

Grand Jury Report

RESPONSE FORM

Grand Jury Report Title: Mendocino County Free Library

Report Dated: 6/9/14

Response Form Submitted By:

Mendocino County Board of Supervisors

Response MUST be submitted, per Penal Code §933.05, no later than:

9/7/14

We have reviewed the report and submit our responses to the FINDINGS portion of the report as follows:

- x We agree with the Findings numbered:
1, 11

- x We disagree wholly or partially with the Findings numbered below, and have **attached, as required**, a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.
2, 3, 4, 5, 6, 7, 8, 9, 10, 12

We have reviewed the report and submit our responses to the RECOMMENDATIONS portion of the report as follows:

- x The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:
5, 7

- x The following Recommendation(s) have not yet been implemented, but will be implemented in the future, **attached, as required** is a time frame for implementation:
4, 16

- The following Recommendation(s) require further analysis, and **attached as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)
-

- x The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable, **attached, as required** is an explanation therefore:
1, 2, 3, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19

We have completed the above responses, and have attached, as required the following number of pages to this response form:

Number of Pages attached: 10

We understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: www.co.mendocino.ca.us/grandjury. The clerk of the responding agency is required to maintain a copy of the response.

We understand that we must submit this signed response form and any attachments as follows:

First Step: E-mail (word documents or scanned pdf file format) to:

- The Grand Jury Foreperson at: grandjury@co.mendocino.ca.us
- The Presiding Judge: grandjury@mendocino.courts.ca.gov

Second Step: Mail all originals to:

Mendocino County Grand Jury
P.O. Box 939
Ukiah, CA 95482

Printed Name: Douglas L. Losak

Title: Acting County Counsel

Signed: _____

Date: _____

**MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND
JURY REPORT TITLED:**

MENDOCINO COUNTY FREE LIBRARY

The Board of Supervisors is very grateful that the citizens of this County have seen the benefit of the County's library system and have chosen to support it was a dedicated tax. The Board of Supervisors takes very seriously its duties under the Education Code regarding management of the library and strives to attain perfection in this area.

FINDINGS:

F2 - The A-87 costs charged to the County Free Library are not clearly identified in the budget and the amount charged is questionable.

The Board of Supervisors disagrees partially with this finding. A-87 costs refers to the Federal Office of Management and Budget Circular No. A-87, which establishes cost principles for the allocation of central administrative and overhead expenses to County departments related to federally funded grants or programs.

The County budget correctly allocates the A-87 costs attributed to the County Library. However, the County, with assistance from the County Auditor-Controller, will strive to more clearly identify A-87 costs in the Library's Budget Unit 6110 in the future with a separate line item titled "A-87 Costs". The amount of A-87 costs is determined by the County Auditor-Controller, an elected County Official who is not under the direct control of the Board of Supervisors. The Board of Supervisors has not been presented with any documentation to support the Grand Jury's finding that the A-87 costs assessed by the County Auditor-Controller are questionable and therefore believes that the amounts charged to the County Library are appropriate.

F3 - The County Free Library is being deprived of its dedicated funds due to improper A-87 charges, thus unjustly enriching the General Fund.

The Board of Supervisors disagrees wholly with this finding. The elected County Auditor-Controller is responsible for determining the proper charges against the County Library under A-87. There has been no documentation brought to the Board of Supervisors' attention that indicates that the County Auditor-Controller is imposing improper A-87 costs on the County Library.

F4 -The Board of Supervisors and the CEO have historically and continuously failed to recognize or treat the County Free Library as a Special District.

The County disagrees partially with this finding. The County Free Library is not a Special District according to applicable laws and therefore has not been treated as such.

The Mendocino County Free Library system was established by Ordinance 454. This Ordinance was adopted by the Board of Supervisors on October 1, 1963. The public approved the ordinance on June 2, 1964. (There is a question of whether voter approval was necessary or had any effect on the prior adoption of the ordinance.) This Ordinance was codified as Mendocino County Code Section 8.28 et. seq.

Under applicable law, the County Free Library is under the general supervision of the Board of Supervisors. (Education Code §19160). Therefore, based on the applicable laws, the Mendocino County Library is not a Special District with its own governing body separate and distinct from the County as is, for example, the Mendocino County Air Quality Management District. However, the Mendocino County Library is treated the same as a special district for revenue and taxation purposes only.

F5 - The property tax apportionment due the County Free Library is not clearly identified and the amount provided is questionable. The current method of computing the apportionment leads to the compounding of errors and underfunding.

The Board of Supervisors disagrees wholly with this finding. The elected County Auditor-Controller has sole authority over the accounting methods and procedures as well as the handling of property tax apportionment. The Board of Supervisors has not been provided with any documentation to support the Grand Jury's finding of computing errors and underfunding that may be affecting the County Library's budget.

The County Library's pro rata share of property tax revenue comes in the form of general fund support and is the only amount in BU 6110 line item 827802.

F6 - The accounting methods and procedures used by the County for the County Free Library do not follow either the intent or requirements of law.

The Board of Supervisors disagrees wholly with this finding. It is unclear what "law" is being referenced in finding F6. The elected County Auditor-Controller is in charge of the accounting process for the County library. No documentation regarding the allegations contained in the above findings have been brought to the Board of Supervisor's attention.

The County Board of Supervisors adopts by reference the response of the Auditor-Controller to this finding.

F7 - The authority of the County Librarian has been usurped at the direction of the Board of Supervisors to the extent that the Librarian is impeded from performing many of the professional duties as manager of the County Free Library.

The Board of Supervisors disagrees wholly with this finding. Education Code § 19160 establishes the powers and duties of Board of Supervisors regarding the County Free Library. This section states that:

"The county free library is under the general supervision of the board of supervisors, which may:

- (a) Make general rules and regulations regarding the policy of the county free library.
 - (b) Establish, upon the recommendation of the County Librarian, branches and stations throughout the county and may locate the branches and stations in cities wherever deemed advisable.
 - (c) Determine the number and kind of employees of the library.
- Cal Ed Code § 19160.

In addition, Education Code Section 19140 gives the County Board of Supervisors the authority to appoint a County Librarian. Education Code Section 19141 provides Civil Service protection to the County Librarian. Furthermore, §19146 list the duties of the County Librarian as follows:

"The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased."

Cal Ed Code § 19146

Based on the above, it is clear that the County free Library is not a special district that operates separate from the County. Therefore, operating in a manner similar to how other County departments are operating does not violate State law. The Service Level Agreement referred to by the Grand Jury, exhibit G, does not give the GSA any authority over the operation of the County Library. It simply establishes how information technology services will be provided to the County Library. This agreement does not give the CEO "complete control over information technology". In addition, requiring the County Library to comply with the requirement of County Policy No. 1 does not violate State law.

F8 - Contrary to the intent and utility of having an advisory board, the Board of Supervisors and the CEO neither sought nor took the advice of the Library Advisory Board.

The Board of Supervisors disagrees wholly with this finding and adopts the response of the CEO. In addition, the Board of Supervisors notes that the Library Advisory Board (LAB) was created by the Board of Supervisors via Resolution No. 70-191, which was amended by Resolution 06-138 (Exhibits A&B respectively). These Resolutions established the make-up of the LAB. Resolution 06-138 established that "the duties and responsibilities of the Mendocino County Library Advisory Board shall be to act in an advisory capacity to the Board of Supervisors, County Executive Officer and the County

Librarian regarding Library operations and services, common needs of the of County Free Library System, recommendations, studies, and review of long range plans and programs for the County Library, consideration of proposals or requests submitted by citizens or groups pertaining to the County Library operations, review of budget programs and budget recommendations to the Chief Executive Officer and the Board of Supervisors.” In addition, the LAB is required to submit an annual activity report to the Board of Supervisors by February 15th of each year.

F9 - The County has deprived the County Free Library of at least \$1,000,000 for the period 1998 through 2013, contrary to statements made by the CEO to the Board of Supervisors.

The Board of Supervisors disagrees wholly with this finding. It is unclear what “law” is being referenced in finding F6. The elected County Auditor-Controller is in charge of the accounting process for the County library. No documentation regarding the allegations contained in the above findings have been brought to the Board of Supervisor’s attention.

The County Board of Supervisors adopts by reference the response of the Auditor-Controller to this finding.

F10 - The Board of Supervisors is not following State law regarding County Free Libraries.

The Board of Supervisors disagrees wholly with this finding. It is difficult to respond to such a broad statement. However, the Board of Supervisors is comfortable in saying that it is following all applicable State laws in operating the County’s Free Library System. It is clear that the County’s Free Library System is a “county free library” and was enacted under Ed. Code §19100 et. seq.

F12 - The A-87 equipment costs currently assessed are erroneous.

The Board of Supervisors disagrees wholly with this finding. It is unclear what “law” is being referenced in finding F6. The elected County Auditor – Controller is in charge of the accounting process for the County library. No documentation regarding the allegations contained in the above findings have been brought to the Board of Supervisor’s attention.

The County Board of Supervisors adopts by reference the response of the Auditor-Controller to this finding.

RECOMMENDATIONS:

R1 - The County Free Library be recognized and treated as a special district in the budget documents, on the county website, in accounting systems and in management. (F3, F4, F5, F6, F10)

This Recommendation will not be implemented, because it is not deemed reasonable – as it is contrary to law. The Mendocino County Free Library System is not a special district. It was formed under Education Code section 19100 et. seq. and is a County Free Library system. It is treated as a separate district under the Revenue and Taxation Code, Sections 2215 and 2216 for tax and revenue purposes only.

R2 - The Board of Supervisors immediately begin to recruit a County Librarian. (F11)

This Recommendation will not be implemented, because it is not warranted. The appointment of the County Librarian is done by the Board of Supervisors which has currently appointed an acting County Librarian to manage the day to day operations of the County Library. The Board of Supervisors is not obligated to follow any precise process in making a permanent appointment and can, if it so decides, simply appoint a person to the position that it feels is best qualified, without conducting a recruitment.

R3 - The County Auditor, CEO, Board of Supervisors, and the new County Librarian together establish the Library's legal pro rata share of property taxes. The legal pro rata amount be reflected in detail in the County budget documents. (F4, F5, F6, F10)

This Recommendation will not be implemented, because it is contrary to law and is not deemed reasonable. The Board of Supervisors adopts by reference the response of the County Auditor-Controller to this recommendation. The County Auditor-Controller, as an elected official, retains full authority to implement accounting methods and procedures and to determine the methodology to record property tax apportionment.

R4 - Separate line items for A-87 costs appear in the Library's budget. (F2, F12)

The Board of Supervisors supports this Recommendation and anticipates that it will be implemented within the next six months. The County Auditor-Controller has stated in his response to Finding 2, that "[b]eginning with the 2014/15 budget, we will more clearly identify these charges in Library Budget Unit 6110 under the line item 862194 titled "A-87 Costs".

R5 - The County Treasurer establish an account for the Library in the County Investment Pool. (F6)

This Recommendation has been implemented. Accounts in the County's financial system are established by the County Auditor-Controller, not the County Treasurer. That being said, the Board of Supervisors incorporates the response of the County Treasurer-Tax Collector which states: "The Library has had an account for several decades."

R6 - The County Auditor immediately develop an accounting system that differentiates between the General Fund and the Library's dedicated tax revenues. (F6)

This Recommendation will not be implemented, because it is not warranted.

The County Auditor-Controller is an independently elected public official and the Board of Supervisors has no authority to direct him on how to exercise any of the powers given to him by law. That being said, the Board of Supervisors adopts the below response by the County Auditor-Controller.

County Auditor-Controller response: will not be implemented – The County must account for all the Library's transactions together in one budget unit, regardless of the funding source. The ability for departments to track their own transactions at different levels already exists within the County's finance system. The Library can choose to track their funds separately through the use of "programs" or "projects".

The Auditor-Controller's response notwithstanding, the Board of Supervisors notes that the Library's dedicated tax revenue derived from Measure A is clearly identified in Budget Unit 6110 at line item 821500 and the Library's pro rata share of the property tax is recorded at line item 827802. Therefore, while the Auditor-Controller does not maintain a separate accounting system, all dedicated Library funds are clearly identified within the adopted County budget and are expended only for library services.

R7 - The General Services Agency clearly record the source of the funds for any capital improvements or equipment purchases. (F2, F3, F6)

This Recommendation has been implemented. The General Service Agency's policies and procedures require that it record and track the source of funds for all capital improvement projects and equipment purchases.

R8 - The County not charge any A-87 equipment and building use costs for equipment and building improvements paid for by donations or the Library's dedicated funds, now or in the future. (F2, F3, F6, F12)

This Recommendation will not be implemented because it is not warranted. The County currently complies with all applicable laws and regulations regarding assessing A-87 costs. The Board of Supervisors adopts the response to this recommendation by the County Auditor-Controller.

R9 - The Board of Supervisors issue a letter to all Friends of the Library organizations assuring them that any donations in the future will not result in an increase in the Library's A-87 costs. (F3)

This Recommendation will not be implemented because it is not warranted. The Board of Supervisors adopts the response to this recommendation by the County Auditor-Controller.

R10 - The records in the books of the Auditor and the General Services Agency pertaining to fixed assets and buildings be changed to reflect, as accurately as possible, the historical reality of which expenditures came from the General Fund and which from donations, grants, and Library dedicated funds. (F2, F3, F6, F9, F12)

This Recommendation will not be implemented, because it is not warranted. The Board of Supervisors adopts the response to this recommendation by the County Auditor-Controller.

County Auditor-Controller response: Will not be implemented – Per the A-87 cost plan requirements, the Library's use allowance is calculated on the Library's equipment and building fixed asset listings... regardless of the source of funding.

R11 - The Auditor use the proper cost figures when developing the County-wide Cost Plan and accompanying narrative. (F2, F3, F6, F12)

This Recommendation will not be implemented, because it is not warranted. The Board of Supervisors has not been provided with any documentation that the amount of A-87 costs charged to the County Library is incorrect. The County Auditor-Controller is an independently elected public official and the Board of Supervisors has no authority to direct him on how to exercise any of the powers given to him by law. That being said, the Board of Supervisors adopts the below response by the County Auditor-Controller.

County Auditor-Controller response: will not be implemented – The amount of A-87 costs charged to the Library is correct. The County's entire A-87 Cost Plan is certified annually by the State Controller's Office. The State also performs an audit on the plan once every two years.

R12 - No A-87 charges be levied for purchases or improvements after FY 2010-2011 and any that were levied be reimbursed. (F2, F3, F6, F9, F12)

This Recommendation will not be implemented, because it is not warranted. The County Auditor-Controller is an independently elected public official and the Board of Supervisors has no authority to direct him on how to exercise any of the powers given to him by law. That being said, the Board of Supervisors adopts the below response by the County Auditor-Controller.

County Auditor-Controller response: See response to R11 – which was; Will not be implemented – The amount of A-87 costs charged to the Library is correct. The County's entire A-87 Cost Plan is certified annually by the State Controller's Office. The State also performs an audit on the plan once every two years.

R13 - After implementation of the new accounting procedures, proper and accurate A-87 service costs be paid but care taken that County decisions do not inflate these charges. (F2, F3, F6, F9, F10)

This Recommendation will not be implemented, because it is not warranted. The County Auditor-Controller is an independently elected public official and the Board of Supervisors has no authority to direct him on how to exercise any of the powers given to him by law. That being said, the Board of Supervisors adopts the below response by the County Auditor-Controller.

County Auditor-Controller Response: see response to R11 – which was; will not be implemented – The amount of A-87 costs charged to the Library is correct. The County's entire A-87 Cost Plan is certified annually by the State Controller's Office. The State also performs an audit on the plan once every two years.

R14 - The County Librarian position be reinstated as the sole manager of the County Free Library as per state law and recognized as such by the CEO and the Board of Supervisors. (F4, F7, F10, F11)

This Recommendation will not be implemented, as it is not deemed reasonable. The County Free library is under the general supervision of the Board of Supervisors, which may:

- (a) Make general rules and regulations regarding the policy of the county free library.
- (b) Establish, upon the recommendation of the county Librarian, branches and stations throughout the county and may locate the branches and stations in cities wherever deemed advisable.
- (c) Determine the number and kind of employees of the Library.

Cal Ed Code § 19160.

In addition, Education Code Section 19140 gives the County Board of Supervisors the authority to appoint a County Librarian. Education Code Section 19141 provides Civil Service protection to the County Librarian. Furthermore, §19146 list the duties of the County Librarian as follows:

The county Librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased.

Cal Ed Code § 19146

R15 - The County Librarian not be required to use the County's purchasing department for every transaction per Education Code §19146. (F7, F10)

This Recommendation will not be implemented, as it is not deemed reasonable.

Education Code §19146 states that "[t]he County librarian shall, **subject to the general rules adopted by the board of supervisors**, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased." *Cal Ed Code § 19146* (emphasis added). In this case, the general rule adopted by the Board of Supervisors is County Policy 1, which establishes the purchasing process to be utilized.

R16 - The Board of Supervisors schedule semi-annual workshops with the Library Advisory Board, the agenda to be set by the chairs of the two bodies. (F8)

This Recommendation has not been implemented, but will be implemented within the next six months. The Board of Supervisors appreciates the work of the Library Advisory Board (LAB) and would appreciate a closer working relationship in order to continue to grow and build the County's Free Library system, in accordance with the Resolution establishing the LAB.

R17 - The Board of Supervisors consult with the Library Advisory Board before making any decisions about the County Free Library, thereby benefiting from the Library Advisory Board's perspectives and knowledge. (F8)

This Recommendation will not be implemented, because it is not warranted. While the Board of Supervisors appreciates the assistance of and input from the LAB, it cannot and will not guarantee that it will consult with the LAB prior to making any decisions that affect the County Free Library System. Some decisions, such as personnel actions, simply cannot be discussed with the LAB. However, the LAB can and should let their opinion on items effecting the County library be known to the County Librarian as well as to the CEO.

R18 - The Library be allowed to hire an information systems manager as a County Free Library employee. (F7, F8)

This Recommendation will not be implemented as it is not deemed reasonable nor warranted. The Board of Supervisors determines the number and kind of employees of the County Library. (Ed. Code §19160(c). The County Library entered into a Service Level Agreement with the County's General Services Agency for information technology services. The services provided for under this agreement are more than sufficient to meet the County Library's technology needs. In addition, by having the County Library's technology services provided by the same entity that provides these services for the rest of the County, the County Library is able to have better technology available to its staff and the citizens of the County that they serve.

R19 - The County Librarian's salary be paid from the General Fund as required by State Law. (F4, F6, F9, F10)

This Recommendation will not be implemented as it is not deemed reasonable. Section 19147 of the Education code states that "The salary of the County Librarians shall be paid by each of the counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid." This section does not state nor require that the County Librarian's salary be paid out of the general fund.

All Mendocino County Officers (Department Heads) are paid in the same manner and out of the fund in which they work. The General Services Agency Director is paid out of the general fund, the Director of Transportation is paid out of the road fund; the Air Pollution Control Officer is paid out of the air quality fund. Paying the County Librarian out of the County Library fund is in compliance with §19147. As stated before, if the legislature had wanted the County Librarian to be paid from the general fund, they could easily have stated that in §19147.

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO ESTABLISHING THE MENDOCINO COUNTY LIBRARY ADVISORY BOARD AND PROVIDING FOR ITS MEMBERSHIP AND ORGANIZATION

WHEREAS, effective July 1, 1970, the Mendocino County Library was reorganized and a County Librarian hired; and,

WHEREAS, the Mendocino County Library Program now includes all the unincorporated areas of Mendocino County as well as the Cities of Fort Bragg and Ukiah; and,

WHEREAS, a new Library headquarters will soon be constructed; and,

WHEREAS, it appears in the best interest of the Library system that a group of citizens be appointed to a Library Advisory Board to provide advice and consultation to the Mendocino County Board of Supervisors regarding operation of the County Library System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mendocino that there is hereby created the Mendocino County Library Advisory Board to be composed of:

- a) An appointee by each Supervisor from his Supervisorial District;
- b) An appointee from each City in the County Library System to be nominated to the Board of Supervisors by the City Council of that City;
- c) The County Librarian, who shall be an ex-officio member of the Library Advisory Board.

BE IT FURTHER RESOLVED that the duties and responsibilities of the Mendocino County Library Advisory Board shall be to act in an advisory capacity to the Board of Supervisors, County Administrator and the County Librarian regarding Library operations and services, common needs of the Library System, recommendation, study, and review of long range plans and programs for the Library, consideration of proposals or requests submitted by citizens or groups pertaining to the Library operations, review of budget programs and budget recommendations to the County Administrator and the Board of Supervisors.

BE IT FURTHER RESOLVED that the Mendocino County Library Advisory Board shall submit an annual activity report to the Board of Supervisors by February 15th of each year.

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BE IT FURTHER RESOLVED that the Mendocino County Library Advisory Board will adopt by-laws regarding its operation procedures which shall be approved by the Board of Supervisors.

BE IT FURTHER RESOLVED that the term of appointments to the Mendocino County Library Advisory Board shall be for one year of appointment and appointee shall serve until a successor is appointed by the various appointing Supervisors or City Councils.

BE IT FURTHER RESOLVED that members appointed to the Mendocino County Library Advisory Board shall be reimbursed 10¢ a mile for travel to and from regularly called meetings, and shall be reimbursed the cost of one meal if required, due to a regularly called meeting. These charges shall be borne by the County Library budget.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to City Councils of Fort Bragg and Ukiah and the County Librarian.

The foregoing resolution was introduced by Supervisor Banker, seconded by Supervisor Sawyers, and carried, this 19th day of August 1970, by the following vote on roll call.

AYES: Supervisors Barra, Banker, Sawyers

NOES: None

ABSENT: Supervisors Scaramella, Avila

WHEREUPON, the Chairman declared the resolution adopted, AND SO ORDERED.

W. Charles Barra
Chairman

ATTEST: Viola N. Richardson, Clerk-Recorder

By *Viola N. Richardson*
Deputy

RESOLUTION NO. 06-138

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, SUPERCEDING RESOLUTION NO. 70-191 AMENDING THE MENDOCINO COUNTY LIBRARY ADVISORY BOARD AND PROVIDING FOR ITS MEMBERSHIP AND ORGANIZATION

WHEREAS, the Mendocino County Library program includes all the unincorporated areas of Mendocino County as well as the Cities of Fort Bragg, Point Arena, Willits and Ukiah; and

WHEREAS, it appears in the best interest of the Library system that a group of citizens be appointed to a Library Advisory Board to provide advice and consultation to the Mendocino County Board of Supervisors regarding operation of the County Library system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mendocino that the Mendocino County Library Advisory Board shall be composed of:

- a) An appointee nominated to the Board of Supervisors by each Supervisor from their respective Supervisorial Districts to serve a three (3) year term; and
- b) An appointee, and two alternates, from each City in the County Library System to be nominated to the Board of Supervisors by the City Council of that City to serve a two (2) year term; and
- c) The County Librarian, who shall be an ex-officio member of the Library Advisory Board.

BE IT FURTHER RESOLVED that the duties and responsibilities of the Mendocino County Library Advisory Board shall be to act in an advisory capacity to the Board of Supervisors, Chief Executive Officer and the County Librarian regarding Library operations and services, common needs of the Library System, recommendations, studies, and reviews of long range plans and programs for the Library, consideration of proposals or requests submitted by citizens or groups pertaining to the Library operations, review of budget programs and budget recommendations to the Chief Executive Officer and the Board of Supervisors.

BE IT FURTHER RESOLVED that the Mendocino County Library Advisory Board shall submit an annual activity report to the Board of Supervisors by February 15th of each year.

BE IT FURTHER RESOLVED that the term of appointments to the Mendocino County Library Board be for a three (3) year term for Board of Supervisors appointees and a two (2) year term for City Council appointees. Members of the board may continue to serve until a successor is appointed.

BE IT FURTHER RESOLVED that recently appointed members of the Library Advisory Board will continue to serve in their respective capacities.

BE IT FURTHER RESOLVED that members appointed to the Mendocino County Library Advisory Board shall be reimbursed for mileage to and from a regular scheduled meeting at an amount delegated by the Mendocino County Auditor Controller. This charge shall be borne by the County Library budget.

BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the City Council for each participating City as well as the County Librarian.

BE IT FURTHER RESOLVED that previous Resolution No. 70-191 is hereby superseded.

EXHIBIT B

RESOLUTION NO. 06-138

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MENDOCINO, STATE OF CALIFORNIA, SUPERCEDING RESOLUTION NO. 70-191 AMENDING THE MENDOCINO COUNTY LIBRARY ADVISORY BOARD AND PROVIDING FOR ITS MEMBERSHIP AND ORGANIZATION

WHEREAS, the Mendocino County Library program includes all the unincorporated areas of Mendocino County as well as the Cities of Fort Bragg, Point Arena, Willits and Ukiah; and WHEREAS, it appears in the best interest of the Library system that a group of citizens be appointed to a Library Advisory Board to provide advice and consultation to the Mendocino County Board of Supervisors regarding operation of the County Library system.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Mendocino that the Mendocino County Library Advisory Board shall be composed of:

- a) An appointee nominated to the Board of Supervisors by each Supervisor from their respective Supervisorial Districts to serve a three 3) year term; and
- b) An appointee, and two alternates, from each City in the County Library System to be nominated to the Board of Supervisors by the City Council of that City to serve a two 2) year term; and
- c) The County Librarian, who shall be an ex-officio member of the Library Advisory Board.

BE IT FURTHER RESOLVED that the duties and responsibilities of the Mendocino County Library Advisory Board shall be to act in an advisory capacity to the Board of Supervisors, Chief Executive Officer and the County Librarian regarding Library operations and services, common needs of the Library System, recommendations, studies, and reviews of long range plans and programs for the Library, consideration of proposals or requests submitted by citizens or groups pertaining to the Library operations, review of budget programs and budget recommendations to the Chief Executive Officer and the Board of Supervisors.

BE IT FURTHER RESOLVED that the Mendocino County Library Advisory Board shall submit an annual activity report to the Board of Supervisors by February 15th of each year.

BE IT FURTHER RESOLVED that the term of appointments to the Mendocino County Library Board be for a three 3) year term for Board of Supervisors appointees and a two 2) year term for City Council appointees. Members of the board may continue to serve until a successor is appointed.

BE IT FURTHER RESOLVED that recently appointed members of the Library Advisory Board will continue to serve in their respective capacities.

BE IT FURTHER RESOLVED that members appointed to the Mendocino County Library Advisory Board shall be reimbursed for mileage to and from a regular scheduled meeting at an amount delegated by the Mendocino County Auditor Controller. This charge shall be borne by the County Library budget.

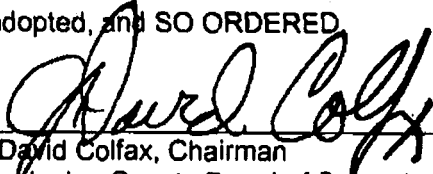
BE IT FURTHER RESOLVED that copies of this resolution shall be forwarded to the City Council for each participating City as well as the County Librarian.

BE IT FURTHER RESOLVED that previous Resolution No. 70-191 is hereby superseded.

The foregoing Resolution introduced by Supervisor Wagenet, seconded by Supervisor Wattenburger, and carried this 18th day of July, 2006, by the following vote:

AYES: Supervisors Delbar, Wattenburger, Wagenet, Smith, and Colfax
NOES: None
ABSENT: None

WHEREUPON, the Chair declared the resolution adopted, and SO ORDERED.



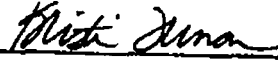
J. David Colfax, Chairman
Mercedocino County Board of Supervisors

ATTEST: Kristi Furman,
Clerk of the Board


By: _____

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

KRISTI FURMAN
Clerk of the Board

By: _____

APPROVED AS TO FORM:
JEANINE B. NADEL, County Counsel

By: _____

The foregoing Resolution introduced by Supervisor Wagenet, seconded by Supervisor Wattenburger, and carried this 18th day of July, 2006, by the following vote:

AYES: Supervisors Delbar, Wattenburger, Wagenet, Smith, and Colfax

NOES: None

ABSENT: None

WHEREUPON, the Chair declared the resolution adopted, In SO ORDERED,

J.

ATTEST: Kristi Furman,

Clerk of the Board

By:

APPROVED AS TO FORM:

JEANINE B. NF4DEL, County Counsel

County Board of

I hereby certify that according to the

provisions of Government Code

Section 25103, delivery of this

document has been made.

KRISSTI FURMAN

Clerk of the Board

By: Kristi Furman

By: