

Draft Minutes
DIXON PUBLIC LIBRARY DISTRICT
GOVERNING BOARD OF LIBRARY TRUSTEES
6:00 PM, THURSDAY, SEPTEMBER 8, 2011

SPECIAL MEETING

MEETING LOCATION:
COUNCIL CHAMBER, CITY HALL, CITY OF DIXON
600 EAST A STREET, DIXON, CA

1. Call to Order

The meeting was called to order at 6:04 p.m. by President John Gabby.

2. Roll Call

Trustees

Jim Ernst
John Gabby
Irina Okhremtchouk
Herb Cross
Gildardo Piñon

Staff

Gregg Atkins, District Librarian
Sandy Myers, Recorder

Library Commission President

Greta Galindo-excused

3. Approval of Agenda

Jim Ernst moved, Herb Cross seconded and the motion carried to approve the agenda with the rearrangement to place item 9 before item 8.

4. Public presentations to, or discussion with, the Trustees

- a. Ginger Emerson read a letter concerning her feeling that the Commission has not properly responded to her complaint.*
- b. Mike Ceremello asked to see all the current applications for Commission appointments.*
- c. Susan Werrin requested guidance from the board regarding her personnel dispute; Mr. Atkins noted that as this is a personnel matter it must be handled by the Commission in closed session.*
- d. Byron Chapman raised a concern about Mr. Dean's involvement in Ms. Werrin's personnel hearing.*
- e. Ian Arnold assisted Ms. Werrin an appeal because it was clear to him that she should have had a right to be heard. The Commission reviewed the policy and asked that Ms. Werrin have a right to be heard. Ms. Werrin then wrote up her grievance and was told that it was inadequate and needed to be rewritten. Ms. Werrin rewrote her grievance to the satisfaction of the head librarian. The head librarian then hired an independent hearing officer without any input from Ms. Werrin. Mr. Arnold is concerned that there is conflict as the hearing officer is also the City Attorney, Michael Dean. On appearing at the impartial hearing the hearing officer had already had communication with the head librarian and had all written documents the head librarian had prepared. In every case that Mr. Arnold has been involved with the hearing officer comes in cold, to be impartial. As an impartial hearing officer he/she then hears both sides of the issue and makes decisions accordingly. There was an attempt to mediate the meeting will all in the room agreeing that the issue before them was, was there just cause to discipline Ms. Werrin and if so what level of discipline was appropriate. The*

mediation was not successful and the parties came back for a second hearing. During the second hearing the hearing officer threatened to have witnesses arrested and barred any media coverage. The hearing officer was very unpleasant was shouting. Mr. Arnold then advised Ms. Werrin that he did not think she would have a fair hearing and should withdraw. The head librarian then actually said, "under the circumstances, on behalf of the Library District the library withdraws." The hearing officer then advised Mr. Atkins that he might not want to do that. The hearing officer then refused to hear argument, but ruled simply that the Library Commission had no authority to direct the hearing and he was not going to hear the grievance because under the policy Ms. Werrin should not have been allowed to grieve but should have just accepted her discipline. One area where Mr. Arnold agrees with the hearing officer is a statement made that the library policy is an exemplar of ambiguity and confusion. There are so many inconsistencies that no one could uphold the policy. As far as the argument that this a discipline issue and a personnel matter and should not be hear in this venue, under the Brown Act, Ms. Werrin has the right to be heard in closed session but she can waive that right and ask to be hear in open session. Mr. Arnold encourages the Board to carefully look at this issue to avoid it going into the court system.

5. CLOSED SESSION

Consultation on potential litigation Government code 54956.9 ("Brown Act")

Conference with legal counsel (Addison Covert)

John Gabby adjourned to closed session at 6:40 p.m.

6. Announcements from closed session

Returned from closed session at 6:55 p.m.; Mr. Gabby reported that no action had been taken in closed session.

7. Approval of minutes

A. Regular Meeting of August 25, 2011

Jim Ernst moved, Irina Okhremtchouk seconded and the motion carried.

8. New Business

A. Recommendation to make three appointments to the Library Commission

Mr. Cross reviewed the process for selection of commissioners. There were seven candidates; one withdrew, leaving six. All six candidates were interviewed. He reported that he and Mr. Gabby both agreed on the selection of Rebecca Craig and Jane Felton. For the third appointment Mr. Gabby was in favor of Ian Arnold who has knowledge of the process of meetings and is an advocate for employees and Mr. Cross was in favor of Susan Hall who has strong connections to the community and is a tax preparer in town.

Mr. Ernst moved to accept the 2 candidates agreed upon and to vote on the 3rd. Rebecca Craig was chosen 5-0; Jane Felton was chosen 5-0. For the third candidate Susan Hall – Jim Ernst, aye; John Gabby, nay; Irina Okhremtchouk, nay; Gildardo Piñon, nay; Herb Cross, aye. In regards to the third candidate selection Ian Arnold – Jim Ernst, nay; John Gabby, aye; Irina Okhremtchouk, aye, Gildardo Piñon, aye; and Herb Cross, aye. The vote passed by 4-1.

The Board asked how the selection for filling the terms is chosen. Mr. Atkins responded that it is usually by who is selected first, second and so forth. There was uproar from the audience and the Board determined to choose by lot. Irina Okhremtchouk selected the names: Rebecca Craig was selected to fill the first 3year term, Jane Felton was selected to fill the second 3 year term and

Ian Arnold was selected to fill the remainder of the term left vacant by the resignation of Shane Taber.

9. Discussion Items

A. Library District Governance Options: review

Mr. Atkins reviewed the work done to date. Addison Covert and Mona Ebrahimi (Kronick Moskowitz TG) reviewed a document to help the Board decide how to move forward. Jim Ernst requested the item be tabled until the new Board was seated and it had a chance to look at the effort to date and to consider the options available.

10. Board Comments

None

11. Announcements

None

12. Adjournment

John Gabby, President adjourned the meeting at 7:30 p.m.

These minutes were not approved until after the new Board was seated.

John Gabby, President

Gildardo Piñon, Secretary

Irina Okhremtchouk, President

Herb Cross, Secretary