

**Minutes – APPROVED  
DIXON PUBLIC LIBRARY DISTRICT  
GOVERNING BOARD OF LIBRARY TRUSTEES  
6:00PM, THURSDAY, MARCH 6, 2014**

**SPECIAL MEETING**

**MEETING LOCATION:  
DIXON CITY COUNCIL CHAMBERS  
600 EAST A STREET DIXON, CA 95620**

**1. Call to Order**

*Mr. Gabby called the meeting to order at 6pm*

**2. Closed Session**

*No closed session item.*

**3. Business Meeting**

**a. Pledge of Allegiance**

*Pledge of Allegiance was said*

**b. Roll Call:**

**Trustees:**

**John Gabby, President – present**

**Andrew Bloom, Vice President – absent**

**Guy Garcia, Clerk – present**

**Caitlin O’Halloran, Member – present**

**Joe DiPaola, Member – present**

**4. Notice to the Public**

*Mr. Gabby read the notice to the public.*

**5. Correspondence**

*None*

**6. Consent Agenda**

*None*

**7. Public Comment**

*- Ginger Emerson – Informed the board that she had sent a letter to the board on February 27<sup>th</sup> regarding a violation of the Brown Act for the posting of the notice for the Regular February Board meeting. She provided a copy of the letter to the board as well as emails between the interim library director and herself.*

- Mr. DiPaola responded stating the Brown Act allows the public to video tape the meetings, that the board is reviewing the use of Granicus (iLegislate), and the cure and correct for the last meetings late posting will be to agendaize all items from the February meeting as old business on the agenda for the regular March meeting.

- Nancy Schrott stated that any governance issues the board deals with, having to do with a commission or not, must follow the policies of the Library and board, Section 7000. She asked if all board members had a copy of this policy and then read the following, Section 7000.1.1

“Before the Governing Board of Library Trustees may appoint a Library Commission, it shall hold at least one public hearing on the matter of the creation of a library commission. Notice shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the Governing Board, and by posting the notice in three (3) public places in the Library District at least fifteen (15) days prior to the date of the public hearing. “

- David Werrin expressed concern and had questions regarding the previous board's actions in the hiring of the current interim library director and asks for a response in writing. Please see attached item that Mr. Werrin read in to the record. He concluded with a question regarding personnel issues and why they cannot be done in public rather than in a closed session.

- Mr. DiPaola responded that any employee, under the Brown Act, has the right to have their personnel issues brought before the public but the employee is responsible for requesting that, the board cannot do this. If there is an issue that the board must address confidentially that can be waived but the employee has to make that request the board cannot. The board has to notify the employee twenty-four hours before a noticed hearing, even if there is no noticed hearing the employee has the right to waive their confidentiality. If there is going to be a hearing or disciplinary action the board is required to notify the employee. Mr. DiPaola did express the belief that there are circumstances that may exist that do not require the employee to be notified but he does not have the Brown Act to reference.

- Shirley Humphries – She would like the board to discuss with Solano County the possibility of joining Solano County and using their resources instead of creating a new commission.

- Nancy Schrott – Expanded on the idea of joining Solano County. She expressed concern over the board's dedication to running a library and

*believes that joining Solano County is the best option for Dixon at this time.*

*- Susan Werrin – Expressed concerns over Brown Act violations. She stated that the Brown Act, section 54597, does state that when a board meeting has a closed session agenda item that concerns personnel issues and specific complaints or charges regarding an employee written notification in advance of 24 hours is required to be delivered to the employee. And then the employee has the right to an open rather than a closed session in front of the board. Mrs. Werrin pointed out that on the agenda for the December 11<sup>th</sup>, 2013 meeting there were two closed session items listed, one regarding the discipline, dismissal or release of a public employee and one regarding the appointment of a public employee. No notification was given in either instance. Mrs. Werrin then pointed out that the Brown Act states failure to give this notice makes all charges and actions taken upon the employee null and void. The board reported, on December 11<sup>th</sup>, that there was no action taken on the first item but the report for the second item is still unclear, and has not been clarified by the board. Mrs. Werrin believes that serious attention needs to be paid towards the Brown Act, especially when it concerns close sessions and the livelihood of district employees.*

*- Joe Dingler stated he is unclear why the board is taking the steps it has regarding governance and why they don't time it better to allow an election to happen.*

*- Dave Scholl questioned the board about there being no agendas for the public. He stated that in the past he was on the Solano Libraries Facilities Commission because of this he is very interested in the library. He believes that a discussion of the structure is very important. He has a serious objection to someone going behind the backs of the board and the people of Dixon. He feels that the steps that were taken were inappropriate and is very upset about the fact that someone went behind the backs of the people.*

#### **8. Guests & Presentations**

*None*

#### **9. Director's Report**

*None*

#### **10. Old Business**

*None*

## 11. New Business

### a. Review and consideration of California SB 1403 introduced by Senator Lois Wolk on 2/21/14, and any proposed amendments or revisions thereto.

- *Mr. DiPaola introduced Michael Erke, a representative of Senator Wolk's office.*
- *Michael Erke thanked the board for inviting him to the meeting to discuss SB 1403. Mr. Erke explained the history of the bill. Senator Wolk introduced SB 1403 on February 21, 2014 after Caitlin O'Halloran expressed that the Library District might have an issue that required a legislative solution. Mr. Erke is the education staffer. In his research he found SB405 from 2005 in Banning. He used this as the framework for SB1403 and by using this language it ensured that SB1403 would be referred to the proper policy committee in the senate. SB1403 is a spot bill, a vehicle, that could be used should the board decide that they need to take legislative action to achieve what ever goal is decided upon by the board and public. Mr. Erke stated that he and Senator Wolk would work closely with all interested parties should a legislative solution be necessary. The bill was introduced on February 21<sup>st</sup> because that is the constitutional deadline for any legislation to be introduced that can be acted on in the current legislative year. No action can be taken on SB1403 until March 24<sup>th</sup> (30 day imprint rule) to allow for things like this meeting to occur. The bill would need to be heard by May 2<sup>nd</sup> because that is the deadline for policy committees to meet. The bill would then been passed to the fiscal committee and their deadline to meet is May 23<sup>rd</sup>. The bill would have to be passed off the senate floor by May 30<sup>th</sup>. The bill then goes through a similar process in the Assembly and the final day of the legislative year is August 31<sup>st</sup>.*
- *Mr. DiPaola asked that Mr. Erke notify the board in writing when an option to testify about the bill would be available. To ensure that someone is able to speak to the legislature at that time.*
- *Ms. O'Hallaron pointed out that the bill will not move unless there is agreed upon language; there would not be a committee hearing. This bill is a placeholder.*
- *Mr. DiPaola pointed out that there are some typos in the current text of the bill.*
- *Mr. Erke stated that the point of the timeline was to clarify that there is ample time for input from the board, the public, and other stakeholders to propose amendments.*

- *Mr. DiPaola stated that depending on what the outcome of the meeting is the board may provide amendment language and take action this evening.*
- *Mr. Erke continued, any amendments proposed would be shared with Senator Wolk, the relevant policy committee and the fiscal committee to ensure that the bill achieves what it is intended to achieve. The bill would then be given to the unbiased Legislative Council which would draw up the amendments.*
- *Ms. O'Halloran expanded on the points that Mr. Erke had made. Ms. O'Halloran went on to explain the concept of a spot bill and how it may be scary to some. It is an obligation to meet a constitutional deadline. You must have a bookmark in place in the event there is an idea that you wanted to make a change. Two issues that concern Ms. O'Halloran are the governance issues and the boundaries of the library district.*
- *Mr. DiPaola stated this meeting is not the appropriate time to discuss the boundary issue.*
- *Ms. O'Halloran continued to discuss her research concerning the boundaries. The boundary issue can be dealt with in the courts and not through legislation. She explained that a spot bill would allow for changes to be made to governance and boundaries. She would not suggest amending the current spot bill, she believes that the board should return to the previous process. Ms. O'Halloran has spoken with Bonnie Katz at Solano County and the California State librarian regarding Dixon's issues. Ms. O'Halloran suggests that another board member work with Senator Wolk and Ms. O'Halloran to research the governance issues. She does not believe that SB1403 should be amended because it is not policy.*
- *Mr. DiPaola asked whether the spot bill should be eliminated completely.*
- *Ms. O'Halloran does not agree with this. Ms. O'Halloran does not believe that the library runs well now and is very concerned about the boundary issue. The board needs to continue exploring the possibility of changing governance through legislation, but she would not amend the language in SB1403.*
- *Mr. DiPaola believes the language most definitely has to be amended.*

- *Ms. O'Halloran believes the board needs to do some research before the language can be changed.*
- *Mr. DiPaola pointed out that the agenda item is about amending the current language and that the public will have something to say. He understands the issue of the boundaries fully. The boundary issue concerns commercial property and voting rights. Mr. DiPaola does believe that the boundary issue for the residential area across from Kaiser Permanente is a legitimate issue and needs to be addressed. Mr. DiPaola feels it is important to discuss SB1403 because that is the item on the agenda.*
- *Mr. DiPaola addressed Mr. Erke concerning typos and in the first section of the current bill language.*
- *Mr. Erke stated that the section Mr. DiPaola is referring to is not drafted by Sen. Wolk's office and was done by Legislative Council. He believes that the language should not be changed as it is referring to existing law in Riverside County.*
- *Mr. DiPaola pointed out that Section B is not necessary because that change has already been made, the library is already an independent library district, and the striking the sentence concerning a library commission as the library commission is no longer in existence.*
- *Ms. O'Halloran clarified that this was Mr. DiPaola's personal suggested amendments. Mr. DiPaola stated yes.*
- *Mr. DiPaola continued concerning the 5 year term, it would need to be a 4 year term to coincide with the even year elections of the area. Mr. DiPaola summarized his comments. The commission was dissolved, the board prior to the current one eliminated the commission as an option for governance due to public testimony that they failed to respond to the public and employee complaints, over spending, and Brown Act violations. The commission was dissolved due to the power not being able to be taken back by the board unless the commission was dissolved. Due to these issues the library was investigated by the Grand Jury and then Mr. DiPaola proceeded to read the following text from the Grand Jury's final report:*

*“Significant spending and shrinking revenue have combined to place the Dixon Public Library District at Risk”*

- *Mr. DiPaola then went on to read the information that can be found on the charts of the Grand Jury's report. In 2008, under the commission's management, the library, in the general fund, had \$1,524,675.00.*

*Three years later after money had been spent on the new library project they had \$563,370. In the building fund, in 2008, they had \$1,133,715.00 and three years later they had \$43.00. The Grand Jury determined that funds were grossly missmanaged by the previous director and the commission. Mr. DiPaola continued by reading 2 parts of the response from the board:*

*“The District was previously managed and operated by a Library Commission ("Commission") during the years in question pursuant to Education Code section 18440. The Board's powers were limited during the Commission's management of the District. Accordingly, the Board took action in January 2012 to dissolve the Commission effective June 30, 2012, pursuant to Education Code section 18452. Immediately thereafter, the Board took action in July, 2012 to commence an audit of the fiscal years ending June 30, 2011 and June 30, 2012.”*

*“The District Librarian hired by the Commission to administer the District during the years in question is no longer employed by the District. As part of the Board's plan to address the decline in net assets and cash, the District's vacant chief executive "Librarian" position was downgraded to "Library Director" and the administrator compensation previously authorized by the Commission was significantly cut...”*

- *Mr. DiPaola continued by stating that appointing a library commission should be appointed to a board. That the positions should be opened up to members of a whole and reviewed by the board. \*

### **Public Comment**

- *Dave Scholl – Stated he was insulted by the assumption by Ms. O’Halloran made that the public would not understand the legislative process and inquired whether the board asked the Senator to write the spot bill.*
- *Ms. O’Halloran stated that it was discussed in an open meeting.*
- *Mr. DiPaola stated he did not participate in any discussion and did not agree to it.*
- *Mr. Gabby stated no, not as a board.*
- *Dave Scholl – Is it the practice of the Senator’s office to introduce any sort of legislation with out the entity it involves asking you to do?*

- *Mr. Erke responded that Senator Wolk's office introduced the spot bill after hearing of an issue that may require a legislative solution in the future. This bill would preserve the opportunity for Senator Wolk's office to assist in the future depending on the decision that was made. Also due to the legislative deadline being so close.*
- *Ms. O'Halloran stated at the January meeting the bill was discussed, that Mr. DiPaola referred to it as a omnibus bill and she corrected him and said it was a committee bill, the item was discussed. Ms. O'Halloran stated she was going to put in a spot bill. That it would be preserved should the board need to use it in the future.*
- *Mr. DiPaola responded that he did not recall that discussion. He inquired as to why the spot bill, introduced on February 21, 2014, was not presented at the February 20<sup>th</sup>, 2014 meeting of the board.*
- *Ms. O'Halloran insisted that it was on the agenda for that meeting, and she requested that the meeting be moved so that she could attend it. The item was under governance on the last agenda.*
- *Mr. DiPaola stated that the word Governance appeared but nothing about SB1403. He continued by stating that this could have been put on the agenda for the February 20<sup>th</sup> meeting, because Senator Wolk's office must have had a draft or have known 4 days in advance of the deadline that this was going to be presented.*
- *Mr. Erke stated that it hadn't been introduced at that point. That it was with legislative council and he didn't believe that it had been returned by legislative council yet.*
- *Ms. O'Halloran questioned Mr. DiPaola regarding their discussion at the January meeting, which took place at Gretchen Higgins Elementary School. In which he asked why this couldn't be an omnibus bill and Ms. O'Halloran corrected him stating it would have to be a committee bill.*
- *Mr. DiPaola stated that he had no idea that Ms. O'Halloran was going to ask Senator Wolk to put a bill forward.*
- *Ms. O'Halloran asked Mr. DiPaola whether he remembered that conversation occurring.*
- *Mr. DiPaola said he did not recall discussing a bill, that he recalled discussing governance options and that this bill was not on the agenda for the last meeting, that the word Governance appeared but that was all.*



- *Ms. O'Halloran stated that the bill was not on the agenda because it did not exist on that day, the bill was introduced on February 21<sup>st</sup>.*
- *Mr. DiPaola repeated his concern that there must have been a draft that could have been placed on the agenda because the bill was simply a cut and paste of the bill from Banning.*
- *Ms. O'Halloran stated that there was a discussion a month prior, and that it would have to be a committee bill.*
- *Mr. DiPaola reiterated that governance options were discussed not put a bill forward. He inquired at that time about the legislative deadline having passed for an omnibus bill. Mr. DiPaola stated this was discussed as an option but that he had no idea Ms. O'Halloran was going to introduce a bill.*
- *Member of the Public calls for point of order and asks if this is supposed to be a time for public comment.*
- *Mr. DiPaola agrees and apologizes to the public.*
- *Member of the Public inquires as to whether the meeting is being recorded.*
- *Ms. O'Halloran and Mr. Gabby state that it is.*
- *Byron Chapman asked for a clarification on a comment that Ms. O'Halloran made and inquired as to whom first raised this issue to Senator Wolk's attention.*
- *Mr. Erke stated that it was an issue that was raised by Caitlin O'Halloran to Senator Wolk.*
- *Mr. Chapman was disturbed by the concept of a commission even being considered. He continued to discuss his past interaction with the commission and the mismanagement of the library that occurred over the past years. He stated issues that had occurred with the previous District Librarian regarding accessibility issues. He believes that the District Librarian was out of control due to the commission's lack of oversight. Mr. Chapman believes that every organization is going to have issues but the library is running better now that the previous District Librarian is gone. Mr. Chapman inquired as to why items were on the agenda for the February 20<sup>th</sup> meeting, requested by Ms. O'Halloran but she was not present for the meeting. Mr. Chapman stated that if there are board members who do not want to run the*

*library then they should quit and find someone that does. The control of the library needs to be kept in Dixon.*

- *Ian Arnold states he was a former member of the commission. He believes the discussion of governance is very important. He agrees that the previous library situation was toxic. He states that the commission, the public and the board were lied to in the past. The issue for Mr. Arnold is not that governance is being discussed but rather that the spot bill was put forward before the citizens had a chance to speak on. He does not believe that this was a matter of urgency and could have been held off until the following legislative year.*
- *Mr. DiPaola commented that his statements about the commission do not refer to Mr. Arnold.*
- *Ginger Emerson is concerned about the one word description of an item on the previous agenda and the posting timing and then went on to quote the Brown Act:*

*“At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing 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. A brief general description of an item generally need not exceed 20 words.”*
- *Ginger Emerson went on to state that she does not see the urgency in moving forward with this bill. She pointed out that the same bill had been presented a number of years ago as an omnibus bill in the Assembly. Ms. Emerson went on to state that she is disgusted with the way that staff and the public was treated by the commission. She is infuriated that the board would consider going in the direction of the commission.*
- *Mike Ceremello doesn't believe that the commission was the issue, he believes that Gregg Atkins was the problem and other commissioners were problems, not the commission. For many years the commission worked fine with the library board. The issue is that the commission in the end was hand picked by the librarian. If legislation is going to be introduced the problem it is trying to fix needs to be reviewed. The issue is 18449 of the Education Code. This is the section that delegated all powers to the commission; this is the section that needs to be changed. The school board needs to be responsible for monitoring the commission. Mr. Ceremello is the vice president of the*

*Solano County Taxpayers Association and proceeds to read a letter from the president of that association Mr. Drew Graska opposing the bill. Mr. Ceremello believes it is irresponsible to hand over control of the district to people from outside of Dixon that may not be aware of the issues.*

- *Mr. DiPaola clarified with Mr. Ceremello the timeline that was followed to dissolve the commission.*
- *Mr. Ceremello points out that there are other options of governance. He referenced San Leandro's public library which is run by the city. Mr. Ceremello wonders why Dixon can not follow this model.*
- *Mr. DiPaola stated that the prior board had also discussed a subcommittee of two board members who would be more involved in the continuous running of the library.*
- *Mr. Ceremello continued to address Ms. O'Halloran's boundary issue concern. He summarized the SID assessment that is put on homeowners in Dixon, which is taxation without benefit.*
- *Nancy Schrott referred to Section B and pointed out that the library district's name is Dixon Public Library District, DPLD.*
- *David Werrin questioned Ms. O'Halloran's involvement and concern regarding the governance and boundaries, and asked why she hasn't attended previous meetings because these issues have been occurring for a long time. He continued to inquire as to whether she has been discussing these items with individuals, old board members, old commissioners or the previous librarian. Mr. Werrin is disgusted with the whole business.*
- *Mr. DiPaola asked Mr. Erke and/or Ms. O'Halloran to ask Senator Wolk to review this meeting.*
- *Ginger Emerson pointed out that members of the community had contacted Senator Wolk's office and not received a reply.*
- *Mr. DiPaola pointed out that he contacted Mr. Erke and he was very responsive and came to the meeting.*
- *Mr. Erke explained that he would be happy to discuss with a member of the community how they contacted the Senator's office and that he would provide his information to anyone for future contact.*

- *Mike Ceremello asked Mr. DiPaola why he interpreted speaking with Ms. O'Halloran regarding this issue as a Brown Act violation.*
- *Mr. DiPaola explained that he had already communicated with Mr. Gabby regarding this issue.*
- *Mike Ceremello pointed out that it was time to start looking for a solution and not focusing on the past. At one time we had a library that ran fine, and we can get back to that. He does not believe that the public is aware that the board is in charge of the library. Mr. Ceremello does not see a problem with the board running both the schools and the library. He continued by saying that a commission can not be in charge of hiring and firing.*
- *Ian Arnold first pointed out that in his previous statement he was not attacking board members. Further he agrees with Mr. Ceremello, the idea of the commission isn't a bad thing it was the way it was run. A commission may not be a bad idea but it needs to be advisory only.*
- *Mr. DiPaola asked for a show of hands from the public who supports the idea of SB1403 and moving forward with that, reminding the public that it is enabling legislation.*
- *Dave School suggests that it be dropped for now, and let the community look at the situation and come up with a plan developed by the people.*
- *Mr. DiPaola motions for asking Senator Wolk's to table the bill while the board has more discussion about both governance options and the form of the bill.*
- *Guy Garcia asked for clarification from Mr. Erke regarding the legislative process regarding the movement of SB1403.*
- *Mr. DiPaola asked Mr. Erke when the next time the board could bring a whole new bill forward.*
- *Mr. Erke explained it would not be until the next legislative year.*
- *Mr. Garcia clarified that the first amendment to SB1403 would be to strike the entire language of the bill and rewrite it, and this is the purpose of a place holder. Mr. Erke said yes. Mr. Garcia went on to assume that if the board is in opposition to SB1403 then Senator Wolk would not move forward. Mr. Erke said that is correct.*
- *Mr. Garcia expressed his concern that this board has wrestled with governance issues in the past, and he feels that public comment is*

*extremely important. But he believes that the board is trying to determine what the right decision. He asks that while he thinks it is fine to leave SB1403 open for now, and will second Mr. DiPaola's motion, that the public not assume that he is approving or approves of what has happened. And he hopes that the public participates in the conversations and discussions because he doesn't know what the solution is. This issue needs to be agendaized as information and discussion, and no action for the time being.*

- *Mr. DiPaola clarified that by moving forward with the motion that the district is losing the ability to make any changes legislatively until next legislative year.*
- *Dave Scholl thinks that delaying for a year is a great option and it gives the board a year to work on solutions.*
- *Ginger Emerson agrees with Mr. Scholl, and thinks that the public needs more participation and input.*
- *Joe Dingler is under the impression that the board has the authority to change governance now and that legislation would be required for clarification in the future.*
- *Mary Savage believes that it is going to take time to get over the past and feels that waiting the year is a good idea.*
- *Byron Chapman believes a year of discussion and idea is a rather short time and that getting information out so the public can offer input is a good idea.*
- *Ellen Smith believes that it should be tabled as well.*
- *Joe Dingler clarified his previous statement; he doesn't want the board to wait a year to start the process of discussion.*
- *Mr. Garcia agrees with Mr. Dingler.*
- *Ian Arnold as he understands the motion is to table and he believes that the intent is to table to discussion and the board to move forward with new ideas.*
- *Ms. O'Halloran believes that "table" is not the correct term. She believes that what needs to be done is to have the board send a letter to Senator Wolk asking her not to move forward with the bill.*

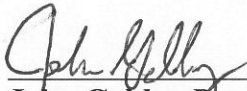
- *Mr. Garcia motioned for the board to table this item, and have the board send a letter to Senator Wolk not to move forward, Mr. DiPaola seconded.*
- *Mr. Gabby asked for any further discussion concerning the motion.*
- *Mike Ceremello told the board that the legislature passed a law that all voting needs to be done by roll call.*
- *The board revoted on the previous motion by a roll call vote, motion passed unanimously.*

**b. Review and consideration of the attached proposed Amendment language change to California SB1403.**

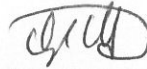
- *Mr. DiPoala motioned to table this item, Mr. Garcia seconded. Motion passed.*

**13. Adjournment**

*Mr. Gabby adjourned the meeting at 7:50pm*



**John Gabby, President**



**Guy Garcia, Clerk**

March 6, 2014

I have a number of questions regarding the decisions of the former board and the current establishment. I would like to receive some explanation from you in writing if possible.

1. An interim librarian was hired without any posting of said position or public input. Decisions regarding this appointment were made behind closed doors.
2. The District hired an interim director on the recommendation of ex-board member Irina O. The interim director is a close friend and associate of said board member. In fact, he had assisted her on her academic dissertation. The definition of cronyism is "the practice of favoring ones close friends especially in political or employment appointments." Given the cost and parameters of this position (i.e. working 2 or 3 days per week for the equivalent of 80,000 per year including travel expenses) and living over 200 miles away, I would appreciate a more thorough examination on how this "appointment" came about.
3. Was the interim director fully vetted and investigated? Were any documents produced by the Board for public perusal of this hire? I for one am intrigued by my own internet search; how a teacher of digital technology, who heads a department of two staff people at Fresno State University, has any relevance to running a small public library. He does however have a library degree.
4. This board has extended or is contemplating the extension of the interim director's contract for a few more weeks. Where is this contract if it has been approved by the Board? Is it a fact that he will now only be available two days per week with one of those days being Saturday? As I mentioned above the taxpayers of this community are paying this individual the equivalent of 80,000 per year for this amount of work. This is outrageous and a complete misuse of public funds. It would be interesting to find out at what salary Mr. Newell is being paid concurrently at Fresno State.
5. Brown Act violations have occurred regarding closed sessions and noticing issues. The board continues to incur legal fees as opposed to using common sense and deliberation.

David Werrin