knowledge and build leadership skills which include:

- Understanding Board Member and District Liability
- Brown Act Principles
- Board Member Orientation
- Budgeting in Special Districts
- Legislative Authority in Special Districts
- Robert's Rules of Order
-

Trustees will be notified of additional trainings, conferences, and opportunities as they become available.



SPECIAL DISTRICT

Board Member Handbook

A California Special Districts Association Publication ©2019



You have been elected or appointed to a special district board by your community. This is a tremendous honor that comes with much responsibility.



Printing made possible by the California Special Districts Alliance, a partnership between CSDA, the CSDA Finance Corporation, and the Special District Risk Management Authority (SDRMA).

What do You Need to Know as a Special District Board Member?

You have been elected or appointed to a special district board by your community. This is a tremendous honor that comes with much responsibility. The mission of the California Special Districts Association (CSDA) is to provide you and your district with the resources necessary to best meet this responsibility. This handbook will serve as a fundamental guide in this endeavor.

Your special district may refer to its board members as trustees, directors, commissioners, or another similar term. For simplicity and readability, this handbook

will use the term “board member” as a universal term for all special districts. The handbook will focus on the commitments, responsibilities, and resources that are relevant to all board members of every type of special district.

As a board member for a special district, you have committed to represent the best interests of your community, ensure the delivery of essential local services and infrastructure, and faithfully serve the public good while upholding the law. This is a high calling that depends upon mutual trust, support, and collaboration with your fellow board members, your district’s professional staff, and the network of special district leaders you will develop through CSDA.



First steps board members should take after election or appointment include:

- Meet with the district’s general manager and legal counsel
- Ask the general manager and/or finance officer for an overview of the most recently approved budget and audit
- Take a tour of the district facilities
- Read your district’s enabling act found in California’s statutory codes
- Review your district’s most recent municipal services review (MSR) published by the local agency formation commission (LAFCO)
- Register for board member training at csda.net

About Special Districts

As a special district board member, you will often be asked, “What is a special district?” People sometimes do not realize how many of their essential services are provided by special districts, and they often do not understand what a special district is, how it functions, or even why it exists. Here are few answers to some frequently asked questions you’ll encounter as a board member.

What is a “special district”?

An independent special district is a local form of government that is created, funded, and overseen by a community’s residents to provide a new or enhanced level of service and infrastructure to a community. Like counties and cities, special districts are an independent form of local government. Special districts are not school districts, community college districts, joint powers authorities, assessment districts, community facilities districts, “Mello-Roos” districts, or improvement districts.

Why are special districts formed?

Special districts are formed when a community decides a specific type of service is needed and the community wants the service to be maintained with local control. The first special district in California, the Turlock Irrigation District, was established in 1887. Local farmers needed a way to access the local water supply and the Wright Act was passed by the Legislature to provide the legal foundation for water districts, and many other special districts.

The Legislature continued to develop new types of special districts as tools to help local residents come together to solve community problems and needs. Ultimately, special districts are formed by the community for the community. Special districts empower residents to find local solutions to fit the unique needs of their community.

What types of special districts exist?

There are many types of special districts that can be established to fit the specific needs of a community. Some district types include:

- Airport
- Cemetery
- Community Services
- Fire Protection
- Harbor and Port
- Healthcare
- Irrigation
- Library
- Mosquito and Pest Abatement
- Recreation and Park
- Resource Conservation
- Sanitation
- Transit
- Utility
- Veterans Memorial
- Water

How many special districts are there?

There are just over 2,000 independent special districts throughout California. They vary in size and some may serve a community of hundreds of thousands while others serve only a few hundred. Special districts are created to fit the size of the community they serve.

How are special districts governed?

Independent special districts are governed by a board of directors that is elected by the community or appointed to fixed terms by one or more other locally elected governing bodies. Board members are responsible for setting the policies that ensure special districts continue to function and serve the community. It is also important to distinguish independent special districts from dependent special districts. Unlike independent special districts, dependent districts are indirectly governed by other government entities, such as city councils or county boards of supervisors. This is because dependent special district board members include ex-officio members from another legislative body or board members who are appointed to non-fixed terms. Ex-officio board members serve on the special district board only by virtue of their participation on another board. Board members appointed to non-fixed terms serve at the pleasure of another governing body. In other words, they may be replaced at any time and are not entitled to a full four-year term.



To expand your knowledge further, visit csda.net to find the *About Special Districts Guide* and the *Special District Formation Guide* to learn more about special districts and how they are formed.



Special districts and their board members are subject to a number of laws established to ensure special districts remain transparent and accountable to their communities. These laws are discussed in greater detail later in this handbook under the chapter, *Accountability and Transparency*.

How are special districts funded?

Special districts utilize many different funding sources to establish and maintain their services and overall infrastructure. Some districts receive enterprise revenues that are collected as fees for services such as water, sewer, or electricity. Special districts can also receive non-enterprise revenues that include one percent ad valorem property tax, parcel taxes, or benefit assessments that are approved by the community. Frequently, special districts will receive a combination of enterprise and non-enterprise revenues in order to best meet the needs of their community.

What makes special districts so “special”?

As a board member who dedicates time and effort to your local special district, you understand and know from firsthand experience what makes special districts so special. It’s the connection to the community, the focused specialized service, and the commitment of local residents such as yourself that distinguishes special districts from other forms of government.

To raise awareness and understanding of special districts, CSDA established the Districts Make the Difference public outreach campaign. Resources are available at DistrictsMakeTheDifference.org to explain special districts and include:

- Videos
- Fact sheets
- Infographics
- Posters
- Brochures



Good Governance

Special district boards are the voice of the community. Every elected or appointed public official needs to care about governance—it is the essence of what boards do. Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.

The success of your district, and special districts as a form of government, depends largely upon how well you do your job as a board member. If the board does not respond to the needs of the community and govern its district effectively, it will erode the public trust, jeopardize public support of district services, and may even threaten the existence of the district itself.

Effective Governance Model

The good news is that a lot of work has been done on effective governance. Based upon a model developed by the California School Boards Association and adapted by CSDA for special districts, there are three critical dimensions that interact to determine how a board operates and its effectiveness as an organization:

1. The board as an organizational entity;
2. Individuals who together make up the board; and
3. Specific jobs the board must perform.

These are the core components of effective special district governance: a competency-based group of individual citizens coming together as an effective team to accomplish the specific responsibilities that only governing boards can do on behalf of their community.

The Board as an Organizational Entity

Any board, public or private, nonprofit or corporate, exists as an organizational entity, with its own unique organizational culture, norms, values, and operating style. There are attributes or characteristics that are consistently present in boards that operate in a highly effective way.

Effective boards become known as effective because they operate in an organizational environment of trust, honesty, and openness. These boards exhibit, as a team, the following characteristics:

- Recognize all board members as equally legitimate—no matter how different or difficult an individual may be.
- Strive to maintain a “no secrets, no surprises” operating norm.
- Acknowledge that conflicts and differences are inevitable, not necessarily “bad”, and must be faced and analyzed.
- Immediately turn to solutions rather than playing the “gotcha” game.
- Treat all staff with dignity and respect.
- Treat all community members with dignity and respect, even in the face of criticism and opposition.
- Exhibit creative thinking, know how to handle failure as well as success, encourage risk taking, and create a climate of support for excellence.
- Accept collective responsibility for the conduct, behavior, and effectiveness of the board.

Individuals Who Together Make up the Board

While boards develop unique organizational cultures, they are, after all, composed of individuals. These individuals and their values, skills, and knowledge shape how boards operate at any given time. Individuals also determine whether the board will sustain effective behavior as a group expectation.

Not everyone who serves on a special district board becomes an effective board member or leader. Those who do become effective board members also become highly valued community leaders. When an entire board is composed of truly effective board members, rather than individuals, the board becomes highly effective.

So, how are highly valued community leaders different than individuals who just serve on boards? They think about governance differently by understanding the fundamental role

Governance is taking the wishes, needs, and desires of the community and transforming them into policies that govern the district.



The most effective board members maintain the following priorities:

- Serve the public
- Support the staff as they carry out direction
- Respect fellow board members
- Seek consensus



of effective governance and the citizen leader. Effective board members exhibit the following characteristics:

- Recognize that the board, not the individual board member, governs the special district—the authority of any one board member rests only with the board as a whole.
- Heed caution when someone attempts to impose their own agenda on the district rather than working to build support for an institutional agenda.
- Appreciate that how a board member governs is as important as what a board member does—that manners make a huge difference.
- Establish trust and treat everyone with the same respect with which the board member expects others to treat them.
- Respect the diversity of perspectives and styles.
- Operate in a transparent fashion, while always keeping confidential information confidential.

Specific Jobs the Board Must Perform

We know that effective boards have strong competency-based cultures and that individual effective board members have strong governance skills, but the next question is: “To do what?” The third dimension of a board addresses the governing body’s specific responsibilities. Special district boards have certain duties that no one else in the organization or the community can perform.

In the next chapter, *Primary Roles and Responsibilities*, we will explore these duties, but first we must acknowledge one of the biggest challenges to special districts—how board members can learn and demonstrate competency.

Training and Development

We all have room to learn the governance skills required to be an effective special district leader. To do so, we must establish a culture of participation in our special district community. Just as we expect our staff to be involved in their profession, to learn and develop new skills, so too must we as effective board members learn to hone our governance skills.

We must lead by example and encourage our colleagues to branch out and learn the skills of governance. We must establish a culture of continuing education in the special district community. This includes both required trainings and recommended trainings.

Required Trainings

Every special district board member is required by law to complete ethics training and sexual harassment prevention training at least once every two years.

Ethics training is mandated by Government Code Section 53235 et. seq., which is popularly referred to by its enacting legislation, AB 1234 (Salinas) of 2005. Special district board members must receive the required two-hour training within

one year of their first day of service, and then every two years thereafter. A board member who serves more than one agency shall satisfy the requirements once every two years, regardless of how many boards they serve on.

All ethics trainings must cover laws related to conflicts of interest, gifts, reimbursements, government transparency, and fair processes, including but not limited to incompatible offices and competitive bidding practices.

Sexual harassment prevention training is mandated by Government Code 53237 et. seq., which was enacted by AB 1661 (McCarty) of 2016. Special district board members must receive the required two-hour training within the first six months of taking office, and then at least once every two years thereafter.

All sexual harassment prevention trainings must include practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims. The training includes practical examples aimed at instructing the board member in the prevention of sexual harassment, discrimination, and retaliation.

CSDA offers various forms of online and in-person ethics and sexual harassment prevention training opportunities. You can register online at csda.net.

Recommended Trainings

It is recommended that every newly elected or appointed special district board member attend CSDA's workshops that introduce the topic of governance. CSDA strives to offer these opportunities in various locations throughout the state annually.

As a longer-term goal, during your first term in office it is also recommended you obtain the Recognition in Special District Governance certificate from the Special District Leadership Foundation (SDLF). This recognition was designed to honor special district board members and is comprised of two distinct parts: the completion of the Special District Leadership Academy and 10 hours of continuing education.

The Special District Leadership Academy consists of four courses: Governance Foundations, Setting Direction/Community Leadership, Board's Role in Human Resources, and Board's Role in Finance and Fiscal Accountability. The four courses are unique from any other courses on special district governance in that they are curriculum that has been created by special districts and agreed upon as what governing officials of special districts should know. SDLF has endorsed the Academy as the core special district governance training in California.

SDLF is a 501(c)(3) organization formed to provide recognition and certification opportunities to special district officials and employees to enhance service to the public. It is dedicated to excellence in local government. You can learn more about SDLF at sdlf.org.



*Learn more
about CSDA's
professional
development
offerings at
csda.net.*

VISIT CSDA.NET FOR DATES AND LOCATIONS

ACHIEVING DISTRICT GOALS... TOGETHER.

A Comprehensive Governance Leadership Conference for Elected and Appointed Directors/Trustees.

SDLA

Special District
Leadership Academy Conference



SDRMA

presented by
CSDA and
co-sponsored
by SDRMA





Primary Roles and Responsibilities

One of the first and most important distinctions to make in your work as a board member is the difference between your responsibilities and those of the general manager and staff. Clearly understanding and respecting these roles, and how they interact, is critical to the long-term success and sustainability of your special district.

Role of a Board Member

One of the most significant responsibilities as a board member is to understand that the board is a team and you need to work together as such. Understanding the dynamics of the group, as well as the individual perspectives and opinions of your fellow board members, is crucial to the success of the team, the district, and community you represent. This united approach will help to strengthen the district and provide the grounds for maintaining a clear vision of the future, a unity of purpose, and a cohesive board.

The specific responsibilities of the board are clustered into five areas:

1. Setting the direction for the district;
2. Establishing and supporting the policies and structure of the district;
3. Overseeing the financial resources necessary to fund the district;
4. Guiding employee relations policy, including the hiring and supervising of the general manager who, in turn, operates the district and hires/manages its staff; and
5. Serving as community leaders who communicate effectively on behalf of the district.

Setting Direction

The board establishes the special district's mission and vision. In building a mission statement, the board must clearly understand the purpose of the district and answer the question of "why?" Why does the district exist? It will also be helpful for the board to identify core values that guide the district in its mission.

When developing a vision statement, the board must answer the question of "what?" What would the district look like should it accomplish its mission to the fullest extent? Doing so requires agreement on the board as to what the future of the district should look like.

With a mission and vision as its foundation, the board sets direction through the district's strategic plan, which may guide the development of more specific objectives for implementation by the general manager and staff. In developing a strategic plan, the board will evaluate the present, anticipate the future, and prioritize goals that must be accomplished to achieve the vision. Strategic plans should be reviewed periodically and adjusted appropriately.

Establishing Policies

Policies are written statements specifying the manner in which the district's business is conducted. The board's job is to develop, maintain, revise, and enforce the district's policies. These policies provide needed direction for the general manager and staff, and for the constituents of the district.

One may view a special district's enabling act in California statute as the framework or "constitution" the district must operate under as a "subdivision of the state." However, independent special districts are not state entities, nor are they entities of a city or county. They are independent local governments, which are separate legal entities similar to other municipalities. Board-approved policies, resolutions, and ordinances are the tools by which boards direct the district in achieving its mission and securing its vision within the boundaries of its enabling act.

Board policies should guide district governance, such as board meetings, agendas, and minutes, board conduct, and rules of order. Policies should also be adopted

concerning district finances, personnel, communications, and other key functions.

While policies are approved by the board and may be requested by the board, they are typically drafted and recommended by staff. Sometimes this is done with review and direction of a board subcommittee.

Overseeing Finances

Boards ensure sound fiscal policy exists and that practices and controls are in place so that the district, board, general manager, and staff have direct accountability to their constituents. Furthermore, the board will approve an annual budget and request and approve periodic reports on the fiscal status of the district.

Commensurate with the board's role in financial oversight and fiduciary responsibilities, it should establish a financial reserve policy and capital improvement plan (CIP). It will also approve contracts of certain size and scope according to State law and board policy. To ensure adequate funding to provide quality services and infrastructure to its community, the board must impose sufficient rates, fees, and taxes.

Guiding Employee Relations

The board's charge is to support and assess the performance of the general manager, approve personnel policies, establish salary structure and benefits packages, approve memorandums of understanding (MOUs) negotiated with labor, approve job descriptions and organizational structure, and establish a

strong communications link between the board and general manager.

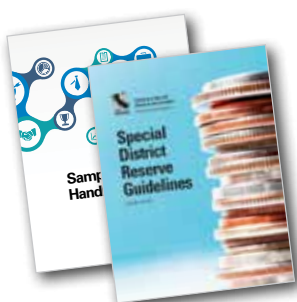
One of the most important decisions a board will ever make is the hiring of a general manager. Other than a district's general counsel and some rare additional exceptions for large special districts, the general manager is the only individual the board hires and supervises.

The general manager is responsible for hiring and supervising all other staff, sometimes through senior or mid-level managers in larger districts. Empowering the general manager to successfully carry out this key duty is critical to the success of the district. This should include a fair and constructive annual general manager evaluation process.

Serving as Community Leaders

A district and its board are linked in the eyes of the public and often seen as one and the same. Therefore, the conduct of board members reflects upon the district and the community it serves. This holds true during board meetings and formal district events, as well as during other interactions with community, the media, businesses, and other levels of government. Even the personal lives and behaviors of a board member can impact the perception and effectiveness of the district.

In your role as a board member, your board may designate you to formally represent your board to other organizations or participate in ceremonial events. Boards will often establish policies to guide such situations. It is



To expand your knowledge further, visit csda.net to find CSDA's *Sample Policy Handbook* and *Special District Reserve Guidelines* to learn more.

important to distinguish when you are speaking on behalf of the board and when you are speaking as an individual. However, as a public official, you should recognize that people will often construe your speech and actions as representative of your district, its staff, and your fellow board members regardless of the manner, time, and place in which they occur. This reality should lead board members to be thoughtful, intentional, and unified, not to be silent or absent.

It is a mistake for a special district to attempt to “fly under the radar.” Transparency is essential to democracy, and scrutiny is inevitable in government. This will be covered more in the next chapter, *Accountability and Transparency*, but here it is important to note that board members play a key role in a special district’s public outreach and engagement efforts. If a special district and its leaders are not telling the story of the district, somebody else will.

Role of the General Manager and Staff

The general manager is the executive staff officer of the district and for the board. This individual administers the district, providing day-to-day leadership, and maintains exclusive management and control of the operations and works of the district within State law and the policies of the board. In some districts, this position may be referred to as the district administrator, chief executive officer, executive director, district director, or another title. For the purposes of this handbook, it will be referred to as general manager.

Overarching best practices for a general manager include:

1. Developing and delivering reports to keep the board of directors and public well-informed of district operations and the status of district goals;
2. Providing recommendations on actions requiring board approval, including policies, resolutions, ordinances, and other matters;
3. Maintaining and advancing the operations of the district and implementing those policies, strategies, and directives approved by the board; and
4. Playing an active role in moving the district forward in serving its mission, carrying out its strategic plan, and attaining its vision.

As noted previously, the general manager has authority over and directs all employees, including hiring, supervision, evaluations, promotions, disciplinary actions, and terminations. All directives for staff should be given by the general manager or designated supervisor within the district. Authority may be delegated to other staff or consultants at the general manager’s discretion.

The general manager should dutifully and faithfully carry into effect the lawfully expressed policies of the board, including planning the short, medium, and long-term work program for the district, facilitating constructive and harmonious board relations, preparing and managing the district budget, conducting studies, and delivering written and oral presentations.



Visit sdlf.org to download the **SDLF High Performing District Checklist to provide special districts with best practices related to the areas of finance and human resources.**



Best practices that make the best board members:

- Do your homework: Read all board packets and materials in advance of meetings.
- Don’t play “gotcha”: Share questions with the general manager in advance of the board meeting.
- Listen first, speak second: Prioritize understanding the perspectives of others.
- Build an expertise: Find an important issue that other board members are not already invested in and become a leader, such as on LAFCO, environmental sustainability, etc.
- Stick to principles, not positions: Develop strong and well-considered principles, rather than digging heels into one position of a false dichotomy.
- Oppose the action, not the implementation: When necessary, vote “No” on a board agenda item, but don’t undermine or obstruct the successful implementation of board-approved decisions. Support and respect the actions of the board as a whole.





Accountability and Transparency

The residents of the district, as voters, owners, constituents, and customers of the district, possess the ultimate responsibility for its oversight and direction. The board is elected or appointed to serve as the voice of these residents. There are a host of legal requirements designed to ensure special districts remain accountable and transparent to its residents.

While special district boards must meet all mandated State laws, they should strive to exceed these requirements and set an example to other governments and organizations.

Legal Requirements

Significant mandates have been placed upon special districts by the State Legislature, which often exceed the standards for the State and some other local agencies. These legal requirements include, but are not limited to:

- Website Maintenance
- Open and Public Meetings under the Ralph M. Brown Act
- Public Records under the California Public Records Act
- Regular Financial Audits
- Finances and Compensation Posted Online
- Ethics Training for Board Members
- Conflict of Interest Compliance under the Political Reform Act

Websites

Beginning January 1, 2020 every special district must maintain a website, per Government Code Section 53087.8. All special district websites must display district contact information, agendas, state-mandated financial transaction and compensation reports, and a report of the district's enterprise systems. An exemption is available for special districts that pass an annual resolution detailing evidence of a hardship.

Open and Public Meetings

Per the Ralph M. Brown Act (Brown Act), special district board meetings must be accessible to the public. To facilitate access and participation, special districts must post their regular meeting agendas at least 72 hours in advance in a publicly accessible location and on their website. The board may only act on issues included in the agenda and the public must be permitted to address the board. The Brown Act includes myriad provisions and exceptions and has been the subject of significant litigation. It is recommended that board members read the Brown Act, found at Government Code Section 54950 et. seq., in its entirety and consult district legal counsel as necessary.

Public Records

As required by the California Public Records Act (CPRA), found in Government Code 6250 et. seq., special district records are subject to public review and scrutiny. The public may request copies of records in the possession of a special district, including records on a board member's personal device or account that are related to district business. Districts may charge a reasonable fee for the cost of printing and paper, but the district may not charge for staff time in producing such copies. As with the Brown Act, the CPRA includes numerous provisions and exceptions and is shaped by countless lawsuits. It is recommended special districts consult legal counsel as necessary in response to specific public records act requests.

Financial Audits

Government Code Section 26909 mandates regular audits of special districts by the county auditor-controller or a certified public accountant. The audit must be filed with the state controller and county auditor-controller.

Online Financial and Compensation Reports

Since 1949, special districts have been required to submit a financial transaction report to the state controller. In 2014, legislation additionally required completion of a compensation report and required that both the compensation report and financial transaction reports be posted or linked to

a conspicuous place on each special district’s website. The state controller now provides all of this information in an open data format at www.bythenumbers.ca.gov and www.publicpay.ca.gov.

Ethics Training

In 2005, the State enacted AB 1234 (Salinas) mandating special district board members complete at least two hours of training in general ethics principles and ethics laws every two years. Board members have an obligation to conduct business in an ethical manner and make decisions that are in the best interests of their constituents. Building and maintaining the public’s trust requires you to avoid any situation where your self-interest may come first.

Conflict of Interest Compliance

Passed by voters via Proposition 9 in 1974, the Political Reform Act (PRA) is designed to ensure elections are fair and government officials serve all citizens equally. The PRA generally governs political campaign spending and contributions, as well as a variety of ethics rules, including conflicts of interest. It prohibits a special district official from making, participating in making, or influencing a decision in which the official knows or has reason to know the decision will have a material financial effect on the official’s economic interests, with limited exceptions.

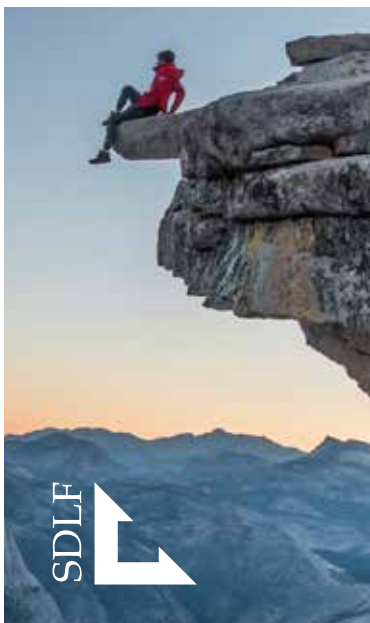
Third Party Oversight, Review, and Regulation

In addition to the legal requirements adhered to by special districts, there are a number of entities and programs, which provide varying levels of oversight, review, or regulation:

- Local Agency Formation Commission
- County Auditor-Controller
- County Civil Grand Jury
- County District Attorney and State Attorney General
- State Controller
- State Auditor
- State Treasurer
- State Fair Political Practices Commission
- Other State Regulators

Best Practices

Many special districts go beyond State mandated legal requirements to promote accountability and transparency. To facilitate and recognize best practices among special districts, the Special District Leadership Foundation (SDLF) has established a District Transparency Certificate of Excellence as well as other programs and scholarships. Visit sdlf.org to review the programs and download an application.



*Learn more
about **SDLF**
Programs &
Scholarships
at sdlf.org.*



Legislative Advocacy, Media Outreach, and Public Engagement

The decisions you make and the actions you take as a board member directly impact your community and the services they receive. It is equally true that districts are affected when board members do not make crucial decisions or fail to take action.

As a board member, you are an advocate for your district and your community. You will have to balance a number of responsibilities throughout your term. However, there are several simple yet influential ways you can take action as a board member.

Engage with the Capitol

Extensive travel to Sacramento is not necessary to effectively engage with the Capitol. Likely the most important way board members can partake in advocacy efforts is to submit letters of support or opposition when CSDA sends out a “Call-to-Action.”

Throughout the legislative session, CSDA closely analyzes and tracks any bill that may impact special districts. When an especially important bill arises, CSDA will issue a “Call-to-Action” and request letters so the Capitol hears the voice of special districts. Make sure your district’s voice is heard and work with others at your district to write support and opposition letters on behalf of your district.

Meeting with your legislators is another valuable way of advocating for your district and engaging with the Capitol. There are times throughout the year when legislators leave the Capitol and return to their legislative districts. During these legislative recesses, do your best to schedule a meeting with your legislator and their staff. Just as you represent your community as a special district board member, your legislator represents you, your special district, and your community. Make sure your legislator knows what issues are important to your district and how your district is impacted by legislation. The more legislators know about the special districts they represent, the more educated they will be when creating legislation that affects all special districts.

Once you’ve met with your legislators, let CSDA know which legislators you have a relationship with so that CSDA can coordinate grassroots activities on key votes in the State Legislature. Do this by completing the Grassroots Mobilization Survey at csda.net/take-action.

Engage with the Media

During your term as a special district board member, you will likely have to interact with the media. Do not be intimidated by the idea of communicating with the press. It is vital that you help inform the media’s narrative regarding your district. You do not want the only media mentions for your district to be one-sided or unfairly skewed against your district. The only way to ensure your district has a voice in what the media covers is for your district to be proactive. Be sure that any media outreach you undertake is in line with your board policies and/or protocols. Every special district should have a media protocol that determines who should serve as a spokesperson for the district under different circumstances. It is important to work as a team and support a clear and consistent message from your district.

Press releases should be utilized as a way to inform the press of particularly significant events. A few opportunities to send out press releases include when your district receives an award, after new board members are elected, or after a major project is successfully completed. Encourage your district to send out timely press releases in accordance with your board policy. You should also be looking for the best opportunities for your district to interact with the media. Not everything will be compelling to the media, but the media cannot acknowledge your district’s positive achievements if they are not informed. Media advisories are another way to engage with the media. If your district is hosting an event, encourage the general manager or district staff to send out an invitation to local reporters. Sometimes allowing the media to see for themselves helps garner positive press for your district. Also, inviting the media to your district allows you and other district representatives to build a working relationship with the



Throughout the year, CSDA maintains multiple resources to ensure you can stay up to date on the latest legislative issues impacting special districts. Explore the following resources:

- **Advocacy News:** Provides real-time notifications or daily summaries of legislative updates directly to your inbox. Join Advocacy News at csda.net/advocate/advocacy-blog.
- **Take Action Page:** Lists the most pressing legislative issues and provides background information and next steps for your district. Visit the Take Action page at csda.net/advocate/take-action.
- **Legislative Roundup:** Biannual webinar, free to CSDA members, connecting members with CSDA’s lobbyists for a live update and Q and A on the latest events in Sacramento.

reporters in your community. You want to serve as a resource to the media so when reporters have questions, they reach out for your district's perspective.

You may also want to suggest your district's media policy and/or protocol includes standard talking points for district representatives to reference when working with the media. Maintaining consistent messaging with the media will lend a level of credibility and reliability that the media will remember when writing about your district. As the media's understanding of your district grows, you should notice more accurate and informed press attention for your district.

Engage with Your Community

Special districts provide essential services to millions of Californians. Yet, many people have not heard of special districts or do not understand what a special district truly is. Polling shows that as soon as people understand the services provided and maintained by special districts, their perceived value of special districts rises exponentially. As a board member, you can help the public understand your district and its important role in your community.

Social Media

There are numerous ways to interact and connect with the community you serve. In today's world, most community members are on some form of social media. Although social media can be time consuming for you and district staff, it is worthwhile. A district policy or protocol should guide who is responsible for posting on behalf of the district. Typically, this is assigned to a member of the staff and board members may engage by liking and/or sharing district posts from their personal accounts.

Social media can provide an instant connection with your community. Instead of forcing local residents to go looking for information, you can make important information immediately available on social media.

Engaging on social media does not require continuous posts to all platforms throughout the day. Instead, post to social media when you have something you need and want to share with the

public. Post about any community events where your district will be represented. Share a quick fact or update about your district that may interest your community.

Even if you do not frequently post to social media, monitor your accounts to see if people make comments, have questions, or provide suggestions. You may choose not to respond to comments on social media but at least you are aware of what your community is saying. People may voice something on social media that they would not ordinarily say in person or in a more formal setting. At times, people may post negative comments but with social media, engagement is ultimately the goal. Social media starts an ongoing conversation with your community.

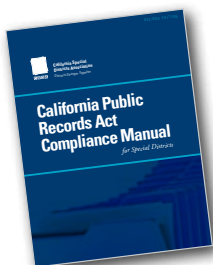
Community Events

Another effective way to engage with your community is with community events. As a board member, you can encourage your district to host an event where the public is invited to your district. Holding tours during the summer to demonstrate how your district functions or hosting a holiday party as a way for the community to celebrate together are just a few event ideas.

If you are a board member at a smaller district or a district type that does not easily lend itself to visits, collaborate with other districts and businesses in your community. Reach out to other special districts in your area to discuss a possible "district day" where representatives from multiple districts gather together and answer questions about their respective districts. Hosting a booth at the local career fairs or sponsoring a local event are other valuable ways of building a connection with the community you serve.

Join the Public Outreach Campaign

CSDA launched the Districts Make the Difference public outreach campaign to raise awareness and understanding for special districts. Encourage your district to participate in the campaign. Add a link to the DistrictsMakeTheDifference.org on your district's website so people can utilize the campaign resources and learn about the different types of special districts and how they are governed. Raising awareness for special districts helps local residents understand the value of special districts and the significant role they play in the community.



CSDA's *California Public Records Act Compliance Manual* is a general summary of the CPRA as it applies to special districts. For more information on this manual visit csda.net.



Responses to Tough Questions

As with all forms of government, special districts sometimes face tough questions. Special district board members should be aware of these questions and be prepared to respond to them.

Why are some special districts funded by property taxes, while others are funded by fees or a combination of fees and taxes?

Special district funding is primarily determined by the residents who receive district services and pay for those services. Special districts may receive two types of revenue: enterprise revenue and non-enterprise revenue. Some districts rely exclusively on one type, but most receive a combination of the two.

Enterprise revenue is derived by fees for service. Common forms of enterprise revenue include property-related fees, governed under Proposition 218, such as water, sewer,

or trash rates. However, enterprise revenue may also include smaller charges like registration fees for a soccer league or yoga class. Facility rentals, cemetery interment fees, and medical billing are also forms of enterprise revenues.

Non-enterprise revenue is derived from taxes and assessments paid as a condition of owning property that benefits from the services and infrastructure provided by a special district. The most common form of non-enterprise revenue is the one percent ad valorem local property tax, which is distributed through the county auditor-controller's office. This is dictated by Proposition 13 and is usually what someone is referring to when they mention the "property tax." Non-enterprise revenue may also include special taxes, benefit assessment districts, community facilities districts (also known as CFDs or Mello-Roos districts), and similar funding mechanisms.

It is important to note that most residents have approved at least some level of both enterprise and non-enterprise revenue for their special district. This provides the district

with a diverse and sustainable revenue portfolio that can better withstand economic shifts and secure the highest credit ratings for infrastructure investment. It also ensures that everyone who benefits from a district contributes to the cost of the district. For example, water and sewer services benefit a property's value regardless of whether that property's owner currently uses those services.

Can special districts tax residents without their consent?

No. Proposition 13 limited ad valorem property taxes to one percent of property value for every homeowner. Many special districts, along with cities, counties, and schools, receive a share of this revenue. If a district requires additional revenue it must obtain the approval of its voters or property owners as appropriate.

While cities and counties may impose general taxes with majority voter approval, all special district taxes are considered "special taxes" and require a two-thirds vote. A general obligation bond that raises property taxes temporarily to pay-off the bond must also receive two-thirds voter approval. Certain assessments may be approved with a majority of those who benefit from the service and property related fees must go through what's known as a majority protest proceeding in accordance with Proposition 218.

Why do we have community facilities districts, Mello-Roos districts, and special districts all funding our services?

Community facilities districts (CFDs) and Mello-Roos districts are just two names for the same thing, but neither are a special district with a board that provides a service. CFDs or Mello Roos districts are funding mechanisms that may be established by a special district, city, county, or school district to help fund services and public works for that area. CFDs or Mello-Roos districts are typically approved by property owners in developing areas where there are fewer than 12 residents. In cases where there are 12 or more residents, they must be approved by voters.

Why do special districts have such large reserves?

Special districts need adequate reserves to ensure they can respond to their community's needs in the event of emergencies or disasters, like flooding, earthquakes, wildfires, or even droughts. Prudent reserves are often needed to accumulate the capital to pay for large infrastructure projects, or to secure financing. In addition, reserves provide a safety cushion to stabilize rates and maintain adequate services during economic downturns.

It should be noted that some reports of special district reserve levels have misinterpreted data within the state controller's Financial Transaction Report in a manner that confused districts' fixed assets with cash on hand. CSDA has worked with the state controller's office to ensure this report is presented in the most clear and consistent manner possible to avoid such errors in the future.

CSDA has also developed the Special District Reserve Guidelines, a comprehensive guide for accumulation and management of special district reserves. The report lays out policy procedures and high standards for special districts to follow in handling their fiduciary responsibilities.

Don't special districts have board members who are heavily compensated?

Board member compensation is set in statute by the State Legislature. Some special districts have statutory authority to adjust compensation, within strict limits, via a vote of the board during a properly noticed open and public meeting. Unlike city council members and county supervisors, special district board members are not eligible for the California Public Employees' Retirement System (SB 53 of 1993).

While every type of special district must comply with its own statutory parameters, most special district board members receive about \$100 per meeting. It is important to note that the work of a board member does not begin when a meeting commences and end when it adjourns. Board members typically review lengthy meeting packets, study issues thoroughly, and may be in communication with constituents or district staff throughout the month.

Every special district is unique and the demands and qualifications necessary to well-serve different special districts will vary.

Aren't special districts fragmented government?

Special districts provide real-world solutions to meet the needs of residents that otherwise would not be met. In fact, their name and their strength is derived from the way they specialize in a service. Special districts are passionate about providing a service people need. They are not easily distracted from their mission, and they develop an expertise at providing a service in the most efficient, effective, and sustainable manner possible.

While special districts may dot many local landscapes, each one is unique to the needs of its community. Special districts arguably offer the closest, or “most local,” level of service to their community. Residents will likely notice a difference in access and responsiveness when attending a recreation and park district meeting to discuss a playground as opposed to what they may receive on such a specific topic at a general-purpose government meeting. The same could be said in relation to library districts, harbor districts, mosquito abatement districts, water districts, and so on.

Similarly, special districts offer residents a meaningful opportunity to engage with their government and serve their community. The barriers associated with running for Congress, the State Legislature, and even county or city governing bodies are often staggering, with campaigns sometimes costing hundreds of thousands or millions of dollars. And the politics are sometimes highly partisan. Raising that level of campaign money and investing that number of hours away from family and paid employment is out of the reach of most Californians. While serving on a special district board is a significant undertaking, it is far more accessible to the average person.

Do special district services overlap with cities and counties?

No. local agency formation commissions (LAFCOs) oversee the formation, dissolution, and boundaries of special districts and cities. There are 58 LAFCOs, one per county. They ensure that special districts and cities don’t overlap in a way that provides redundant services. LAFCOs also conduct regular municipal services reviews (MSR) on special districts to help ensure they are providing efficient and effective services.

There are just over 2,000 independent special districts compared to 977 school districts, 482 cities and 58 counties.

Why so many and why can’t they be consolidated to save taxpayers money?

What really matters is the quality of services and how well a special district responds to the residents it serves. Consolidation may work in some cases, but it doesn’t work in all cases. Bigger bureaucracies that are further removed from voters are not always more efficient. Even where consolidation may make sense in concept, it may not be economically feasible due to lack of proximity to neighboring infrastructure, such as water or sewer pipes.



An inherent bias for or against consolidation doesn’t improve services. Rather, a thoughtful, case-by-case approach, that includes stakeholders and an objective analysis, will promote the best local government options for each community. Ultimately, the residents who receive and pay for the services should have the final say.

It is also important to keep in mind that there are not 2,000 special districts providing the same service throughout the state. For instance, there are about 346 fire protection districts, 47 mosquito abatement and vector control districts, 95 recreation and park districts, 10 airport districts, and so on.

Who are special districts accountable to?

Special districts are accountable to the residents who elect their boards, approve their funding sources, and use their services. This offers a community local control.

If residents need something or want to see something changed, they may go to their special district and petition their board. When authority is pulled away from local government bodies and centralized further from residents, the community’s ability to influence its government and hold it accountable may become more challenging.

Numerous state laws help residents hold special districts accountable, such as the Ralph M. Brown Act, the California Public Records Act, the Political Reform Act, and more. Additionally, a number of other bodies facilitate oversight and reporting requirements, including the LAFCO, county auditor-controller, county district attorney, state attorney general, and state controller’s office.



Quick Reference for Laws Affecting Special Districts

As subdivisions of the State of California, special districts are governed by state law. Every fall, after the legislative session concludes, CSDA runs a “New Laws” series. At the beginning of each year, CSDA provides its members with a New Laws report, which includes hundreds of enacted bills and court rulings.

CSDA’s publication, *Laws Governing Special Districts*, is a member resource that provides a thorough overview of the most significant long-standing laws affecting the governance of all types of special districts. This resource includes a spreadsheet outlining the enabling act for each type of special district. Following are excerpts of some of the most frequently referenced laws affecting all special districts.



See what’s included in the *Laws Governing Special Districts Guide* at csda.net.

Resources for You and Your Special District

Since 1969, CSDA has been providing special districts with representation at the Capitol, professional development opportunities, and a host of programs and resources designed to help them better serve their communities.

Advocacy and Public Affairs

CSDA is the only association representing the interests of California’s independent special districts, of all types and sizes and from all corners of the state. Our legislative staff reviews and monitors every bill introduced for its potential impact on special districts. Bills requiring action are quickly brought to the attention of the Legislative Committee and Board of Directors to adopt a position on each issue and lobby accordingly.

Our six District NetWorks help special districts connect and take action on issues of concern, locally or statewide. A CSDA Public Affairs Field Coordinator works with leaders in each Network, providing valuable legislative updates, facilitating communications, and coordinating regional events. Local chapters of CSDA provide more opportunities for collaboration and information sharing.

Professional Development

CSDA offers many unique educational opportunities for special district board members and staff. These range from extensive governance training to specialized conferences and regional workshops.

- Special District Leadership Academy (SDLA)
- Special District Board Secretary/Clerk Conference
- General Manager Leadership Summit
- Annual Conference and Exhibitor Showcase
- Workshops in Ethics, Harassment Prevention, and more

In addition, CSDA webinars, offered live and on-demand, provide affordable and convenient access to education in a wide variety of topics. Find a complete list of trainings at csda.net.

Visit csda.net for online resources available for members, including tools and information crucial to any special district's operational effectiveness.



CSDA is committed to providing solutions to special district needs. That includes discounts and programs especially designed to save districts time and money.

A complete listing of Value Added Benefits is available at csda.net.

Online Resources

At csda.net, members have access to tools and information crucial to any special district's operational effectiveness. Below are a few highlights of what you can find once you've logged in.

CSDA Communities

Our online forum gives CSDA members a fast and easy way to share relevant information and get answers to questions from those most qualified to answer – your peers. Search for and connect with other members through the Member Directory, or find service and product providers through the Buyers Guide.

Knowledge Base

The Knowledge Base is your online go-to for answers to many questions about local governance and policies related to special districts. The Frequently Asked Questions section contains answers to the inquiries we hear most often from special districts. The Sample Document Library is a collection of useful examples contributed by other special districts.

Also included in the Knowledge Base is an array of downloadable publications and reference materials on topics such as:

- Ballot Measure Guidelines
- Brown Act Compliance
- California Public Records Act
- Parliamentary Procedure
- Reserve Guidelines
- And many more

California Special Districts Alliance



California Special Districts Alliance is a collaborative partnership between CSDA, the CSDA Finance Corporation and the Special District Risk Management Authority (SDRMA). Our three organizations work together to provide the best in resources and education for your special district.

CSDA Finance Corporation has facilitated nearly \$1 billion in financing for capital improvements, land acquisitions, and equipment purchases. Learn more at csdafinance.net.

Special District Risk Management Authority provides full-service risk management programs, including Workers' Compensation, Property/Liability, and Health Coverages. Learn more at sdrma.org.



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A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016



AGENDA ITEM

1. PUBLIC COMMENT: The City Council values your comments; however, pursuant to the Brown Act, Council cannot take action on items not listed on the posted agenda. The public comment period is limited to 20 minutes, with 2 minutes allotted for each speaker. This public comment period is to address the City Council on Consent Calendar items, other agenda items (if the member of the public cannot be present at the time the item is considered) or items of genera...

CURRENT SPEAKER: Larry Block

ACKNOWLEDGEMENTS

The League thanks the following individuals for their work on this publication:

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A GUIDE TO THE RALPH M. BROWN ACT

REVISED APRIL 2016

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IT IS THE PEOPLE’S BUSINESS

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Chapter 1

IT IS THE PEOPLE'S BUSINESS



The right of access

Two key parts of the Brown Act have not changed since its adoption in 1953. One is the Brown Act's initial section, declaring the Legislature's intent:

"In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly."

*"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."*¹

The people reconfirmed that intent 50 years later in the November 2004 election by adopting Proposition 59, amending the California Constitution to include a public right of access to government information:

*"The people have the right of access to information concerning the conduct of the people's business, and, therefore, the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny."*²

The Brown Act's other unchanged provision is a single sentence:

*"All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter."*³

That one sentence is by far the most important of the entire Brown Act. If the opening is the soul, that sentence is the heart of the Brown Act.

Broad coverage

The Brown Act covers members of virtually every type of local government body, elected or appointed, decision-making or advisory. Some types of private organizations are covered, as are newly-elected members of a legislative body, even before they take office.

Similarly, meetings subject to the Brown Act are not limited to face-to-face gatherings. They also include any communication medium or device through which a majority of a legislative body

PRACTICE TIP: The key to the Brown Act is a single sentence. In summary, all meetings shall be **open and public** except when the Brown Act authorizes otherwise.

discusses, deliberates or takes action on an item of business outside of a noticed meeting. They include meetings held from remote locations by teleconference.

New communication technologies present new Brown Act challenges. For example, common email practices of forwarding or replying to messages can easily lead to a serial meeting prohibited by the Brown Act, as can participation by members of a legislative body in an internet chatroom or blog dialogue. Communicating during meetings using electronic technology (such as laptop computers, tablets, or smart phones) may create the perception that private communications are influencing the outcome of decisions; some state legislatures have banned the practice. On the other hand, widespread cablecasting and web streaming of meetings has greatly expanded public access to the decision-making process.

Narrow exemptions

The express purpose of the Brown Act is to assure that local government agencies conduct the public's business openly and publicly. Courts and the California Attorney General usually broadly construe the Brown Act in favor of greater public access and narrowly construe exemptions to its general rules.⁴

Generally, public officials should think of themselves as living in glass houses, and that they may only draw the curtains when it is in the public interest to preserve confidentiality. Closed sessions may be held only as specifically authorized by the provisions of the Brown Act itself.

The Brown Act, however, is limited to meetings among a majority of the members of multi-member government bodies when the subject relates to local agency business. It does not apply to independent conduct of individual decision-makers. It does not apply to social, ceremonial, educational, and other gatherings as long as a majority of the members of a body do not discuss issues related to their local agency's business. Meetings of temporary advisory committees — as distinguished from standing committees — made up solely of less than a quorum of a legislative body are not subject to the Brown Act.

The law does not apply to local agency staff or employees, but they may facilitate a violation by acting as a conduit for discussion, deliberation, or action by the legislative body.⁵

The law, on the one hand, recognizes the need of individual local officials to meet and discuss matters with their constituents. On the other hand, it requires — with certain specific exceptions to protect the community and preserve individual rights — that the decision-making process be public. Sometimes the boundary between the two is not easy to draw.

Public participation in meetings

In addition to requiring the public's business to be conducted in open, noticed meetings, the Brown Act also extends to the public the right to participate in meetings. Individuals, lobbyists, and members of the news media possess the right to attend, record, broadcast, and participate in public meetings. The public's participation is further enhanced by the Brown Act's requirement that a meaningful agenda be posted in advance of meetings, by limiting discussion and action to matters listed on the agenda, and by requiring that meeting materials be made available.

Legislative bodies may, however, adopt reasonable regulations on public testimony and the conduct of public meetings, including measures to address disruptive conduct and irrelevant speech.

PRACTICE TIP: Think of the government's house as being made of glass. The curtains may be drawn only to further the public's interest. A local policy on the use of laptop computers, tablets, and smart phones during Brown Act meetings may help avoid problems.

Controversy

Not surprisingly, the Brown Act has been a source of confusion and controversy since its inception. News media and government watchdogs often argue the law is toothless, pointing out that there has never been a single criminal conviction for a violation. They often suspect that closed sessions are being misused.

Public officials complain that the Brown Act makes it difficult to respond to constituents and requires public discussions of items better discussed privately — such as why a particular person should not be appointed to a board or commission. Many elected officials find the Brown Act inconsistent with their private business experiences. Closed meetings can be more efficient; they eliminate grandstanding and promote candor. The techniques that serve well in business — the working lunch, the sharing of information through a series of phone calls or emails, the backroom conversations and compromises — are often not possible under the Brown Act.

As a matter of public policy, California (along with many other states) has concluded that there is more to be gained than lost by conducting public business in the open. Government behind closed doors may well be efficient and business-like, but it may be perceived as unresponsive and untrustworthy.

PRACTICE TIP: Transparency is a foundational value for ethical government practices. The Brown Act is a floor, not a ceiling, for conduct.

Beyond the law — good business practices

Violations of the Brown Act can lead to invalidation of an agency's action, payment of a challenger's attorney fees, public embarrassment, even criminal prosecution. But the Brown Act is a floor, not a ceiling for conduct of public officials. This guide is focused not only on the Brown Act as a minimum standard, but also on meeting practices or activities that, legal or not, are likely to create controversy. Problems may crop up, for example, when agenda descriptions are too brief or vague, when an informal get-together takes on the appearance of a meeting, when an agency conducts too much of its business in closed session or discusses matters in closed session that are beyond the authorized scope, or when controversial issues arise that are not on the agenda.

The Brown Act allows a legislative body to adopt practices and requirements for greater access to meetings for itself and its subordinate committees and bodies that are more stringent than the law itself requires.⁶ Rather than simply restate the basic requirements of the Brown Act, local open meeting policies should strive to anticipate and prevent problems in areas where the Brown Act does not provide full guidance. As with the adoption of any other significant policy, public comment should be solicited.



A local policy could build on these basic Brown Act goals:

- A legislative body's need to get its business done smoothly;
- The public's right to participate meaningfully in meetings, and to review documents used in decision-making at a relevant point in time;
- A local agency's right to confidentially address certain negotiations, personnel matters, claims and litigation; and
- The right of the press to fully understand and communicate public agency decision-making.

An explicit and comprehensive public meeting and information policy, especially if reviewed periodically, can be an important element in maintaining or improving public relations. Such a policy exceeds the absolute requirements of the law — but if the law were enough, this guide would be unnecessary. A narrow legalistic approach will not avoid or resolve potential controversies. An agency should consider going beyond the law, and look at its unique circumstances and determine if there is a better way to prevent potential problems and promote public trust. At the very least, local agencies need to think about how their agendas are structured in order to make Brown Act compliance easier. They need to plan carefully to make sure public participation fits smoothly into the process.

Achieving balance

The Brown Act should be neither an excuse for hiding the ball nor a mechanism for hindering efficient and orderly meetings. The Brown Act represents a balance among the interests of constituencies whose interests do not always coincide. It calls for openness in local government, yet should allow government to function responsively and productively.

There must be both adequate notice of what discussion and action is to occur during a meeting as well as a normal degree of spontaneity in the dialogue between elected officials and their constituents.

The ability of an elected official to confer with constituents or colleagues must be balanced against the important public policy prohibiting decision-making outside of public meetings.

In the end, implementation of the Brown Act must ensure full participation of the public and preserve the integrity of the decision-making process, yet not stifle government officials and impede the effective and natural operation of government.

Historical note

In late 1951, *San Francisco Chronicle* reporter Mike Harris spent six weeks looking into the way local agencies conducted meetings. State law had long required that business be done in public, but Harris discovered secret meetings or caucuses were common. He wrote a 10-part series on “Your Secret Government” that ran in May and June 1952.

Out of the series came a decision to push for a new state open meeting law. Harris and Richard (Bud) Carpenter, legal counsel for the League of California Cities, drafted such a bill and Assembly Member Ralph M. Brown agreed to carry it. The Legislature passed the bill and Governor Earl Warren signed it into law in 1953.

The Ralph M. Brown Act, known as the Brown Act, has evolved under a series of amendments and court decisions, and has been the model for other open meeting laws — such as the Bagley-Keene Act, enacted in 1967 to cover state agencies.

Assembly Member Brown is best known for the open meeting law that carries his name. He was elected to the Assembly in 1942 and served 19 years, including the last three years as Speaker. He then became an appellate court justice.

PRACTICE TIP: The Brown Act should be viewed as a tool to facilitate the business of local government agencies. Local policies that go beyond the minimum requirements of law may help instill public confidence and avoid problems.

ENDNOTES:

- 1 California Government Code section 54950
- 2 California Constitution, Art. 1, section 3(b)(1)
- 3 California Government Code section 54953(a)
- 4 This principle of broad construction when it furthers public access and narrow construction if a provision limits public access is also stated in the amendment to the State's Constitution adopted by Proposition 59 in 2004. California Constitution, Art. 1, section 3(b)(2).
- 5 California Government Code section 54952.2(b)(2) and (c)(1); *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533
- 6 California Government Code section 54953.7

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Chapter 2

LEGISLATIVE BODIES

What is a “legislative body” of a local agency? 12

What is not a “legislative body” for purposes of the Brown Act? 14

Chapter 2

LEGISLATIVE BODIES

The Brown Act applies to the legislative bodies of local agencies. It defines “legislative body” broadly to include just about every type of decision-making body of a local agency.¹



What is a “legislative body” of a local agency?

A “legislative body” includes:

- **The “governing body”** of a local agency² and certain of its subsidiary bodies; “or any other local body created by state or federal statute.”² This includes city councils, boards of supervisors, school boards and boards of trustees of special districts. A “local agency” is any city, county, city and county, school district, municipal corporation, successor agency to a redevelopment agency, district, political subdivision or other local public agency.³ A housing authority is a local agency under the Brown Act even though it is created by and is an agent of the state.⁴ The California Attorney General has opined that air pollution control districts and regional open space districts are also covered.⁵ Entities created pursuant to joint powers agreements are also local agencies within the meaning of the Brown Act.⁶

- **Newly-elected members** of a legislative body who have not yet assumed office must conform to the requirements of the Brown Act as if already in office.⁷ Thus, meetings between incumbents and newly-elected members of a legislative body, such as a meeting between two outgoing members and a member-elect of a five-member body, could violate the Brown Act.

Q. On the morning following the election to a five-member legislative body of a local agency, two successful candidates, neither an incumbent, meet with an incumbent member of the legislative body for a celebratory breakfast. Does this violate the Brown Act?

A. *It might, and absolutely would if the conversation turns to agency business. Even though the candidates-elect have not officially been sworn in, the Brown Act applies. If purely a social event, there is no violation but it would be preferable if others were invited to attend to avoid the appearance of impropriety.*

- **Appointed bodies** — whether permanent or temporary, decision-making or advisory — including planning commissions, civil service commissions and other subsidiary committees, boards, and bodies. Volunteer groups, executive search committees, task forces, and blue ribbon committees created by formal action of the governing body are legislative bodies. When the members of two or more legislative bodies are appointed to serve on an entirely separate advisory group, the resulting body may be subject to the

PRACTICE TIP: The prudent presumption is that an advisory committee or task force is subject to the Brown Act. Even if one clearly is not, it may want to comply with the Brown Act. Public meetings may reduce the possibility of misunderstandings and controversy.

Brown Act. In one reported case, a city council created a committee of two members of the city council and two members of the city planning commission to review qualifications of prospective planning commissioners and make recommendations to the council. The court held that their joint mission made them a legislative body subject to the Brown Act. Had the two committees remained separate; and met only to exchange information and report back to their respective boards, they would have been exempt from the Brown Act.⁸

- **Standing committees** of a legislative body, irrespective of their composition, which have either: (1) a continuing subject matter jurisdiction; or (2) a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body.⁹ Even if it comprises less than a quorum of the governing body, a standing committee is subject to the Brown Act. For example, if a governing body creates long-term committees on budget and finance or on public safety, those are standing committees subject to the Brown Act. Further, according to the California Attorney General, function over form controls. For example, a statement by the legislative body that the advisory committee “shall not exercise continuing subject matter jurisdiction” or the fact that the committee does not have a fixed meeting schedule is not determinative.¹⁰ “Formal action” by a legislative body includes authorization given to the agency’s executive officer to appoint an advisory committee pursuant to agency-adopted policy.¹¹
- The governing body of any **private organization** either: (1) created by the legislative body in order to exercise authority that may lawfully be delegated by such body to a private corporation, limited liability company or other entity; or (2) that receives agency funding and whose governing board includes a member of the legislative body of the local agency appointed by the legislative body as a full voting member of the private entity’s governing board.¹² These include some nonprofit corporations created by local agencies.¹³ If a local agency contracts with a private firm for a service (for example, payroll, janitorial, or food services), the private firm is not covered by the Brown Act.¹⁴ When a member of a legislative body sits on a board of a private organization as a private person and is not appointed by the legislative body, the board will not be subject to the Brown Act. Similarly, when the legislative body appoints someone other than one of its own members to such boards, the Brown Act does not apply. Nor does it apply when a private organization merely receives agency funding.¹⁵

Q: The local chamber of commerce is funded in part by the city. The mayor sits on the chamber’s board of directors. Is the chamber board a legislative body subject to the Brown Act?

A: *Maybe. If the chamber’s governing documents require the mayor to be on the board and the city council appoints the mayor to that position, the board is a legislative body. If, however, the chamber board independently appoints the mayor to its board, or the mayor attends chamber board meetings in a purely advisory capacity, it is not.*

Q: If a community college district board creates an auxiliary organization to operate a campus bookstore or cafeteria, is the board of the organization a legislative body?

A: *Yes. But, if the district instead contracts with a private firm to operate the bookstore or cafeteria, the Brown Act would not apply to the private firm.*

- **Certain types of hospital operators.** A lessee of a hospital (or portion of a hospital)

PRACTICE TIP: It can be difficult to determine whether a subcommittee of a body falls into the category of a standing committee or an exempt temporary committee. Suppose a committee is created to explore the renewal of a franchise or a topic of similarly limited scope and duration. Is it an exempt temporary committee or a non-exempt standing committee? The answer may depend on factors such as how meeting schedules are determined, the scope of the committee’s charge, or whether the committee exists long enough to have “continuing jurisdiction.”

first leased under Health and Safety Code subsection 32121(p) after January 1, 1994, which exercises “material authority” delegated to it by a local agency, whether or not such lessee is organized and operated by the agency or by a delegated authority.¹⁶

What is not a “legislative body” for purposes of the Brown Act?

- A temporary advisory committee composed **solely of less than a quorum** of the legislative body that serves a limited or single purpose, that is not perpetual, and that will be dissolved once its specific task is completed is not subject to the Brown Act.¹⁷ Temporary committees are sometimes called *ad hoc* committees, a term not used in the Brown Act. Examples include an advisory committee composed of less than a quorum created to interview candidates for a vacant position or to meet with representatives of other entities to exchange information on a matter of concern to the agency, such as traffic congestion.¹⁸
- Groups advisory to a single decision-maker or appointed by staff are not covered. The Brown Act applies only to committees created by formal action of the legislative body and not to committees created by others. A committee advising a superintendent of schools would not be covered by the Brown Act. However, the same committee, if created by formal action of the school board, would be covered.¹⁹

Q. A member of the legislative body of a local agency informally establishes an advisory committee of five residents to advise her on issues as they arise. Does the Brown Act apply to this committee?

A. *No, because the committee has not been established by formal action of the legislative body.*

Q. During a meeting of the city council, the council directs the city manager to form an advisory committee of residents to develop recommendations for a new ordinance. The city manager forms the committee and appoints its members; the committee is instructed to direct its recommendations to the city manager. Does the Brown Act apply to this committee?

A. *Possibly, because the direction from the city council might be regarded as a formal action of the body notwithstanding that the city manager controls the committee.*

- Individual decision makers who are not elected or appointed members of a legislative body are not covered by the Brown Act. For example, a disciplinary hearing presided over by a department head or a meeting of agency department heads are not subject to the Brown Act since such assemblies are not those of a legislative body.²⁰
- Public employees, each acting individually and not engaging in collective deliberation on a specific issue, such as the drafting and review of an agreement, do not constitute a legislative body under the Brown Act, even if the drafting and review process was established by a legislative body.²¹
- County central committees of political parties are also not Brown Act bodies.²²

ENDNOTES:

1 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1127

- 2 California Government Code section 54952(a) and (b)
- 3 California Government Code section 54951; Health and Safety Code section 34173(g) (successor agencies to former redevelopment agencies subject to the Brown Act). But see Education Code section 35147, which exempts certain school councils and school site advisory committees from the Brown Act and imposes upon them a separate set of rules.
- 4 *Torres v. Board of Commissioners of Housing Authority of Tulare County* (1979) 89 Cal.App.3d 545, 549-550
- 5 71 Ops.Cal.Atty.Gen. 96 (1988); 73 Ops.Cal.Atty.Gen. 1 (1990)
- 6 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354, 362
- 7 California Government Code section 54952.1
- 8 *Joiner v. City of Sebastopol* (1981) 125 Cal.App.3d 799, 804-805
- 9 California Government Code section 54952(b)
- 10 79 Ops.Cal.Atty.Gen. 69 (1996)
- 11 *Frazer v. Dixon Unified School District* (1993) 18 Cal.App.4th 781, 793
- 12 California Government Code section 54952(c)(1). Regarding private organizations that receive local agency funding, the same rule applies to a full voting member appointed prior to February 9, 1996 who, after that date, is made a non-voting board member by the legislative body. California Government Code section 54952(c)(2)
- 13 California Government Code section 54952(c)(1)(A); *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal, Inc.* (1999) 69 Cal.App.4th 287, 300; *Epstein v. Hollywood Entertainment Dist. II Business Improvement District* (2001) 87 Cal.App.4th 862, 876; see also 85 Ops.Cal.Atty.Gen. 55 (2002)
- 14 *International Longshoremen's and Warehousemen's Union v. Los Angeles Export Terminal* (1999) 69 Cal. App.4th 287, 300 fn. 5
- 15 "The Brown Act, Open Meetings for Local Legislative Bodies," California Attorney General's Office (2003), p. 7
- 16 California Government Code section 54952(d)
- 17 California Government Code section 54952(b); see also *Freedom Newspapers, Inc. v. Orange County Employees Retirement System Board of Directors* (1993) 6 Cal.4th 821, 832.
- 18 *Taxpayers for Livable Communities v. City of Malibu* (2005) 126 Cal.App.4th 1123, 1129
- 19 56 Ops.Cal.Atty.Gen. 14, 16-17 (1973)
- 20 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870, 878-879
- 21 *Golightly v. Molina* (2014) 229 Cal.App.4th 1501, 1513
- 22 59 Ops.Cal.Atty.Gen. 162, 164 (1976)

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Chapter 3

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Chapter 3

MEETINGS



The Brown Act only applies to meetings of local legislative bodies. The Brown Act defines a meeting as: "... and any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take any action on any item that is within the subject matter jurisdiction of the legislative body."¹ The term "meeting" is not limited to gatherings at which action is taken but includes deliberative gatherings as well. A hearing before an individual hearing officer is not a meeting under the Brown Act because it is not a hearing before a legislative body.²

Brown Act meetings

Brown Act meetings include a legislative body's regular meetings, special meetings, emergency meetings, and adjourned meetings.

- **"Regular meetings"** are meetings occurring at the dates, times, and location set by resolution, ordinance, or other formal action by the legislative body and are subject to 72-hour posting requirements.³
- **"Special meetings"** are meetings called by the presiding officer or majority of the legislative body to discuss only discrete items on the agenda under the Brown Act's notice requirements for special meetings and are subject to 24-hour posting requirements.⁴
- **"Emergency meetings"** are a limited class of meetings held when prompt action is needed due to actual or threatened disruption of public facilities and are held on little notice.⁵
- **"Adjourned meetings"** are regular or special meetings that have been adjourned or re-adjourned to a time and place specified in the order of adjournment, with no agenda required for regular meetings adjourned for less than five calendar days as long as no additional business is transacted.⁶

Six exceptions to the meeting definition

The Brown Act creates six exceptions to the meeting definition:⁷

Individual Contacts

The first exception involves individual contacts between a member of the legislative body and any other person. The Brown Act does not limit a legislative body member acting on his or her own. This exception recognizes the right to confer with constituents, advocates, consultants, news reporters, local agency staff, or a colleague.

Individual contacts, however, cannot be used to do in stages what would be prohibited in one step. For example, a series of individual contacts that leads to discussion, deliberation, or action among a majority of the members of a legislative body is prohibited. Such serial meetings are discussed below.

Conferences

The second exception allows a legislative body majority to attend a conference or similar gathering open to the public that addresses issues of general interest to the public or to public agencies of the type represented by the legislative body.

Among other things, this exception permits legislative body members to attend annual association conferences of city, county, school, community college, and other local agency officials, so long as those meetings are open to the public. However, a majority of members cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within their local agency's subject matter jurisdiction.

Community Meetings

The third exception allows a legislative body majority to attend an open and publicized meeting held by another organization to address a topic of local community concern. A majority cannot discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the legislative body's subject matter jurisdiction. Under this exception, a legislative body majority may attend a local service club meeting or a local candidates' night if the meetings are open to the public.



“I see we have four distinguished members of the city council at our meeting tonight,” said the chair of the Environmental Action Coalition. “I wonder if they have anything to say about the controversy over enacting a slow growth ordinance?”

The Brown Act permits a majority of a legislative body to attend and speak at an open and publicized meeting conducted by another organization. The Brown Act may nevertheless be violated if a majority discusses, deliberates, or takes action on an item during the meeting of the other organization. There is a fine line between what is permitted and what is not; hence, members should exercise caution when participating in these types of events.

- Q.** The local chamber of commerce sponsors an open and public candidate debate during an election campaign. Three of the five agency members are up for re-election and all three participate. All of the candidates are asked their views of a controversial project scheduled for a meeting to occur just after the election. May the three incumbents answer the question?
- A.** Yes, because the Brown Act does not constrain the incumbents from expressing their views regarding important matters facing the local agency as part of the political process the same as any other candidates.



Other Legislative Bodies

The fourth exception allows a majority of a legislative body to attend an open and publicized meeting of: (1) another body of the local agency; and (2) a legislative body of another local agency.⁸ Again, the majority cannot discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within their subject matter jurisdiction. This exception allows, for example, a city council or a majority of a board of supervisors to attend a controversial meeting of the planning commission.

Nothing in the Brown Act prevents the majority of a legislative body from sitting together at such a meeting. They may choose not to, however, to preclude any possibility of improperly discussing local agency business and to avoid the appearance of a Brown Act violation. Further, aside

from the Brown Act, there may be other reasons, such as due process considerations, why the members should avoid giving public testimony or trying to influence the outcome of proceedings before a subordinate body.

- Q.** The entire legislative body intends to testify against a bill before the Senate Local Government Committee in Sacramento. Must this activity be noticed as a meeting of the body?
- A.** *No, because the members are attending and participating in an open meeting of another governmental body which the public may attend.*
- Q.** The members then proceed upstairs to the office of their local Assembly member to discuss issues of local interest. Must this session be noticed as a meeting and be open to the public?
- A.** *Yes, because the entire body may not meet behind closed doors except for proper closed sessions. The same answer applies to a private lunch or dinner with the Assembly member.*

Standing Committees

The fifth exception authorizes the attendance of a majority at an open and noticed meeting of a standing committee of the legislative body, provided that the legislative body members who are not members of the standing committee attend only as observers (meaning that they cannot speak or otherwise participate in the meeting).⁹

- Q.** The legislative body establishes a standing committee of two of its five members, which meets monthly. A third member of the legislative body wants to attend these meetings and participate. May she?
- A.** *She may attend, but only as an observer; she may not participate.*

Social or Ceremonial Events

The final exception permits a majority of a legislative body to attend a purely social or ceremonial occasion. Once again, a majority cannot discuss business among themselves of a specific nature that is within the subject matter jurisdiction of the legislative body.

Nothing in the Brown Act prevents a majority of members from attending the same football game, party, wedding, funeral, reception, or farewell. The test is not whether a majority of a legislative body attends the function, but whether business of a specific nature within the subject matter jurisdiction of the body is discussed. So long as no such business is discussed, there is no violation of the Brown Act.

Grand Jury Testimony

In addition, members of a legislative body, either individually or collectively, may give testimony in private before a grand jury.¹⁰ This is the equivalent of a seventh exception to the Brown Act's definition of a "meeting."

Collective briefings

None of these exceptions permits a majority of a legislative body to meet together with staff in advance of a meeting for a collective briefing. Any such briefings that involve a majority of the body in the same place and time must be open to the public and satisfy Brown Act meeting notice and agenda requirements.

Retreats or workshops of legislative bodies

Gatherings by a majority of legislative body members at the legislative body's retreats, study sessions, or workshops are covered under the Brown Act. This is the case whether the retreat, study session, or workshop focuses on long-range agency planning, discussion of critical local issues, or team building and group dynamics.¹¹



Q. The legislative body wants to hold a team-building session to improve relations among its members. May such a session be conducted behind closed doors?

A. *No, this is not a proper subject for a closed session, and there is no other basis to exclude the public. Council relations are a matter of public business.*

Serial meetings

One of the most frequently asked questions about the Brown Act involves serial meetings. At any one time, such meetings involve only a portion of a legislative body, but eventually involve a majority. The Brown Act provides that "[a] majority of the members of a legislative body shall not, outside a meeting ... use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body."¹² The problem with serial meetings is the process, which deprives the public of an opportunity for meaningful observation of and participation in legislative body decision-making.

The serial meeting may occur by either a “daisy chain” or a “hub and spoke” sequence. In the daisy chain scenario, Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a quorum has discussed, deliberated, or taken action on an item within the legislative body’s subject matter jurisdiction. The hub and spoke process involves at least two scenarios. In the first scenario, Member A (the hub) sequentially contacts Members B, C, and D and so on (the spokes), until a quorum has been contacted. In the second scenario, a staff member (the hub), functioning as an intermediary for the legislative body or one of its members,



communicates with a majority of members (the spokes) one-by-one for for discussion, deliberation, or a decision on a proposed action.¹³ Another example of a serial meeting is when a chief executive officer (the hub) briefs a majority of members (the spokes) prior to a formal meeting and, in the process, information about the members’ respective views is revealed. Each of these scenarios violates the Brown Act.

A legislative body member has the right, if not the duty, to meet with constituents to address their concerns. That member also has the right to confer with a colleague (but not with a majority of the body, counting the member) or appropriate staff about local agency business. An employee or official of a local agency may engage in separate conversations or communications outside of an open and noticed meeting “with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of

the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.”¹⁴

The Brown Act has been violated, however, if several one-on-one meetings or conferences leads to a discussion, deliberation, or action by a majority. In one case, a violation occurred when a quorum of a city council, by a letter that had been circulated among members outside of a formal meeting, directed staff to take action in an eminent domain proceeding.¹⁵

A unilateral written communication to the legislative body, such as an informational or advisory memorandum, does not violate the Brown Act.¹⁶ Such a memo, however, may be a public record.¹⁷

The phone call was from a lobbyist. “Say, I need your vote for that project in the south area. How about it?”

“Well, I don’t know,” replied Board Member Aletto. “That’s kind of a sticky proposition. You sure you need my vote?”

“Well, I’ve got Bradley and Cohen lined up and another vote leaning. With you I’d be over the top.”

Moments later, the phone rings again. “Hey, I’ve been hearing some rumbles on that south area project,” said the newspaper reporter. “I’m counting noses. How are you voting on it?”

Neither the lobbyist nor the reporter has violated the Brown Act, but they are facilitating

a violation. The board member may have violated the Brown Act by hearing about the positions of other board members and indeed coaxing the lobbyist to reveal the other board members' positions by asking "You sure you need my vote?" The prudent course is to avoid such leading conversations and to caution lobbyists, staff, and news media against revealing such positions of others.

The mayor sat down across from the city manager. "From now on," he declared, "I want you to provide individual briefings on upcoming agenda items. Some of this material is very technical, and the council members don't want to sound like idiots asking about it in public. Besides that, briefings will speed up the meeting."

Agency employees or officials may have separate conversations or communications outside of an open and noticed meeting "with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body."¹⁸ Members should always be vigilant when discussing local agency business with anyone to avoid conversations that could lead to a discussion, deliberation or action taken among the majority of the legislative body.

"Thanks for the information," said Council Member Kim. "These zoning changes can be tricky, and now I think I'm better equipped to make the right decision."

"Glad to be of assistance," replied the planning director. "I'm sure Council Member Jones is OK with these changes. How are you leaning?"

"Well," said Council Member Kim, "I'm leaning toward approval. I know that two of my colleagues definitely favor approval."

The planning director should not disclose Jones' prospective vote, and Kim should not disclose the prospective votes of two of her colleagues. Under these facts, there likely has been a serial meeting in violation of the Brown Act.

- Q.** The agency's website includes a chat room where agency employees and officials participate anonymously and often discuss issues of local agency business. Members of the legislative body participate regularly. Does this scenario present a potential for violation of the Brown Act?
- A.** Yes, because it is a technological device that may serve to allow for a majority of members to discuss, deliberate, or take action on matters of agency business.
- Q.** A member of a legislative body contacts two other members on a five-member body relative to scheduling a special meeting. Is this an illegal serial meeting?
- A.** No, the Brown Act expressly allows a majority of a body to call a special meeting, though the members should avoid discussing the merits of what is to be taken up at the meeting.

PRACTICE TIP: When briefing legislative body members, staff must exercise care not to disclose other members' views and positions.

Particular care should be exercised when staff briefings of legislative body members occur by email because of the ease of using the “reply to all” button that may inadvertently result in a Brown Act violation.

Informal gatherings

Often members are tempted to mix business with pleasure — for example, by holding a post-meeting gathering. Informal gatherings at which local agency business is discussed or transacted violate the law if they are not conducted in conformance with the Brown Act.¹⁹ A luncheon gathering in a crowded dining room violates the Brown Act if the public does not have an opportunity to attend, hear, or participate in the deliberations of members.

Thursday at 11:30 a.m., as they did every week, the board of directors of the Dry Gulch Irrigation District trooped into Pop’s Donut Shoppe for an hour of talk and fellowship. They sat at the corner window, fronting on Main and Broadway, to show they had nothing to hide. Whenever he could, the managing editor of the weekly newspaper down the street hurried over to join the board.

A gathering like this would not violate the Brown Act if board members scrupulously avoided talking about irrigation district issues — which might be difficult. This kind of situation should be avoided. The public is unlikely to believe the board members could meet regularly without discussing public business. A newspaper executive’s presence in no way lessens the potential for a violation of the Brown Act.

- Q.** The agency has won a major victory in the Supreme Court on an issue of importance. The presiding officer decides to hold an impromptu press conference in order to make a statement to the print and broadcast media. All the other members show up in order to make statements of their own and be seen by the media. Is this gathering illegal?
- A.** *Technically there is no exception for this sort of gathering, but as long as members do not state their intentions as to future action to be taken and the press conference is open to the public, it seems harmless.*



Technological conferencing

Except for certain nonsubstantive purposes, such as scheduling a special meeting, a conference call including a majority of the members of a legislative body is an unlawful meeting. But, in an effort to keep up with information age technologies, the Brown Act specifically allows a legislative body to use any type of teleconferencing to meet, receive public comment and testimony, deliberate, or conduct a closed session.²⁰ While the Brown Act contains specific requirements for conducting a teleconference, the decision to use teleconferencing is entirely discretionary with the body. No person has a right under the Brown Act to have a meeting by teleconference.

“Teleconference” is defined as “a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either

audio or video, or both.”²¹ In addition to the specific requirements relating to teleconferencing, the meeting must comply with all provisions of the Brown Act otherwise applicable. The Brown Act contains the following teleconferencing requirements:²²

- Teleconferencing may be used for all purposes during any meeting;
- At least a quorum of the legislative body must participate from locations within the local agency’s jurisdiction;
- Additional teleconference locations may be made available for the public;
- Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- Agendas must be posted at each teleconference location, even if a hotel room or a residence;
- Each teleconference location, including a hotel room or residence, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location; and
- All votes must be by roll call.

Q. A member on vacation wants to participate in a meeting of the legislative body and vote by cellular phone from her car while driving from Washington, D.C. to New York. May she?

A. *She may not participate or vote because she is not in a noticed and posted teleconference location.*

The use of teleconferencing to conduct a legislative body meeting presents a variety of issues beyond the scope of this guide to discuss in detail. Therefore, before teleconferencing a meeting, legal counsel for the local agency should be consulted.

Location of meetings

The Brown Act generally requires all regular and special meetings of a legislative body, including retreats and workshops, to be held within the boundaries of the territory over which the local agency exercises jurisdiction.²³

An open and publicized meeting of a legislative body may be held outside of agency boundaries if the purpose of the meeting is one of the following:²⁴

- Comply with state or federal law or a court order, or attend a judicial conference or administrative proceeding in which the local agency is a party;
- Inspect real or personal property that cannot be conveniently brought into the local agency’s territory, provided the meeting is limited to items relating to that real or personal property;

Q. The agency is considering approving a major retail mall. The developer has built other similar malls, and invites the entire legislative body to visit a mall outside the jurisdiction. May the entire body go?

A. *Yes, the Brown Act permits meetings outside the boundaries of the agency for specified reasons and inspection of property is one such reason. The field trip must be treated as a meeting and the public must be allowed to attend.*

- Participate in multiagency meetings or discussions; however, such meetings must be held within the boundaries of one of the participating agencies, and all of those agencies must give proper notice;
- Meet in the closest meeting facility if the local agency has no meeting facility within its boundaries, or meet at its principal office if that office is located outside the territory over which the agency has jurisdiction;
- Meet with elected or appointed federal or California officials when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction;
- Meet in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility; or
- Visit the office of its legal counsel for a closed session on pending litigation, when to do so would reduce legal fees or costs.²⁵

In addition, the governing board of a school or community college district may hold meetings outside of its boundaries to attend a conference on nonadversarial collective bargaining techniques, interview candidates for school district superintendent, or interview a potential

employee from another district.²⁶ A school board may also interview members of the public residing in another district if the board is considering employing that district's superintendent.

Similarly, meetings of a joint powers authority can occur within the territory of at least one of its member agencies, and a joint powers authority with members throughout the state may meet anywhere in the state.²⁷

Finally, if a fire, flood, earthquake, or other emergency makes the usual meeting place unsafe, the presiding officer can designate another meeting place for the duration of the emergency. News media that have requested notice of meetings must be notified of the designation by the most rapid means of communication available.²⁸



Endnotes:

- 1 California Government Code section 54952.2(a)
- 2 *Wilson v. San Francisco Municipal Railway* (1973) 29 Cal.App.3d 870
- 3 California Government Code section 54954(a)
- 4 California Government Code section 54956
- 5 California Government Code section 54956.5
- 6 California Government Code section 54955
- 7 California Government Code section 54952.2(c)
- 8 California Government Code section 54952.2(c)(4)
- 9 California Government Code section 54952.2(c)(6)
- 10 California Government Code section 54953.1
- 11 “*The Brown Act*,” California Attorney General (2003), p. 10
- 12 California Government Code section 54952.2(b)(1)
- 13 *Stockton Newspaper Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95
- 14 California Government Code section 54952.2(b)(2)
- 15 *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518
- 16 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 17 California Government Code section 54957.5(a)
- 18 California Government Code section 54952.2(b)(2)
- 19 California Government Code section 54952.2; 43 Ops.Cal.Atty.Gen. 36 (1964)
- 20 California Government Code section 54953(b)(1)
- 21 California Government Code section 54953(b)(4)
- 22 California Government Code section 54953
- 23 California Government Code section 54954(b)
- 24 California Government Code section 54954(b)(1)-(7)
- 25 94 Ops.Cal.Atty.Gen. 15 (2011)
- 26 California Government Code section 54954(c)
- 27 California Government Code section 54954(d)
- 28 California Government Code section 54954(e)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.





Chapter 4

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Chapter 4

AGENDAS, NOTICES, AND PUBLIC PARTICIPATION



Effective notice is essential for an open and public meeting. Whether a meeting is open or how the public may participate in that meeting is academic if nobody knows about the meeting.

Agendas for regular meetings

Every regular meeting of a legislative body of a local agency — including advisory committees, commissions, or boards, as well as standing committees of legislative bodies — must be preceded by a posted agenda that advises the public of the meeting and the matters to be transacted or discussed.

The agenda must be posted at least 72 hours before the regular meeting in a location “freely accessible to members of the public.”¹ The courts have not definitively interpreted the “freely accessible” requirement. The California Attorney General has interpreted this

provision to require posting in a location accessible to the public 24 hours a day during the 72-hour period, but any of the 72 hours may fall on a weekend.² This provision may be satisfied by posting on a touch screen electronic kiosk accessible without charge to the public 24 hours a day during the 72-hour period.³ While posting an agenda on an agency’s Internet website will not, by itself, satisfy the “freely accessible” requirement since there is no universal access to the internet, an agency has a supplemental obligation to post the agenda on its website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.⁴

Q. May the meeting of a governing body go forward if its agenda was either inadvertently not posted on the city’s website or if the website was not operational during part or all of the 72-hour period preceding the meeting?

A. *At a minimum, the Brown Act calls for “substantial compliance” with all agenda posting requirements, including posting to the agency website.⁵ Should website technical difficulties arise, seek a legal opinion from your agency attorney. The California Attorney General has opined that technical difficulties which cause the website agenda to become inaccessible for a portion of the 72 hours preceding a meeting do not automatically or inevitably lead to a Brown Act violation, provided the agency can demonstrate substantial compliance.⁶ This inquiry requires a fact-specific examination of whether the agency or its legislative body made “reasonably effective efforts to notify interested persons of a public meeting” through online posting and other available means.⁷ The Attorney General’s opinion suggests that this examination would include an evaluation of how long a technical problem persisted, the efforts made to correct the problem or otherwise ensure that the public was informed, and the actual effect the problem had on public*

awareness, among other factors.⁸ The City Attorneys' Department has taken the position that obvious website technical difficulties do not require cancellation of a meeting, provided that the agency meets all other Brown Act posting requirements and the agenda is available on the website once the technical difficulties are resolved.

The agenda must state the meeting time and place and must contain “a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session.”⁹ Special care should be taken to describe on the agenda each distinct action to be taken by the legislative body, and avoid overbroad descriptions of a “project” if the “project” is actually a set of distinct actions that must each be separately listed on the agenda.¹⁰

PRACTICE TIP: Putting together a meeting agenda requires careful thought.

Q. The agenda for a regular meeting contains the following items of business:

- Consideration of a report regarding traffic on Eighth Street; and
- Consideration of contract with ABC Consulting.

Are these descriptions adequate?

A. *If the first is, it is barely adequate. A better description would provide the reader with some idea of what the report is about and what is being recommended. The second is not adequate. A better description might read “consideration of a contract with ABC Consulting in the amount of \$50,000 for traffic engineering services regarding traffic on Eighth Street.”*

Q. The agenda includes an item entitled City Manager’s Report, during which time the city manager provides a brief report on notable topics of interest, none of which are listed on the agenda.

Is this permissible?

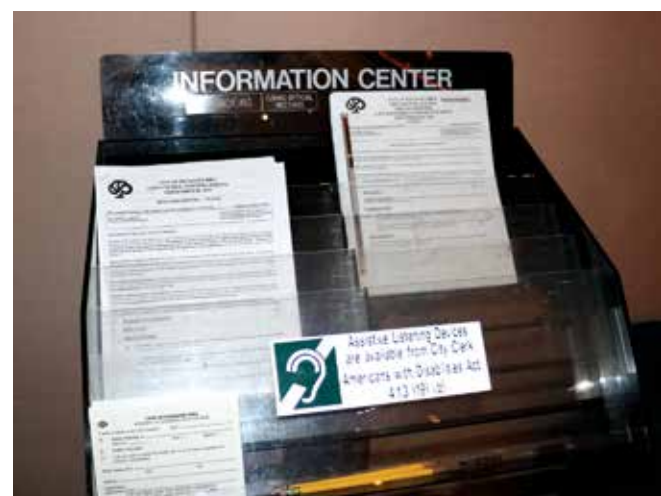
A. *Yes, so long as it does not result in extended discussion or action by the body.*

A brief general description may not be sufficient for closed session agenda items. The Brown Act provides safe harbor language for the various types of permissible closed sessions. Substantial compliance with the safe harbor language is recommended to protect legislative bodies and elected officials from legal challenges.

Mailed agenda upon written request

The legislative body, or its designee, must mail a copy of the agenda or, if requested, the entire agenda packet, to any person who has filed a written request for such materials. These copies shall be mailed at the time the agenda is posted. If requested, these materials must be made available in appropriate alternative formats to persons with disabilities.

A request for notice is valid for one calendar year and renewal requests must be filed following January 1 of each year. The legislative body may establish a fee to recover the cost of providing the service. Failure of the requesting person to receive the agenda does not constitute grounds for invalidation of actions taken at the meeting.¹¹



Notice requirements for special meetings

There is no express agenda requirement for special meetings, but the notice of the special meeting effectively serves as the agenda and limits the business that may be transacted or discussed.

Written notice must be sent to each member of the legislative body (unless waived in writing by that member) and to each local newspaper of general circulation, and radio or television station that has requested such notice in writing. This notice must be delivered by personal delivery or any other means that ensures receipt, at least 24 hours before the time of the meeting.

The notice must state the time and place of the meeting, as well as all business to be transacted or discussed. It is recommended that the business to be transacted or discussed be described in the same manner that an item for a regular meeting would be described on the agenda — with a brief general description. As noted above, closed session items should be described in accordance with the Brown Act's safe harbor provisions to protect legislative bodies and elected officials from challenges of noncompliance with notice requirements.

The special meeting notice must also be posted at least 24 hours prior to the special meeting using the same methods as posting an agenda for a regular meeting: (1) at a site that is freely accessible to the public, and (2) on the agency's website if: (1) the local agency has a website; and (2) the legislative body whose meeting is the subject of the agenda is either (a) a governing body, or (b) has members that are compensated, with one or more members that are also members of a governing body.¹²

Notices and agendas for adjourned and continued meetings and hearings

A regular or special meeting can be adjourned and re-adjourned to a time and place specified in the order of adjournment.¹³ If no time is stated, the meeting is continued to the hour for regular meetings. Whoever is present (even if they are less than a quorum) may so adjourn a meeting; if no member of the legislative body is present, the clerk or secretary may adjourn the meeting. If a meeting is adjourned for less than five calendar days, no new agenda need be posted so long as a new item of business is not introduced.¹⁴ A copy of the order of adjournment must be posted within 24 hours after the adjournment, at or near the door of the place where the meeting was held.

A hearing can be continued to a subsequent meeting. The process is the same as for continuing adjourned meetings, except that if the hearing is continued to a time less than 24 hours away, a copy of the order or notice of continuance must be posted immediately following the meeting.¹⁵

Notice requirements for emergency meetings

The special meeting notice provisions apply to emergency meetings, except for the 24-hour notice.¹⁶ News media that have requested written notice of special meetings must be notified by telephone at least one hour in advance of an emergency meeting, and all telephone numbers provided in that written request must be tried. If telephones are not working, the notice requirements are deemed waived. However, the news media must be notified as soon as possible of the meeting and any action taken.



News media may make a practice of having written requests on file for notification of special or emergency meetings. Absent such a request, a local agency has no legal obligation to notify news media of special or emergency meetings — although notification may be advisable in any event to avoid controversy.

Notice of compensation for simultaneous or serial meetings

A legislative body that has convened a meeting and whose membership constitutes a quorum of another legislative body, may convene a simultaneous or serial meeting of the other legislative body only after a clerk or member of the convened legislative body orally announces: (1) the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the meeting of the other legislative body; and (2) that the compensation or stipend is provided as a result of convening the meeting of that body.¹⁷

No oral disclosure of the amount of the compensation is required if the entire amount of such compensation is prescribed by statute and no additional compensation has been authorized by the local agency. Further, no disclosure is required with respect to reimbursements for actual and necessary expenses incurred in the performance of the member's official duties, such as for travel, meals, and lodging.

Educational agency meetings

The Education Code contains some special agenda and special meeting provisions.¹⁸ However, they are generally consistent with the Brown Act. An item is probably void if not posted.¹⁹ A school district board must also adopt regulations to make sure the public can place matters affecting the district's business on meeting agendas and to address the board on those items.²⁰

Notice requirements for tax or assessment meetings and hearings

The Brown Act prescribes specific procedures for adoption by a city, county, special district, or joint powers authority of any new or increased tax or assessment imposed on businesses.²¹ Though written broadly, these Brown Act provisions do not apply to new or increased real property taxes or assessments as those are governed by the California Constitution, Article XIII C or XIII D, enacted by Proposition 218. At least one public meeting must be held to allow public testimony on the tax or assessment. In addition, there must also be at least 45 days notice of a public hearing at which the legislative body proposes to enact or increase the tax or assessment. Notice of the public meeting and public hearing must be provided at the same time and in the same document. The public notice relating to general taxes must be provided by newspaper publication. The public notice relating to new or increased business assessments must be provided through a mailing to all business owners proposed to be subject to the new or increased assessment. The agency may recover the reasonable costs of the public meetings, hearings, and notice.

The Brown Act exempts certain fees, standby or availability charges, recurring assessments, and new or increased assessments that are subject to the notice and hearing requirements of the Constitution.²² As a practical matter, the Constitution's notice requirements have preempted this section of the Brown Act.



Non-agenda items

The Brown Act generally prohibits any action or discussion of items not on the posted agenda. However, there are three specific situations in which a legislative body can act on an item not on the agenda:²³

- When a majority decides there is an “emergency situation” (as defined for emergency meetings);
- When two-thirds of the members present (or all members if less than two-thirds are present) determine there is a need for immediate action and the need to take action “came to the attention of the local agency subsequent to the agenda being posted.” This exception requires a degree of urgency. Further, an item cannot be considered under this provision if the legislative body or the staff knew about the need to take immediate action before the agenda was posted. A new need does not arise because staff forgot to put an item on the agenda or because an applicant missed a deadline; or
- When an item appeared on the agenda of, and was continued from, a meeting held not more than five days earlier.

The exceptions are narrow, as indicated by this list. The first two require a specific determination by the legislative body. That determination can be challenged in court and, if unsubstantiated, can lead to invalidation of an action.

“I’d like a two-thirds vote of the board, so we can go ahead and authorize commencement of phase two of the East Area Project,” said Chair Lopez.

“It’s not on the agenda. But we learned two days ago that we finished phase one ahead of schedule — believe it or not — and I’d like to keep it that way. Do I hear a motion?”

The desire to stay ahead of schedule generally would not satisfy “a need for immediate action.” Too casual an action could invite a court challenge by a disgruntled resident. The prudent course is to place an item on the agenda for the next meeting and not risk invalidation.

“We learned this morning of an opportunity for a state grant,” said the chief engineer at the regular board meeting, “but our application has to be submitted in two days. We’d like the board to give us the go ahead tonight, even though it’s not on the agenda.”

A legitimate immediate need can be acted upon even though not on the posted agenda by following a two-step process:

- First, make two determinations: 1) that there is an immediate need to take action, and 2) that the need arose after the posting of the agenda. The matter is then placed on the agenda.
- Second, discuss and act on the added agenda item.

Responding to the public

The public can talk about anything within the jurisdiction of the legislative body, but the legislative body generally cannot act on or discuss an item not on the agenda. What happens when a member of the public raises a subject not on the agenda?

PRACTICE TIP: Subject to very limited exceptions, the Brown Act prohibits any action or discussion of an item not on the posted agenda.

While the Brown Act does not allow discussion or action on items not on the agenda, it does allow members of the legislative body, or its staff, to “briefly respond” to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. In addition, even without a comment from the public, a legislative body member or a staff member may ask for information, request a report back, request to place a matter on the agenda for a subsequent meeting (subject to the body’s rules or procedures), ask a question for clarification, make a brief announcement, or briefly report on his or her own activities.²⁴ However, caution should be used to avoid any discussion or action on such items.



Council Member Jefferson: I would like staff to respond to Resident Joe’s complaints during public comment about the repaving project on Elm Street — are there problems with this project?

City Manager Frank: The public works director has prepared a 45-minute power point presentation for you on the status of this project and will give it right now.

Council Member Brown: Take all the time you need; we need to get to the bottom of this. Our residents are unhappy.

It is clear from this dialogue that the Elm Street project was not on the council’s agenda, but was raised during the public comment period for items not on the agenda. Council Member A properly asked staff to respond; the city manager should have given at most a brief response. If a lengthy report from the public works director was warranted, the city manager should have stated that it would be placed on the agenda for the next meeting. Otherwise, both the long report and the likely discussion afterward will improperly embroil the council in a matter that is not listed on the agenda.

The right to attend and observe meetings

A number of Brown Act provisions protect the public’s right to attend, observe, and participate in meetings.

Members of the public cannot be required to register their names, provide other information, complete a questionnaire, or otherwise “fulfill any condition precedent” to attending a meeting. Any attendance list, questionnaire, or similar document posted at or near the entrance to the meeting room or circulated at a meeting must clearly state that its completion is voluntary and that all persons may attend whether or not they fill it out.²⁵

No meeting can be held in a facility that prohibits attendance based on race, religion, color, national origin, ethnic group identification, age, sex, sexual orientation, or disability, or that is inaccessible to the disabled. Nor can a meeting be held where the public must make a payment or purchase in order to be present.²⁶ This does not mean, however, that the public is entitled to free entry to a conference attended by a majority of the legislative body.²⁷

While a legislative body may use teleconferencing in connection with a meeting, the public must be given notice of and access to the teleconference location. Members of the public must be able to address the legislative body from the teleconference location.²⁸

Action by secret ballot, whether preliminary or final, is flatly prohibited.²⁹

All actions taken by the legislative body in open session, and the vote of each member thereon, must be disclosed to the public at the time the action is taken.³⁰

Q: The agenda calls for election of the legislative body's officers. Members of the legislative body want to cast unsigned written ballots that would be tallied by the clerk, who would announce the results. Is this voting process permissible?

A: *No. The possibility that a public vote might cause hurt feelings among members of the legislative body or might be awkward — or even counterproductive — does not justify a secret ballot.*

The legislative body may remove persons from a meeting who willfully interrupt proceedings.³¹ Ejection is justified only when audience members actually disrupt the proceedings.³² If order cannot be restored after ejecting disruptive persons, the meeting room may be cleared. Members of the news media who have not participated in the disturbance must be allowed to continue to attend the meeting. The legislative body may establish a procedure to re-admit an individual or individuals not responsible for the disturbance.³³

Records and recordings

The public has the right to review agendas and other writings distributed by any person to a majority of the legislative body in connection with a matter subject to discussion or consideration at a meeting. Except for privileged documents, those materials are public records and must be made available upon request without delay.³⁴ A fee or deposit as permitted by the California Public Records Act may be charged for a copy of a public record.³⁵

Q: In connection with an upcoming hearing on a discretionary use permit, counsel for the legislative body transmits a memorandum to all members of the body outlining the litigation risks in granting or denying the permit. Must this memorandum be included in the packet of agenda materials available to the public?

A: *No. The memorandum is a privileged attorney-client communication.*

Q: In connection with an agenda item calling for the legislative body to approve a contract, staff submits to all members of the body a financial analysis explaining why the terms of the contract favor the local agency. Must this memorandum be included in the packet of agenda materials available to the public?

A: *Yes. The memorandum has been distributed to the majority of the legislative body, relates to the subject matter of a meeting, and is not a privileged communication.*



A legislative body may discuss or act on some matters without considering written materials. But if writings are distributed to a majority of a legislative body in connection with an agenda item, they must also be available to the public. A non-exempt or otherwise privileged writing distributed to a majority of the legislative body less than 72 hours before the meeting must be made available for inspection at the time of distribution at a public office or location designated for that purpose; and the agendas for all meetings of the legislative body must include the address of this office or location.³⁶ A writing distributed during a meeting must be made public:

- At the meeting if prepared by the local agency or a member of its legislative body; or
- After the meeting if prepared by some other person.³⁷

Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency is subject to the California Public Records Act; however, it may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording is to be provided without charge on a video or tape player made available by the local agency.³⁸ The agency may impose its ordinary charge for copies that is consistent with the California Public Records Act.³⁹



In addition, the public is specifically allowed to use audio or video tape recorders or still or motion picture cameras at a meeting to record the proceedings, absent a reasonable finding by the legislative body that noise, illumination, or obstruction of view caused by recorders or cameras would persistently disrupt the proceedings.⁴⁰

Similarly, a legislative body cannot prohibit or restrict the public broadcast of its open and public meetings without making a reasonable finding that the noise, illumination, or obstruction of view would persistently disrupt the proceedings.⁴¹

The public's place on the agenda

Every agenda for a regular meeting must allow members of the public to speak on any item of interest, so long as the item is within the subject matter jurisdiction of the legislative body. Further, the public must be allowed to speak on a specific item of business before or during the legislative body's consideration of it.⁴²

Q. Must the legislative body allow members of the public to show videos or make a power point presentation during the public comment part of the agenda, as long as the subject matter is relevant to the agency and is within the established time limit?

A. *Probably, although the agency is under no obligation to provide equipment.*

PRACTICE TIP: Public speakers cannot be compelled to give their name or address as a condition of speaking. The clerk or presiding officer may request speakers to complete a speaker card or identify themselves for the record, but must respect a speaker's desire for anonymity.

Moreover, the legislative body cannot prohibit public criticism of policies, procedures, programs, or services of the agency or the acts or omissions of the legislative body itself. But the Brown Act provides no immunity for defamatory statements.⁴³

Q. May the presiding officer prohibit a member of the audience from publicly criticizing an agency employee by name during public comments?

A. *No, as long as the criticism pertains to job performance.*

Q. During the public comment period of a regular meeting of the legislative body, a resident urges the public to support and vote for a candidate vying for election to the body. May the presiding officer gavel the speaker out of order for engaging in political campaign speech?

A. *There is no case law on this subject. Some would argue that campaign issues are outside the subject matter jurisdiction of the body within the meaning of Section 54954.3(a). Others take the view that the speech must be allowed under paragraph (c) of that section because it is relevant to the governing of the agency and an implicit criticism of the incumbents.*



The legislative body may adopt reasonable regulations, including time limits, on public comments. Such regulations should be enforced fairly and without regard to speakers' viewpoints. The legislative body has discretion to modify its regulations regarding time limits on public comment if necessary. For example, the time limit could be shortened to accommodate a lengthy agenda or lengthened to allow additional time for discussion on a complicated matter.⁴⁴

The public does not need to be given an opportunity to speak on an item that has already been considered by a committee made up exclusively of members of the legislative body at a public meeting, if all interested members of the public had the opportunity to speak on the item before or during its consideration, and if the item has not been substantially changed.⁴⁵

Notices and agendas for special meetings must also give members of the public the opportunity to speak before or during consideration of an item on the agenda but need not allow members of the public an opportunity to speak on other matters within the jurisdiction of the legislative body.⁴⁶

Endnotes:

- 1 California Government Code section 54954.2(a)(1)
- 2 78 Ops.Cal.Atty.Gen. 327 (1995)
- 3 88 Ops.Cal.Atty.Gen. 218 (2005)
- 4 California Government Code sections 54954.2(a)(1) and 54954.2(d)
- 5 California Government Code section 54960.1(d)(1)
- 6 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262
- 7 *North Pacific LLC v. California Coastal Commission* (2008) 166 Cal.App.4th 1416, 1432
- 8 ___ Ops.Cal.Atty.Gen.___, No. 14-1204 (January 19, 2016) 16 Cal. Daily Op. Serv. 937 (Cal.A.G.), 2016 WL 375262, Slip Op. at p. 8
- 9 California Government Code section 54954.2(a)(1)
- 10 *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167 (legislative body's approval of CEQA action (mitigated negative declaration) without specifically listing it on the agenda violates Brown Act, even if the agenda generally describes the development project that is the subject of the CEQA analysis.)

- 11 California Government Code section 54954.1
- 12 California Government Code sections 54956(a) and (c)
- 13 California Government Code section 54955
- 14 California Government Code section 54954.2(b)(3)
- 15 California Government Code section 54955.1
- 16 California Government Code section 54956.5
- 17 California Government Code section 54952.3
- 18 Education Code sections 35144, 35145 and 72129
- 19 *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196
- 20 California Education Code section 35145.5
- 21 California Government Code section 54954.6
- 22 See Cal.Const.Art.XIIIC, XIIID and California Government Code section 54954.6(h)
- 23 California Government Code section 54954.2(b)
- 24 California Government Code section 54954.2(a)(2)
- 25 California Government Code section 54953.3
- 26 California Government Code section 54961(a); California Government Code section 11135(a)
- 27 California Government Code section 54952.2(c)(2)
- 28 California Government Code section 54953(b)
- 29 California Government Code section 54953(c)
- 30 California Government Code section 54953(c)(2)
- 31 California Government Code section 54957.9.
- 32 *Norse v. City of Santa Cruz* (9th Cir. 2010) 629 F.3d 966 (silent and momentary Nazi salute directed towards mayor is not a disruption); *Acosta v. City of Costa Mesa* (9th Cir. 2013) 718 F.3d 800 (city council may not prohibit “insolent” remarks by members of the public absent actual disruption).
- 33 California Government Code section 54957.9
- 34 California Government Code section 54957.5
- 35 California Government Code section 54957.5(d)
- 36 California Government Code section 54957.5(b)
- 37 California Government Code section 54957.5(c)
- 38 California Government Code section 54953.5(b)
- 39 California Government Code section 54957.5(d)
- 40 California Government Code section 54953.5(a)
- 41 California Government Code section 54953.6
- 42 California Government Code section 54954.3(a)
- 43 California Government Code section 54954.3(c)
- 44 California Government Code section 54954.3(b); *Chaffee v. San Francisco Public Library Com.* (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)
- 45 California Government Code section 54954.3(a)
- 46 California Government Code section 54954.3(a)

Updates to this publication responding to changes in the Brown Act or new court interpretations are available at www.cacities.org/opengovernment. A current version of the Brown Act may be found at www.leginfo.ca.gov.





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Chapter 5

CLOSED SESSIONS

A closed session is a meeting of a legislative body conducted in private without the attendance of the public or press. A legislative body is authorized to meet in closed session only to the extent expressly authorized by the Brown Act.¹



As summarized in Chapter 1 of this Guide, it is clear that the Brown Act must be interpreted liberally in favor of open meetings, and exceptions that limit public access (including the exceptions for closed session meetings) must be narrowly construed.² The most common purposes of the closed session provisions in the Brown Act are to avoid revealing confidential information (e.g., prejudicing the city's position in litigation or compromising the privacy interests of employees). Closed sessions should be conducted keeping those narrow purposes in mind. It is not enough that a subject is sensitive, embarrassing, or controversial. Without specific authority in the Brown Act for a closed session, a matter to be considered by a legislative body must be discussed in public. As an example, a board of police commissioners cannot meet in closed session to provide general policy guidance to a police chief, even though some matters are sensitive and the commission considers their disclosure contrary to the public interest.³

PRACTICE TIP: Some problems over closed sessions arise because secrecy itself breeds distrust. The Brown Act does not require closed sessions and legislative bodies may do well to resist the tendency to call a closed session simply because it may be permitted. A better practice is to go into closed session only when necessary.

In this chapter, the grounds for convening a closed session are called “exceptions” because they are exceptions to the general rule that meetings must be conducted openly. In some circumstances, none of the closed session exceptions apply to an issue or information the legislative body wishes to discuss privately. In these cases, it is not proper to convene a closed session, even to protect confidential information. For example, although the Brown Act does authorize closed sessions related to specified types of contracts (e.g., specified provisions of real property agreements, employee labor agreements, and litigation settlement agreements),⁴ the Brown Act does not authorize closed sessions for other contract negotiations.

Agendas and reports

Closed session items must be briefly described on the posted agenda and the description must state the specific statutory exemption.⁵ An item that appears on the open meeting portion of the agenda may not be taken into closed session until it has been properly agendized as a closed session item or unless it is properly added as a closed session item by a two-thirds vote of the body after making the appropriate urgency findings.⁶

The Brown Act supplies a series of fill in the blank sample agenda descriptions for various types of authorized closed sessions, which provide a “safe harbor” from legal attacks. These sample

agenda descriptions cover license and permit determinations, real property negotiations, existing or anticipated litigation, liability claims, threats to security, public employee appointments, evaluations and discipline, labor negotiations, multi-jurisdictional law enforcement cases, hospital boards of directors, medical quality assurance committees, joint powers agencies, and audits by the California State Auditor's Office.⁷

If the legislative body intends to convene in closed session, it must include the section of the Brown Act authorizing the closed session in advance on the agenda and it must make a public announcement prior to the closed session discussion. In most cases, the announcement may simply be a reference to the agenda item.⁸

Following a closed session, the legislative body must provide an oral or written report on certain actions taken and the vote of every elected member present. The timing and content of the report varies according to the reason for the closed session and the action taken.⁹ The announcements may be made at the site of the closed session, so long as the public is allowed to be present to hear them.

If there is a standing or written request for documentation, any copies of contracts, settlement agreements, or other documents finally approved or adopted in closed session must be provided to the requestor(s) after the closed session, if final approval of such documents does not rest with any other party to the contract or settlement. If substantive amendments to a contract or settlement agreement approved by all parties requires retyping, such documents may be held until retyping is completed during normal business hours, but the substance of the changes must be summarized for any person inquiring about them.¹⁰

The Brown Act does not require minutes, including minutes of closed sessions. However, a legislative body may adopt an ordinance or resolution to authorize a confidential "minute book" be kept to record actions taken at closed sessions.¹¹ If one is kept, it must be made available to members of the legislative body, provided that the member asking to review minutes of a particular meeting was not disqualified from attending the meeting due to a conflict of interest.¹² A court may order the disclosure of minute books for the court's review if a lawsuit makes sufficient claims of an open meeting violation.

Litigation

There is an attorney/client relationship, and legal counsel may use it to protect the confidentiality of privileged written and oral communications to members of the legislative body — outside of meetings. But protection of the attorney/client privilege cannot by itself be the reason for a closed session.¹³

The Brown Act expressly authorizes closed sessions to discuss what is considered pending litigation. The rules that apply to holding a litigation closed session involve complex, technical definitions and procedures. The essential thing to know is that a closed session can be held by the body to confer with, or receive advice from, its legal counsel when open discussion would prejudice the position of the local agency in litigation in which the agency is, or could become, a party.¹⁴ The litigation exception under the Brown Act is narrowly construed and does not permit activities beyond a legislative body's conferring with its own legal counsel and required support staff.¹⁵ For example, it is not permissible to hold a closed session in which settlement negotiations take place between a legislative body, a representative of an adverse party, and a mediator.¹⁶

PRACTICE TIP: Pay close attention to closed session agenda descriptions. Using the wrong label can lead to invalidation of an action taken in closed session if not substantially compliant.

The California Attorney General has opined that if the agency’s attorney is not a participant, a litigation closed session cannot be held.¹⁷ In any event, local agency officials should always consult the agency’s attorney before placing this type of closed session on the agenda in order to be certain that it is being done properly.

Before holding a closed session under the pending litigation exception, the legislative body must publicly state the basis for the closed session by identifying one of the following three types of matters: existing litigation, anticipated exposure to litigation, or anticipated initiation of litigation.¹⁸

Existing litigation

Q. May the legislative body agree to settle a lawsuit in a properly-noticed closed session, without placing the settlement agreement on an open session agenda for public approval?

A. *Yes, but the settlement agreement is a public document and must be disclosed on request. Furthermore, a settlement agreement cannot commit the agency to matters that are required to have public hearings.*

Existing litigation includes any adjudicatory proceedings before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator. The clearest situation in which a closed session is authorized is when the local agency meets with its legal counsel to discuss a pending matter that has been filed in a court or with an administrative agency and names the local



agency as a party. The legislative body may meet under these circumstances to receive updates on the case from attorneys, participate in developing strategy as the case develops, or consider alternatives for resolution of the case. Generally, an agreement to settle litigation may be approved in closed session. However, an agreement to settle litigation cannot be approved in closed session if it commits the city to take an action that is required to have a public hearing.¹⁹

Anticipated exposure to litigation against the local agency

Closed sessions are authorized for legal counsel to inform the legislative body of a significant exposure to litigation against the local agency, but only if based on “existing facts and circumstances” as defined by the Brown Act.²⁰ The legislative body may also meet under this exception to determine whether a closed session is authorized based on information provided by legal counsel or staff. In general, the “existing facts and

circumstances” must be publicly disclosed unless they are privileged written communications or not yet known to a potential plaintiff.

Anticipated initiation of litigation by the local agency

A closed session may be held under the exception for the anticipated initiation of litigation when the legislative body seeks legal advice on whether to protect the agency’s rights and interests by initiating litigation.

Certain actions must be reported in open session at the same meeting following the closed

session. Other actions, as where final approval rests with another party or the court, may be announced when they become final and upon inquiry of any person.²¹ Each agency attorney should be aware of and make the disclosures that are required by the particular circumstances.

Real estate negotiations

A legislative body may meet in closed session with its negotiator to discuss the purchase, sale, exchange, or lease of real property by or for the local agency. A “lease” includes a lease renewal or renegotiation. The purpose is to grant authority to the legislative body’s negotiator on price and terms of payment.²² Caution should be exercised to limit discussion to price and terms of payment without straying to other related issues such as site design, architecture, or other aspects of the project for which the transaction is contemplated.²³



Q. May other terms of a real estate transaction, aside from price and terms of payment, be addressed in closed session?

A. *No. However, there are differing opinions over the scope of the phrase “price and terms of payment” in connection with real estate closed sessions. Many agency attorneys argue that any term that directly affects the economic value of the transaction falls within the ambit of “price and terms of payment.” Others take a narrower, more literal view of the phrase.*

The agency’s negotiator may be a member of the legislative body itself. Prior to the closed session, or on the agenda, the legislative body must identify its negotiators, the real property that the negotiations may concern²⁴ and the names of the parties with whom its negotiator may negotiate.²⁵

After real estate negotiations are concluded, the approval and substance of the agreement must be publicly reported. If its own approval makes the agreement final, the body must report in open session at the public meeting during which the closed session is held. If final approval rests with another party, the local agency must report the approval and the substance of the agreement upon inquiry by any person, as soon as the agency is informed of it.²⁶

“Our population is exploding, and we have to think about new school sites,” said Board Member Jefferson.

“Not only that,” interjected Board Member Tanaka, “we need to get rid of a couple of our older facilities.”

“Well, obviously the place to do that is in a closed session,” said Board Member O’Reilly. “Otherwise we’re going to set off land speculation. And if we even mention closing a school, parents are going to be in an uproar.”

A closed session to discuss potential sites is not authorized by the Brown Act. The exception is limited to meeting with its negotiator over specific sites — which must be identified at an open and public meeting.

PRACTICE TIP: Discussions of who to appoint to an advisory body and whether or not to censure a fellow member of the legislative body must be held in the open.

Public employment

The Brown Act authorizes a closed session “to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee.”²⁷ The purpose of this exception — commonly referred to as the “personnel exception” — is to avoid undue publicity or embarrassment for an employee or applicant for employment and to allow full and candid discussion by the legislative body; thus, it is restricted to discussing individuals, not general personnel policies.²⁸ The body must possess the power to appoint, evaluate, or dismiss the employee to hold a closed session under this exception.²⁹ That authority may be delegated to a subsidiary appointed body.³⁰

An employee must be given at least 24 hours notice of any closed session convened to hear specific complaints or charges against him or her. This occurs when the legislative body is reviewing evidence, which could include live testimony, and adjudicating conflicting testimony offered as evidence. A legislative body may examine (or exclude) witnesses,³¹ and the California Attorney General has opined that, when an affected employee and advocate have an official or essential role to play, they may be permitted to participate in the closed session.³² The employee has the right to have the specific complaints and charges discussed in a public session rather than closed session.³³ If the employee is not given the 24-hour prior notice, any disciplinary action is null and void.³⁴

However, an employee is not entitled to notice and a hearing where the purpose of the closed session is to consider a performance evaluation. The Attorney General and the courts have determined that personnel performance evaluations do not constitute complaints and charges, which are more akin to accusations made against a person.³⁵

Q. Must 24 hours notice be given to an employee whose negative performance evaluation is to be considered by the legislative body in closed session?

A. *No, the notice is reserved for situations where the body is to hear complaints and charges from witnesses.*

Correct labeling of the closed session on the agenda is critical. A closed session agenda that identified discussion of an employment contract was not sufficient to allow dismissal of an employee.³⁶ An incorrect agenda description can result in invalidation of an action and much embarrassment.

For purposes of the personnel exception, “employee” specifically includes an officer or an independent contractor who functions as an officer or an employee. Examples of the former include a city manager, district general manager or superintendent. Examples of the latter include a legal counsel or engineer hired on contract to act as local agency attorney or chief engineer.

Elected officials, appointees to the governing body or subsidiary bodies, and independent contractors other than those discussed above are not employees for purposes of the personnel exception.³⁷ Action on individuals who are not “employees” must also be public — including discussing and voting on appointees to committees, or debating the merits of independent contractors, or considering a complaint against a member of the legislative body itself.

The personnel exception specifically prohibits discussion or action on proposed compensation in closed session, except for a disciplinary reduction in pay. Among other things, that means there can be no personnel closed sessions on a salary change (other than a disciplinary reduction) between any unrepresented individual and the legislative body. However, a legislative body may address the compensation of an unrepresented individual, such as a city manager, in a closed session as part of a labor negotiation (discussed later in this chapter), yet another example of the importance of using correct agenda descriptions.

Reclassification of a job must be public, but an employee's ability to fill that job may be considered in closed session.

Any closed session action to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee must be reported at the public meeting during which the closed session is held. That report must identify the title of the position, but not the names of all persons considered for an employment position.³⁸ However, a report on a dismissal or non-renewal of an employment contract must be deferred until administrative remedies, if any, are exhausted.³⁹

"I have some important news to announce," said Mayor Garcia. "We've decided to terminate the contract of the city manager, effective immediately. The council has met in closed session and we've negotiated six months severance pay."

"Unfortunately, that has some serious budget consequences, so we've had to delay phase two of the East Area Project."

This may be an improper use of the personnel closed session if the council agenda described the item as the city manager's evaluation. In addition, other than labor negotiations, any action on individual compensation must be taken in open session. Caution should be exercised to not discuss in closed session issues, such as budget impacts in this hypothetical, beyond the scope of the posted closed session notice.

Labor negotiations

The Brown Act allows closed sessions for some aspects of labor negotiations. Different provisions (discussed below) apply to school and community college districts.

A legislative body may meet in closed session to instruct its bargaining representatives, which may be one or more of its members,⁴⁰ on employee salaries and fringe benefits for both represented ("union") and non-represented employees. For represented employees, it may also consider working conditions that by law require negotiation. For the purpose of labor negotiation closed sessions, an "employee" includes an officer or an independent contractor who functions as an officer or an employee, but independent contractors who do not serve in the capacity of an officer or employee are not covered by this closed session exception.⁴¹

These closed sessions may take place before or during negotiations with employee representatives. Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

PRACTICE TIP: The personnel exception specifically prohibits discussion or action on proposed compensation in closed session except for a disciplinary reduction in pay.

PRACTICE TIP: Prior to the closed session, the legislative body must hold an open and public session in which it identifies its designated representatives.

During its discussions with representatives on salaries and fringe benefits, the legislative body may also discuss available funds and funding priorities, but only to instruct its representative. The body may also meet in closed session with a conciliator who has intervened in negotiations.⁴²

The approval of an agreement concluding labor negotiations with represented employees must be reported after the agreement is final and has been accepted or ratified by the other party. The report must identify the item approved and the other party or parties to the negotiation.⁴³ The labor closed sessions specifically cannot include final action on proposed compensation of one or more unrepresented employees.

Labor negotiations — school and community college districts

Employee relations for school districts and community college districts are governed by the Rodda Act, where different meeting and special notice provisions apply. The entire board, for example, may negotiate in closed sessions.

Four types of meetings are exempted from compliance with the Rodda Act:

1. A negotiating session with a recognized or certified employee organization;
2. A meeting of a mediator with either side;
3. A hearing or meeting held by a fact finder or arbitrator; and
4. A session between the board and its bargaining agent, or the board alone, to discuss its position regarding employee working conditions and instruct its agent.⁴⁴

Public participation under the Rodda Act also takes another form.⁴⁵ All initial proposals of both sides must be presented at public meetings and are public records. The public must be given reasonable time to inform itself and to express its views before the district may adopt its initial proposal. In addition, new topics of negotiations must be made public within 24 hours. Any votes on such a topic must be followed within 24 hours by public disclosure of the vote of each member.⁴⁶ The final vote must be in public.

Other Education Code exceptions

The Education Code governs student disciplinary meetings by boards of school districts and community college districts. District boards may hold a closed session to consider the suspension or discipline of a student, if a public hearing would reveal personal, disciplinary, or academic information about the student contrary to state and federal pupil privacy law. The student's parent or guardian may request an open meeting.⁴⁷

Community college districts may also hold closed sessions to discuss some student disciplinary matters, awarding of honorary degrees, or gifts from donors who prefer to remain anonymous.⁴⁸ Kindergarten through 12th grade districts may also meet in closed session to review the contents of the statewide assessment instrument.⁴⁹

Joint Powers Authorities

The legislative body of a joint powers authority may adopt a policy regarding limitations on disclosure of confidential information obtained in closed session, and may meet in closed session to discuss information that is subject to the policy.⁵⁰

PRACTICE TIP: Attendance by the entire legislative body before a grand jury would not constitute a closed session meeting under the Brown Act.

License applicants with criminal records

A closed session is permitted when an applicant, who has a criminal record, applies for a license or license renewal and the legislative body wishes to discuss whether the applicant is sufficiently rehabilitated to receive the license. The applicant and the applicant's attorney are authorized to attend the closed session meeting. If the body decides to deny the license, the applicant may withdraw the application. If the applicant does not withdraw, the body must deny the license in public, immediately or at its next meeting. No information from the closed session can be revealed without consent of the applicant, unless the applicant takes action to challenge the denial.⁵¹

Public security

Legislative bodies may meet in closed session to discuss matters posing a threat to the security of public buildings, essential public services, including water, sewer, gas, or electric service, or to the public's right of access to public services or facilities over which the legislative body has jurisdiction. Closed session meetings for these purposes must be held with designated security or law enforcement officials including the Governor, Attorney General, district attorney, agency attorney, sheriff or chief of police, or their deputies or agency security consultant or security operations manager.⁵² Action taken in closed session with respect to such public security issues is not reportable action.



Multijurisdictional law enforcement agency

A joint powers agency formed to provide law enforcement services (involving drugs; gangs; sex crimes; firearms trafficking; felony possession of a firearm; high technology, computer, or identity theft; human trafficking; or vehicle theft) to multiple jurisdictions may hold closed sessions to discuss case records of an on-going criminal investigation, to hear testimony from persons involved in the investigation, and to discuss courses of action in particular cases.⁵³

The exception applies to the legislative body of the joint powers agency and to any body advisory to it. The purpose is to prevent impairment of investigations, to protect witnesses and informants, and to permit discussion of effective courses of action.⁵⁴

Hospital peer review and trade secrets

Two specific kinds of closed sessions are allowed for district hospitals and municipal hospitals, under other provisions of law.⁵⁵

1. A meeting to hear reports of hospital medical audit or quality assurance committees, or for related deliberations. However, an applicant or medical staff member whose staff privileges are the direct subject of a hearing may request a public hearing.
2. A meeting to discuss "reports involving trade secrets" — provided no action is taken.

A "trade secret" is defined as information which is not generally known to the public or competitors and which: 1) "derives independent economic value, actual or potential" by virtue of its restricted knowledge; 2) is necessary to initiate a new hospital service or program or facility; and 3) would, if prematurely disclosed, create a substantial probability of depriving the hospital of a substantial economic benefit.

The provision prohibits use of closed sessions to discuss transitions in ownership or management, or the district's dissolution.⁵⁶



PRACTICE TIP: Meetings are either open or closed. There is nothing “in between.”⁶²

Other legislative bases for closed session

Since any closed session meeting of a legislative body must be authorized by the Legislature, it is important to carefully review the Brown Act to determine if there is a provision that authorizes a closed session for a particular subject matter. There are some less frequently encountered topics that are authorized to be discussed by a legislative body in closed session under the Brown Act, including: a response to a confidential final draft audit report from the Bureau of State Audits,⁵⁷ consideration of the purchase or sale of particular pension fund investments by a legislative body of a local agency that invests pension funds,⁵⁸ hearing a charge or complaint from a member enrolled in a health plan by a legislative body of a local agency that provides Medi-Cal services,⁵⁹ discussions by a county board of supervisors that governs a health plan licensed pursuant to the Knox-Keene Health Care Services Plan Act related to trade secrets or contract negotiations

concerning rates of payment,⁶⁰ and discussions by an insurance pooling joint powers agency related to a claim filed against, or liability of, the agency or a member of the agency.⁶¹

Who may attend closed sessions

Meetings of a legislative body are either fully open or fully closed; there is nothing in between. Therefore, local agency officials and employees must pay particular attention to the authorized attendees for the particular type of closed session. As summarized above, the authorized attendees may differ based on the topic of the closed session. Closed sessions may involve only the members of the legislative body and only agency counsel, management and support staff, and consultants necessary for consideration of the matter that is the subject of closed session, with very limited exceptions for adversaries or witnesses with official roles in particular types of hearings (e.g., personnel disciplinary hearings and license hearings). In any case, individuals who do not have an official role in the closed session subject matters must be excluded from closed sessions.⁶³

Q. May the lawyer for someone suing the agency attend a closed session in order to explain to the legislative body why it should accept a settlement offer?

A. *No, attendance in closed sessions is reserved exclusively for the agency’s advisors.*

The confidentiality of closed session discussions

The Brown Act explicitly prohibits the unauthorized disclosure of confidential information acquired in a closed session by any person present, and offers various remedies to address breaches of confidentiality.⁶⁴ It is incumbent upon all those attending lawful closed sessions to protect the confidentiality of those discussions. One court has held that members of a legislative body cannot be compelled to divulge the content of closed session discussions through the discovery process.⁶⁵ Only the legislative body acting as a body may agree to divulge confidential closed session information; regarding attorney/client privileged communications, the entire body is the holder of the privilege and only the entire body can decide to waive the privilege.⁶⁶

Before adoption of the Brown Act provision specifically prohibiting disclosure of closed session communications, agency attorneys and the Attorney General long opined that officials have a fiduciary duty to protect the confidentiality of closed session discussions. The Attorney General issued an opinion that it is “improper” for officials to disclose information received during a closed session regarding pending litigation,⁶⁷ though the Attorney General has also concluded that a local agency is preempted from adopting an ordinance criminalizing public disclosure of closed session discussions.⁶⁸ In any event, in 2002, the Brown Act was amended to prescribe particular remedies for breaches of confidentiality. These remedies include injunctive relief; and, if the breach is a willful disclosure of confidential information, the remedies include disciplinary action against an employee, and referral of a member of the legislative body to the grand jury.⁶⁹

The duty of maintaining confidentiality, of course, must give way to the responsibility to disclose improper matters or discussions that may come up in closed sessions. In recognition of this public policy, under the Brown Act, a local agency may not penalize a disclosure of information learned during a closed session if the disclosure: 1) is made in confidence to the district attorney or the grand jury due to a perceived violation of law; 2) is an expression of opinion concerning the propriety or legality of actions taken in closed session, including disclosure of the nature and extent of the illegal action; or 3) is information that is not confidential.⁷⁰

The interplay between these possible sanctions and an official’s first amendment rights is complex and beyond the scope of this guide. Suffice it to say that this is a matter of great sensitivity and controversy.

“I want the press to know that I voted in closed session against filing the eminent domain action,” said Council Member Chang.

“Don’t settle too soon,” reveals Council Member Watson to the property owner, over coffee. “The city’s offer coming your way is not our bottom line.”

The first comment to the press may be appropriate if it is a part of an action taken by the City Council in closed session that must be reported publicly.⁷¹ The second comment to the property owner is not — disclosure of confidential information acquired in closed session is expressly prohibited and harmful to the agency.

PRACTICE TIP: There is a strong interest in protecting the confidentiality of proper and lawful closed sessions.

ENDNOTES:

- 1 California Government Code section 54962
- 2 California Constitution, Art. 1, section 3
- 3 61 Ops.Cal.Atty.Gen. 220 (1978); but see California Government Code section 54957.8 (multijurisdictional law enforcement agencies are authorized to meet in closed session to discuss the case records of ongoing criminal investigations, and other related matters).
- 4 California Government Code section 54957.1
- 5 California Government Code section 54954.5
- 6 California Government Code section 54954.2
- 7 California Government Code section 54954.5
- 8 California Government Code sections 54956.9 and 54957.7
- 9 California Government Code section 54957.1(a)
- 10 California Government Code section 54957.1(b)
- 11 California Government Code section 54957.2
- 12 *Hamilton v. Town of Los Gatos* (1989) 213 Cal.App.3d 1050; 2 Cal.Code Regs. section 18707
- 13 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 14 California Government Code section 54956.9; *Shapiro v. Board of Directors of Center City Development Corp.* (2005) 134 Cal.App.4th 170 (agency must be a party to the litigation).
- 15 82 Ops.Cal.Atty.Gen. 29 (1999)
- 16 *Page v. Miracosta Community College District* (2009) 180 Cal.App.4th 471
- 17 “*The Brown Act*,” California Attorney General (2003), p. 40
- 18 California Government Code section 54956.9(g)
- 19 *Trancas Property Owners Association v. City of Malibu* (2006) 138 Cal.App.4th 172
- 20 Government Code section 54956.9(e)
- 21 California Government Code section 54957.1
- 22 California Government Code section 54956.8
- 23 *Shapiro v. San Diego City Council* (2002) 96 Cal.App.4th 904; see also 93 Ops.Cal.Atty.Gen. 51 (2010) (redevelopment agency may not convene a closed session to discuss rehabilitation loan for a property already subleased to a loan recipient, even if the loan incorporates some of the sublease terms and includes an operating covenant governing the property); 94 Ops.Cal.Atty.Gen. 82 (2011) (real estate closed session may address form, manner and timing of consideration and other items that cannot be disclosed without revealing price and terms).
- 24 73 Ops.Cal.Atty.Gen. 1 (1990)
- 25 California Government Code sections 54956.8 and 54954.5(b)
- 26 California Government Code section 54957.1(a)(1)
- 27 California Government Code section 54957(b)
- 28 63 Ops.Cal.Atty.Gen. 153 (1980); but see *Duvall v. Board of Trustees* (2000) 93 Cal.App.4th 902 (board may discuss personnel evaluation criteria, process and other preliminary matters in closed session but only if related to the evaluation of a particular employee).
- 29 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 85 Ops.Cal.Atty.Gen. 77 (2002)
- 30 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165; 80 Ops.Cal.Atty. Gen. 308 (1997). Interviews of candidates to fill a vacant staff position conducted by a temporary committee appointed by the governing body may be done in closed session.

- 31 California Government Code section 54957(b)(3)
- 32 88 Ops.Cal.Atty.Gen. 16 (2005)
- 33 *Morrison v. Housing Authority of the City of Los Angeles* (2003) 107 Cal.App.4th 860
- 34 California Government Code section 54957(b); but see *Bollinger v. San Diego Civil Service Commission* (1999) 71 Cal.App.4th 568 (notice not required for closed session deliberations regarding complaints or charges, when there was a public evidentiary hearing prior to closed session).
- 35 78 Ops.Cal.Atty.Gen. 218 (1995); *Bell v. Vista Unified School District* (2000) 82 Cal.App.4th 672; *Furtado v. Sierra Community College* (1998) 68 Cal.App.4th 876; *Fischer v. Los Angeles Unified School District* (1999) 70 Cal.App.4th 87
- 36 *Moreno v. City of King* (2005) 127 Cal.App.4th 17
- 37 California Government Code section 54957
- 38 *Gillespie v. San Francisco Public Library Commission* (1998) 67 Cal.App.4th 1165
- 39 California Government Code section 54957.1(a)(5)
- 40 California Government Code section 54957.6
- 41 California Government Code section 54957.6(b); see also 98 Ops.Cal.Atty.Gen. 41 (2015) (a project labor agreement between a community college district and workers hired by contractors or subcontractors is not a proper subject of closed session for labor negotiations because the workers are not “employees” of the district).
- 42 California Government Code section 54957.6; and 51 Ops.Cal.Atty.Gen. 201 (1968)
- 43 California Government Code section 54957.1(a)(6)
- 44 California Government Code section 3549.1
- 45 California Government Code section 3540
- 46 California Government Code section 3547
- 47 California Education Code section 48918; but see *Rim of the World Unified School District v. Superior Court* (2003) 104 Cal.App.4th 1393 (Section 48918 preempted by the Federal Family Educational Right and Privacy Act in regard to expulsion proceedings).
- 48 California Education Code section 72122
- 49 California Education Code section 60617
- 50 California Government Code section 54956.96
- 51 California Government Code section 54956.7
- 52 California Government Code section 54957
- 53 *McKee v. Los Angeles Interagency Metropolitan Police Apprehension Crime Task Force* (2005) 134 Cal. App.4th 354
- 54 California Government Code section 54957.8
- 55 California Government Code section 54962
- 56 California Health and Safety Code section 32106
- 57 California Government Code section 54956.75
- 58 California Government Code section 54956.81
- 59 California Government Code section 54956.86
- 60 California Government Code section 54956.87
- 61 California Government Code section 54956.95
- 62 46 Ops.Cal.Atty.Gen. 34 (1965)
- 63 82 Ops.Cal.Atty.Gen. 29 (1999)

- 64 Government Code section 54963
- 65 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 327; see also California Government Code section 54963.
- 66 *Roberts v. City of Palmdale* (1993) 5 Cal.4th 363
- 67 80 Ops.Cal.Atty.Gen. 231 (1997)
- 68 76 Ops.Cal.Atty.Gen. 289 (1993)
- 69 California Government Code section 54963
- 70 California Government Code section 54963
- 71 California Government Code section 54957.1

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Chapter 6

REMEDIES



Certain violations of the Brown Act are designated as misdemeanors, although by far the most commonly used enforcement provisions are those that authorize civil actions to invalidate specified actions taken in violation of the Brown Act and to stop or prevent future violations. Still, despite all the safeguards and remedies to enforce them, it is ultimately impossible for the public to monitor every aspect of public officials' interactions. Compliance ultimately results from regular training and a good measure of self-regulation on the part of public officials. This chapter discusses the remedies available to the public when that self-regulation is ineffective.

Invalidation

Any interested person, including the district attorney, may seek to invalidate certain actions of a legislative body on the ground that they violate the Brown Act.¹ Violations of the Brown Act, however, cannot be invalidated if they involve the following types of actions:

- Those taken in substantial compliance with the law. No Brown Act violation is found when the given notice substantially complies with the Brown Act, even when the notice erroneously cites to the wrong Brown Act section, but adequately advises the public that the Board will meet with legal counsel to discuss potential litigation in closed session;²
- Those involving the sale or issuance of notes, bonds or other indebtedness, or any related contracts or agreements;
- Those creating a contractual obligation, including a contract awarded by competitive bid for other than compensation for professional services, upon which a party has in good faith relied to its detriment;
- Those connected with the collection of any tax; or
- Those in which the complaining party had actual notice at least 72 hours prior to the regular meeting or 24 hours prior to the special meeting, as the case may be, at which the action is taken.

Before filing a court action seeking invalidation, a person who believes that a violation has occurred must send a written "cure or correct" demand to the legislative body. This demand must clearly describe the challenged action and the nature of the claimed violation. This demand must be sent within 90 days of the alleged violation or 30 days if the action was taken in open session but in violation of Section 54954.2, which requires (subject to specific exceptions) that only properly agendaized items are acted on by the governing body during a meeting.³ The legislative body then has up to 30 days to cure and correct its action. If it does not act, any lawsuit must be filed within the next 15 days. The purpose of this requirement is to offer the body an opportunity to consider whether a violation has occurred and to weigh its options before litigation is filed.

Although just about anyone has standing to bring an action for invalidation,⁴ the challenger must show prejudice as a result of the alleged violation.⁵ An action to invalidate fails to state a cause of action against the agency if the body deliberated but did not take an action.⁶

Applicability to Past Actions

Any interested person, including the district attorney, may file a civil action to determine whether past actions of a legislative body occurring on or after January 1, 2013 constitute violations of the Brown Act and are subject to a mandamus, injunction, or declaratory relief action.⁷ Before filing an action, the interested person must, within nine months of the alleged violation of the Brown Act, submit a “cease and desist” letter to the legislative body, clearly describing the past action and the nature of the alleged violation.⁸ The legislative body has 30 days after receipt of the letter to provide an unconditional commitment to cease and desist from the past action.⁹ If the body fails to take any action within the 30-day period or takes an action other than an unconditional commitment, a lawsuit may be filed within 60 days.¹⁰

The legislative body’s unconditional commitment must be approved at a regular or special meeting as a separate item of business and not on the consent calendar.¹¹ The unconditional commitment must be substantially in the form set forth in the Brown Act.¹² No legal action may thereafter be commenced regarding the past action.¹³ However, an action of the legislative body in violation of its unconditional commitment constitutes an independent violation of the Brown Act and a legal action consequently may be commenced without following the procedural requirements for challenging past actions.¹⁴

The legislative body may rescind its prior unconditional commitment by a majority vote of its membership at a regular meeting as a separate item of business not on the consent calendar. At least 30 days written notice of the intended rescission must be given to each person to whom the unconditional commitment was made and to the district attorney. Upon rescission, any interested person may commence a legal action regarding the past actions without following the procedural requirements for challenging past actions.¹⁵

Civil action to prevent future violations

The district attorney or any interested person can file a civil action asking the court to:

- Stop or prevent violations or threatened violations of the Brown Act by members of the legislative body of a local agency;
- Determine the applicability of the Brown Act to actions or threatened future action of the legislative body;
- Determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid under state or federal law; or
- Compel the legislative body to tape record its closed sessions.

PRACTICE TIP: A lawsuit to invalidate must be preceded by a demand to cure and correct the challenged action in order to give the legislative body an opportunity to consider its options. The Brown Act does not specify how to cure or correct a violation; the best method is to rescind the action being complained of and start over, or reaffirm the action if the local agency relied on the action and rescinding the action would prejudice the local agency.



It is not necessary for a challenger to prove a past pattern or practice of violations by the local agency in order to obtain injunctive relief. A court may presume when issuing an injunction that a single violation will continue in the future where the public agency refuses to admit to the alleged violation or to renounce or curtail the practice.¹⁶ Note, however, that a court may not compel elected officials to disclose their recollections of what transpired in a closed session.¹⁷

Upon finding a violation of the Brown Act pertaining to closed sessions, a court may compel the legislative body to tape record its future closed sessions. In a subsequent lawsuit to enforce the Brown Act alleging a violation occurring in closed session, a court may upon motion of the plaintiff review the tapes if there is good cause to think the Brown Act has been violated, and make public the relevant portion of the closed session recording.

Costs and attorney's fees

Someone who successfully invalidates an action taken in violation of the Brown Act or who successfully enforces one of the Brown Act's civil remedies may seek court costs and reasonable attorney's fees. Courts have held that attorney's fees must be awarded to a successful plaintiff unless special circumstances exist that would make a fee award against the public agency unjust.¹⁸ When evaluating how to respond to assertions that the Brown Act has been violated, elected officials and their lawyers should assume that attorney's fees will be awarded against the agency if a violation of the Act is proven.

An attorney's fee award may only be directed against the local agency and not the individual members of the legislative body. If the local agency prevails, it may be awarded court costs and attorney's fees if the court finds the lawsuit was clearly frivolous and lacking in merit.¹⁹

Criminal complaints

A violation of the Brown Act by a member of the legislative body who acts with the improper intent described below is punishable as a misdemeanor.²⁰

A criminal violation has two components. The first is that there must be an overt act — a member of a legislative body must attend a meeting at which action is taken in violation of the Brown Act.²¹

"Action taken" is not only an actual vote, but also a collective decision, commitment or promise by a majority of the legislative body to make a positive or negative decision.²² If the meeting involves mere deliberation without the taking of action, there can be no misdemeanor penalty.

A violation occurs for a tentative as well as final decision.²³ In fact, criminal liability is triggered by a member's participation in a meeting in violation of the Brown Act — not whether that member has voted with the majority or minority, or has voted at all.

The second component of a criminal violation is that action is taken with the intent of a member "to deprive the public of information to which the member knows or has reason to know the public is entitled" by the Brown Act.²⁴

PRACTICE TIP: Attorney's fees will likely be awarded if a violation of the Brown Act is proven.

As with other misdemeanors, the filing of a complaint is up to the district attorney. Although criminal prosecutions of the Brown Act are uncommon, district attorneys in some counties aggressively monitor public agencies' adherence to the requirements of the law.

Some attorneys and district attorneys take the position that a Brown Act violation may be pursued criminally under Government Code section 1222.²⁵ There is no case law to support this view; if anything, the existence of an express criminal remedy within the Brown Act would suggest otherwise.²⁶

Voluntary resolution

Arguments over Brown Act issues often become emotional on all sides. Newspapers trumpet relatively minor violations, unhappy residents fume over an action, and legislative bodies clam up about information better discussed in public. Hard lines are drawn and rational discussion breaks down. The district attorney or even the grand jury occasionally becomes involved. Publicity surrounding alleged violations of the Brown Act can result in a loss of confidence by constituents in the legislative body. There are times when it may be preferable to consider re-noticing and rehearing, rather than litigating, an item of significant public interest, particularly when there is any doubt about whether the open meeting requirements were satisfied.

At bottom, agencies that regularly train their officials and pay close attention to the requirements of the Brown Act will have little reason to worry about enforcement.

ENDNOTES:

- 1 California Government Code section 54960.1. Invalidation is limited to actions that violate the following sections of the Brown Act: section 54953 (the basic open meeting provision); sections 54954.2 and 54954.5 (notice and agenda requirements for regular meetings and closed sessions); 54954.6 (tax hearings); 54956 (special meetings); and 54956.5 (emergency situations). Violations of sections not listed above cannot give rise to invalidation actions, but are subject to the other remedies listed in section 54960.1.
- 2 *Castaic Lake Water Agency v. Newhall County Water District* (2015) 238 Cal.App.4th 1196, 1198
- 3 California Government Code section 54960.1 (b) and (c)(1)
- 4 *McKee v. Orange Unified School District* (2003) 110 Cal. App.4th 1310, 1318-1319
- 5 *Cohan v. City of Thousand Oaks* (1994) 30 Cal.App.4th 547, 556, 561
- 6 *Boyle v. City of Redondo Beach* (1999) 70 Cal.App.4th 1109, 1116-17, 1118
- 7 Government Code Section 54960.2(a); Senate Bill No. 1003, Section 4 (2011-2012 Session)
- 8 Government Code Sections 54960.2(a)(1), (2)
- 9 Government Code Section 54960.2(b)

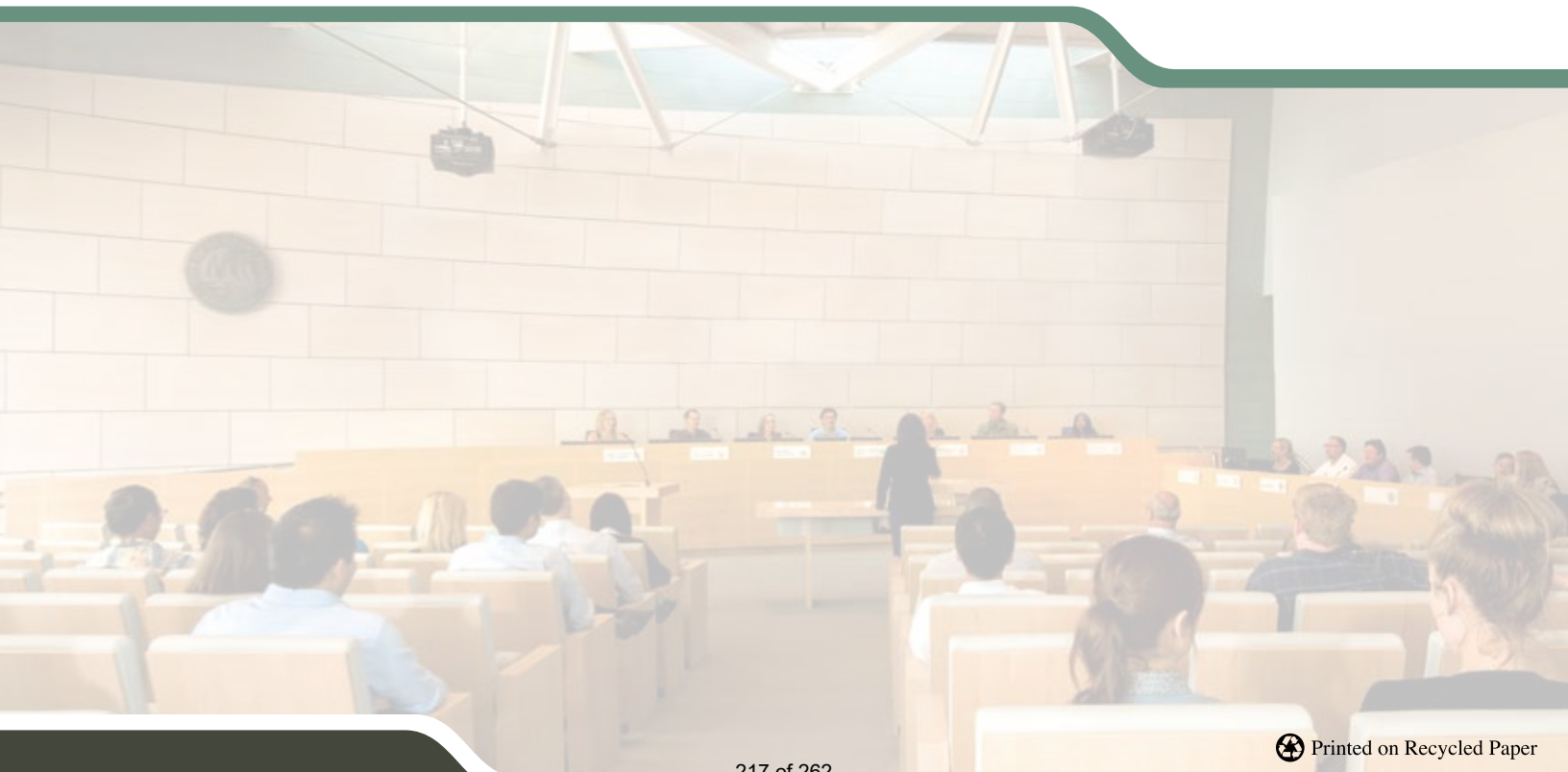


- 10 Government Code Section 54960.2(a)(4)
- 11 Government Code Section 54960.2(c)(2)
- 12 Government Code Section 54960.2(c)(1)
- 13 Government Code Section 54960.2(c)(3)
- 14 Government Code Section 54960.2(d)
- 15 Government Code Section 54960.2(e)
- 16 *California Alliance for Utility Safety and Education (CAUSE) v. City of San Diego* (1997) 56 Cal.App.4th 1024; *Common Cause v. Stirling* (1983) 147 Cal.App.3d 518, 524; *Accord Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 916 & fn.6
- 17 *Kleitman v. Superior Court* (1999) 74 Cal.App.4th 324, 334-36
- 18 *Los Angeles Times Communications, LLC v. Los Angeles County Board of Supervisors* (2003) 112 Cal. App.4th 1313, 1327-29 and cases cited therein
- 19 California Government Code section 54960.5
- 20 California Government Code section 54959. A misdemeanor is punishable by a fine of up to \$1,000 or up to six months in county jail, or both. California Penal Code section 19. Employees of the agency who participate in violations of the Brown Act cannot be punished criminally under section 54959. However, at least one district attorney instituted criminal action against employees based on the theory that they criminally conspired with the members of the legislative body to commit a crime under section 54949.
- 21 California Government Code section 54959
- 22 California Government Code section 54952.6
- 23 61 Ops.Cal.Atty.Gen.283 (1978)
- 24 California Government Code section 54959
- 25 California Government Code section 1222 provides that “[e]very wilful omission to perform any duty enjoined by law upon any public officer, or person holding any public trust or employment, where no special provision is made for the punishment of such delinquency, is punishable as a misdemeanor.”
- 26 The principle of statutory construction known as *expressio unius est exclusio alterius* supports the view that section 54959 is the exclusive basis for criminal liability under the Brown Act.

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Code of Ethics of the American Library Association

As members of the American Library Association, we recognize the importance of codifying and making known to the profession and to the general public the ethical principles that guide the work of librarians, other professionals providing information services, library trustees and library staffs.

Ethical dilemmas occur when values are in conflict. The American Library Association Code of Ethics states the values to which we are committed, and embodies the ethical responsibilities of the profession in this changing information environment.

We significantly influence or control the selection, organization, preservation, and dissemination of information. In a political system grounded in an informed citizenry, we are members of a profession explicitly committed to intellectual freedom and the freedom of access to information. We have a special obligation to ensure the free flow of information and ideas to present and future generations.

The principles of this Code are expressed in broad statements to guide ethical decision making. These statements provide a framework; they cannot and do not dictate conduct to cover particular situations.

- I. We provide the highest level of service to all library users through appropriate and usefully organized resources; equitable service policies; equitable access; and accurate, unbiased, and courteous responses to all requests.
- II. We uphold the principles of intellectual freedom and resist all efforts to censor library resources.
- III. We protect each library user's right to privacy and confidentiality with respect to information sought or received and resources consulted, borrowed, acquired or transmitted.
- IV. We respect intellectual property rights and advocate balance between the interests of information users and rights holders.
- V. We treat co-workers and other colleagues with respect, fairness, and good faith, and advocate conditions of employment that safeguard the rights and welfare of all employees of our institutions.
- VI. We do not advance private interests at the expense of library users, colleagues, or our employing institutions.
- VII. We distinguish between our personal convictions and professional duties and do not allow our personal beliefs to interfere with fair representation of the aims of our institutions or the provision of access to their information resources.
- VIII. We strive for excellence in the profession by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of coworkers, and by fostering the aspirations of potential members of the profession.

Adopted at the 1939 Midwinter Meeting by the ALA Council; amended June 30, 1981; June 28, 1995; and January 22, 2008.

The previous version of this file has long held the **incorrect amendment date of June 28, 1997**; the [Office for Intellectual Freedom](#) regrets and apologizes for the error.

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the *Library Bill of Rights* are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights (<http://www.ala.org/advocacy/intfreedom/librarybill/interpretations>).

tip sheet #11

Tools for Trustees

TWELVE GOLDEN RULES FOR BOARD MEMBERS

The following tips are excerpted from The Public Library Start-Up Guide by Christine Lind Hage (chapter 3, page 21), available at www.ala-store.ala.org.

- 1) A Trustee must have an interest in the library. Does she or he believe enough in the educational, informational, and recreational role of the library to fight for the library as the church member fights for her or his church, the school person for her or his educational program, the doctor for her or his patient? It is a duty of the Trustee to do so.
- 2) A Trustee must have time to give to the library. Continuity of policy is almost impossible if a board member is absent two out of three meetings. No citizen should accept appointment as a library Trustee if she or he does not intend to come regularly to meetings. Likewise, a Trustee who finds new interests interfering with attendance should resign.
- 3) A Trustee must consider the position not a matter of prestige but an opportunity for courageous and forward-looking efforts to push the library ahead. An ideal trustee is a good businessperson, is interested in education, has few prejudices, and has good judgment, sound character, common sense, and public spirit. A Trustee should be chosen with these personal qualities in mind and not because of the church she or he attends, the section of town in which she or he lives, her or his political party affiliations, and so on.
- 4) A Trustee must know the law under which the library is organized.
- 5) A Trustee serves without compensation.
- 6) A Trustee carries a full share of responsibility as a board member, assuring that a few members do not have to do all the work or take all the blame or praise.
- 7) A Trustee does not voice her or his opposition or criticism, either publicly or privately, after a policy or rule is adopted by a majority vote of the board.
- 8) A Trustee is careful to keep confidential information confidential and does not give out information regarding future board actions or plans.

9) A Trustee treats the staff members and the librarian in a completely impersonal fashion. Under no circumstances does a Trustee listen to grievances of staff members or treat individual problems on her or his own. The librarian is in charge of the staff and has administrative control until a grievance is presented to the library board as a whole.

10) A Trustee should know the funding sources of the library and be familiar with the library budget.

11) A Trustee must know the needs of the library and community and be aware of trends and new procedures in the library field. The best and perhaps only way to do this is to read professional library publications, meet with Trustees of other libraries, visit other libraries, and attend the annual conferences and meetings of Trustees and librarians.

12) A Trustee knows that all powers are always vested in the library board and none at all in the individual board member. The individual has no power to act for the library in any way, unless authorized by the board itself; it is always the board as a unit that holds the responsibility and the powers.

updated 1/15

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Leadership Brief: Leadership Roles for Library Trustees

ABOUT THIS LEADERSHIP BRIEF

This Leadership Brief highlights the essential roles library trustees play in guiding, shaping and supporting the 21st century library. It focuses on how passionate and committed trustees help establish the library's place in the community, ensure that the library stays connected to changing community needs and interests and generate support for the library's long-term future.

OVERVIEW: Library boards of trustees carry out advisory, governing and strategic responsibilities to ensure that the library operates from a solid and trusted foundation. The scope of trustee responsibilities varies depending on the library's governance structure and is usually established in bylaws, local code or state law. Governance roles may include hiring and evaluating the library CEO, reviewing and adopting the annual budget and monitoring and assessing library performance.

While these governing functions are important to library success, trustees have the greatest impact when they work outside the boardroom as visible, knowledgeable and passionate advocates for the library. Spontaneous connections in non-library settings, passionate commitment to the library every day, visible support for the library and its CEO and sustained and proactive advocacy on behalf of the library provide the greatest value and the most promising results.

Regardless of structure, library trustees are most effective when they:

- ▶ Create a strong partnership with the library CEO that is built on trust and open communication
- ▶ Advocate for the library regularly and in diverse settings throughout the community
- ▶ Keep their ears to the ground to identify opportunities, needs and concerns in the community
- ▶ Understand the breadth of what the library does in order to be a well informed and credible voice, while leaving day-to-day management to library staff — “noses in, fingers out”

“As the library has become a more visible, vital part of the community, library trustees must also be more visible and more connected to what's going on in the community.”

— Keith Simmons, Board Chair, Nashville Public Library



URBAN
LIBRARIES
COUNCIL

TRUSTEES GOVERNING ROLES

- ▶ Hiring and evaluating the library CEO
- ▶ Reviewing and adopting the annual budget
- ▶ Monitoring and assessing library performance
- ▶ Succession planning to ensure leadership continuity
- ▶ Participating in strategic discussions
- ▶ Conducting the affairs of the board at regularly scheduled meetings

FIVE STRATEGIC LEADERSHIP ROLES

The following sections highlight strategic leadership roles for the 21st-century library trustee and provide examples of how trustees carry out each role.

Library Trustee as Advocate

The trustee's advocacy role is broad and overarching. It includes raising the library's profile among decision makers and community stakeholders, showing how the library supports community priorities, supporting specific library and program needs and keeping the library and its work visible in the community. Successful advocacy grows out of broad knowledge about the library mission, goals and programs combined with a deep passion for the library as an essential anchor institution and a champion of equity, inclusion and democracy.

Examples of ways trustees carry out their advocacy role include:

- ▶ Communicating with confidence and passion about the important role the library plays in the community in diverse settings rather than only in library-specific meetings
- ▶ Becoming familiar with the range of library programs and services to be able to answer questions and speak with authority
- ▶ Interpreting the library for local leaders to demonstrate how libraries support leadership and community priorities
- ▶ Interacting with local leadership individually and as a group to strengthen connections and address specific issues

- ▶ Wearing a library hat at all times to become known as someone who is connected to, knowledgeable about and committed to supporting the library
- ▶ Building public awareness of the library particularly among audiences who tend to fall out of the library's natural reach
- ▶ Participating in meetings where library programs and priorities are being discussed and bringing the library into key conversations
- ▶ Writing letters and communicating with decision makers in support of specific library priorities and needs in partnership with the library CEO to ensure consistent messages
- ▶ Embracing advocacy for the library as an ongoing, front-line trustee responsibility

Library Trustee as Visionary

Working closely with the library CEO, trustees help craft and support implementation of a long-term vision that will strategically position the library in the community. A range of social, economic, environmental and technological trends have influenced the services, direction and long-term vision for public libraries. A library's ability to anticipate and respond quickly to emerging trends will strengthen its position in the community and build long-term support.

Trustees help shape and implement the library's long-term vision by:

- ▶ Engaging in strategic conversations about the library's future
- ▶ Paying attention to and sharing local trends with the board and staff to assess their potential impact on library services
- ▶ Encouraging and supporting innovation, creativity and risk-taking by the library CEO
- ▶ Listening to the community to identify emerging interests and needs to get ahead of the curve
- ▶ Talking about the library vision and strategic plan to increase public awareness of library capacities, services and value as an essential community asset
- ▶ Encouraging and supporting attention to both visionary planning and efficient day-to-day operations to ensure that the trustees and the library staff collectively keep an eye on the future

Library Trustee as Connector

Trustees help expand the library's impact in the community by networking on behalf of the library and serving as a bridge between the library and community priorities. Drawing on their knowledge about the library mission, services and capacities, combined with their professional and community connections, trustees can attract and engage new library users, supporters and champions. Importantly, those connections can open doors and ensure that the library is involved in community decision making.

Trustees carry out their connector role by:

- ▶ Promoting the public library as a resource that has expertise and capacity to support current and emerging community priorities
- ▶ Attending events as a library representative
- ▶ Recommending library leaders for positions on nonprofit/government boards and commissions
- ▶ Connecting with organizations that do not typically work with the library as possible partners on specific library programs
- ▶ Moving casual contacts to meaningful relationships through sustained and consistent engagement
- ▶ Identifying people who have community influence and/or special expertise who might be good library resources
- ▶ Attracting new people to library leadership roles to ensure the board reflects the community that the library serves

As public libraries have increased their capacity to support broad community goals in education, economic development, entrepreneurship, race and social equity, digital inclusion, healthy communities and more, creating connections that strengthen the library's value proposition requires systematic and strategic outreach.

Examples of community connections that help broaden the library's impact include:

- ▶ Local elected officials — e.g., the mayor, city council, county executive, county commissioners
- ▶ School district leaders — e.g., the superintendent of schools, board of education chair

- ▶ Higher education leaders
- ▶ Key players in the entrepreneurial ecosystem
- ▶ Technology professionals and vendors
- ▶ Workforce development and job services groups
- ▶ Major regional employers
- ▶ Local media and communications experts
- ▶ Philanthropic leaders
- ▶ Local business leaders — e.g., bankers, real estate brokers, financial/investment planners, retail owners

Library Trustee as Financial Steward

While direct involvement in budget development and financial oversight varies based on governance structure, all trustees serve as stewards through their knowledge of and commitment to maintain the library's long-term financial health. Trustees carry out this leadership role by:

- ▶ Understanding and being able to explain the library's financial structure including sources of income and the status of those sources
- ▶ Being able to articulate the library's value proposition to community leaders, residents and stakeholders
- ▶ Knowing the library's current and future financial needs

CHARACTERISTICS OF LIBRARY TRUSTEES

- ▶ Dependable — shows up when needed
- ▶ Passionate — driven to make a difference in the community
- ▶ Proactive — actively engaged in the community and the library's role
- ▶ Innovative — open to change and new ideas
- ▶ Inquisitive and curious — interested in and knowledgeable about community issues
- ▶ Collaborative — team player; operates from a foundation of trust
- ▶ Good communicator — comfortable with high community visibility

- ▶ Actively participating in fundraising efforts with guidance from and in partnership with the library CEO
- ▶ Developing a clear outreach strategy for fundraising that identifies the best contacts based on their financial capacity and their connection to the library
- ▶ Having a specific, well-defined and well-supported “ask” for potential funders

It is important to separate the relationship-building and fundraising processes so that it doesn’t look like all relationships are about money. However, successful relationship building that brings key stakeholders closer to the library will contribute to successful fundraising efforts.

Library Trustee as Team Player

Trustees are individuals with a commitment to the library’s success and members of a board with responsibilities for guiding, advising and governing the library. It is important to give equal attention to both roles. As members of a board, trustees work together to carry out governing and advisory roles, assess customer input, encourage innovation and creativity, participate in thoughtful and strategic discussions about opportunities and challenges and support the library staff. As individuals, trustees leverage their personal and professional interests, expertise and connections to raise the library’s profile in the community and support the library’s vision.

Connecting the group and individual trustee roles will increase the board’s influence and credibility. For example, cataloging individual connections, developing coordinated outreach plans, sharing successful outreach and fundraising techniques and monitoring results will strengthen the library’s position in the community and ensure sustained effectiveness.

Trustees carry out their team player role by:

- ▶ Participating in all board activities
- ▶ Investing in communications to strengthen relationships with other board members and library staff
- ▶ Supporting team-building efforts to increase board effectiveness

- ▶ Participating in orientation, training and professional development activities to enhance trustee effectiveness
- ▶ Bringing expertise from other professional roles to the work of the library board to strengthen its collective capacity
- ▶ Speaking regularly on behalf of the board as a community resource
- ▶ Working in partnership with other trustees on outreach and fundraising where multiple contacts will increase the likelihood of success
- ▶ Identifying with the board of trustees as a team

STRENGTHENING THE 21ST CENTURY LIBRARY

Trustees are essential to long-term library success. Their ability to connect with the community, work closely with staff, identify emerging community challenges and broadly advocate for the library contributes to stronger, more successful libraries.

As with any volunteer commitment, the work can be time consuming, but trustees say the benefits are powerful. The rewards come from being part of an essential institution, strengthening the library’s role in the community, connecting people throughout the community to the opportunities offered at the library and contributing to the library’s long-term success.

The **Urban Libraries Council**, founded in 1971, is the voice for public libraries and the force that inspires them to evolve. ULC creates the tools, techniques and ideas to make ongoing improvements and upgrades in services and technology. For more information, visit urbanlibraries.org.

The Urban Libraries Council thanks the following individuals for contributing to this Leadership Brief:

- ▶ **Tammy Baggett**, Director, Durham County Library
- ▶ **Sandra Chambers**, Trustee, Durham County Library
- ▶ **Phillip Harris**, Trustee, Durham County Library
- ▶ **Melanie Huggins**, Executive Director, Richland Library
- ▶ **Janet Hutchinson**, Board Chair, Calgary Public Library
- ▶ **Kim Johnson**, Chief Executive Officer, Tulsa City-County Library
- ▶ **Michael Lambert**, City Librarian, San Francisco Public Library
- ▶ **Kent Oliver**, Director, Nashville Public Library
- ▶ **Avnish Mehta**, Board Chair, Calgary Public Library
- ▶ **Bill Ptacek**, Chief Executive Officer, Calgary Public Library
- ▶ **Keith Simmons**, Board Chair, Nashville Public Library

Section 8: Support Groups



BOARD OF DIRECTORS



Bridget Brewster, *President*

Bridget Brewster is retired from a career in Fund Development and Communications. She is pleased to apply her years of expertise in service to the library. She is passionate about opportunities to help create community. Bridget happily spends time with her five children and eight grandchildren who live from coast to coast.



Mark Mariscal, *Treasurer*

Mark's involvement in the library began more than 25 years ago when he and his wife, Paula, became members of Friends of the Altadena Library. "My wife and I brought our two daughters to this library hundreds of times and now we have 3 grandchildren we bring to the library so they can also experience the love of learning." When Mark is not assisting at the library, he stays busy with the Altadena Rotary Club and coordinating volunteer opportunities for St. Elizabeth Church.



Lola Warlick-Bryant, *Secretary*

Lola is a retired secondary education teacher and, while it may seem a cliché, considers herself a lifelong learner. She serves her community as a member of the Pasadena-Altadena Chapter of The Links, Incorporated and is very active with the American Cancer Society. Lola and her husband David raised their two daughters here, and have lived in Altadena for over thirty years.





Cushon Bell

Cushon is passionate about communication, equity and access in all facets of the community. She has worked as an elementary classroom teacher and literacy coach. She currently works as a city council district liaison. Cushon and her husband Adam live in Altadena with their three teenage sons.



Leslie Denk

Leslie Denk is Director of External Affairs at the Norton Simon Museum, where she has worked since 2005. In this role, she oversees marketing, communications, membership, events and programs, education, graphic design and the book store. In 2017, Leslie and her family moved to the Historic Highlands area of Altadena and she joined the Altadena Library Foundation board in spring 2018, where she serves on the marketing and events committees.



Nora Hampton

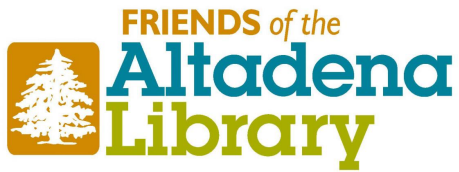
Nora is a fourth generation native of the Pasadena/Altadena area. She is a founder and director of Eye Dreams Inc. a nonprofit that believes in developing a "community of over-achievers". She also continues to work as a lead project manager and CFO in her family's construction business. The Altadena Library has played an intricate part of her life and she is passionate about continuing its legacy in the community.



Claudie Kiti-Bustamante

Claudie has been actively promoting policy issues around health care, energy and financial literacy. She is presently working to raise awareness and implement public education and outreach strategies in California to effectively reach underserved communities, and support community organizations around health related statewide campaigns. She resides with her husband and son in Altadena.





The mission of the Friends of the Altadena Library is to stimulate public interest in the library, assist with funding to purchase library materials, and to support cultural and educational programs at the Altadena Libraries.

FRIENDS OF THE ALTADENA LIBRARY 2021 BOARD OF DIRECTORS

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Learn more about the Friends of the Altadena Library at www.altadenalibrary.org/friends.



Friends and Libraries – Working Effectively Together

Sally Gardner Reed, Executive Director, United for Libraries

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Revised November 2012

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INTRODUCTION

Believe it or not, there are librarians who are adamantly opposed to having a Friends group. If they don't have one, they don't want one. If they have one, they are likely to hand off responsibility for working with the group to anyone at all and they are happy to have no further involvement. Based on current or past experience they simply believe that Friends are more trouble than they're worth!

On the other hand, there are Friends groups out there who have become entirely frustrated with their library administration and/or trustees. They feel disenfranchised and as a result, often begin to develop their own agenda – even if it is one that is not in concert with the library's goals and objectives. In fact, there are currently a couple of Friends groups that are working against their libraries! It's true – there are some Friends groups that are actively and publicly opposing a new addition to the library, opposing a new library on a new site, or who are not happy with the overall direction of the library and its policies and are making their displeasure known to the public.

How do these rifts between the library and the Friends occur? Can they be resolved and if so, how? How can a library and its Friends group work to ensure that damaging and potentially devastating conflicts don't arise in the future?

This toolkit will discuss ways for libraries (including both the library administration and the trustees) and Friends to work together to maximize the value of the benefits that Friends can bring to the library. This toolkit begins with a discussion of the roles each entity plays in supporting the library, ways to work through conflict resolution, and finally ways to set up a structure that will help the library and the Friends avoid conflicts in the first place or in the future.

As with so many areas of life, breakdowns between the Friends and the library often are the result of poor communication. As an important part of the library director's "development" role, he or she should be actively involved with the Friends executive board either in person (preferable) or by the appointment of someone on the library's administrative team to act on the director's behalf. A member of the library's administration should be present as liaisons at each Friends meeting. In addition, the Friends should appoint a member of its executive board to attend each meeting of the board of trustees where they should have an opportunity to give a brief report to the board about their current activities. These mutual interactions will go far to keep the library and the Friends aware of all that is going on in each others' work.

Sally Gardner Reed
Executive Director, United for Libraries

UNDERSTANDING ROLES

As liaisons attend meetings of the trustees and of the Friends executive board, it is important for them to understand their respective roles. Many conflicts arise because a member of the Friends executive board disagrees with policy or decisions that are made regarding library services and direction. Though Friends are welcome to make their opinions known (and serve a good feedback purpose in doing so), ultimately the policies of the board and the decisions by the librarian are not subject to Friends' approval.

Similarly, the library director should keep the Friends informed on a regular basis about the opportunities and challenges the library is facing and share with the Friends his/her ideas about ways in which the Friends can help. Understanding the respective roles of each entity can go a long way in preventing conflicts that occur when someone "oversteps" his or her bounds.

Library Director

The library director is essentially the library's Chief Operating Officer (CEO). It is his or her responsibility to ensure that policies are carried out and that library operations run smoothly and effectively. The director is responsible for "development" in all its connotations – staff development, collection development, programs and services development, community relations development, and funding development. It is in this last area that the director's relationship with the Friends is typically strongest. While funding development also incorporates developing the case for city or university funding, grant writing, and working with the Foundation (if there is one), it also means working closely with the Friends to ensure they have all the support they need to maximize their effectiveness for the library. The nexus of the various "development" roles gives the library director the knowledge, authority, and the responsibility for decision making with regards to library operations.

In working with Friends, the library director (or his or her appointee) should:

- Attend all Friends' board meetings.
- Attend as many Friends' functions as possible.
- Keep Friends up-to-date with what is happening at the library – its needs, its challenges, and its victories.
- Provide the Friends with a long range view of where the library is heading and how it hopes to get there.
- Provide the Friends with a clear understanding of the library's priorities for services and why these priorities have been selected.
- Provide the Friends with a wish list that the Friends might help to fulfill.
- Provide assistance to the Friends as needed for their own development, including membership and fundraising.

Library Board of Trustees

The powers and duties of library trustees are established by law and, consequently, are not subject to delegation to another body. The basic duties and responsibilities of a "governing" board include the employment of a competent and qualified library director, the formulation of library policy, and the development of both long-range and strategic planning with an

annual adjustment of goals and objectives.¹ In the case of an “Advisory” board, the librarian is directly accountable to the city or county management authority but still plays an important role in planning.

It is within the context of long-range planning that the Friends can and should be brought in. This way, Friends can provide a ready-made focus group for the development of library services and they can gain a greater understanding of the library’s priorities – both what they are and why they are priorities. The board works closely with the library director so that implementation of policy and strategic initiatives take place to advance the library’s services.

In working with the Friends, the trustees should:

- Include an opportunity for a Friends update in every meeting agenda.
- Include the Friends executive board in the library’s planning process.
- Keep the Friends up-to-date on major policy changes – both the “what” and the “why.”
- Work with the Friends in their fundraising initiatives as needed and as possible.
- Attend as many Friends functions as possible.
- Become personal members of the Friends at the highest level they can.

Friends of the Library Executive Board

As a condition of their 501c3 non-profit status, the mission of Friends of Library groups is to support the library. This is typically reflected in the Friends’ mission statement. Because Friends are volunteers, it’s usually the case that they only want what’s best for the library and again, typically, they rely on the director and the trustees to keep them informed of what that is. Then, through volunteer work, fundraising, membership drives, and other activities, the Friends support the library financially for items or programs not normally included in the operating budget, for promotion of the library through public relations and programs, and through advocacy when the library needs additional funding, when a capital campaign is needed, or when a library’s budget is threatened.

In working with the library (administration and trustees), the Friends executive board should:

- Appoint a member of its board as a liaison to the trustees to:
 - Attend their meetings
 - Update the trustees on Friends initiatives and goals
 - Report back to the Friends board.
- Work to support the library’s goals financially (as is reasonable and possible), and publicly through programs and public relations.
- Attend library planning meetings to give feedback and to gain a clearer understanding of the goals and direction for the library.
- Provide volunteer assistance to the library as needed in the realization of its goals.

¹ From *Friends of the Library Sourcebook* by Sandy Dolnick (ALA, 1996).

WHEN CONFLICTS ARISE

Conflicts can come up in any relationship, no matter how good. It's not unusual for a Friends group to feel, for example, that the library is asking them for money for an inappropriate reason – to cover something that they feel should come from the library's operating budget or to pay for staff travel or staff appreciation.

When there is concern in an otherwise good working relationship, the concern can usually be addressed by just talking it through. It's possible that the Friends don't have all the information they need to understand the library's request. Perhaps the budget for the library was cut or frozen mid-year and the library is desperate to ensure a particular service can be maintained for the rest of the fiscal year, for example. This background information will help the Friends make a decision about stepping in to help support what normally is or should be in the operating budget.

Similarly, it's not uncommon for Friends to wonder if they should pay for staff "scholarships" to attend a conference or class. They might wonder if Friends should pay for staff appreciation initiatives (what about Friends' appreciation initiatives?!). Again, a discussion about the importance of staff morale and continuing education may well convince Friends that this is, in fact, a good place to put their money.

On the other side of the coin, the library may feel that the Friends aren't being as supportive as they could be. For example, the Friends might be amassing a large "reserve" fund and giving the library only enough money to fund one or two items on a wish list. If the Friends have been involved in the strategic planning process and have a clear understanding of the library's goals and objectives, it's likely they will be generously funding the wish list. If the Friends decide not to support the wishlist, however, it's a good time to sit down and discuss again the library's plan and see where and how the Friends fit into that plan. It could be the Friends are feeling disenfranchised and don't want to support initiatives they don't understand or agree with. Often, a heart-to-heart is all it will take to resolve these minor and occasional conflicts.

RESOLVING MAJOR CONFLICTS

Unfortunately, some libraries and Friends groups experience a major “falling out.” Typically, these major conflicts involve such things as significant disagreement with the library’s policies or plans (moving out of the existing building to build a new library on a new site, for example), the library’s belief that the Friends are in violation of their 501c3 status and mission (giving their money to other organizations or publicly opposing the library’s plans, for example), and sometimes conflicts are simply the result of a clash of personalities.

Because a good working relationship between the library and the Friends is so important, it is well worth it for either the library (administration or trustees) or the Friends executive board to initiate a plan to bring the two entities back together. It’s time for an intervention!

If a rift between the library and Friends has become so significant as to render the relationship dysfunctional, it may be time to bring in a neutral party who can help you work through your differences and get back on the right footing. Very often, the library can tap someone from the university or city’s human resource department to facilitate a discussion and help you create a plan for your future working relationship. If not, try contacting the state library to see if they have someone on staff who might help. If this doesn’t work, consider bringing in someone from the private sector who has experience in conflict resolution and/or group facilitation.

Impartiality is important, so no member of the library staff, board of trustees, or the Friends’ executive board should be asked to facilitate. Even if you have someone within one of these entities with a lot of expertise and who everyone agrees (initially) will be impartial, in the end there are likely to be charges that the process of working through the conflict was compromised if there is someone who is dissatisfied with the outcome.

Facilitated Discussion and Problem Solving

If the Friends group and library have come to the point where they need a facilitated discussion, it is likely that there are some passionate feelings about who is “right” and who is “wrong.” Because of the nature of this exercise, it’s important that the discussion include some practical ground rules so that it can be productive.

You will want to be sure that the facilitator has an opportunity to understand the issues from all perspectives prior to your discussion and future planning. The facilitator should work with all those present while observing basic principals that facilitate productive discussions. Communication in an emotional situation is difficult. It is very important that all people have an opportunity to speak and perhaps even more important that everyone is committed to actively listen to what others have to say.

Active Listening

Many people take listening for granted. They confuse hearing with listening. You may hear every word but if you’re not listening, you’ll misunderstand the message. Studies show that the average listener typically comprehends about half of what is said. Within 48 hours, the retention drops to about 25%. After a week, only 10% or less is retained. If you are going to the extent of bringing all parties together with a facilitator, you should encourage everyone involved to fully engage their listening so that the work you do sticks!

It is a good idea for the group to consider the typical obstacles that get in the way of active listening. These can include:

- Judging and evaluating what others are saying while they are talking.
- Lack of empathy, not putting yourself in their shoes.
- Feeling that the speaker is taking too much time and that you already know what they're trying to say.
- Thinking ahead about what you are going to say instead of listening.
- Becoming disengaged because you can think faster than the other person can speak.

Respectful Dialog

Respectful dialog assumes that everyone has legitimate concerns and that everyone is interested in the same goal – a productive outcome of the meeting and positive working relations for the future. Respectful dialog:

- Encourages others to express their point of view.
- Establishes an atmosphere of acceptance and interest as opposed to one of interrogation.
- Increases your knowledge of facts as well as others' feelings and opinions.
- Simultaneously gathers information and improves your relationship with those you disagree with.
- Helps the group come up with solutions.

How can the group ensure respectful dialog? Here are some tips that should be shared with the group before you begin your discussion:

- Ask permission questions such as "I'm not sure I'm following you. Can I ask you a couple of questions so that I can get a better understanding of what you are saying?"
- Ask open ended questions instead of "yes" or "no" questions so that the person responding has the opportunity to expound on his or her point of view.
- Practice active listening.
- Be patient with others trying to express their points of view.
- Use relaxed voices to convey that it is safe for others to respond openly, fully, and honestly.
- Pursue one line of thought at a time. Don't jump from topic to topic.

The Session

Once all those in the group and the facilitator have agreed on ground rules for a productive dialog, it is time to move on to understanding the conflict, discussing remedies, and developing a plan to move forward together.

Almost every major conflict between the library and the Friends includes some misunderstanding of each groups respective roles, an overstepping of one's role, and/or a perception that one group is over stepping their role. Conflicts usually center around who has the authority for final decision-making so it is a good idea to start with a discussion of roles. One way to do this in a non-threatening way is for each entity (library administration and Friends board) to write down their role as they see it along with stating how they see the other groups' roles in support of the library.

The facilitator can show on a flip chart, with a vertical line down the center, the role as the particular entity sees it (on the left) and that entity's role as the others see it. It can be very illuminating to see how each group perceives its role and how others do. This toolkit can be used as a guideline to articulate actual roles for each group (see "Understanding Roles" above). Once the library and the Friends have a clear understanding of how each other fits into the overall picture, it is time to move on to articulating and understanding the conflict.

Understanding the Conflict

Understanding and articulating the conflict will be at the heart of the session. This will be the most difficult part (which is why having a facilitator is a good idea) because there will be some passion surrounding the different points of view. If this isn't the case, then you wouldn't be at this point!

It is critical that each side has an uninterrupted opportunity to state their concerns. Why is there conflict? What does each side see as the reason for the breakdown in the relationship? Is there more than one issue that has brought you to this point?

Working Through the Conflict

The most important component in reaching agreement and compromise is understanding exactly what the other party's concerns are. If you can understand *why* another person or party feels so strongly, you can often make great strides in coming together to create a solution that works for everyone.

The Friends of Kansas Libraries (FoKL) along with the Kansas Library Trustee Association (KLTA) have used an ingenious method for helping disparate parties to understand another's point of view. Using "Social Action Theater" (SAT), every "side" gets a chance to play the role of someone with an opposing point of view and work through a problem through a different point of view than their own.

Vignettes (or a parody of a situation) can provide an opportunity to touch on serious issues. Using SAT helps create a safe environment for discussion. Participants and actors talk about the values of clarity, respect, and trust as essential parts of communication between librarians and Friends. SAT can help participants view local experiences with a new perspective.

To engage in SAT, ask three characters to sit at a table. Each has a table tent identifying a character. The facilitator reads the vignette scene. The volunteers improvise and act out the scene, which lasts about four minutes and is completed when the facilitator claps hands once. Actors stay in character and the facilitator asks if there are any questions. While in character, actors answer questions from the facilitator or audience (HINT: write several questions ahead of time for the facilitator to ask.) Questions should spark discussion about the issues presented. The vignettes are designed to be both humorous and satirical.

Sample: How Funds Raised by the Friends Should be Spent

Scene

Board room of Oz Public Library, in a small rural community where the Library Director, and Friends President are meeting to discuss how to spend the \$6000 raised by the Friends at their recent book sale.

Library Director

Fredrica Dingle desperately wants to replace her seven year old PC, loud dot matrix printer, and shabby desk held up by bricks with a state-of-the-art ipad, printer and furniture to bring her into the 21st century – and \$6000 would do it!

Board President

Miss Rosanna Gulch (of the Belmont Gulch family) has two nieces and a nephew at Oz Middle School who use the library's reference collection to do their homework. She is horrified at the low percentage of the library's budget allocated to keep the reference collection current, and strongly feels the money should be used for that purpose.

Friends President

Jane Von Good thinks the word "Carnegie" over the library door does not properly identify the building. She wants to use the money to purchase a large, beautiful marble sign (in pink tones) to be placed near the main entrance. Of course, engraved under the words "OZ PUBLIC LIBRARY" would be "given by the Friends of Oz Public Library."

Samples Questions

1. Was there a prior understanding of who decides how money raised by the Friends is spent?
2. Is it the responsibility of the Friends to raise money for reference books or any part of the library's budget that should be in its annual budget?
3. How can this situation be avoided in the future?

Using this technique, the facilitator could be asked to develop a scenario that reflects the issues involved in the conflict. Those representing the library can step into the role of the Friends while Friends executive members can play the role of trustees and/or library administration. Once the role playing is complete, each group should be asked to talk about whether they feel the exercise helped them better understand the others' point of view and if so, how.

Resolving the Conflict

Once you have worked to understand the disagreements by listening to all sides and even engaging in a side not your own through role playing, it's time to work on a solution. The goal, of course is to come up with a solution that everyone can be happy with. It might be, however, that the solution is one that at least everyone feels he or she can live with if not love.

At this point, everyone should be encouraged to share possible ways to resolve the conflict. Being honest and respectful of others' feelings and opinions will allow a variety of suggestions to come forth. Everyone should be encouraged to remain open minded and creative. There may be solutions offered that will, indeed, resolve the conflicts and disagreements but may entail doing things in a whole new way.

The library administration, for example, may have always had carte blanche over some of all of the Friends revenues. It may be time to change, instead, to providing a wish list allowing the Friends to select from a menu of choices where they would like to put their money.

The Friends may feel that all their money should go to children's books but after discussion, realize that while children's materials are already well funded, there are no after school programs for Teens. The Friends might have to agree as well to a wish list approach rather than automatically designating funds for a specific purpose each year.

If the Friends have been involved in planning and are always kept of to date regarding the state of the library, these choices will be easy to make and in alignment with the library's opportunities and challenges.

Change and compromise can be difficult especially if there is long standing tradition of doing things a certain way. If changing the working relationship will make it better, however, it will be well worth it. Friends are an incredibly valuable support system for the library – not just for the funds they generate but for the goodwill, the public awareness they create for the library, and for the advocacy they can provide when the library is in need of capital funds or significant increases in their operating budget.

Where Will You Go From Here – Putting a Good Structure in Place for the Future

If you are able to work through the conflict – congratulations! Now it's time to put into place a structure to help you avoid any serious conflicts in the future. Some of this organizational structure may already be in place but not adhered to. For example, the Friends should take a fresh look at their mission statement, their constitution and bylaws. Are they being actively employed? Is there an operating agreement between the library and Friends? If not, it's time to establish one. It's amazing how "getting it in writing" can keep conflicts from surfacing. Even if you've found new admiration and respect for one another after a long, heartfelt discussion and resolution of your problems, conflicts can occur again over time with changes in personnel in the library, on the board of trustees and within the Friends executive board, conflicts could occur again.

Operating Agreement

If you have an operating agreement, get it out and look it over. Is it still relevant? Is it reflective of the way you work together or the way you *want* to work together? If you don't have an operating agreement, now is a good time to establish one.

The goal in an operating agreement should be that all Friends' gifts (of money, time, or talent) meet exactly the highest needs of the library. An agreement that requires negotiation for all gifts offered and requested is best. In other words, the agreement might state that the Friends will work with library administration and trustees once each year in a planning session to determine goals for fundraising, advocacy, and volunteer services. A model that works well is for the Library to submit a wish list to the Friends in priority order with strong justification for the request. The Friends may of course determine what areas of the wish list they want to support. If the once a year joint planning session has taken place, there should be no surprises in either the Library's request or the Friends' priorities for funding.

Considerations for the operating agreement should include:

- How will the Friends be incorporated into the library's planning process?
- Are Friends authorized to spend their funds on organizations, agencies, programs or projects that are not directly linked to the library and, if so, under what conditions? This will be included in the mission and bylaws of the Friends group, and it is good to be clear about this upfront, since money spent for other purposes can be a point of contention between the library and the Friends and may even adversely affect the

Friends' 501c3 status if "significant" funds are spent in areas outside the group's mission.

- What support will the Library give the Friends in terms of publicity, mailings, labor for the book sale, space for the book sale, office space, office staff support, etc.?
- Will the Friends engage in advocacy campaigns on behalf of the library and, if so, who will be involved in the design and message of those campaigns?
- What role and authority will the Friends have for developing and implementing programs?
- Will the library administration and a member of the trustees attend all Friends board meetings? Will a member of the Friends executive board attend all trustee meetings? Will there be an opportunity on each other's meeting agendas for a report from the visiting liaison?

You can view a sample formal Operating Agreement between Friends and the library at <http://www.ala.org/united/friends/orgtools>. Take advantage of the hard work you all did in resolving your conflicts by putting in writing the ways in which you'll operate together in the future.

CAN THIS RELATIONSHIP BE SAVED? WHEN ALL ELSE FAILS...

Sadly, there are extreme circumstances where the relationship cannot be saved. The disagreements run too deep or are truly irreconcilable. Sometimes, there are significant differences within the group itself, sometimes it's an inability to support the library's plans and direction (as in the case where the library is moving to a new facility, for example), and sometimes there is a strong clash among key personalities.

Conflicts have been known to occur within a group itself (therefore greatly affecting its ability to support the library) because of one or two very strong personalities. Though sometimes nothing is harder than asking for someone's resignation, it should be done if one or two individuals are causing a dysfunctional situation. Sometimes this occurs when the leadership of the group remains the same year after year giving at least perceived authority to these longtime leaders that they have veto power. Again, the Friends constitution and bylaws may provide for a continuing turn-over of leadership. This is healthy and the group should abide by it. If there is not such a provision, consider amending your bylaws to include one.

Many groups (the longtime leaders to be precise!) feel that if the same leadership isn't kept year after year, the group will dissolve from neglect. If the group's livelihood and ability to function rests with just a few, it may be time to let the group dissolve. On the other hand, there may be a strong perception in the community that this longtime leadership is somehow ordained and that the Friends are, in fact, a closed club. See *United for Libraries Toolkit #1, Creating a Friends Group and Revitalizing the One You Have* for ways to refresh your group and bring in new leaders.

If everything has been tried to bring the library and Friends mission and goals into alignment to no avail, it may well be best to formally dissolve the group.

When a group cannot proceed together because of irreconcilable differences, or when the group cannot support the library – its policies, its direction, its leadership – it is the honorable and ethical thing to dissolve the group. It is not okay for a Friends group to continue when it can no longer support the library or the library's plans and policies. Friends, by mission and purpose, exist to *support* the library.

It is unethical for a "Friends of the Library" group to work autonomously and in conflict with the library. By doing so, such a group is in violation of its mission. In addition, if such a group continues to call itself "Friends of the Library," while opposing the library, it makes it difficult for a group that does support the library to use the "Friends" name. Finally, it is unethical if not illegal to accept membership dues and raise funds when members and donors believe that their gifts support the library rather than an agenda to move the library in a direction not sanctioned by the trustees who have the legal authority to govern the library and set policy.

Whether the library administration, trustees, or Friends are at "fault" for irreconcilable differences, Friends can only be effective if they can support the library's agenda and if they have the full support and approval from the library administration. If these key ingredients are missing, it is time to look for other ways to support worthy organizations in your community. In time, a new group may evolve or library leadership may change allowing a brand new opportunity to support this wonderful institution – the library.

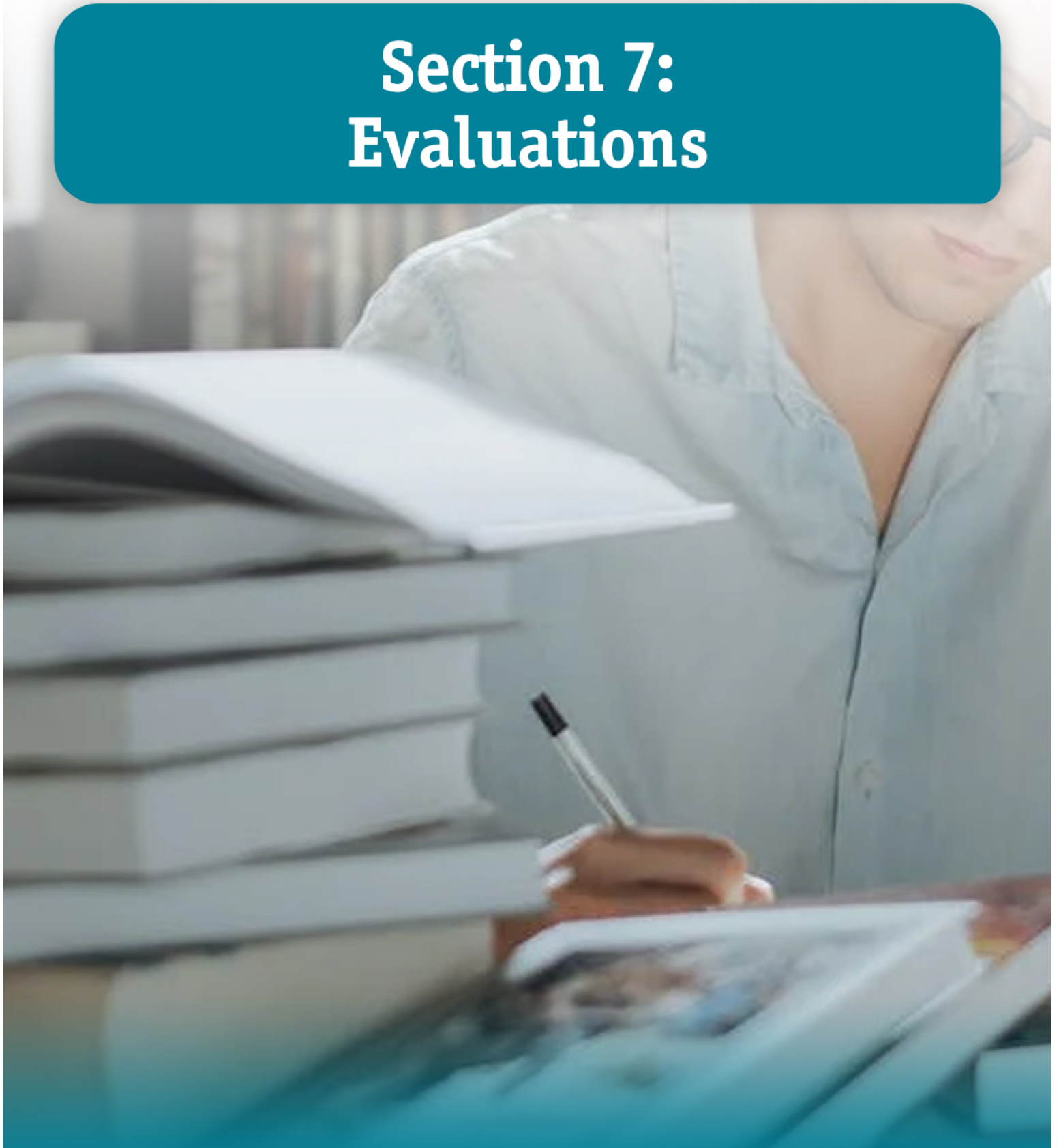
ADDITIONAL RESOURCES

101+ Great Ideas for Libraries and Friends – available, free, through your membership in United for Libraries and accessible in the Friends & Foundations Zone. This book includes an entire chapter on organizational effectiveness for Friends.

Creating a Friends Group and Revitalizing the One You Have – available, free, through your membership in United for Libraries and accessible in the Friends & Foundations Zone.

CRinfo – A Comprehensive Gateway to Conflict Resolution Resources (www.crinfo.org). This website provides all the information you need to understand conflict resolution, find additional materials about conflict resolution, and even find professional mediators to help with conflict resolution.

Section 7: Evaluations





Library Trustee Self-Assessment

(Done Individually for your information only)

Please check the box for those statements you are in total agreement with.

- I know the library's mission statement.
- I am familiar with the library's strategic or long-range plan.
- I am familiar with California state statutes that apply to libraries and special districts.
- I visit my library frequently enough to be familiar with services and to see potential needs.
- I refer any staff requests I receive to the library director.
- I am willing to serve on library committees as needed.
- I arrive for board meetings on time and do not miss more than three meetings in a calendar year.
- I am familiar with the library's annual report.
- I come to meetings having already read the information relevant to that meeting.
- I understand and am comfortable with the board's decision-making process during meetings.
- I willingly abide by majority board decisions and support them publicly.
- I treat other board members with respect and listen openly to their opinions.
- I understand and respect the different roles and duties of the library director and the board.
- I am familiar with the library's policies.
- I encourage and support the library director in achieving our organization's goals.
- I am familiar with the board's bylaws.
- I am a library advocate to civic groups, community organizations, and public officials.
- I keep abreast of legislation impacting the library community.
- I have established a relationship with my local and state representatives and discuss library issues with them, advocating for their support.
- I belong to United for Libraries, a division of the American Library Association.
- I have read issues of state or national library organization journals over the past six months.
- I have attended at least two library events in the last year.
- I have been formally introduced to key staff and understand their major job duties.
- I feel free to vote my conscience even when I disagree with other board members.

(If each checked box represents 5 points - all boxes checked would equal 120.)

If after taking the assessment you need more information on one of the topics, please ask your director, other board members, or regional librarian.



ASSESSING GOVERNING BOARD EFFECTIVENESS

This survey was developed by Len Wood & Associates to help assess the effectiveness of the governing body and its relationship with staff. Please address each statement by allocating points on the answer grid as follows:

- "0" if you feel the statement is very true.
- "1" if you feel the statement is somewhat true.
- "2" if you feel the statement is somewhat untrue.
- "3" if you feel the statement is very untrue.

Do not spend too much time on any statement. Your first reaction is usually best. Answer the way things are - not the way you would like them to be.

ISSUE	POINTS
1. Board meetings start on time.	<input type="checkbox"/>
2. All board members feel free to express their opinions.	<input type="checkbox"/>
3. All members are contributing members of the board team.	<input type="checkbox"/>
4. The elected body does not attempt to micro-manage.	<input type="checkbox"/>
5. While they may not like some of the decisions, people perceive the board as fair.	<input type="checkbox"/>
6. Staff provides a recommendation on every issue no matter how controversial.	<input type="checkbox"/>
7. The board has an overall vision for the community.	<input type="checkbox"/>
8. The chair keeps audience members informed of board issues and actions	<input type="checkbox"/>
9. Our board gets things done.	<input type="checkbox"/>
10. There is agreement on who is ultimately responsible for putting items on and/or removing them from the agenda.	<input type="checkbox"/>
11. Members feel free to critique each other's positions on issues.	<input type="checkbox"/>
12. The board works well as a team.	<input type="checkbox"/>
13. Our board does not engage in solution "reengineering" at meetings.	<input type="checkbox"/>
14. Board members avoid berating members of the audience; even if provoked.	<input type="checkbox"/>
15. The board conducts timely and meaningful evaluations of the manager's performance.	<input type="checkbox"/>
16. The board has developed its own mission or goal statement.	<input type="checkbox"/>
17. The chairperson prevents dominating board members from having a disproportionate influence.	<input type="checkbox"/>



- 18. The board does not get stalemated over the process or procedures"
- 19. The board does not spend too much time modifying or correcting the minutes at meetings.
- 20. Civilized disagreement is a board strength.
- 21. Team members actively listen to each other.
- 22. Staff does not get overly involved in policy decisions.
- 23. Meaningful public participation is encouraged.
- 24. Staff does not filter the information it passes on to the board.
- 25. Members know board's top five goals are.
- 26. The chairperson protects board members from audience or colleague attacks.
- 27. The board made significant progress on its top goals last year.
- 28. Operating rules and procedures are known by all board members.
- 29. "Baggage" from one argument is not carried to the next.
- 30. While board members may have positions, minds are not made up before meetings.
- 31. Individual board members do not try to influence personnel decisions.
- 32. Board members keep the audience informed of each item, the issue, the background, and possible decisions.
- 33. Staff follows through as promised.
- 34. Day-to-day decisions are consistent with the board's overall goals.
- 35. The chairperson prevents premature rejection of new thoughts without a fair evaluation,
- 36. Board members do their homework before meetings.
- 37. The agenda packet is "user friendly".
- 38. Decisions are usually made only after each member has had their say.
- 39. Members are open with each other.
- 40. Board members adequately communicate goals and philosophies to staff.
- 41. Members of the audience do not feel intimidated when appearing before the board.
- 42. Openness and trust exist between the board and staff.
- 43. The board develops an annual work: program with clear objectives.
- 44. The chairperson does not unfairly use the powers of the position to win a point or argument.



- 45. The board is not reluctant to make an important, yet controversial decision.
- 46. Staff provides all the significant alternatives in their staff reports.
- 47. Members know how to keep conflict from becoming destructive.
- 48. The board does not operate as an exclusive country club.
- 49. The board is not complacent about its oversight responsibilities.
- 50. Board members take care to observe the appearance as well as the principle of impartiality.
- 51. The board and staff do not surprise each other at meetings.
- 52. Our priorities do not change too often.
- 53. In our meetings, the discussion rarely drifts off the subject.
- 54. The board is adept at identifying and exploring opportunities.



ASSESSING GOVERNING BOARD EFFECTIVENESS

Record your answers here.

A	B	C	D	E	F	G	H	I
1. <input type="checkbox"/>	2. <input type="checkbox"/>	3. <input type="checkbox"/>	4. <input type="checkbox"/>	5. <input type="checkbox"/>	6. <input type="checkbox"/>	7. <input type="checkbox"/>	8. <input type="checkbox"/>	9. <input type="checkbox"/>
10. <input type="checkbox"/>	11. <input type="checkbox"/>	12. <input type="checkbox"/>	13. <input type="checkbox"/>	14. <input type="checkbox"/>	15. <input type="checkbox"/>	16. <input type="checkbox"/>	17. <input type="checkbox"/>	18. <input type="checkbox"/>
19. <input type="checkbox"/>	20. <input type="checkbox"/>	21. <input type="checkbox"/>	22. <input type="checkbox"/>	23. <input type="checkbox"/>	24. <input type="checkbox"/>	25. <input type="checkbox"/>	26. <input type="checkbox"/>	27. <input type="checkbox"/>
28. <input type="checkbox"/>	29. <input type="checkbox"/>	30. <input type="checkbox"/>	31. <input type="checkbox"/>	32. <input type="checkbox"/>	33. <input type="checkbox"/>	34. <input type="checkbox"/>	35. <input type="checkbox"/>	36. <input type="checkbox"/>
37. <input type="checkbox"/>	38. <input type="checkbox"/>	39. <input type="checkbox"/>	40. <input type="checkbox"/>	41. <input type="checkbox"/>	42. <input type="checkbox"/>	43. <input type="checkbox"/>	44. <input type="checkbox"/>	45. <input type="checkbox"/>
46. <input type="checkbox"/>	47. <input type="checkbox"/>	48. <input type="checkbox"/>	49. <input type="checkbox"/>	50. <input type="checkbox"/>	51. <input type="checkbox"/>	52. <input type="checkbox"/>	53. <input type="checkbox"/>	54. <input type="checkbox"/>

TOTALS

A. <input type="checkbox"/>	B. <input type="checkbox"/>	C. <input type="checkbox"/>	D. <input type="checkbox"/>	E. <input type="checkbox"/>	F. <input type="checkbox"/>	G. <input type="checkbox"/>	H. <input type="checkbox"/>	I. <input type="checkbox"/>
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ASSESSING GOVERNING BOARD EFFECTIVENESS

	<u>Points</u>	<u>Rank</u>
A. A Supportive Framework		
B. Conflict Management Process		
C. Teamwork		
D. Roles		
E. Community Rapport		
F. Staff Relationships		
G. Clear Sense of Purpose		
H. Chairperson Leadership		
I. Productivity		

**ALTADENA LIBRARY DISTRICT
DISTRICT DIRECTOR PERFORMANCE EVALUATION
INTRODUCTORY PERIOD – 3 AND 6 MONTH PLAN**

Director's Name	Start Date	<input type="checkbox"/> 3 Month <input type="checkbox"/> 6 Month	Review Date
			Due: Given:

District Director's 3 and 6 Month Plan

3 Month Goals	District Director Commentary	Board of Trustees Commentary
#1		
#2		
#3		
#4		
#5		

District Director's Additional Comments:

Board of Trustees' Additional Comments:

6 Month Goals		
6 Month Goals	District Director Commentary	Board of Trustees Commentary
#1		
#2		
#3		
#4		
#5		
District Director's Additional Comments:		
Board of Trustees' Additional Comments:		
GOALS AND OBJECTIVES FOR THE FOLLOWING 6 MONTHS		
Goal	Performance Competency: (Leadership, Budget, etc.)	Plan of Action
#1		
#2		
#3		
#4		
#5		
Additional Commentary:		

SIGNATURES

District Director's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

ALTADENA LIBRARY DISTRICT
DISTRICT DIRECTOR PERFORMANCE EVALUATION
ANNUAL EVALUATION

District Director's Name	Anniversary Date	Evaluation Date
		Due: Given:

Please indicate your performance rating of the District Director in each of the following areas:

Job Knowledge
<ul style="list-style-type: none"> ○ Is proficient in establishing and monitoring the Library budget. ○ Provides accurate required and ad hoc financial reports to all obligatory stakeholders. ○ Demonstrates knowledge, models, and holds staff accountable to observe laws, by-laws, personnel management rules, and regulations as appropriate. ○ Demonstrates a firm grasp of work done by all departments so required work is executed at appropriate service levels.
<input type="checkbox"/> Exemplary <input type="checkbox"/> Exceeds Standards <input type="checkbox"/> Meets Standards <input type="checkbox"/> Needs Improvement <input type="checkbox"/> Unable to Rate
<i>Board of Trustee Comments on Job Knowledge:</i>

Communication
<ul style="list-style-type: none"> ○ Expresses ideas clearly in conversation and in writing and builds common understanding when engaging with all Library stakeholders, e.g. employees, Board members, business owners and residents. ○ Plans and delivers oral and written communication that makes an impact and persuades intended audiences. ○ Demonstrates concern for satisfying internal staff and external stakeholders. ○ Ensures information is passed on to those who should be kept informed.

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Communication:

Execution & Results

- Sets goals to achieve the objectives of the Board of Trustees, as well as legal and other required objectives.
- Aligns resources to accomplish key objectives.
- Assigns clear accountability and holds staff responsible for achieving important objectives.
- Leverages the skills and talents of their team to realize Library objectives and key results.
- Achieves meaningful accomplishments in agreed-upon timelines.
- Keeps the Board and project owners updated if goals cannot be achieved as initially planned

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Execution & Results:

Engagement/Influence

- Understands and communicates the Library's mission and vision in an inspiring manner.
- Inspires and motivates others to act in the best interests of the Library.
- Reaches out to stakeholders in a manner that engages and sustains relationships.

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Engagement/Influence:

Leadership & Strategic Perspective

- Develops and proposes goals for the Library based on industry analysis, best practices and the Library’s current and potential capabilities.
- Receives input from many sources and makes informed decisions in the best long-term interests of the District.
- Takes a lead role in developing potential revenue sources, such as library services grants.

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Leadership & Strategic Perspective:

Initiative & Innovation

- Takes the initiative to reach out and create relationships that enhance the understanding of myriad stakeholders regarding Library programs and services.
- Integrates knowledge, perspectives, and approaches of others to innovate and create greater value and stronger outcomes in services provided by the District.
- Keeps informed on new initiatives and best practices to manage the Library. Encourages staff and Board members to expand knowledge through continuing education.

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Initiative & Innovation:

Executive Presence & Approachability

- Models leadership behavior, i.e., balances being approachable with leadership presence when conducting internal and external business and when engaging with District residents.
- Demonstrates calmness and flexibility in the face of adversity.
- Engages in self-awareness and initiates learning and development strategies that enhances her personal and professional capacities.

Exemplary Exceeds Standards Meets Standards Needs Improvement Unable to Rate

Board of Trustee Comments on Executive Presence & Approachability:

Board Comments and Rating

Board Member comments and rating

Member Name _____

Comments:

Overall Performance: (please check one)

Exemplary Exceeds Expectations Meets Expectations Needs Improvement

Signature _____ Date _____

Board Member comments and rating

Member Name _____

Comments:

Overall Performance: (please check one)

Exemplary Exceeds Expectations Meets Expectations Needs Improvement

Signature _____ Date _____

Board Member comments and rating

Member Name _____

Comments:

Overall Performance: (please check one)

Exemplary Exceeds Expectations Meets Expectations Needs Improvement

Signature _____ Date _____

Board Member comments and rating

Member Name _____

Comments:

Overall Performance: (please check one)

Exemplary Exceeds Expectations Meets Expectations Needs Improvement

Signature _____ Date _____

Board Member comments and rating

Member Name _____

Comments:

Overall Performance: (please check one)

Exemplary Exceeds Expectations Meets Expectations Needs Improvement

Signature _____ Date _____

GOALS AND OBJECTIVES FOR THE FOLLOWING 12 MONTHS

Goal	Performance Competency: (Leadership, Budget, etc.)	Plan of Action
#1		
#2		
#3		
#4		
#5		

Additional Commentary:

SIGNATURES

District Director's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

Board of Trustee's Signature and Date:

ALTADENA LIBRARY DISTRICT
DISTRICT DIRECTOR ANNUAL PERFORMANCE EVALUATION
CURRENT AND FUTURE GOALS SUPPLEMENTAL REPORT

Director's Name	Start Date	Evaluation Date Due: Given:
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GOALS AND OBJECTIVES FROM THE LAST ANNUAL EVALUATION

Goal	Performance Competency: (Leadership, Budget, etc.)	Director Follow-up and Commentary
#1		
#2		
#3		
#4		
#5		

GOALS AND OBJECTIVES ASSIGNED FOR THE NEXT 12 MONTHS

Goal	Performance Competency: (Leadership, Budget, etc.)	Board Suggestions and Commentary
#1		
#2		
#3		
#4		
#5		