

TO: GOVERNING BOARD OF LIBRARY TRUSTEES

FROM: GREGG ATKINS, DISTRICT LIBRARIAN

DATE: SEPTEMBER 8, 2011

RE: REVIEW OF LIBRARY DISTRICT GOVERNANCE OPTIONS
AND ACTION TO PROVIDE DIRECTION TO STAFF

In December 2010, the District's Board was presented with proposed draft language concerning a legislative action to effect a change in the District governance structure so as to achieve a directly-elected Board for the Library District. It was recommended that an effort be made to include appropriate revisions to the Ed Code language into the Omnibus Bill Act of 2011.

The Board adopted Resolution 2011-01, which directed staff to work with the Senate Committee on Local Government to apply for this legislative amendment. As a condition for inclusion into the Omnibus Bill, there must be no opposition or proposed changes to the proposed language. Since a few members of the public suggested revised language to the District's proposed legislation or simply opposed the effort, and since there was insufficient time in the legislative year to resolve the issue and continue on the Omnibus Bill track for 2011, the District could no longer move forward in the process.

The District still has a number of options to effect a governance change through legislation. Those options have been analyzed in greater detail, below. For example, the District may continue to request inclusion in the next Omnibus Bill or pursue special legislation. Unlike with the Omnibus Bill, special legislation will not require complete consensus between the District and the rest of the public, though the District will still want to involve the public in its decision making.

This staff report also provides an approximate figure for the cost of conducting an election following approval of legislation which will allow the District to have its own autonomous governing board. For example, an election which is held on a regular election cycle will cost considerably less than a special election.

I recommend that the Governing Board of Library Trustees:

1. Conduct a discussion and review the various legislative options to create a separate governing board; and,
2. Direct staff to prepare bill language for the Board's approval at its next meeting.

ANALYSIS OF OPTIONS

Option 1. Omnibus Bill Act of 2012.

The District is not precluded from requesting inclusion in the Omnibus Bill Act of 2012, provided there is complete agreement between the District, members of the public, and other interested parties on the language. To achieve mutual consent, the District may consider holding additional workshops and hearings on the language of the proposed bill. Assuming a consensus could be reached in a timely manner and the bill submitted before the last Omnibus deadline of March 1, 2012, it would become effective on January 1, 2013. While this option would likely be the most cost effective, the drawback is the potential delay and derailment if even one member of the public opposes the District's proposed language.

A. 2012 Omnibus Bill – Based Predominantly on Historically Proven Legislation.¹

i) Appointment of Board Members. Under this option, the Solano County Board of Supervisors would appoint the initial governing board of the library district. Five appointments would be made from the existing membership of the Library Board of the District. The commission would also remain the same until the first election of the board members, at which time the commission would be entirely dissolved.

ii) Subsequent Election of Board Members. Subsequent board members would be elected upon expiration of the initial appointees' terms. Based on the language in the previously proposed 2011 Bill, the appointees' initial terms would be determined by drawing lots. Two of the appointees would serve for two years, and three of the appointees would serve for four years.

iii) Election Dates. If the Bill was passed in 2012 and effective on January 1, 2013, two of the appointees' seats would be up for election in November 2014 following their appointment and the remaining three appointees would be replaced by election in November 2016.

iv) Election Cost. The cost of this approach would be the most economical with regard to savings realized in relation to legal and advisor fees. The

¹ The language proposed in this memorandum is modified slightly from the legislation which was introduced and adopted for Banning and Blanchard/St. Paula. Those bills required the board of supervisors to appoint the initial governing board from the existing membership of the commission rather than the board. Here, the language has been changed to reflect that the existing board would essentially be ratified as the interim governing body until the next election. This is done to allow for continuity and to allow the commission to remain responsible for operations of the District until such time that a new board is elected that has the time to be responsible for the regular District operations. Additionally, The proposed language in the Omnibus Bill could diverge from the Banning model if consensus was reached through a series of workshops and public hearings. For example, the language could be changed to require the Board of Supervisors to appoint the initial District members from a pool of interested candidates.

election cost of this approach would be approximately \$2.02 per registered voter (to compensate registrar costs) and additional costs for legal and financial advisor fees.

B. 2012 Omnibus Bill – Immediate Election of First Board

i) Election of Board Members. Under this option, the Library Board would act to set in motion the process to hold an election of the new board members, either by special election or on the June ballot or November ballot. The commission would be entirely dissolved when the new board members took office.

ii) Subsequent Election of Board Members. Subsequent board members would be elected upon expiration of the initial appointees' terms. Based on the language in the previously proposed 2011 Bill, the appointees' initial terms would be determined by drawing lots. Two of the appointees would serve for two years, and three of the appointees would serve for four years.

iii) Election Dates. If the Bill was passed in 2012 and effective on January 1, 2013, two of the appointees' seats would be up for election in November 2014 following their appointment and the remaining three appointees would be replaced by election in November 2016.

iv) Election Cost. We understand that the cost for a special election would be approximately in the amount of \$15.00 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees. A Regularly Scheduled Election for the District Board Members would be approximately \$2.02 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees.

Option 2. Special Legislation.

Under this option, the District could pursue adoption of a bill through special legislation either upon failure to reach a consensus with all interested parties regarding the 2012 Omnibus Bill or as an alternative to an Omnibus Bill. This approach would require the District to contact a sponsor (either its Senate or Assembly District representative), have the bill authored, have the bill introduced on the house floor of origin and move through the policy committee hearings before the bill is read a second and third time in the house of origin.

This legislation could also become effective on January 1, 2013 if the District worked expeditiously through the process. This is a more expensive approach as it would require significantly more in the way of legal expenses for the District, and would cost approximately \$20,000 in additional legislative costs incurred by the state legislature's processes.

If the District pursued this Option 2, it has several available alternatives within the parameters of Special Legislation:

A. Special Legislation – Appointment of Existing Board Members.

i) Appointment of Board Members. Under this alternative, the Solano County Board of Supervisors would appoint the five existing District board as the initial board until elections are held. The commission would remain the same until the first election of the board members, at which time the commission would be entirely dissolved.

ii) Subsequent Election of Board Members. An election could then be held either by special election or on the regularly scheduled election date for the District's three existing board members whose terms expire in December 2013. The remaining two board members would be replaced the first Tuesday after the first Monday in November in the next odd-numbered year to allow for continuity.

iii) Election Dates. For the three board members with expiring terms in 2013, a Special Election on June 4, 2013 or by Regular Election on November 5, 2013. For the remaining two seats, a Regular Election held November 3, 2015.

iv) Election Costs. We understand that the cost for a special election would be approximately in the amount of \$15.00 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees. A Regularly Scheduled Election for the District Board Members would be approximately \$2.02 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees.

B. Special Legislation – Appointment from Interested Pool of Candidates.

i) Appointment of Board Members. As an alternative to the process described above, this alternative would include the appointment of five board members by the Solano County Board of Supervisors from a pool of interested candidates. The commission would then be entirely dissolved upon the seating of the new board.

ii) Subsequent Election of Board Members. Subsequent board members would be elected upon expiration of the initial appointees' terms. Based on the language in the previously proposed 2011 Bill, the appointees' initial terms would be determined by drawing lots. Two of the appointees would serve for two years, and three of the appointees would serve for four years.

iii) Election Dates. If the Bill was passed in 2012 and effective on January 1, 2013, two of the appointees' seats would be up for election in 2015 following their appointment and the remaining three appointees would be replaced by election in 2018.

iv) Election Costs. Again, the cost for a special election would be approximately in the amount of \$15.00 per registered voter (registrar of voters costs),

plus expenses for legal and financial advisor fees. A Regularly Scheduled Election for the District Board Members would be approximately \$2.02 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees.

C. 2012 Omnibus Bill – Immediate Election of First Board

i) Election of Board Members. Under this option, the Library Board would act to set in motion the process to hold an election of the new board members, either by special election or on the June ballot or November ballot. The commission would be entirely dissolved when the new board members took office.

ii) Subsequent Election of Board Members. Subsequent board members would be elected upon expiration of the initial appointees' terms. Based on the language in the previously proposed 2011 Bill, the appointees' initial terms would be determined by drawing lots. Two of the appointees would serve for two years, and three of the appointees would serve for four years.

iii) Election Dates. If the Bill was passed in 2012 and effective on January 1, 2013, two of the appointees' seats would be up for election in November 2014 following their appointment and the remaining three appointees would be replaced by election in November 2016.

iv) Election Cost. We understand that the cost for a special election would be approximately in the amount of \$15.00 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees. A Regularly Scheduled Election for the District Board Members would be approximately \$2.02 per registered voter (registrar of voters costs), plus expenses for legal and financial advisor fees.