



STAFF REPORT

TOWN COUNCIL MEETING OF NOVEMBER 8, 2016

To: Town Council

From: Town Manager
Town Attorney

Subject: Introduction and 1st Reading of an ordinance notifying Placer County that the Town of Loomis is withdrawing from the County library system and establishing a municipal library, and direction to the Town Manager to take certain actions in furtherance thereof.

Date: November 3, 2016

RECOMMENDATION:

1. Introduce an Ordinance withdrawing from the Placer County library system and establishing a municipal library.
2. Hear staff presentation, hold discussion and hear public testimony.
3. Direct the Town Manager to publish notices in the Auburn Journal and Loomis News that on November 29, 2016, the Town Council will consider adopting the Ordinance.

DISCUSSION:

Earlier this year, Placer County officially closed the Loomis branch of the Placer County Library System. At the June 14, 2016 Town Council meeting, the Council took action to place a ¼ cent transaction and use tax measure on the November 8, 2016 ballot (Measure F). Although Measure F is a general tax measure, a companion advisory measure (Measure G) asks the residents of Loomis if revenue generated from Measure F should be used to predominantly support the continued operation of the Loomis Library. Council also approved a lease of the library building between the Town and Placer County.

At the time this report was prepared, the outcome of Measures F and G was unknown. However, it is necessary for Council to conduct this introduction and 1st reading to complete the actions necessary for the Town to effectuate its withdrawal from the County library system by January 1, 2017.

As noted in the agenda report for the Council's June 14 actions, the following actions must be taken to withdraw from the Placer County Library System and to establish a municipal library:

- **Withdraw from County Free Library System:**
 - Two week published notice of date and time when Council will consider withdrawal.¹
 - Approve ordinance withdrawing.² Ordinance requires two readings five days apart, and 30 days to be effective.
 - Notify Board of Supervisors of withdrawal from County system.³ Notice must be accompanied by a statement of boundaries on State Board of Equalization form, and must include certified copy of the ordinance.⁴

Attached is a proposed Ordinance which, if adopted, will effectuate the Town's withdrawal from the Placer Council Library System and establish a municipal library for the Town of Loomis. The Ordinance also authorizes and directs the Town Manager to take any actions needed, such as gathering the information necessary to provide notification to the Board of Supervisors of the Town Council's actions.

Tonight's action is the first of two meetings needed to adopt the proposed Ordinance. Under state law, an ordinance cannot be adopted within five days of its introduction, and adoption must occur at a regular or adjourned regular meeting. Staff is therefore recommending that at the conclusion of tonight's Council meeting, the meeting be adjourned until November 29, 2016. On that date the Council will convene in an "adjourned regular meeting", and can consider adoption of the proposed Ordinance.

Finally, staff recommends that the Council direct the Town Manager to publish notice that the Council will consider adoption of the proposed Ordinance on November 29, and that this notice be published once a week for two successive weeks prior to the November 29 meeting in the Auburn Journal. An additional notice of the meeting will also be published in the Loomis News and posted on the Town's web site.

CEQA:

The proposed actions are exempt from CEQA, for the reasons stated in the Ordinance.

FINANCIAL IMPLICATIONS:

The only financial implications at this point are the fees to post the notices in newspapers and the filing fees (if any) with the State Board of Equalization. We estimate this will be around \$1,500.

Attachments:

Attachment A: Ordinance

¹ Ed Code §19106

² Ed Code §18900

³ Ed Code §19104(a)

⁴ Ed Code §19104; Govt Code §§54900, 54901

TOWN OF LOOMIS

ORDINANCE NO. ____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS WITHDRAWING FROM THE PLACER COUNTY LIBRARY SYSTEM AND ESTABLISHING A MUNICIPAL LIBRARY

WHEREAS, the Loomis branch of the Placer County Library system has been operated and maintained for the use, benefit, and enjoyment of all residents of the Town, and the Loomis Library is a critical asset to the community by providing books and reading rooms, as well as gathering spaces that foster community and civic engagement for Town residents; and

WHEREAS, the Board of Supervisors of the County of Placer closed the Loomis Library in June, 2015; and

WHEREAS, on November 8, 2016, the voters of the Town of Loomis approved Measure F, a one-quarter cent general transaction and use tax measure that will provide a source of funding that can be used to support the continued operation of the Loomis Library; and

WHEREAS, it is in the public interest that residents of the Town be able to utilize and enjoy the benefits of a public library located within the Town of Loomis; and

WHEREAS, California law permits the Town to withdraw from the Placer County Library System and to establish a municipal library.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Authority. The Town Council adopts this ordinance pursuant to the authority granted to it under Education Code Section 18900 *et seq.*

Section 2. Withdrawal from Placer County Free Library System. In accordance with Education Code Section 19106, the Town of Loomis no longer desires to be a part of the Placer County Free Library System (the "County Library System"), effective December 31, 2016. The Town Manager is hereby authorized and directed to do all things and take all actions necessary in order to effectuate the Town's withdrawal from the County Library System. Toward this end, the Town Manager is authorized and directed to provide notification to the Placer County Board of Supervisors and other County officials of the Town's withdrawal from the County Library System, in the manner required by law.

Section 3. Establishment of the Loomis Municipal Library. Effective January 1, 2017, there is hereby established in and for the Town of Loomis a municipal library, to be operated by the Town of Loomis in accordance with the provisions of Chapter 5 of Part 11 of Division 1 of Title 1 of the California Education Code, and such other provisions of law as may be applicable. The Town Manager is hereby authorized and directed to do all things and take all actions necessary in order to effectuate the establishment of the Loomis Municipal Library.

Section 4. CEQA. The Town Council hereby finds that this Ordinance and the actions directed herein are not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 5. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the 8th of November, 2016, and was **ADOPTED AND ORDERED** published and posted at a regular meeting of the Council held on the ____ day of _____, 2016, by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

By: _____
Brian Baker, Mayor

ATTEST:

By: _____
Crickett Stroock, Town Clerk

EDUCATION CODE - EDC

TITLE 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Title 1 enacted by Stats. 1976, Ch. 1010.)

DIVISION 1 GENERAL EDUCATION CODE PROVISIONS [1. - 32500]

(Division 1 enacted by Stats. 1976, Ch. 1010.)

PART 11. LIBRARIES [18010 - 20092]

(Part 11 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 5. Municipal Libraries [18900 - 18965]

(Chapter 5 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 1. Establishment [18900 - 18901]

(Article 1 enacted by Stats. 1976, Ch. 1010.)

18900. The common council, board of trustees, or other **legislative body of any city** in the state **may**, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article, shall, **by ordinance, establish in and for the municipality a public library if there is none already established therein.**

(Enacted by Stats. 1976, Ch. 1010.)

19104.

(a) The board of trustees, common council, or other **legislative body of a city** or the board of trustees of a library district **may, on or before January 1 of any year, notify the county board of supervisors that the city or library district no longer desires to be a part of the county free library system. The notice shall be accompanied by a statement complying with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code.**¹ The clerk of the board of supervisors shall file the

¹ 54900.

When there is a change in boundaries (1) of a city, (2) of a district, or special zone thereof, within a city the tax levy of which is carried on the regular city assessment roll, or (3) of a district, or special zone thereof, the tax or special assessment levy of which is carried on the regular county assessment roll, or when a city or any district, or special zone thereof, is created the tax or special assessment levy of which is carried on the regular county assessment roll, or when a district previously levying and collecting taxes or special assessments based upon its own assessment utilizes the regular city or county assessment roll, **the tax or assessment levying authority of the city or district shall file or cause to be filed a statement of the creation or change, or of the exterior boundaries of the district and the special zones therein newly utilizing the regular city or county assessment roll. The city or district shall prepare the statement and forward it to the tax or assessment levying authority for filing.**

54901.

(a) **The statement shall be in the form required by the Board of Equalization and include a certified copy of the ordinance or resolution ordering the creation of or change in boundary of the city, district or zone thereof, a legal description of said boundaries and a map or plat indicating the boundaries.**

(b) **If the proceedings require the executive officer of a local agency formation commission to execute a certificate of completion of proceedings, the statement shall set forth the effective date of the proceeding. The statement shall also specify whether or not the affected property will be taxed for any existing bonded indebtedness or contractual obligations, and specify the change associated with each affected agency.**

statement with the county assessor and the State Board of Equalization. Thereafter the city or library district shall cease to participate in the benefits of the county free library system, and the property situated in the city or library district shall not be liable for taxes for county free library purposes.

N/A (b) If the board of trustees, common council, or other legislative body of a city or the board of trustees of a library district intends to withdraw from the county free library system and operate the city's or the district's library or libraries with a private contractor that will employ library staff to achieve cost savings, the requirements of Section 19104.5 shall apply, unless the library or libraries are funded only by the proceeds of a special tax imposed by the city or library district pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

(Amended by Stats. 2011, Ch. 611, Sec. 1. Effective January 1, 2012.)

19105.

If the notice is given after January 1st of any year, the property situated in the city or library district shall be liable to taxes for county free library purposes during the immediately succeeding year, and the notice shall not be effective until the next succeeding year, and library service shall be rendered in the city or library district during the year for which taxes are levied for library purposes in the city or library district.

(Enacted by Stats. 1976, Ch. 1010.)

19106.

Before any board of trustees, common council, or other **legislative body of any city,** or the board of trustees of any library district gives notice that the city or library district desires to become a part of the county free library system, or **gives notice of withdrawal from the system,** the board of trustees, common council, or other **legislative body of the city** or the board of trustees of the library district **shall publish at least once a week for two successive weeks prior to the giving of either notice, in a newspaper designated by the board of trustees, common council, or other legislative body of the city** or the board of library trustees of the library district, **and circulating throughout the city** or library district, **notice of the contemplated action, giving the date and the place of the meeting at which the contemplated action is proposed to be taken.**

(Enacted by Stats. 1976, Ch. 1010.)

(c) For changes of organization or reorganizations which include the incorporation of, annexation to, or detachment from a city, the statement shall also include the estimated population of the affected territory and include a map or plat showing limiting addresses on streets within the affected territory.

EDUCATION CODE - EDC

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PART 11. LIBRARIES [18010 - 20092]

(Part 11 enacted by Stats. 1976, Ch. 1010.)

CHAPTER 5. Municipal Libraries [18900 - 18965]

(Chapter 5 enacted by Stats. 1976, Ch. 1010.)

ARTICLE 2. Trustees [18910 - 18927]

(Article 2 enacted by Stats. 1976, Ch. 1010.)

18910.

The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality.

(Enacted by Stats. 1976, Ch. 1010.)

18911.

The trustees shall hold office for three years. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter.

The legislative body of the municipality may, by ordinance, provide for the compensation of such trustees; provided that the respective compensation for such trustees shall not exceed fifty dollars (\$50) per month.

(Enacted by Stats. 1976, Ch. 1010.)

18912.

Men and women are equally eligible to appointment as trustees.

(Enacted by Stats. 1976, Ch. 1010.)

18913.

Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made.

(Enacted by Stats. 1976, Ch. 1010.)

18914.

Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution.

(Enacted by Stats. 1976, Ch. 1010.)

18915.

Meetings of the board are governed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(Amended by Stats. 2007, Ch. 343, Sec. 3. Effective January 1, 2008.)

18916.

A majority of the board shall constitute a quorum for the transaction of business.

(Enacted by Stats. 1976, Ch. 1010.)

18917.

The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem.

(Enacted by Stats. 1976, Ch. 1010.)

18918.

The board shall cause a proper record of its proceedings to be kept.

(Enacted by Stats. 1976, Ch. 1010.)

18919.

The board of library trustees may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto.

(Enacted by Stats. 1976, Ch. 1010.)

18920.

The board of library trustees may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

(Enacted by Stats. 1976, Ch. 1010.)

18921.

The board of library trustees may prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library; determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices or positions at the pleasure of the board.

(Enacted by Stats. 1976, Ch. 1010.)

18922.

The board of library trustees may purchase necessary books, journals, publications, and other personal property.

(Enacted by Stats. 1976, Ch. 1010.)

18923.

The board of library trustees may purchase real property, and erect or rent and equip, such buildings or rooms, as may be necessary, when in its judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for the library.

(Enacted by Stats. 1976, Ch. 1010.)

18924.

The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

(Enacted by Stats. 1976, Ch. 1010.)

18925.

The board of library trustees may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the board may prescribe.

(Enacted by Stats. 1976, Ch. 1010.)

18926.

The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

(Enacted by Stats. 1976, Ch. 1010.)

18927.

The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

(Enacted by Stats. 1976, Ch. 1010.)

ARTICLE 4. Government [18960 - 18965]

(Article 4 enacted by Stats. 1976, Ch. 1010.)

18960.

Every library established pursuant to this chapter shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations, and bylaws as may be made by boards of library trustees. Any person who violates any rule, regulations, or bylaw may be fined or excluded from the privileges of the library.

(Enacted by Stats. 1976, Ch. 1010.)

18961.

The board of library trustees and the legislative body of any neighboring municipality or the board of supervisors of the county in which the public library is situated, may contract for lending the books of the library to residents of the county or neighboring municipality, upon a reasonable compensation to be paid by the county or neighboring municipality.

(Enacted by Stats. 1976, Ch. 1010.)

18962.

The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or otherwise designated, vests in the municipality in which the library is situated, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

(Enacted by Stats. 1976, Ch. 1010.)

18963.

Any municipal library which was established and existed on June 11, 1909, under the provisions of an act entitled "An act to establish free public libraries and reading rooms," approved April 26, 1880, is continued under the provisions of this chapter

and shall be considered the same as if established under the provisions of this chapter. This chapter has no application to any library established or governed by a city charter, and any city charter is in no manner affected by this chapter.
(Enacted by Stats. 1976, Ch. 1010.)

18964.

Any ordinance establishing a library adopted pursuant to this chapter shall be repealed by the body which adopted it upon being requested to do so by 51 percent of the electors of the municipal corporation, as shown by the great register. Upon the repeal of the ordinance the library is disestablished in the municipal corporation.
(Enacted by Stats. 1976, Ch. 1010.)

18965.

Whenever the governing bodies of two or more cities or counties consolidate their existing public library services, as a joint exercise of powers under Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code, and the ownership or management of the cities' and counties' library facilities and other library assets are turned over to a newly formed joint agency, any boards of public library trustees existing prior to the consolidation, may be dissolved by ordinance.
(Enacted by Stats. 1976, Ch. 1010.)