

Minutes—Approved
DIXON PUBLIC LIBRARY DISTRICT
GOVERNING BOARD OF LIBRARY TRUSTEES
7:00 P. M., Thursday, May 11, 2017
REGULAR MEETING

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

1. Call to Order

Ms. Maseda called the meeting to order at 7 pm. Following the closed session, Ms. Maseda made the following announcement concerning the contract extension of the library director. Pursuant to Government Code 54956 (b), the term of the contract will be six months with a salary of \$8,833 per month less all statutory and other deductions. The contract provides the same levels of pensions, health benefits, sick leave and vacation time as other library employees with added payments for any related health benefit premiums costs for family coverage and separate administrative personal necessity leave. She then asked for a motion to approve the contract. Ms. O'Halloran moved to approve. Mr. Foster seconded. The Board voted to approve the contract, 4-0.

2. Business meeting

a. Pledge of Allegiance

Pledge of Allegiance said

b. Roll Call

Trustees

Melissa Maseda, President—present

John Gabby, Vice President—absent

Luke Foster, Clerk—present

Caitlin O'Halloran, Member—present

Guy Garcia, Member—present

Staff

Steve Arozena, Library Director—present

3. Notice to the Public

None

4. Correspondence

None

5. Consent Agenda

None

6. Public Comment

None

7. Guests & Presentations

8. Director's Report

■ Library Activities

- Mr. Arozena directed the Board's attention to the flyer listing the programs for this year's Summer Reading Club. He noted that some of the dates and times had been changed since a previous announcement and said that while most of the programs are still on Thursday, that several have been switched to Monday. All of the shows have 10:30 start times, with the exception of Elephant and Piggie, which begins at 11 a.m. He added that he has been talking with people in the city and trying to get approval to expand the concrete pad where the events take place, noting that last summer had one program with 150 attendees with seats available for only 80 of them.
- Mr. Arozena said that the "Lunch at the Library" program will begin again in early June. It is open to anyone under 18. No proof of income is needed and it is free to citizens of other cities as well. The program goes from June 5 to July 21.
- Mr. Arozena stated that the index to the Dixon Tribune is now up and running on the library website. The Historical Society has given positive comments regarding its use and have shared articles of interest that they have found. Ms. Maseda asked if it would be continued to be updated. Mr. Arozena said that it would as new microfilm is produced.
- Ms. Maseda asked when Summer Reading Club begins. Mr. Arozena stated that it starts the last week of May.
- Mr. Foster asked about the library visit to Gretchen Higgins. Mr. Arozena said that Jim Tinder went and spoke to three different groups, a total of 500 children, to help promote the Summer Reading Club.

9. Ongoing Business

■ Ongoing Business

■ Budget 2017/2018

- Mr. Arozena said that he had been asked to have some figures ready for the meeting. The proposed COLA raise would be .3 % and would cost the library \$1,300 per year for all the employees. He said that the new minimum wage law goes into effect January 2018, affects only the pages and will cost an additional \$1.100 giving them raises from \$10.00 an

hour to \$10.50. To add the librarian position mentioned at the last meeting (25 hours with benefits), it would cost an additional \$14,000, but would give the library much more continuity at the reference desk. The raise for the accountant represents \$2,275. Other projects/purchases for the following year include a new self-check machine and possibly new carpet and tile for the library. He said that the budget should be ready for approval by the next Board meeting. Ms. Maseda asked if the budget will have all of the above expenses in it. Mr. Arozena said it will. Mr. Foster asked if the current year's budget is still under projections. Mr. Arozena said that it is. With 83 percent of the fiscal year over, the library has spent 76% of the personnel budget and only 60% of the services and supplies. He mentioned that that figure doesn't include \$26K spent with Moreno Construction for library maintenance.

■ **Discussion of Future Governance of Library**

- Mr. Arozena noted that this item had been tabled at the last meeting. He submitted the Board's questions to the attorney, who answered the three questions. Ms. O'Halloran said that she found it interesting that in creating a commission the Board would waive its right to govern the library. She said that she was more interested in having a group to advise or assist the Board, not to run the library itself. She said that if they choose to split the school and library boards, that there should either be an elected library board, or that they work with the city to come up with a different way of organizing the governance. She thought that if the school and library boards remain as one entity that a subcommittee could be formed to more closely oversee the library rather than have a commission with no accountability to the voters. Ms. Maseda said that they were not looking to give up governance of the library unless a separate election were held. Ms. O'Halloran said she wasn't looking at giving up governance of the library, but seeking a way to have more eyes on the library. Ms. Maseda asked if they should reach out to the library's attorney. Ms. O'Halloran said that she would lean towards a subcommittee, but after learning about how the library commission would be set up, it would be worth asking if there could be a subcommittee set up as an advisory group. Mr. Garcia said he thought that the Board would have that power. Ms. O'Halloran agreed, but thought that they should check. Mr. Garcia asked if they should pursue separation of the school and library boards by an elected body. Ms. O'Halloran stated that the main problem is that it would cost \$30,000 to have an election. She pointed

out that it would be a problem if no one ran and that that is a significant amount out of the small library budget. She said that they can also look at other solutions, such as having the city more involved. She said that she isn't certain that the current governance is an effective model and that we are only one of three libraries in the state run in this manner. Mr. Garcia said we should explore options that don't involve \$30,000. Ms. O'Halloran asked if in the past whether Commission meetings had a Board member sit in on them. Mr. Garcia said that they did. Ms. O'Halloran said that that was a controversial time and that people didn't understand the proper role of the commission. Mr. Arozena said that from watching old DVDs, that Mr. Dipaola did serve in that capacity, but that he would remove himself from the panel, address the Commission as a member of the public and then reinsert himself on the panel. Ms. O'Halloran asked Mr. Arozena to ask the attorney about setting up a subcommittee as an advisory body on important issues. Mr. Foster said that perhaps the subcommittee report could be a running agenda item.

■ **New Business**

■ **Revision of Policy 3040.9.1 (FMLA/CFRA)**

- Mr. Arozena asked permission to talk about both the policy revision and the FMLA/CFRA request from the director at the same time. Mr. Arozena said that he thought the discussion would be of interest as many of the issues raised were due to the way that the library governance is set up. Mr. Arozena said that he had asked the attorney to prepare a revision to policy 3040.9.1 which covers FMLA/CFRA and paid family leave, but that the revision wasn't done in time for the meeting. Mr. Arozena pointed out a copy of the current policy which was revised in 2014 and 2015. He stated that the only thing that had changed in the policy was the numbering; that the wording remained the same. He pointed out that the phrase "eligible employees" appears several times in the policy. He stated that through conversations with Mr. Holbrook and the Department of Labor that there are no "eligible employees" because the library does not employ 50 or more at the same location. He said that this interpretation is based on a couple of fairly recent court decisions and that it is confusing because even the Department of Labor website has items posted that indicate that the library employees should qualify for FMLA as a public agency. Mr. Arozena stated that he didn't think that the intent of the Board when approving the policy originally was to deny library employees FMLA/CFRA. He

stated that although it is now the case that employees do not qualify that according to the Department of Labor, “Nothing in the FMLA or its regulations prevents an employer from providing an employee with greater protections and/or more leave than entitled to under the law even if the employee is not, by law, eligible and/or the employer is not covered.” He asked the Board to keep that in mind when considering revisions to the section. Mr. Arozena said that the issue was confusing because according to the Solano County Risk Assessment staff, employees at the library are covered by FMLA/CFRA, but that the Dixon Public Library will have to manage its own coverage of these programs. Ms. Maseda pointed out that we aren’t part of Solano County. Mr. Arozena stated that that was true, but that they handle our payroll records and keep track of the FMLA hours. He stated that we have had three employees in the past four years who applied for and received FMLA/CFRA

- Mr. Arozena directed the Board’s attention to copies of the CFR and stated that the basis for the library not being given coverage under FMLA was section 29 825.108 (d). He read from the section “All public agencies are covered by the FMLA regardless of the number of employees; they are not subject to the coverage threshold of 50 employees carried on the payroll each day for 20 or more weeks in a year. However, employees of public agencies must meet all of the requirements of eligibility, including the requirement that the employer employ 50 employees at the worksite or within 75 miles.” He said that it was explained to him by the attorney and the Department of Labor that the employer is covered, but that the employees themselves are not. The employer is required to post the guidelines for FMLA in the workplace as a covered employer. Ms. Maseda explained that once you have 50 employees that you can use that benefit. Mr. Arozena said that he asked the California Special District Association for help interpreting section 825.108 © of the CFR and that he was told the ‘waters were muddy’ and that they couldn’t offer an explanation. Mr. Arozena read from the CFR. “Whether two agencies of the same State or local government constitute the same public agency can only be determined on a case-by-case basis. One factor that would support a conclusion that two agencies are separate is whether they are treated separately for statistical purposes in the Census of Governments issued by the Bureau of the Census.” Mr. Arozena questioned as to whether the library could be considered part of the school district by this definition. He presented a document from the 2017 Census

of Governments that refers to the library as being the "Dixon Unified School Library." Ms. Maseda stated that the title should be changed and that they are completely different entities as they do not share the same insurance. The only thing they do share is the Board. She said that the title would indicate that the Dixon Library would have a role in working at the school libraries, but they don't. Mr. Garcia pointed out that the school district gets different funding from taxes. Ms. O'Halloran pointed out that the document is from the department of employment and payroll and that the school district provides neither. Ms. Maseda asked if we could look into changing the title. Mr. Foster asked if Mr. Arozena knows what the process entails to having the name changed. Mr. Arozena said he did not know. He pointed out that documents from the 2012 Census of Governments refers to public libraries operated by union high school districts and makes the sole exception as being the Santa Paula Library District. Mr. Arozena pointed out that Santa Paula was (along with Banning) one of two libraries that changed their governance from having a joint school/library board to a separate library board. He pointed out that Santa Paula was one of the libraries listed as an Independent Special Library District in a document produced by the California State Library, the same designation given to the Dixon Public Library. Mr. Arozena then pointed to a document giving a brief history of the library's governance. It stated that when the library was first formed, that the name of the library was the Dixon Union High School District Library District of Solano County, California. The name was changed in 2006 to the Dixon Public Library District. Ms. Maseda pointed out a similar name change in the Santa Paula Library District. Ms. O'Halloran said that there had been legislation introduced by Lois Wolk to separate the school and library districts and that she was behind the name change in 2006. She said that the cases of Santa Paula and Banning involved a confusion about the governance that led to legislation separating the school and library boards. She said that all the 2006 bill did was to change the name of the Dixon Library, not separate the library from the school board. Ms. Maseda said that when it comes to the 50 employees that the library cannot consider itself part of the school district. She believes that Mr. Holbrook did look into the question. Ms. O'Halloran said that this is another case where we have different benefits than Solano County and perhaps we should re-examine the relationship with them. Ms. Maseda said that if we were to be considered part of Solano County that the

library would qualify for FMLA, but currently we do not qualify according to our attorney. Ms. Maseda asked about the policy revision of 3040.9.1 and confirmed with Mr. Arozena that that revision has not yet been completed and cannot be voted on. The vote will be tabled until the revision is complete. Ms. Maseda pointed out that there are other leaves available to people in a pregnancy including the Pregnancy Disability Act and baby bonding time which allows equal or more time than what the FMLA/CFRA gives.

- **Oral Report and Action to Approve Library Director Contract**
- The action was already taken to approve the contract as part of the statement out of closed session.
- **Renewal of Moreno Construction Contract for 2017/18**
- Mr. Arozena stated that the contract is the same as last year's. He said that Mr. Moreno does an excellent job, lives in town and is willing to respond to emergencies when needed. Mr. Foster confirmed that the \$30,000 is the same amount. Mr. Garcia moved approval. Mr. Foster seconded. The Board voted 4-0 to approve the contract.
- **Approval of Minutes of April 13, 2017 Regular Meeting**
- Mr. Garcia moved to approve the minutes. Mr. Foster seconded. The Board voted 4-0 to approve the minutes.
- **Meeting adjourned.**

Melissa Maseda, President

Luke Foster, Clerk

melissamaseda

Luke A. Foster