

AGENDA

BOARD OF LAW LIBRARY TRUSTEES of the LOS ANGELES COUNTY LAW LIBRARY

REGULAR BOARD MEETING

Tuesday, March 22, 2011

12:15 P.M.

M. L. LILLIE BUILDING

TRAINING CENTER

301 WEST FIRST STREET

LOS ANGELES, CALIFORNIA 90012-3140

ACCOMMODATIONS

A person with a disability may contact the Board Secretary's office at (213) 785-2511 at least 24 hours before the scheduled meeting to request receipt of an agenda in an alternative format or to request disability-related accommodations, including aids or services, in order to participate in the public meeting. Later requests will be accommodated to the extent feasible.

AGENDA DESCRIPTIONS

The agenda descriptions are intended to give notice to members of the public of a brief general description of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Board may take any action that it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action. The President reserves the right to discuss the items listed on the agenda in any order.

REQUESTS AND PROCEDURES TO ADDRESS THE BOARD

A member of the public has the right to address the Board on agenda items or on items of interest which are not on the agenda and which are within the subject matter jurisdiction of the Board. A member of the public will be allowed to address the Board for a total of three (3) minutes for a single item or a maximum of five (5) minutes for all items unless the President grants more or less time based on the number of people requesting to speak and the business of the Board. When members of the public address the Board on agenda items, the President determines the order in which speakers will be called.



CALL TO ORDER

1. **PUBLIC COMMENT**

2. **CONSENT CALENDAR**

All items on the Consent Calendar are voted on with a single resolution. Any Board member or other person attending the meeting may request an item be removed from the Consent Calendar and placed on the Regular Calendar for discussion and any action which the Board deems to be appropriate.

2.1 Minutes of the February 22, 2011, Regular Board Meeting

2.2 Draft Financials: FY11, July-February, 2011

2.3 List of Checks and Warrants: February, 2011

3. **PRESIDENT'S REPORT**

4. **ACTION ITEMS**

4.1 Establish a signatory process for checks drafted by the Law Library.
Staff recommends that the Board consider a process for check signatures that requires a single signature for checks under \$2500 and two signatures for checks at \$2500 and over.

4.2 Resolution establishing policies for the operation of the LA Law Library.
Staff recommends that the Board consider and adopt resolutions establishing the following policies for the operation of the Law Library:

- Code of Conduct
- Records Retention Policy
- Claims Against the Law Library
- Expense Reimbursement Policy

5. **EXECUTIVE DIRECTOR'S REPORT**

- Board Update
- Staff Update
- Facility Update
- Outreach / Training Update

6. **EXECUTIVE DIRECTOR'S DISCUSSION**

Ralph M Brown Act. Understanding the provisions and requirements of the Ralph M Brown Act. LA Law Library Board of Trustee meetings: public notification and participation.

7. **CLOSED SESSION**

7.1 Closed Session. Conference with labor negotiator (G.C. 54957.6) Labor Negotiator: Benjamin Goldman. Employee Organization: SEIU Local 721.

7.2 Reconvene Open Session. Announcement of action taken in Closed Session, if needed.

8. **AGENDA BUILDING**

Items not on the posted agenda may be presented by a Trustee and, if requested, may be referred to staff or placed on the agenda for consideration at a future meeting of the Board.



9. **ADJOURNMENT**
The next Regular Meeting of the Board of Law Library Trustees will be held on Tuesday, April 26, 2011.

POSTED THURSDAY, MARCH 17, 2011 @ 7:00 P.M.
POSTED BY EUSTORGIO BARAJAS

LALAWLIBRARY



CONSENT CALENDAR

2.1 Minutes of the February 22, 2011, Regular Board Meeting

**MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF LAW LIBRARY TRUSTEES OF
LOS ANGELES COUNTY**

**A California Independent Public Agency Under
Business & Professions Code Section 6300 et sq.**

February 22, 2011

The Regular Board Meeting of the Board of Law Library Trustees of Los Angeles County was held on Tuesday, February 22, 2011 at 12:15 p.m., at the Los Angeles County Law Library headquarters at 301 West First Street, Los Angeles, California 90012, for the purposes of considering reports of the affairs to the Library, and transacting such other business as might properly come before the Board of Trustees.

ROLL CALL/QUORUM

Trustees Present:

Susan Steinhauser, Esquire
Judge Ann Jones
Judge Mark Juhas
Kenneth Klein, Esquire
Judge Luis Lavin
Judge Jan Pluim

Trustees Absent:

Staff Present:

Marcia J Koslov, Executive Director

President Steinhauser determined a quorum to be present, convened the meeting at 12:19 p.m. and thereafter presided. Executive Director Marcia Koslov recorded the Minutes.

1.0 PUBLIC COMMENT

Mr. Tut Hayes commented on the availability of the Board agenda and the ability to make public comments at the Board meetings.

2.0 CONSENT CALENDAR

President Steinhauser requested a motion to adopt the Consent Calendar. Upon motion by Trustee Pluim and seconded by Trustee Jones, the Consent Calendar was unanimously approved, 6-0.

3.0 PRESIDENT'S REPORT

President Steinhauser invited the Board to join the Friends of the Los Angeles County Law Library in honoring Ron Olson at its Annual Gala, Tuesday, April 12, 2011, from 5:30 – 8:00 p.m. Ron Olson is the lead partner at Munger, Tolles & Olson.

4.0 ACTION ITEMS

4.1 Election of the Board Officers.

Trustee Klein, chaired the nomination committee and moved to nominate Trustee Steinhauser to continue her tenure as Board President and Trustee Pluim as Vice President. Trustee Juhas seconded the motion. In discussion, Trustee Klein noted Trustee Steinhauser's history on the Board and the tremendous amount of time, effort and energy she has committed to the LA Law Library. The motion was unanimously approved, 6-0.

5.0 EXECUTIVE DIRECTOR'S REPORT

The Executive Director highlighted the following:

- The Executive Director met with LAPL staff Cheryl Collins, Interim Director of Branch Services, Paul Montgomerie, East Valley Area Manager and Kyle Millager, Business Manager on February 4, 2011. Following that meeting, the Executive Director drafted a preliminary agreement and sent it to LAPL for comment. The Executive Director was invited to present the proposed Law Library / LAPL partnership proposal to the Board of Library Commissioners at one of their upcoming meetings.

At 12:36 p.m., President Steinhauser requested a Board recess. The Board concluded their recess and reconvened at 12:39 p.m. Legal Counsel, Sandra Levin, announced that public videotaping of open meetings is permitted under the Brown Act.

- In response to questions from the Board of Trustees at its January 22, 2011 meeting, the Executive Director contacted Thompson, Cobb, Bazilio & Associates (TCBA), the Law Library's auditors, concerning the procedures for payment of invoices. TCBA confirmed that our current process meets GAAP standards, and segregates responsibilities appropriately. Trustee Pluim requested recommendations for procedures for double signatures on checks above a particular amount.
- President Steinhauser pointed out the AskNow Live Chat program statistics in the Executive Director's Report. AskNow, a program of CCCLL, is co-chaired and coordinated by Ralph Stahlberg, Director of Reference and Research. Throughout each week, law librarians from 8 county law libraries participate in live chat sessions over the web. A total of 17,564 users were assisted in 2010; more than 22% of those were assisted by the law librarians at the LA Law Library.

- President Steinhauser also noted that the latest bid process for the Exterior Repair and Rehabilitation construction project attracted six (6) contractor teams.

6.0 CLOSED SESSION

At 12:48 p.m. President Steinhauser announced that the Board would go into closed session for:

- 6.1 Closed Session. Conference with legal counsel – existing litigation. The Agency finds, based on advice from legal counsel, that discussion in open session will prejudice the position of the local agency in the litigation. Government Code Section 54956.9(a). Grant v. Los Angeles Law Library, LASC Case # BC 452165
- 6.2 Closed Session. Conference with labor negotiator (G.C. 54957.6) Labor Negotiator: Ben Goldman. Employee Organization: SEIU Local 721.
- 6.3 Reconvene Open Session. The Board concluded its closed session and reconvened in open session at 1:47 p.m. During the closed session the Board provided direction to legal counsel.

7.0 AGENDA BUILDING

- A recommendation for procedures for check signatures was referred to the Executive Director for placement on the March 22, 2011 agenda as an action item.
- The Board requested information regarding the Brown Act and the timely posting of the Board Agenda.

8.0 ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 1:47 p.m. The next Regular Meeting of the Board of Law Library Trustees is scheduled for Tuesday, March 22, 2011.

Marcia J Koslov, Executive Director and Secretary
Los Angeles County Law Library Board of Trustees

2.2 Draft Financials: FY11, July – February, 2011

LOS ANGELES COUNTY LAW LIBRARY
STATEMENT OF FINANCIAL POSITION
As of February 28, 2011
D - R - A - F - T

Assets

Assets in L. A. County and State Treasurers' Custody

Cash in L. A. County Treasurer - General Fund	\$	5,413,871.53
Cash in L. A. County Treasurer - Deposit Fund		222,063.00
Cash in Bank of America - Revolving Account		20,460.33
Cash in Bank of America - Payroll Account		31,696.52
Cash in Local Agency Investment Fund		10,291,569.78
Petty Cash		718.00
Operating Cash		<u>15,980,379.16</u>

Current Assets:

Accounts Receivable		46,536.28
Other Receivable		1,565,969.68
Other Current Assets		349,318.56

Other Assets:

Books & Other Library Collections	\$	37,499,182.79
Current Month Acquisitions		324,783.53
		<u>37,823,966.32</u>
Less: Accumulated Depreciation		<u>(22,881,506.29)</u> 14,942,460.03
Building Construction		4,216,987.41
Interior Building Improvement		1,188,950.70
Furniture & Equipment		1,976,850.33
Computer Hardware & Software		536,743.03
		<u>7,919,531.47</u>
Less: Accumulated Depreciation		<u>(6,666,545.50)</u> 1,252,985.97
Construction In Progress - Interior		32,474.28
Construction In Progress - Exterior		482,203.64
Building Site (Land)		<u>580,333.00</u>

Total Assets **\$ 35,232,660.60**

Liabilities and Fund Balance

Current Liabilities

Accounts Payable	\$	273,620.75
Accrued Expense		439,798.29

Noncurrent Liabilities

Borrowers' Deposits		<u>225,238.00</u>
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Total Liabilities **938,657.04**

Fund Balance

Unappropriated		32,928,292.54
YTD Net Income		<u>1,365,711.02</u>

Total Liabilities and Fund Balance **\$ 35,232,660.60**

LOS ANGELES COUNTY LAW LIBRARY
 STATEMENT OF INCOME AND EXPENDITURE
 FY 2010/2011
 D - R - A - F - T

INCOME	BUDGET	1ST & 2ND QUARTER			JANUARY 2011			FEBRUARY 2011			YTD TOTAL		
		YTD Budget	YTD Actual	YTD Variance	Budget	Actual	Variance	Budget	Actual	Variance	YTD Budget	YTD Actual	YTD Variance
L.A. Superior Court Fees	9,565,816	4,764,279	4,782,751	18,472	819,578	753,190	(66,388)	722,416	763,370	40,954	6,306,273	6,299,311	(6,962)
	9,565,816	4,764,279	4,782,751	18,472	819,578	753,190	(66,388)	722,416	763,370	40,954	6,306,273	6,299,311	(6,962)
Interest - LAIF	70,000	35,000	25,067	(9,933)	0	0	0	0	0	0	35,000	25,067	(9,933)
Interest - General Fund	70,000	35,000	34,723	(277)	5,833	6,437	603	5,833	5,698	(135)	46,667	46,857	191
Interest - Deposit Fund	4,000	2,000	1,678	(322)	333	268	(65)	333	240	(93)	2,667	2,186	(480)
Total - Interest	144,000	72,000	61,468	(10,532)	8,167	6,705	538	6,167	5,938	(229)	84,333	74,110	(10,223)
Parking Fee	685,000	349,876	360,392	10,516	54,215	43,329	(10,886)	54,104	52,874	(1,230)	458,195	456,595	(1,600)
Total - Parking	685,000	349,876	360,392	10,516	54,215	43,329	(10,886)	54,104	52,874	(1,230)	458,195	456,595	(1,600)
Annual Borrowing Fee	60,000	32,400	42,215	9,815	1,800	1,410	(390)	1,200	1,300	100	35,400	44,925	9,525
Annual Members Fee	200,000	140,000	28,870	(111,131)	10,000	12,065	2,065	10,000	2,325	(7,675)	160,000	43,260	(116,741)
Course Registration	5,000	2,500	3,067	567	417	1,226	810	417	654	237	3,333	4,947	1,614
Copy Center	85,000	43,470	42,670	(800)	6,807	8,225	1,418	6,269	5,551	(718)	56,547	56,447	(100)
Document Delivery	25,000	12,376	11,031	(1,345)	1,880	2,236	356	1,872	2,322	451	16,128	15,590	(538)
Fines	50,000	28,799	22,717	(6,082)	4,862	4,328	(534)	3,469	2,724	(745)	37,130	29,769	(7,361)
Miscellaneous	2,000	1,000	1,121	121	167	360	193	167	260	94	1,333	1,741	407
Room Rental	7,500	3,750	3,550	(200)	625	0	(625)	625	50	(575)	5,000	3,600	(1,400)
Book Replacement	5,000	2,500	3,064	564	417	921	504	417	0	(417)	3,333	3,985	652
Forfeited Deposits	10,000	10,000	17,619	7,619	0	0	0	0	0	0	10,000	17,619	7,619
Friends of Law Library	120,000	120,000	140,000	20,000	0	0	0	0	0	0	120,000	140,000	20,000
Grants	0	0	0	0	0	0	0	0	0	0	0	0	0
Vending	5,000	2,500	2,823	323	417	247	(170)	417	271	(146)	3,333	3,341	7
Total - Library Services	574,500	399,296	318,747	(80,549)	27,391	31,018	3,627	24,851	15,457	(9,393)	451,538	365,222	(86,770)
TOTAL INCOME	10,969,316	5,585,451	5,523,358	(62,093)	907,351	834,242	(73,110)	807,537	837,639	30,102	7,300,339	7,195,239	(105,101)

LOS ANGELES COUNTY LAW LIBRARY
STATEMENT OF INCOME AND EXPENDITURE
FY 2010/2011
D - R - A - F - T

EXPENDITURE	BUDGET	1ST & 2ND QUARTER			JANUARY 2011			FEBRUARY 2011			YTD TOTAL		
		YTD Budget	YTD Actual	YTD Variance	Budget	Actual	Variance	Budget	Actual	Variance	YTD Budget	YTD Actual	YTD Variance
Salaries	3,237,609	1,669,569	1,403,595	265,964	240,478	219,228	21,251	243,263	217,704	25,559	2,153,300	1,840,527	312,774
Social Security	203,785	102,392	80,026	22,366	15,613	13,105	2,509	15,703	13,016	2,688	133,708	106,146	27,562
Medicare	49,144	25,492	19,735	5,758	3,642	3,065	577	3,663	3,044	619	32,797	25,844	6,954
Retirement	35,000	33,228	33,228	1,772	0	0	0	0	0	0	35,000	33,228	1,772
Health Insurance	500,000	206,928	266,749	(59,821)	49,576	47,650	1,926	47,569	47,689	(120)	304,073	362,088	(58,015)
Disability Insurance	9,500	4,814	4,012	802	567	737	(170)	1,032	700	332	6,413	5,449	965
Dental Insurance	63,615	31,786	26,570	5,216	5,647	4,254	1,393	4,936	4,765	152	42,369	35,609	6,761
Life Insurance	2,500	1,326	799	527	166	158	8	248	145	103	1,740	1,103	638
Workers Compensation Insurance	30,000	15,000	17,647	(2,647)	2,500	2,998	(498)	2,500	2,500	0	20,000	20,846	(846)
Unemployment Insurance	35,000	17,500	14,230	3,270	2,917	0	2,917	2,917	6,523	(3,606)	23,333	20,753	2,580
Vision Insurance	10,000	5,104	4,604	499	778	800	(22)	819	800	19	6,700	6,204	495
Accrued Sick Expense													
Accrued Vacation Expense													
Total - Personnel	4,176,153	2,114,901	1,871,196	243,705	321,884	291,995	29,880	322,650	294,405	28,245	2,159,435	2,457,596	301,840
American Continuations	2,200,000	1,231,377	918,952	312,426	249,378	164,414	84,964	143,736	202,355	(58,619)	1,624,492	1,285,721	338,771
American New Orders	150,000	58,659	87,134	(28,475)	9,812	11,252	(1,440)	9,374	5,159	4,215	77,844	103,545	(25,700)
Branch Continuations	350,000	220,700	94,081	126,619	17,973	26,043	(8,070)	10,384	2,297	8,087	249,057	122,421	126,637
Branch New Orders	20,000	5,195	14,897	(9,702)	1,963	423	1,540	97	214	(117)	7,256	15,533	(8,279)
Commonwealth Continuations	375,000	173,463	173,366	97	60,160	28,970	31,191	33,720	67,786	(34,066)	267,343	270,121	(2,778)
Commonwealth New Orders	7,500	3,679	1,530	2,149	484	0	484	329	1,473	(1,144)	4,493	3,003	1,489
Foreign Continuations	225,000	101,136	89,396	12,780	31,026	8,655	22,371	26,199	29,981	(3,782)	188,361	126,992	61,369
Foreign New Orders	25,000	10,191	10,370	(179)	4,882	4,630	252	1,344	1,590	(246)	16,417	16,590	(173)
International Continuations	150,000	77,672	70,802	6,870	16,635	10,880	5,755	15,114	9,763	5,350	109,421	91,445	17,976
International New Orders	15,000	5,623	5,695	(71)	3,092	1,271	1,821	1,227	1,169	58	9,942	8,135	1,807
General/Librarianship Continuations	55,000	29,663	41,838	(12,174)	7,254	7,690	(436)	4,799	2,997	1,803	41,717	52,524	(10,807)
General/Librarianship New Orders	2,000	695	631	65	215	76	139	137	0	137	1,047	707	341
Total - Library Materials	3,574,500	1,918,055	1,507,649	410,406	402,874	264,304	138,571	246,460	324,784	(78,324)	2,567,389	2,096,736	470,653
Library Materials Transferred to Assets			(1,507,649)			(264,304)							
Balance	0	0	0	0	0	0	0	0	0	0	0	0	0

LOS ANGELES COUNTY LAW LIBRARY
STATEMENT OF INCOME AND EXPENDITURE

FY 2010/2011

D - R - A - F - T

EXPENDITURE	BUDGET	1ST & 2ND QUARTER			JANUARY 2011			FEBRUARY 2011			YTD TOTAL		
		YTD Budget	YTD Actual	YTD Variance	Budget	Actual	Variance	Budget	Actual	Variance	YTD Budget	YTD Actual	YTD Variance
Building / Cleaning Supplies	20,000	10,000	12,571	(2,571)	1,667	2,412	(745)	1,667	538	1,128	13,333	15,521	(2,188)
Building Maintenance	25,000	12,500	9,945	2,555	2,083	4,465	(2,382)	2,083	5,813	(3,729)	16,667	20,222	(3,555)
Building Services	27,500	13,750	6,880	6,880	2,292	1,307	985	2,292	473	1,819	18,333	8,650	9,684
Interior Improvements / Alterations	10,000	5,000	16,977	(11,977)	833	2,805	(1,972)	833	0	833	6,667	19,782	(13,115)
Electric & Water	110,000	59,961	58,760	1,202	6,960	15,757	(8,797)	8,023	7,875	148	74,944	82,392	(7,448)
Elevator Maintenance	15,000	7,500	7,435	65	1,250	1,160	90	1,250	1,160	90	10,000	9,754	246
Heating & Cooling	30,000	16,685	16,366	319	1,101	1,293	(191)	1,256	1,161	95	19,042	18,820	222
Insurance	280,000	142,066	134,226	7,839	24,527	21,978	2,549	24,527	21,978	2,549	191,119	178,162	12,937
Janitorial Services	90,000	45,000	43,337	1,663	7,500	7,293	207	7,500	7,293	207	60,000	57,924	2,076
Landscaping	15,000	7,500	7,200	300	1,250	1,200	50	1,250	1,200	50	10,000	9,600	400
Security	185,000	96,360	93,062	3,298	14,684	8,699	5,985	14,669	15,087	(418)	125,713	116,849	8,864
Total - Building Occupancy	807,500	416,322	406,749	9,573	64,147	68,369	(4,222)	65,349	62,579	2,771	545,818	537,696	8,123
Bank Charges / Other Fees	5,000	2,500	2,991	(491)	417	451	(35)	417	404	12	3,333	3,846	(513)
Bibliographical Services	450,000	225,000	276,632	(51,632)	112,500	24,191	88,309	0	81,762	(81,762)	337,500	382,586	(45,086)
Blindfolding	50,000	27,076	16,713	10,363	4,665	368	4,297	3,017	0	3,017	34,758	17,081	17,676
Computer Services / Licensing	20,000	12,050	13,673	(1,623)	2,008	1,930	78	2,008	2,290	(282)	16,067	17,893	(1,826)
Continued Education	20,000	10,000	49,376	(39,376)	1,667	5,717	(4,050)	1,667	1,813	(147)	13,333	56,907	(43,573)
Copy Center	30,000	15,000	7,689	7,311	2,500	11,878	(9,378)	2,500	1,124	1,376	20,000	20,671	(671)
Electronics / Computer Hardware	15,000	7,500	10,169	(2,669)	1,250	2,380	(1,130)	1,250	5,714	(4,464)	10,000	18,264	(8,264)
Furniture / Appliances	7,500	3,750	8,261	(4,511)	625	1,010	(385)	625	2,118	(1,493)	5,000	11,369	(6,369)
Integrated Library System	40,000	20,000	22,570	(2,570)	20,000	3,254	16,746	0	3,254	(3,254)	40,000	29,079	10,922
Membership (Staff)	13,000	2,206	15,940	(13,635)	6,963	5,940	623	0	200	(200)	8,767	21,980	(13,213)
Office / Library Supplies	20,000	7,967	17,746	(9,779)	1,555	3,544	(1,988)	1,501	1,750	(249)	11,023	23,039	(12,016)
Other / Misc.	5,000	2,500	0	2,500	417	0	417	417	0	417	3,333	0	3,333
Outreach / Marketing	45,000	22,500	13,754	8,746	3,750	974	2,776	3,750	401	3,349	30,000	15,129	14,871
Postage / UPS / FedEx	18,000	8,380	10,030	(1,650)	645	1,322	(677)	1,933	1,842	91	10,958	13,194	(2,236)
Printing / Reproduction	9,000	4,500	2,245	2,255	750	0	750	750	1,927	(1,177)	6,000	4,173	1,827
Prior Year Voided Checks / Adj	0	0	0	0	0	0	0	0	0	0	0	0	0
Reimbursed Expenses	16,000	8,000	14,527	(6,527)	1,333	2,259	(925)	1,333	1,907	(574)	10,667	18,693	(8,026)
Staff Meetings / Activities	15,500	7,750	15,331	(7,581)	1,292	916	376	1,292	563	729	10,333	16,810	(6,477)
Telecommunications	30,000	16,593	14,172	2,421	2,421	2,366	55	2,305	2,215	91	21,318	18,752	2,566
Transportation Reimbursement	10,000	5,000	5,849	(849)	0	0	0	0	0	0	5,000	5,849	(849)
Vending	3,600	1,800	3,105	(1,305)	300	370	(70)	300	413	(113)	2,400	3,887	(1,487)
Total - Supplies & Services	826,700	410,070	520,653	(110,583)	164,657	68,869	95,788	25,064	109,698	(84,634)	599,791	699,221	(99,430)

LOS ANGELES COUNTY LAW LIBRARY
 STATEMENT OF INCOME AND EXPENDITURE
 FY 2010/2011
 D - R - A - F - T

EXPENDITURE	BUDGET	1ST & 2ND QUARTER			JANUARY 2011			FEBRUARY 2011			YTD TOTAL		
		YTD Budget	YTD Actual	YTD Variance	Budget	Actual	Variance	Budget	Actual	Variance	YTD Budget	YTD Actual	YTD Variance
Accounting	17,000	8,500	14,500	(6,000)	4,250	0	4,250	0	0	0	12,750	14,500	(1,750)
Consulting Services	20,000	10,000	2,480	7,521	5,000	1,463	3,538	0	0	0	15,000	3,942	11,058
Legal	100,000	50,000	8,132	41,868	25,000	1,978	23,023	0	14,272	(14,272)	75,000	24,361	50,639
Payroll / HR Services	17,000	8,500	5,862	2,638	4,250	2,225	2,025	0	1,581	(1,581)	12,750	9,668	3,082
Recruitment Costs	15,000	7,500	473	7,028	3,750	473	3,275	0	0	0	11,250	948	10,303
Temporary Services	40,000	20,000	32,237	(12,237)	10,000	7,907	2,093	0	9,134	(9,134)	30,000	49,278	(19,278)
Total - Professional Services	209,000	104,500	63,683	40,817	52,250	14,047	38,203	0	24,986	(24,986)	156,750	102,717	54,033
Depreciation - Library Materials	2,916,000	1,458,000	1,419,100	38,900	243,000	224,696	18,305	243,000	227,149	15,851	1,944,000	1,870,945	73,055
Depreciation - Fixed Assets	275,000	137,500	122,992	14,508	22,917	19,111	3,806	22,917	19,250	3,666	183,333	161,354	21,979
Total - Depreciation Expense	3,191,000	1,595,500	1,542,093	53,407	265,917	243,806	22,111	265,917	246,400	19,517	2,127,333	2,032,299	95,035
TOTAL EXPENSES	9,210,353	4,641,293	4,404,374	236,919	868,855	687,086	181,769	678,980	738,068	(59,088)	6,189,128	5,829,528	359,600
TOTAL INCOME	10,969,316	5,585,451	5,523,358	(62,093)	907,351	834,242	(73,110)	807,537	837,639	30,102	7,300,339	7,195,239	(105,101)
TOTAL EXPENSES	9,210,353	4,641,293	4,404,374	236,919	868,855	687,086	181,769	678,980	738,068	(59,088)	6,189,128	5,829,528	359,600
NET INCOME/(LOSS)	1,758,963	944,158	1,118,984	174,826	38,496	147,156	108,659	128,557	99,571	(28,986)	1,111,211	1,365,711	254,500

2.3 List of Checks and Warrants: February, 2011

LOS ANGELES COUNTY LAW LIBRARY
February 1, 2011 - February 28, 2011 (CHECKS)
Account No.: 108000

Page 1

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
February 4	AMERICAN BANKRUPTCY INSTITUTE	BOOKS	59.00	020225
	MONTANA ADMINISTRATIVE RULES BUREAU	BOOKS	300.00	020226
	GE MONEY BANK AMAZON	BOOKS	43.87	020227
	ALI ABA COM ON CONTINUING PROFESSIO	BOOKS	75.00	020228
	ASPEN PUBLISHERS INC	BOOKS	364.00	020229
	MATTHEW BENDER LEXISNEXIS MATTHEW B	BOOKS	76.26	020230
	BERNAN ASSOCIATES	BOOKS	81.00	020231
	BUREAU OF NATIONAL AFFAIRS BOOKS	BOOKS	232.33	020232
	BOOK HOUSE INC	BOOKS	426.77	020233
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	549.04	020234
	CARSWELL COMPANY LTD	BOOKS	228.00	020235
	CASTLE PUBLICATIONS	BOOKS	172.63	020236
	CCH INCORPORATED	BOOKS	4,295.00	020237
	CONTINUING EDUCATION OF THE BAR CAL	BOOKS	5,484.22	020238
	LEXISNEXIS ACADEMIC & LIBRARY SOLUT	BOOKS	9,660.00	020239
	CLAITORS LAW BOOKS & PUBLISHING DIV	BOOKS	149.23	020240
	COUTTS LIBRARY SERVICES	BOOKS	5,158.87	020241
	WEST CRS AKA THOMSON WEST	BOOKS	3,182.75	020242
	GOVERNMENT RESEARCH SERVICE	BOOKS	165.50	020243
	U S GPO SUPERINTENDENT OF DOCUMENTS	BOOKS	35.00	020244
	OTTO HARRASSOWITZ	BOOKS	6,612.24	020245
	CITY OF HAYWARD	BOOKS	123.00	020246
	INTERNATIONAL CIVIL AVIATION ORGANI	BOOKS	141.00	020247
	JURIS PUBLISHING INC	BOOKS	336.00	020248
	LAWPRESS CORPORATION	BOOKS	220.72	020249
	LIBROS CENTROAMERICANOS	BOOKS	750.00	020250
	MANHATTAN PUBLISHING COMPANY	BOOKS	623.00	020251
	ESPINOSA MARTIN DE JESUS SANCHEZ ME	BOOKS	1,015.00	020252
	NATIONAL TAX ASSOCIATION	BOOKS	220.00	020253
	NEUBAUER & ASSOCIATES	BOOKS	50.00	020254
	NOLO COM	BOOKS	301.99	020255
	PROVINCIAL TREASURER OF PEI	BOOKS	57.62	020256
	PUBLIC UTILITIES REPORTS INC	BOOKS	1,695.00	020257
	STATE BAR OF TEXAS	BOOKS	81.25	020258
	WILLIAM S HEIN & CO	BOOKS	75.00	020259
	YBP LIBRARY SERVICES	BOOKS	786.82	020260
	ADVANCED INFORMATION	TEMP SVCS	714.00	020261
	JAMES ARNALL	CONSULTING	1,462.50	020262
	AT&T	TELECOM	489.17	020263
	BANC OF AMERICA LEASING	COPY CTR - LA	252.92	020264
	STATE BOARD OF EQUALIZATION	USE TAX	3,870.00	020265
	BRIDGES FILTER SERVICE, INC	BLDG MAINT	175.92	020266
	CDW GOVERNMENT, INC.	COMP SUPPL	70.42	020267
	CLEAN SOURCE, INC.	BLDG SUPPL	1,625.54	020268

53,098.16

LOS ANGELES COUNTY LAW LIBRARY
February 1, 2011 - February 28, 2011 (CHECKS)
Account No.: 108000

Page 2

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
	COVAD COMMUNICATIONS	TELECOM	610.58	020269
	FORERUNNER FIRE PREVENTION INC.	BLDG MAINT	2,100.00	020270
	GOURMET COFFEE SERVICE	STAFF	521.11	020271
	L A DEPT WATER & POWER	WATER/SEWAGE	332.84	020272
	OFFICE DEPOT	OFFICE SUPPL	433.33	020273
	OPTIONS FOR GROWTH	CONT EDU	4,855.00	020274
	LOS ANGELES COUNTY DEPARTMENT	BLDG SVCS	20.00	020275
	JEREMY SAMLER	REIMBURSEMENT	35.03	020276
	SECURITAS SECURITY	SECURITY	5,516.00	020277
	SEPCO EARTHSCAPE, INC	LANDSCAPING	1,200.00	020278
	UNITED PARCEL SERVICE	POSTAGE	517.85	020279
	VELASQUEZ DRYWALL INC.	BLDG IMPROV	4,500.00	020280
February 10	BERNAN ASSOCIATES	BOOKS	18.00	020281
	GEORGE T BISEL COMPANY	BOOKS	167.72	020282
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	286.78	020283
	CARSWELL COMPANY LTD	BOOKS	19.00	020284
	CONTINUING EDUCATION OF THE BAR CAL	BOOKS	9,153.78	020285
	COUTTS LIBRARY SERVICES	BOOKS	3,693.90	020286
	OTTO HARRASSOWITZ	BOOKS	127.81	020287
	IMMIGRANT LEGAL RESOURCE CENTER	BOOKS	91.65	020288
	INTERNATIONAL MUNICIPAL LAWYERS ASS	BOOKS	250.00	020289
	JAMES PUBLISHING INC	BOOKS	179.01	020290
	JURIS PUBLISHING INC	BOOKS	131.50	020291
	JURISNET LLC	BOOKS	238.50	020292
	LAW JOURNAL PRESS	BOOKS	200.04	020293
	LAW REPORTS INTERNATIONAL	BOOKS	625.00	020294
	MABROCHI INTERNATIONAL CO LTD	BOOKS	963.12	020295
	MARY MARTIN BOOKSELLERS	BOOKS	4,190.00	020296
	ESPINOSA MARTIN DE JESUS SANCHEZ ME	BOOKS	169.00	020297
	NOLO COM	BOOKS	214.06	020298
	OREGON SECRETARY OF STATE ARCHIVES	BOOKS	550.00	020299
	OXFORD UNIVERSITY PRESS	BOOKS	314.91	020300
	PUBLIC UTILITIES REPORTS INC	BOOKS	775.00	020301
	RUTTER GROUP	BOOKS	559.73	020302
	SOLANO PRESS BOOKS	BOOKS	102.01	020303
	STATE BAR OF TEXAS	BOOKS	81.25	020304
	WILLIAM S HEIN & CO	BOOKS	187.47	020305
	YBP LIBRARY SERVICES	BOOKS	143.47	020306
	GOVERNMENT OF YUKON	BOOKS	70.81	020307
February 14	ADVANCED INFORMATION	TEMP SVCS	1,174.80	020309
	BANDWIDTH.COM, INC.	TELECOM	345.00	020310
	BAVCO	BLDG MAINT	1,623.00	020311
	CCCLL	REGISTRATION	85.00	020312

101,902.76

LOS ANGELES COUNTY LAW LIBRARY
February 1, 2011 - February 28, 2011 (CHECKS)
Account No.: 108000

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
	CDW GOVERNMENT, INC.	COMP SUPPL	2,042.12	020313
	COLANTUONO LEVIN & ROZELL	LEGAL	1,977.50	020314
	CONSOLIDATED DISPOSAL SVC	BLDG SVCS	506.49	020315
	DELL BUSINESS CREDIT	COMP HARD	9,555.45	020316
	BENJAMIN E GOLDMAN	LEGAL	6,760.00	020317
	GRAINGER	BLDG SUPPL	157.81	020318
	COUNTY OF LOS ANGELES	HEAT/COOL	1,292.76	020319
	KONICA MINOLTA BUSINESS	COPY CTR - TOR	965.74	020320
	L A DEPT WATER & POWER	WATER/POWER	8,070.36	020321
	LAWRENCE ROLL-UP DOORS, INC.	BLDG IMPROV	2,535.00	020322
	ROMERO MAINTENANCE CO.	JANITORIAL	7,293.43	020323
	JEREMY SAMLER	REIMBURSEMENT	42.80	020324
	UNITED PARCEL SERVICE	POSTAGE	50.59	020325
	VALLEY WIDE AIR	BLDG MAINT	200.00	020326
	YOH SERVICES LLC	TEMP SVCS	4,017.00	020327
February 18	AMERICAN BAR ASSOCIATION	BOOKS	1,267.38	020328
	ALI ABA COM ON CONTINUING PROFESSIO	BOOKS	127.20	020329
	ASPEN PUBLISHERS INC	BOOKS	364.00	020330
	BOOK HOUSE INC	BOOKS	63.14	020331
	CONTINUING EDUCATION OF THE BAR CAL	BOOKS	532.33	020332
	COUTTS LIBRARY SERVICES	BOOKS	293.10	020333
	EBSCO INFORMATION SERVICES	BOOKS	359.15	020334
	LAWPRESS CORPORATION	BOOKS	201.56	020335
	LEXISNEXIS BUTTERWORTHS	BOOKS	2,498.46	020336
	OREGON STATE BAR CONTINUING LEGAL E	BOOKS	48.00	020337
	PIKE & FISCHER INC	BOOKS	214.58	020338
	WILLIAM S HEIN & CO	BOOKS	6,367.77	020339
	ADVANCED INFORMATION	TEMP SVCS	1,240.35	020340
	AT&T MOBILITY	TELECOM	245.56	020341
	CDW GOVERNMENT, INC.	COMP HARD	1,764.78	020342
	CLEO ENTERPRISES LLC	CIP-EXTERIOR	4,200.00	020343
	EMPLOYMENT DEVELOPMENT DEPT	UNEMPLOYMENT INS	6,523.00	020344
	FZ CONSULTING	CIP-INTERIOR	4,800.00	020345
	INFINISOURCE INC	PAYROLL/HR	93.50	020346
	JD OFFICE PRODUCTS	OFFICE SUPPL	272.22	020347
	KONICA MINOLTA BUSINESS	COPY CTR - LA	20.00	020348
	NATIONWIDE LEGAL INC	DEL/RETRIEVAL	11.00	020349
	OFFICE DEPOT	SUPPLIES	506.84	020350
	CALPERS L T CARE PROGRAM	LT CARE	51.89	020351
	RESERVE ACCOUNT	POSTAGE	1,000.00	020352
	SECURITAS SECURITY	SECURITY	6,139.42	020353
	SUNSET TELECOM	BLDG IMPROV	1,089.00	020354
	UNITED PARCEL SERVICE	POSTAGE	85.42	020355
	XO COMMUNICATIONS LLC	TELECOM	494.80	020356

187,449.74

LOS ANGELES COUNTY LAW LIBRARY
 February 1, 2011 - February 28, 2011 (CHECKS)
 Account No.: 108000

Page 4

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
February 22	YOH SERVICES LLC	TEMP SVCS	1,248.00	020357
February 25	LANGER'S RESTAURANT	BOARD EXP	121.18	020358
	AMERICAN LEGAL PUBLISHING CORPORATI	BOOKS	27.00	020359
	ASPEN PUBLISHERS INC	BOOKS	2,370.00	020360
	MATTHEW BENDER LEXISNEXIS MATTHEW B	BOOKS	334.20	020361
	BERNAN ASSOCIATES	BOOKS	212.00	020362
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	6,338.55	020363
	CAMBRIDGE UNIVERSITY PRESS	BOOKS	227.36	020364
	CARSWELL COMPANY LTD	BOOKS	109.75	020365
	CCH INCORPORATED	BOOKS	81.28	020366
	CONTINUING EDUCATION OF THE BAR CAL	BOOKS	793.75	020367
	COURTROOM COMPENDIUMS	BOOKS	170.00	020368
	COUTTS LIBRARY SERVICES	BOOKS	856.93	020369
	DAILY JOURNAL CORPORATION	BOOKS	327.06	020370
	LAWPRESS CORPORATION	BOOKS	369.20	020371
	LEXISNEXIS BUTTERWORTHS	BOOKS	8,628.23	020372
	MEXICO SUR	BOOKS	380.26	020373
	MUNICIPAL CODE CORPORATION	BOOKS	274.38	020374
	CITY OF SANTA FE SPRINGS	BOOKS	15.00	020375
	THOMSON REUTERS	BOOKS	4,803.47	020376
	GOVERNMENT OF YUKON	BOOKS	91.48	020377
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	20.00	020378
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	124.84	020379
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	152.05	020380
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	164.79	020381
	LEXISNEXIS CANADA BUTTERWORTHS CANA	BOOKS	646.41	020382
	ALLEN JOSEPH BECK	REFUND	125.00	020383
	ERNEST A DURSTON	REFUND	109.00	020384
	YUKI KOBAYASHI	REFUND	60.00	020385
	CONNIE LEE	REFUND	125.00	020386
	CHRISTOPHER MENDEZ	REFUND	75.00	020387
	ANGELA SHOPHIA TO	REFUND	125.00	020388
	ADVANCED INFORMATION	TEMP SVCS	869.55	020389
	GE MONEY BANK AMAZON	COMP HARD	173.20	020390
	BANC OF AMERICA LEASING	COPY CTR - LA	252.92	020391
	LORENZO GALLARDO	BLDG SVCS	295.00	020392
	GUARDIAN	DENTAL/VISION	6,514.78	020393
	PAN AMERICAN PEST CONTROL CO.	BLDG SVCS	178.00	020394
	PITNEY BOWES	POSTAGE	274.00	020395
	SECURITAS SECURITY	SECURITY	5,764.38	020396
	SUN LIFE FINANCIAL	LIFE/DISABILITY	895.49	020397
	TROLLER MAYER ASSOCIATES, INC	CIP-EXTERIOR	4,174.50	020398
	UNITED PARCEL SERVICE	POSTAGE	77.78	020399

235,439.53

LOS ANGELES COUNTY LAW LIBRARY
February 1, 2011 - February 28, 2011 (CHECKS)
Account No.: 108000

Page 5

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
	ZEE MEDICAL INC.	BLDG SUPPL	262.04	020400
	ZIFFIX PRODUCTS	LIBRARY SUPPL	45.92	020401

235,485.45

LOS ANGELES COUNTY LAW LIBRARY
 February 1, 2011 - February 28, 2011 (WARRANTS)
 Account No.: 102000

DATE	PAYEE	FOR	AMOUNT	CHECK NO.
February 3	AMERICAN EXPRESS	BUSINESS CARD	12,639.30	TS00134444
	TEWKSBURY ASSOCIATES, INC.	FUNITURE	12,130.00	TS00134444
	THOMSON REUTERS	BOOKS	21,533.55	TS00134444
February 8	LOS ANGELES COUNTY LAW LIBRARY	REIMBURSEMENT	114,369.06	TS00134682
	THOMSON REUTERS	BOOKS	67,640.65	TS00134682
February 17	LOS ANGELES COUNTY LAW LIBRARY	REIMBURSEMENT	72,198.37	TS00135175
	THOMSON REUTERS	BOOKS	47,546.09	TS00135175
February 23	LEXISNEXIS ONLINE SERVICES	BOOKS	14,200.00	TS00135457
	LIBRARY ASSOCIATES COMPANIES	BIBLIO SVCS	64,363.39	TS00135457
	THOMSON REUTERS	BOOKS	73,924.63	TS00135457

ACTION ITEMS

4.1 Establish a signatory process for checks drafted by the Law Library.

Staff recommends that the Board consider a process for check signatures that requires a single signature for checks under \$2500 and two signatures for checks at \$2500 and over.

MEMORANDUM

DATE: March 17, 2011
TO: Board of Law Library Trustees
FROM: Marcia J Koslov
RE: Check Processing

As requested by the Board at their February 22, 2011 meeting, I contacted Thompson, Cobb, Bazilio & Assoc concerning the issue of check signatures. TCBA confirms that our process for drafting and signing checks meets the Generally Accepted Accounting Practices (GAAP) standards.

However, as the Board has expressed an interest in a double signature process for checks over a particular amount, TCBA has agreed that the internal invoice payment process can be adjusted as follows and continue to meet the GAAP standards:

1. Invoices are received and date stamped. Each invoice is compared to purchase requests: library materials invoices are handled by the Collection Management Services team; supplies/services invoices are handled by Accounting.
2. Each invoice is verified and approved for payment. CMS approves the library materials invoices; the Finance Manager approves the supplies/services invoices; Division Directors may approve invoices for purchases specific to their area of responsibility.
3. Once approved, the invoice is entered into the Navision accounting system and the check is drafted. Checks then are batched once per week for printing. In accordance with *Cal B&P Code §6326*. "... All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding ten thousand dollars (\$10,000) each by check on the signature of the secretary or any other person or persons designated by the board."
4. Checks to be drawn over \$10,000 are requested in a "demand" to the County. The County returns "warrants" in response to the demand.
5. We print the checks under \$10,000. All blank checks are retained by the Finance Manager and maintained under lock until required for printing.
6. Checks are mailed within 1 day of signature (generally, within 4 hours).



Various staff members are involved in the process so that the segregation of duty supports the ability to monitor each step in the process.

- The mailroom staff date stamps each invoice / letter as it is opened.
- The library materials invoices are handled by 3 CMS staff members. They rotate check-in and recording of the materials and invoices. No invoices are approved until it is confirmed that all items on the invoice have been received.
- Supply invoices are received and verified by the accounts payable staff member.
- "Services" are generally building services such as Water/Power, landscape, custodial. Those invoices are received and verified by the Facilities Director.
- All invoices are coded per the Accounting system chart of accounts.
- All invoices are approved by the Finance Manager, who also identifies any needed special coding.
- The accounts payable staff member enters the invoices into the Accounting system and produces the checks
- The checks are then printed and presented with the invoices to the Executive Director.
- All checks are signed by the Executive Director.
- All checks over \$2500 are also signed by the Senior Director.
- Signed checks are returned to the Finance Manager and mailed within the same day.

Approximately 12% of the checks are in the \$2500 - \$10,000 range.

Recommended Motion:

The Board of Trustees approves a process for signing checks as follows:

All checks will be signed by the Executive Director, but all checks over \$2500 will require two signatures, that of the Executive Director and that of the Senior Director. The new double signature process will begin with the start of Fiscal Year 2011-2012.



4.2 Resolution establishing policies for the operation of the LA Law Library.

Staff recommends that the Board consider and adopt resolutions establishing the following policies for the operation of the Law Library:

- Code of Conduct
- Records Retention Policy
- Claims Against the Law Library
- Expense Reimbursement Policy

MEMORANDUM

DATE: March 17, 2011
TO: Board of Law Library Trustees
FROM: Marcia J Koslov
RE: Board Policies

In review of LA Law Library general operations, Board General Counsel, Sandra Levin, Colantuono & Levin, has advised that the Board establish formal policies for the some operations of the LA Law Library. Sandi recommends approval of the following policies:

- Code of Conduct
- Records Retention
- Claims Against the Law Library
- Expense Reimbursement

Formal resolutions for these policies are attached.



Code of Conduct

A RESOLUTION OF THE LA LAW LIBRARY BOARD OF TRUSTEES ADOPTING A CODE OF CONDUCT FOR BOARD MEMBERS

WHEREAS, the public is entitled to have fair, ethical and accountable public agency, which has earned the public's full confidence for integrity. The effective functioning of democratic government requires that:

- Public officials comply with both the letter and spirit of the laws and policies affecting the agency's operations;
- Public officials be independent, impartial and fair in their judgment and actions;
- Public office be used for the public good, not for personal gain; and
- Public deliberations and processes be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

WHEREAS, the LA Law Library Board of Trustees wish to adopt a Code of Conduct for the Board members to assure public confidence in the integrity of the public agency and its effective and fair operation;

WHEREAS, the LA Law Library Board of Trustees considered this resolution at a duly noticed meeting of the Board;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees:

Section 1. Act in the Public Interest

Recognizing that stewardship of the public interest must be their primary concern, Board members will work for the common good of the public and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the Board of Trustees.

Section 2. Comply with the Law

Board members shall comply with the laws of the federal government, the State of California and the policies of the LA Law Library in the performance of their public duties. These laws include, but are not limited to: the United States and California constitutions and laws pertaining to conflicts of interest, financial disclosures, employer responsibilities, and open processes of government.

Section 3. Conduct of Members

The professional and personal conduct of Board members must be above reproach and avoid even the appearance of impropriety. Board members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other Board members, Library staff, or the public.



Section 4. Respect for Process

Board members shall perform their duties in accordance with the processes and rules of order established by the Board of Trustees.

Section 5. Conduct of Public Meetings

Board members shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the Board; and focus on the business at hand. They shall refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

Section 6. Decisions Based on Merit

Board members shall base their decisions on the merits and substance of the matter at hand, rather than on unrelated considerations.

Section 7. Communication

Board members shall publicly share substantive information that is significant to a matter being discussed by the Board, which they may have received from sources outside of the public decision-making process, unless doing so would impair matters properly considered confidential.

Section 8. Conflict of Interest

In order to assure their independence and impartiality on behalf of the common good, Board members shall not use their official positions to influence agency decisions in which they have a material financial interest, or where they have an organizational responsibility or personal relationship, which may give the appearance of a conflict of interest.

Section 9. Gifts and Favors

Board members shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office, that are not available to the public in general. They shall refrain from accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised.

Section 10. Confidential Information

Board members shall respect the confidentiality of information concerning the property, personnel or affairs of the Library. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interest.

Section 11. Use of Public Resources

Board members shall not use public resources not available to the public in general, such as Library staff time, equipment, supplies or facilities, for private gain or personal purposes.



Section 12. Representation of Private Interests

In keeping with their role as stewards of the public interest, Board members shall not appear on behalf of the private interests of third parties before the Board of Trustees.

Section 13. Advocacy

Board members shall represent the official policies or positions of the Library to the best of their ability when designated as delegates for their purpose. When presenting their individual opinions and positions, Board members shall explicitly state they do not represent the Board or the Library, nor will they allow the inference that they do.

Section 14. Policy Role of Members

Board members therefore shall not interfere with the administrative functions of the Library or the professional duties of Library staff; nor shall they impair the ability of staff to implement the Board's policy decisions.

Section 15. Positive Work Place Environment

Board members shall support the maintenance of a positive and constructive work place environment for Library employees and for the public dealing with the Library. Members shall recognize their special role in dealings with Library employees to in no way create the perception of inappropriate direction to staff.

Section 16. Implementation

As an expression of the standards of conduct for Board members expected by the Library, this Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when Board members are thoroughly familiar with it and embrace its provisions.

For this reason, ethical standards shall be included in the regular orientations for newly appointed Board members.

Section 17. Compliance and Enforcement

The LA Law Library Code of Conduct expresses standards of ethical conduct expected for Board members. Members themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government. The President of the Board has the additional responsibility to intervene when actions of members that appear to be in violation of the Code of Conduct are brought to his/her attention.

A violation of this Code of Conduct shall not be considered a basis for challenging the validity of the Board's decision.

Section 18. Severability

Should any provision of this resolution, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this resolution or the application of this resolution to any other person or circumstance and, to that end, the provisions hereof are severable.



Section 19. Effective Date

This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED, this _____th day of _____ 2011.

President

ATTEST:

Executive Director

APPROVED AS TO FORM:

General Counsel

LALAWLIBRARY



Records Retention Policy

**A RESOLUTION OF THE LA LAW LIBRARY BOARD OF TRUSTEES
ADOPTING THE 2006 CALIFORNIA SECRETARY OF STATE LOCAL
GOVERNMENT RECORDS MANAGEMENT GUIDELINES AS THE
RECORDS RETENTION SCHEDULE FOR THE LA LAW LIBRARY**

WHEREAS, the Library has an obligation to create and maintain documents in accordance with government laws and regulations and accepted records management practices;

WHEREAS, the purpose of the retention schedule is to establish a pattern for the orderly transfer or destruction of records on a continuing basis;

WHEREAS, the Secretary of State of the State of California established the Local Government Records Management Guidelines, updated in 2006, for the purpose of establishing guidelines for local government records retention and providing archival support to local agencies;

WHEREAS, Section 34090 of the Government Code of the State of California provides a procedure whereby any Library record which has served its purpose and is no longer required may be destroyed;

WHEREAS, adoption of the 2006 California Secretary of State Local Government Records Managements Guidelines will ensure that the Library's records retention schedule complies with State law and facilitates better maintenance and disposal of records;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees:

Section 1. The 2006 California Secretary of State Local Government Records Management Guidelines, attached hereto as Exhibit A, shall serve as the Library's Records Retention Schedule unless or until amended or repealed.

Section 2. That the actual destruction of records pursuant to the Library's Records Retention Schedule shall require the approval of the Executive Director and the General Counsel.

PASSED, APPROVED AND ADOPTED, this _____ day of _____ 2011.

ATTEST:

President

Executive Director

LALAWLIBRARY



West's Annotated California Codes

Government Code (Refs & Annos)

Title 4. Government of Cities (Refs & Annos)

Division 1. Cities Generally (Refs & Annos)

Chapter 1. General (Refs & Annos)

Article 4. Miscellaneous (Refs & Annos)

West's Ann.Cal.Gov.Code § **34090**

§ **34090**. Destruction of city records; excepted records; construction

Currentness

Unless otherwise provided by law, with the approval of the legislative body by resolution and the written consent of the city attorney the head of a city department may destroy any city record, document, instrument, book or paper, under his charge, without making a copy thereof, after the same is no longer required.

This section does not authorize the destruction of:

- (a) Records affecting the title to real property or liens thereon.
- (b) Court records.
- (c) Records required to be kept by statute.
- (d) Records less than two years old.
- (e) The minutes, ordinances, or resolutions of the legislative body or of a city board or commission.

This section shall not be construed as limiting or qualifying in any manner the authority provided in Section **34090.5** for the destruction of records, documents, instruments, books and papers in accordance with the procedure therein prescribed.

Credits

(Added by Stats.1949, c. 79, p. 101, § 1. Amended by Stats.1955, c. 1198, p. 2214, § 2; Stats.1975, c. 356, p. 801, § 1.)

Editors' Notes

CROSS REFERENCES

Cities, counties, and other agencies, Proposition 218 omnibus implementation, destruction of ballots, see **Government Code** § 53753.

Legislative action by resolution, see **Government Code** § 50020.

Legislative body defined for purposes of this Title, see **Government Code** § 34000.

Theft or destruction of public records and documents, see **Government Code** § 6200 et seq.

RESEARCH REFERENCES

Forms

West's California Code Forms, Government § 34090 Form 1, Resolution Approving Destruction of City Records.

Relevant Notes of Decisions (3)

View all 12

Notes of Decisions listed below contain your search terms.

Exceptions, generally

If any of the exceptions in this section exist the record may not be destroyed unless the provisions of § 34090.5 are complied with by the city officer having custody of the record. 57 Op.Atty.Gen. 307, 6-20-74.

The legislature intended, by § 34090.5, that before any city record which is covered by the exceptions in this section is destroyed two microfilm or other type copies must be made and retained indefinitely. 57 Op.Atty.Gen. 307, 6-20-74.

Provided that copies of original city documents are made and preserved pursuant to § 34090.5, there is no requirement as to how long original documents must be kept before they are microphotographed and destroyed. 57 Op.Atty.Gen. 307, 6-20-74.

Current with all 2010 Reg.Sess. laws; all 2009-2010 1st through 8th Ex.Sess. laws; and all Props. on 2010 ballots.

End of Document

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Claims Against the Law Library

**A RESOLUTION OF THE LA LAW LIBRARY BOARD OF TRUSTEES
ADOPTING PROCEDURE FOR PRESENTMENT OF
CLAIMS AGAINST THE LIBRARY**

WHEREAS, Section 935 of the Government Code allows the Library to adopt a procedure for presentment of claims against the Library;

WHEREAS, the LA Law Library Board of Trustees considered the procedure set out in this resolution at a duly noticed meeting of the Board;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees:

Section 1. Claims

(a) Authority

This resolution is adopted pursuant to Section 935 of the California Government Code.

(b) Claims Required

All claims against the Library for money or damages not otherwise governed by the Government Claims Act, California Government Code Sections 900 et seq., or another state law (hereinafter in this ordinance, "claims") shall be presented within the time, and in the manner, prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended, and as further provided by this ordinance.

(c) Form of Claim

All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. In addition, all claims shall contain the information required by California Government Code Section 910. The foregoing reference to Government Code Section 910 shall not be construed to authorize a class claim, and no claim may be filed on behalf of a class of persons unless verified by every member of that class.

(d) Claim Prerequisite to Suit

In accordance with California Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this section and acted upon by the Library prior to the filing of any action on such claims and no such action may be maintained by a person who has not complied with the requirements of subdivisions (b) and (c) of this section.

(e) Suit

Any action brought against the Library upon any claim or demand shall conform to the requirements of Sections 940-949 of the California Government Code. Any action brought against any employee of the Library shall conform with the requirements of Section 950-951 of the California Government Code.



Section 2. Severability

Should any provision of this resolution, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this resolution or the application of this resolution to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 3. Effective Date

This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED, this _____th day of _____ 2011.

President

ATTEST:

Executive Director

APPROVED AS TO FORM:

General Counsel

LALAWLIBRARY



Expense Reimbursement Policy

A RESOLUTION OF THE LA LAW LIBRARY BOARD OF TRUSTEES ADOPTING EXPENSE REIMBURSEMENT POLICY

WHEREAS, Government Code Section 53232.2 allows the Library to adopt a written policy providing a procedure for reimbursing officials for expenses incurred in the performance of their official duties;

WHEREAS, the LA Law Library Board of Trustees considered this resolution at a duly noticed meeting of the Board;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees:

Section 1. Policy

The purpose of this Expense Reimbursement Policy ("Policy") is to establish overall guidelines for the officials of the LA Law Library's ("Library") on the use and expenditure of Library resources, as well as standards against which those expenditures will be measured.

It is the policy of the Library to take its stewardship over the use of its limited public resources seriously, using such resources in a manner which derives a substantial benefit to the Library. This policy provides the authority and guidance to reimburse officials for expenses incurred in the performance of their official duties, while conforming to the provisions of California Government Code Sections 53232 et seq.

Section 2. Scope

This Policy applies to the Members of the Board of Trustees and the Executive Leadership of the Library.

Section 3. Authorized Expenses

Library funds, equipment, supplies (including letterhead), titles, and staff time must only be used for authorized Library business. Expenses incurred in connection with the following types of activities generally constitute authorized expenses, as long as the other requirements of this Policy are met:

- 1) Communicating with representatives of regional, state and national government on Library adopted policy positions;
- 2) Attending educational seminars designed to improve officials' skills and information levels;
- 3) Participation in regional, state and national organizations the activities of which affect the Library's interests;
- 4) Recognizing service to the Library;
- 5) Attending certain Library events;
- 6) Implementing a Library-approved strategy for attracting or retaining business for the Library, including expenses which will typically arise from a meeting or other event which involves at least one staff member; and
- 7) Meetings such as those listed above for which a meeting stipend is expressly authorized under this policy.



The following expenses require prior Board approval:

- 1) International travel; and
- 2) Expenses exceeding \$2,000 per trip, not including registration costs.

Examples of personal expenses that the Library will not reimburse include, but are not limited to:

- 1) The personal portion of any trip;
- 2) Personal political or charitable contributions or events;
- 3) Family expenses, including partner's expenses when accompanying official on agency-related business, as well as children- or pet-related expenses;
- 4) Entertainment expenses, including theatre, movies (either in-room or at the theatre), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- 5) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- 6) Personal losses incurred while on Library business.

Any questions regarding the propriety of a particular expense should be resolved by the Board before the expense is incurred.

Section 4. Cost Control

To conserve Library resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines. In the event that expenses are incurred which exceed these guidelines, the cost borne or reimbursed by the Library will be limited to the costs that fall within these guidelines.

Transportation

The most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements must be used, using the most direct and time-efficient route. Charges for rental vehicles may be reimbursed under this provision if more than one official is attending an out of town conference, and it is determined that sharing a rental vehicle is more economical than other forms of transportation. In making such determination, the cost of the rental vehicle, parking and gasoline will be compared to the combined cost of such other forms of transportation. Government and group rates must be used when available. Separate luggage fees or costs will not be reimbursed.

Airfare. Airfares that are equal or less than those available through the Enhanced Local Government Airfare Program offered through the League of California Cities (www.cacities.org/travel), the California State Association of Counties (<http://www.csac.counties.org/default.asp?id=635>) and the State of California are presumed to be the most economical and reasonable for purposes of reimbursement under this Policy.

Automobile. Automobile mileage is reimbursed at Internal Revenue Service rates presently in effect (www.irs.gov). For 2011, the rate is 51 cents per mile. These rates are designed to compensate the driver for gasoline, insurance, maintenance, and other expenses associated with operating the vehicle. This amount does not include bridge and road tolls, which are also reimbursable. The Internal Revenue Service rates will not be paid for rental vehicles; only receipted fuel expenses will be reimbursed.



Car Rental. Rental rates that are equal or less than those available through the State of California's website (<http://www.catravelmart.com/default.htm>) shall be considered the most economical and reasonable for purposes of reimbursement under this Policy.

Taxis / Shuttles. Taxis or shuttles fares may be reimbursed, including a 15 percent gratuity per fare, when the costs of such fares is equal or less than the cost of car rentals, gasoline, and parking combined, or when such transportation is necessary for time-efficiency.

Lodging

Lodging expenses will be reimbursed or paid for when travel on official business reasonably requires an overnight stay.

Conferences / Meetings. If such lodging is in connection with a conference, lodging expenses must not exceed that group rate published by the conference sponsor for the meeting in question if such rates are available at the time of booking. If group rate is not available, see next section.

Other Lodging. Travelers must request governmental rates, when available. A listing of hotels offering government rates in different areas is available at <http://www.catravelmart.com/lodguideframes.htm>. Lodging rates that are equal or less to government rates are presumed to be reasonable and hence reimbursable for purposes of this Policy.

Option #1 (Median Hotel Cost): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the median retail price for lodging for that area listed on websites like www.priceline.com or an equivalent service shall be considered reasonable and hence reimbursable.

Option #2 (Flat Cap): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed \$150 per night are presumed reasonable and hence reimbursable.

Option #3 (IRS Rates): In the event that government rates are not available at a given time or in a given area, lodging rates that do not exceed the IRS per diem rates for a given area are presumed reasonable and hence reimbursable.

Meals

Reimbursable meal expenses and associated gratuities will not exceed the maximum meal reimbursement rates provided in the IRS Publication 1542 for the relevant geographic area.

The Library will not pay for alcohol / mini bar bar expenses.

Telephone / Fax / Cellular

Officials will be reimbursed for actual telephone and fax expenses incurred on public business. Telephone bills should identify which calls were made on public business. For cellular calls when the official has a particular number of minutes in the official's plan, the official can identify the percentage of calls made on public business.



Internet

Officials will be reimbursed for Internet access connection and/or usage fees away from home, not to exceed \$15.00 per day, if Internet is necessary for public business.

Airport Parking

Long-term parking must be used for travel exceeding 24-hours.

Other

Baggage handling fees of up to \$1 per bag and gratuities of up to 15 percent will be reimbursed. Expenses for which officials received reimbursement from another agency are not reimbursable.

Cash Advance

The Library will not provide cash advances to cover anticipated expenses while traveling or doing business on the Library's behalf.

Section 5. Credit Card Use Policy

The Library holds one credit card account, with several credit cards that are managed by executive staff members charged with purchasing supply and equipment for the Library. The credit cards may only be used for a purchase such as an airline ticket or a hotel reservation after obtaining written authorization from the Executive Director. Receipts documenting expenses incurred on the agency credit cards and compliance with this Policy must be submitted within five business days of use.

Agency credit cards may not be used for personal expenses, even if the official subsequently reimburses the Library.

Section 6. Expense Report Content and Submission Deadline

All credit card expenses and expense reimbursement requests must be submitted on an expense report form provided by the Library. This form shall include the following advisory:

All expenses reported on this form must comply with the Library policies relating to expenses and use of public resources. The information submitted on this form is a public record. Penalties for misusing public resources and violating the Library policies include loss of reimbursement privileges, restitution, civil and criminal penalties as well as additional income tax liability.

Expense reports must document that the expense in question met the requirements of this Policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the Library's adopted legislative positions and priorities.

Officials must submit their expense reports within 10 business days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the necessary documents.



Failure to timely provide such documentation may result in the expense being borne by the official.

Section 7. Audit of Expense Report

All expense reports are subject to verification that they comply with this Policy.

Section 8. Reports to the Governing Board

At the following Board Meeting, each official shall briefly report on meetings attended at the Library's expense. If multiple officials attended, a joint report may be made.

Section 9. Compliance with Laws

Officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

Section 10. Ethics Training Requirements

The Library will provide training opportunities for officials by making available training information on ethics training courses that have been developed in consultation with the State Attorney General's Office and the Fair Political Practices Commission (FPPC). These courses may be completed online or at a conference or workshop. All local agency officials must complete a course in the ethical standards of conduct once every two (2) years. Members of the judiciary may satisfy this requirement by undergoing other ethics training as part of their office.

Officials who complete the required ethics training will submit to the Executive Director or to his/her designated agent a certificate of completion of the training. The Library will keep records to document the names and training dates of the officials who have met the ethics orientation requirements for at least five years.

Section 11. Violation of this Policy

Use of public resources or falsifying expense reports in violation of this Policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) a duty to make restitution to the Library, 3) the Library's reporting of expenses as income to the official to state and federal tax authorities, 4) civil penalties of up to \$1,000 per day and three times the value of the resources used, 5) prosecution for misuse of public resources, and 6) removal from office for official misconduct.

Section 12. Responsibility

The Executive Director shall inform or designate a staff member to inform local officials subject to this policy of the responsibilities and procedures involved in expenditures of public funds and reimbursement of expenses and to ensure that the Finance Manager provides the appropriate forms to encourage accurate reporting.

Each official and employee is individually responsible for complying with this policy.



Section 13. Severability

Should any provision of this resolution, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this resolution or the application of this resolution to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 14. Effective Date

This resolution shall take effect immediately upon adoption.

PASSED, APPROVED AND ADOPTED, this _____th day of _____ 2011.

President

ATTEST:

Executive Director

APPROVED AS TO FORM:

General Counsel

LALAWLIBRARY



EXECUTIVE DIRECTOR'S REPORT

EXECUTIVE DIRECTOR'S REPORT

March 22, 2011

Board Update

- LAPL – Van Nuys Branch. Both parties (LAPL and LA Law Library) have reached agreement on a draft Memorandum of Understanding and it is under review by the city attorney and our general counsel. The presentation to the Board of Library Commissioners was moved to March 24, 2011, in anticipation of a completed contract by that time.

Staff Update

- Michele A. Lucero joined the LA Law Library as Director of Communications on February 28, 2011. Michele comes to the LA Law Library with over 16 years of experience in librarianship and business in both the public and private sectors. Michele has both an MLS and MBA from University of North Texas, and is currently working on her PhD in Organizational Leadership. In this new position, Michele will be responsible for coordinating the development and growth of recognition of the LA Law Library and its services, resources and facilities in both the legal and public communities.
- **Programs & Partnership Team**
Linda H. Taylor joins the LA Law Library as Senior Librarian, Programs & Partnerships on March 21, 2011. Linda has responsibility for the development, coordination, and implementation of potential LA Law Library partnerships, particularly in the area of Public Libraries, Law Schools and Paralegal programs. Linda served in a number of law library positions, both in the public and private sectors. She most recently was the Library Director at Fremont College.

Cathryn Lintvedt joins the LA Law Library on March 21, 2011, filling the vacancy of Librarian, Member Services left when Malinda Muller was promoted to Director, Programs & Partnerships. This position is now part of the Programs & Partnerships team. Cathryn received her JD from California Western School of Law and is enrolled in the San Jose State University School of Library & Information Science, anticipating graduation in June, 2012. She has been in private practice but also has reference experience with the San Diego County Law Library.

Janine Liebert shifted her responsibilities as Librarian, Self Help Services, from Reference & Research Services to the Programs & Partnership team. Janine expands her responsibilities to include the development and coordination of LA Law Library participation in programs with Self Help Centers, public law firms, and local, state, and national organizations that focus on the self-represented litigant.



Ana Villagrana was promoted from Library Technician, Member Services Coordinator to Library Associate, Programs & Partnerships. Ana expands her Member Services responsibilities to include coordination and support of the planning, implementation, outreach and administrative activities of the Program & Partnership Director and Librarians.

- Christine R. Langteau was promoted from Branch Assistant to Reference Librarian, and joins the Reference & Research Services team on March 21, 2011. Christine received her MLS from San Jose State University. She was Librarian for a private law firm prior to joining the LA Law Library in its Pomona branch location.
- Kristofer Potter resigned his position as Library Aide – Scanning to pursue an Engineering Internship with The Boeing Company.
- On March 3, 2011 I met with Kathleen Richman, Executive Director, LLMC Digital and Dr. Susan Fox, Consultant, Grant Development Services, Metasoft System, Inc. LLMC has engaged Dr. Fox to develop grants for LLMC and its partners, including the LA Law Library. LA Law Library was the first law library Dr. Fox visited with the purpose of understanding our joint briefs digitization project as an initial step in the development of a significant grant that would support expansion of project.
- March 6-7, 2011 Senior Director, Jaye Nelson and I attended the Council of California County Law Libraries (CCCLL) Annual Spring Meeting in Sacramento, CA on March 6-8, 2011. In conjunction with the meeting, Jaye attended a workshop on the challenges of mentally ill library users. In addition to my role as Secretary, CCCLL, I assisted with the Strategic Planning report and discussion that followed.
- On March 8, 2011, I met with Nancy Linoil, State Archivist, to discuss cooperation on the collection, retention and accessibility of California Supreme Court and Court of Appeals records and briefs.
- March 18-19, 2011 LA Law Library staff members Meiling Li, Ralph Stahlberg, Malinda Muller, Ming Lu, Christopher Thomas, and Robert Wright attended the Southern California Association of Law Libraries, (SCALL) Spring Institute in Temecula, CA. With a theme of “Let the Sunshine: Municipal Public Agency Law Practice,” programs covered the Public Records Act, conducting public meetings, and public financing.

Facility Update

- Updating and refurbishing of the reference and circulation offices is nearly complete, and includes reconfiguration of the workstations, painting and carpeting.



- The bids for the Exterior Repair and Rehabilitation construction project are due on Monday, March 21, 2011. They will be opened in a public session at 4:00 p.m.

Outreach / Training Update

- Through the federal depository program, LA Law Library was sent a set of display charts outlining "How a bill becomes a law." The library did not need the excess flyers and donated them to a social science program coordinator within the LA Unified School District who distributed them to instructors throughout the district.
- The Law Library held a "Legal Research: Introduction to Print Resources" class on Saturday, March 12, 2011. Eric Bender, Reference Librarian, created and taught this new course for the public. 25 registrants attended.
- "Master Techniques for Winning the Classic Mediated or Arbitrated Case" was the first of the three part series, "Master Techniques for ADR Advocates", held on Wednesday, March 16, 2011. Again, this is the first time we have presented our users with a series of courses and sold 14 seats.
- A "Legal Research: Introduction to Electronic Resources and Research Strategies" class is scheduled for Saturday, March 19, 2011. Austin Stoub, Reference Librarian, created and taught this new course for the public. 25 registrants are anticipated to attend.



EXECUTIVE DIRECTOR'S DISCUSSION

- 6.o Ralph M Brown Act. Understanding the provisions and requirements of the Ralph M Brown Act. LA Law Library Board of Trustee meetings: public notification and participation.

MEMORANDUM

DATE: March 17, 2011
TO: Board of Law Library Trustees
FROM: Marcia J Koslov
RE: Brown Act

As a public agency, the LA Law Library Board of Trustee meetings are subject to the requirements of the Ralph M Brown Act (Brown Act), California's local government open meeting law. The addition of several new Board members provides an opportune time for the Board to revisit Brown Act requirements in general. In addition, it may be useful for all Board members to review the specific open meeting procedures used by the Law Library Board of Trustees to facilitate public participation in the Board meetings.

Attached please find a Summary Memorandum from Sandi Levin on the Brown Act. In addition, also attached is a summary of the current Board of Trustee meeting practices in compliance with the Brown Act.



Summary Memorandum – Colantuono & Levin, PC

Colantuono & Levin, PC

300 S. Grand Avenue, Suite 2700

Los Angeles, CA 90071

Main: (213) 542-5700

FAX: (213) 542-5710

WWW.CLLAW.US

Sandra J. Levin
SLevin@CLLAW.US
(213) 542-5707

MEMORANDUM

TO: BOARD OF TRUSTEES OF LOS ANGELES COUNTY LAW LIBRARY

FROM: SANDRA J. LEVIN, GENERAL COUNSEL

DATE: MARCH 15, 2011

RE:

INTRODUCTION

This memorandum is prepared to provide you with an introduction to various legal requirements for public agency meetings, decisions and hearings and a summary of the basic provisions of the Ralph M. Brown Act, California's local government open-meeting law. It discusses rules about calling and holding various types of meetings and closed sessions, as well as guidelines for how to avoid illegal serial meetings.

Although this handbook is designed primarily for Board Members, it may also be useful for members of Library staff. We hope you will find it useful throughout your tenure in office. Should you have any questions about the information included in this handbook, please do not hesitate to contact me by phone at (213) 542-5707 or by email at SLevin@CLLAW.US.

**SUMMARY OF THE MAJOR PROVISIONS AND REQUIREMENTS
OF THE RALPH M. BROWN ACT**

The Ralph M. Brown Act is California's "sunshine" law for local government. It is found in the California Government Code beginning at Section 54950.1 In a nutshell, it requires local government business to be conducted at open and public meetings, except in limited situations. The Brown Act is based upon state policy that the people must be informed so they can control their government.

¹ All citations refer to the Government Code unless otherwise noted.

A. Application of the Brown Act to “Legislative Bodies”

The requirements of the Brown Act apply to “legislative bodies” of local governmental agencies. This term includes the governing body of a local agency (*e.g.*, the Board of Directors, Board of Supervisors, Board, etc.) and any commission, committee, board or other body of the local agency, whether permanent or temporary, decision-making or advisory, created by formal action of a legislative body (Section 54952).

Standing committees which consist solely of less than a quorum of a legislative body are subject to the requirements of the Act. (Section 54952(b).) Some common examples include the finance, personnel, or similar policy subcommittees of the legislative body that have either some “continuing subject matter jurisdiction” or a meeting schedule fixed by formal action of the legislative body. Standing committees exist to make routine and regular recommendations on a specific subject matter; they survive resolution of any one issue or matter, and are a regular part of the governmental structure.

The Brown Act does not apply to *ad hoc* committees, provided they are composed solely of members of the legislative body, do not comprise a quorum of that body, are advisory, do not have some “continuing subject matter jurisdiction,” and do not have a meeting schedule fixed by formal action of a legislative body. (Section 54952(b).) Thus, *ad hoc* committees would generally serve only a limited or single purpose, they are temporary and advisory and are dissolved when their work is done.

Advisory and standing committees may, but are not required to, have regular meeting schedules. Even if such a committee does not have a regular meeting schedule, its agendas should be posted at least 72 hours in advance of the meeting. If this is done, the meeting is considered to be a regular meeting for all purposes. If not, the meeting must be treated as a special meeting, and all of the rules discussed below for special meetings apply, discussed below.²

B. Meetings

The central provision of the Brown Act requires that all “meetings” of a legislative body be open and public. “Meeting” (Section 54952.2) is very broadly defined and encompasses almost every gathering of a majority of the Board including:

“any congregation of a majority of the members of a legislative body at the same time and place to hear, discuss, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains.”

² The governing boards of private entities are also subject to the Brown Act if either of the following applies: (i) the entity is created by an elected legislative body to exercise lawfully delegated authority of the public agency, or (ii) the private entity receives funds from the local agency and the private entity’s governing body includes a member of the legislative body appointed to the private entity’s board by the legislative body (Section 54952).

In plain English, this means that a meeting is any gathering of a majority of members to hear *or* discuss any item of present or potential agency business.

Six specified types of gatherings are *not* subject to the Brown Act: (1) individual contacts; (2) seminars and conferences; (3) open and publicized community meetings; (4) meetings of another legislative body for which an agenda has already been posted (like a county's board of supervisors); (5) social or ceremonial occasions; and (6) attendance at a standing committee by a member who is not a committee member. Unless a gathering of a majority of members falls within one of the exceptions discussed below, if a majority of members are in the same room and *merely listen* to a discussion of agency business, they will be participating in a meeting that requires notice, an agenda, and opportunity for public comment.

1. The individual contact exception

Conversations, whether in person, by telephone or other means, between a member of a legislative body and any other person are not a meeting (Section 54952.2(c)(1)). However, such contacts may constitute a "serial meeting" in violation of the Brown Act if the individual makes a series of individual contacts (i.e. communications exchanging views) with other members of the legislative body "to discuss, deliberate, or take action upon any item of business that is within the subject matter jurisdiction of the legislative body." "Serial meetings" are discussed further below.

2. The seminar and conference exception

The attendance by a majority of board members at a seminar or conference or similar educational gathering is also generally exempt from Brown Act requirements (Section 54952.2(c)(2)). However, in order to qualify under this exception, the event must be open to the general public (and not merely to members of an organization) and be limited to issues of general interest to the public or to local agencies. Finally, this exception will not apply to a conference or seminar if a majority of board members discuss business of the Library, except as part of the program (*i.e.*, you cannot sit in the back of the seminar room and do library business out of sight of the public).

3. The community meeting exception

This exception allows members to attend neighborhood meetings, town halls, chamber of commerce lunches or other community meetings sponsored by an organization other than the library at which issues of local interest are discussed (Section 54952.2(c)(3)). Several rules limit this exception. First, the meeting must be "open and publicized." Therefore, for example, attendance by a majority of a body at a homeowners' association meeting limited to residents of a particular development and only publicized among members of that development would not qualify for this exemption. Also, as with other exceptions, a majority of members cannot discuss among themselves items of library business except as part of the program.

4. The other legislative body exception

This exception allows a majority of members of any legislative body to attend meetings of other legislative bodies (such as the county, library or joint powers agency) without treating such attendance as a meeting of their own legislative body (Section 54952.2(c)(4)). Of course, as with other exceptions, the members are prohibited from discussing library business among themselves except as part of the scheduled meeting.

5. The social or ceremonial occasion exception

Brown Act requirements do not apply to attendance by a majority of members at a purely social or ceremonial occasion, provided that a majority of members do not discuss among themselves matters of public business (Section 54942.2(c)(5)).

6. The standing committee exception

This exception allows members to attend a meeting of a standing committee of which they are not members without making the gathering a meeting of the full Board. This exception applies only if the attendance of the members of the legislative body who are not standing committee members would not create a gathering of a majority of the legislative body; if not, then there is no "meeting" of the larger Brown Act body. If their attendance does establish a quorum of the whole Board, the Board members who are not members of their respective standing committee may only attend as "observers" (Section 54952.2(c)(6)). This means that Board members who are not committee members may not speak, sit in their board seat or otherwise participate in the standing committee's meeting. To avoid this awkward situation, we generally recommend that, if a meeting of a standing committee is likely to be attended by other members, the meeting be agendized as a meeting of the whole Board. This will allow all members to participate.

C. Serial Meetings

In addition to regulating gatherings of a majority of members of a legislative body, the Brown Act also addresses some contacts between individual members of legislative bodies. On the one hand, the Brown Act specifically states that it is not intended to control individual contacts or conversations between a member of a legislative body and any other person (Section 54952.2(c)(1)). On the other, the Brown Act prohibits a series of such individual contacts if they result in a "serial meeting" (Section 54952.2(b)).

A serial meeting is a series of meetings or communications between individuals in which ideas are exchanged among a majority of a legislative body (*e.g.*, three of five Boardmembers) through one or more intermediaries or through a technological device (such as a telephone answering machine, e-mail or voice mail), even though a majority of members never gathers in the same place at the same time. Serial meetings commonly occur in one of two ways; either a staff member, a member of the body, or some other person individually contacts a majority of members of a body and shares ideas among the majority ("I've talked to Boardmembers A and B and they will vote 'yes.' Will you?") or, without the involvement of a third person, member A calls member B, who then calls member C, and so on, until a majority of the body has discussed,

deliberated or taken action upon a matter of Board business. The first is known as a “hub and spoke” meeting and the second is known as a “daisy chain” meeting.

Of course, the rule against serial meetings does not prohibit all communication between individuals regarding library business. It does, however, prevent a majority of the members of a body subject to the Brown Act from discussing, deliberating or taking action upon an item within the subject matter of the that body, even if the discussion or deliberation involves the use of technology (email is a common problem) or individuals. A common situation in which intermediaries can create a serial meeting problem is a serial briefing in which staff briefs each member of the Board in turn, or a constituent or developer lobbies each member of the Board. The Brown Act states that such serial briefings do not violate the Brown Act only if the staff member or other intermediary “does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.” Accordingly, when you have the sense that someone is discussing an item of library business with you as one of a series of conversations with Boardmembers, you prevent that person from sharing the views of other Boardmembers with you.

Moreover, we do recommend the following guidelines to avoid inadvertent serial meetings. These rules apply **only** when a majority of a legislative body is involved in a series of contacts or communications, such as contacts with local agency staff, constituents, developers, lobbyists and other Boardmembers.

1. Contacts with staff

Staff can inadvertently become a conduit among a majority of a legislative body when providing briefings on local agency business. To avoid developing a collective concurrence through a staff briefing, Boardmembers should not ask staff to describe the views of other members of the body, and staff should not volunteer those views if known.

2. Contacts with constituents, developers and lobbyists

As with staff, a constituent or lobbyist can also inadvertently become an intermediary who causes an illegal serial meeting. Constituents' unfamiliarity with the Brown Act can aggravate this potential problem because they may expect a Boardmember to be willing to commit to a position in a private conversation in advance of a meeting. To avoid development of a collective concurrence in constituent conversations:

- a. First, state the ground rules “up front.” Ask if the constituent has or intends to talk with other members of the body about the same subject; if so, make it clear that the constituent should not disclose the views of other members during the conversation.
- b. Explain to the constituent that you will not make a final decision on a matter prior to the meeting. For example: “State law prevents me from giving you a commitment outside a meeting. I will listen to what you have to say and give it consideration as I make up my mind.”

- c. Do more listening and asking questions than expressing opinions.
 - d. If you disclose your thoughts about a matter, counsel the constituent not to share them with other members of the legislative body.
 - e. Be aware that e-mails may constitute a serial meeting. E-mail may also be considered a disclosable public record. It is generally not advisable to use the “reply all” feature of email software when a message has been copied to a majority of the members of a Brown Act body. In addition, when an email is received that – on its face – has been copied to a quorum of a Brown Act body, we recommend the Boardmembers copy the message to Library staff so it can be preserved as a public record in compliance with Government Code Section 54957.5.
3. Contacts with fellow members of the same legislative body

Direct contacts concerning local agency business with fellow members of the same legislative body, whether through face-to-face or telephonic conversations, notes or letters, electronic mail or staff members, are the most obvious means by which an illegal serial meeting can occur. This is not to say that a member of a legislative body is precluded from discussing items of agency business with another member of the body outside of a meeting; as long as the communication does not involve a quorum of the body (*i.e.*, three out of five Boardmembers), no “meeting” has occurred. There is, however, always the risk that one participant in the communication will disclose the views of the other participant to a third or fourth member, creating the possibility a collective concurrence will be achieved outside a public meeting. Therefore, we recommend you avoid discussing local agency business with a quorum of the body or communicating the views of other members outside a meeting.

These suggested rules of conduct may seem unduly restrictive and impractical, and may make acquisition of important information more difficult or time-consuming. Nevertheless, following them will help assure that your conduct comports with the Brown Act’s goal of open government. If you have questions about compliance with the Act in any given situation, please the Library Attorney’s office for advice.

D. Meeting Location and Teleconferencing

With a very few exceptions, all meetings of a legislative body must occur within the boundaries of the agency it governs (Section 54954). Exceptions to this rule allow a Board to meet outside the library’s jurisdiction to: (i) comply with a court order or attend a judicial proceeding, (ii) inspect real or personal property, (iii) attend a meeting with another legislative body in that other body’s jurisdiction, (iv) meet with a state or federal representative to discuss issues affecting the local agency over which the other officials have jurisdiction, (v) meet in a facility outside of, but owned by, the local agency, or (vi) visit the office of the local agency’s legal counsel for a closed session. These are meetings and in all other respects must comply with agenda and notice requirements.

“Teleconferencing” may be used to conduct meetings and to allow members of the body to be counted towards a quorum and to participate in a meeting from remote locations (Section 54953(b)). The following requirements apply: the remote locations must be connected to the main meeting location by audio or video or both; the notice and agenda of the meeting must identify the remote locations; the remote locations must be posted and accessible to the public; all votes must be by roll call; and the meeting must in all respects comply with the Act, including participation by members of the public present in remote locations. A quorum of the legislative body must participate from locations within the jurisdiction, but other members may participate from outside the jurisdiction. The Library cannot be compelled to allow teleconferencing. The teleconferencing rules only apply to members of the legislative body; they do not apply to staff members, attorneys or consultants who can participate remotely without following the posting and public access requirements.

E. Notice and Agenda Requirements

Two key provisions of the Brown Act that ensure that the public’s business is conducted openly are its requirements that legislative bodies post agendas prior to their meetings (Sections 54954.2, 54955 and 54956) and that no action or discussion occur on items not listed on the posted agenda (Section 54954.2). Limited exceptions to the rule are discussed below.

Legislative bodies, except advisory committees and standing committees, are required to establish a time and place for regular meetings (Section 54954(a)). Meeting agendas must contain a “brief, general description” of each item of business to be discussed (Section 54954.2(a)). A description need not exceed 20 words. Each agenda must be posted in a place freely accessible to the public. Agenda posting requirements differ depending on the type of meeting to be conducted.

If the meeting is a “regular meeting” (*i.e.*, occurs on the body’s regular meeting day, without a special meeting call), the agenda must be posted 72 hours in advance (Section 54954.2(a)). For “special meetings,” the “call” of the meeting and the agenda (which are typically one and the same) must be posted at least 24 hours in advance (Section 54956). Each board member must personally receive written notice of the special meeting by personal delivery or by “any other means” (such as fax, email or U.S. mail) at least 24 hours before the special meeting, unless they have previously waived receipt of written notice. Journalists and other members of the public can also request written notice of special meetings and, if they have, that notice must be given at the same time notice is provided to members of the legislative body.

Both regular and special meetings may be adjourned to another time. Notices of adjournment of a meeting must be posted on the door of the room where the meeting occurred within 24 hours after adjournment (Section 54955). If the adjourned meeting occurs more than five days after the initial meeting, a new agenda for that adjourned meeting must be posted 72 hours in advance of the adjourned meeting (Section 54954.2(b)(3)).

The Brown Act requires the local agency to mail the agenda or the full agenda packet to any person making a written request and the agency must do so no later than the earlier of (i) when agenda is posted and (ii) when it is delivered to board members. The agency may charge a

fee to recover its costs of copying and mailing. Any person may make a standing request to receive these materials, which an agency may require to be renewed annually. Failure by any requestor to receive the agenda does not constitute grounds to invalidate any action taken at a meeting (Section 54954.1).

All meetings must comply with the Americans with Disabilities Act of 1990 and, if requested, the agenda and documents in the agenda packet must be made available in the appropriate alternate format to persons with a disability. It is a good idea to post a notice on agendas that requests for accommodations of disability can be addressed to a specified agency representative and indicate how much lead time the agency needs to handle such requests (which should not be longer than necessary).

F. Public Participation

1. Regular meetings

Regular meeting agendas must allow for two types of public comment. The first is a general audience comment, a time when the public can comment on any item within the subject matter jurisdiction of the local agency. This general audience comment period may be placed anywhere on an agenda (Section 54954.3). In addition, regular meeting agendas must also allow comment on items on the agenda before or during the board member's consideration of each item (Section 54954.3).

Some public entities satisfy both requirements by placing a general audience comment period at the beginning of the agenda during which the public can comment on agenda and non-agenda items. Other public entities provide public comment periods as each item or group of items comes up on the agenda, and leave general public comment to the end of the agenda. Either method is permissible, though public comment on public hearing items must be taken during the hearing. Caution should also be taken with consent calendars. There should be a public comment period for consent calendar items before the Board acts on the consent calendar, unless it permits members of the audience to "pull" items from the calendar.

The Brown Act allows a body to preclude public comments on an agenda item if the item was considered by a committee of the body which held a meeting where public comments on that item were allowed. So, if the body has standing committees (which are required to have agendaized and open meetings with an opportunity for the public to comment on items on that committee's agenda) and the committee has previously considered an item, then at the time the item comes before the full body, the body may choose not to take additional public comments on that item. However, if the version presented to the body is different from the version presented to, and considered by, the committee, the public must be given another opportunity to speak on that item at the meeting of the full body (Section 54954.3). This exception is not commonly relied upon by smaller local agencies and resort to it can be controversial.

2. Public comments at special meetings

The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the body concerning any item listed on the agenda prior to the

body's consideration of that item (Section 54954.3). Unlike regular meetings, a special meeting agenda need not provide for comment on items not on the agenda.

3. Limitations on the length and content of the public's comments

A legislative body may adopt reasonable limits on the time allocated to each member of the public. Common time limits are three or five minutes per speaker. A legislative body may also adopt reasonable regulations limiting the total of time allocated for public testimony on legislative matters, such as a zoning ordinance or other regulatory ordinance (Section 54954.3(b)). However, we do not recommend setting total time limits per item for any quasi-judicial matter such as an appeal of a staff decision or a decision regarding a permit application. Application of a total time limit to a quasi-judicial matter could violate the due process rights of those who are not able to speak.

The Brown Act precludes a legislative body from prohibiting public criticism of the policies, procedures, programs, or services of the agency or the acts or omissions of the Board (Section 54954.3 (c)). This does not mean that a member of the public may say anything. If the topic of the public's comments is not within the subject matter jurisdiction of the agency, he or she can be cut off.

The body also may adopt reasonable rules of decorum which preclude a speaker from disrupting, disturbing or otherwise impeding the orderly conduct of public meetings. Also, the right to publicly criticize a public official does not include the right to slander that official, though the line between criticism and slander is often difficult to determine in the heat of the moment. Care must be given to avoid violating the speech rights of speakers by suppressing opinions relevant to the business of the body.

The use of profanity may be a basis for stopping a speaker. However, it will depend upon what profane words or comments are made and the context of those comments in determining whether it rises to the level of impeding the orderly conduct of a meeting. While terms such as "damn" and "hell" may have been disruptive words thirty years ago, today's standards seem to accept a range of stronger language. Therefore, if the chair is going to rule someone out of order for profanity, the chair should make sure the language is truly objectionable *and* that it causes a disturbance or disruption in the proceeding before the chair cuts off the speaker. It is also generally better to warn someone on a first offense rather than to cut them off for breaking a rule of which they may have been unaware.

4. Discussion of non-agenda items

A Brown Act body may not take action or discuss any item that does not appear on the posted agenda (Section 54954.2). There are two exceptions to this rule. First, if the body determines by majority vote that an emergency situation exists the emergency can be discussed. The term "emergency" is limited to work stoppages, crippling disasters, or other dire emergency. (Section 54956.5.) Second, if the body finds by a two-thirds vote of those present, or if less than two-thirds of the body is present, by unanimous vote, that there is a need to take immediate action on an item and the need for action came to the attention of *the local agency* (not of the Board) after the agenda was posted (Section 54954.2 (b)). This means that if four members of a

five-member body are present, three votes are required to add the item; if only three are present, a unanimous vote is required.

In addition to these exceptions, there are several *limited* exceptions to the rule prohibiting discussion of non-agenda items, which are most useful when public comment raises an issue which is not agendized and some reply to public is desirable. Those exceptions are:

- Members of the legislative body or staff may briefly respond to statements made or questions posed by persons during public comment periods;
- Members or staff may ask questions for clarification and provide a reference to staff or other resources for factual information;
- Members or staff may make a brief announcement, ask a question or make a brief report on his or her own activities;
- Members may, subject to any procedural rules adopted by the legislative body, request staff to report to the legislative body at a subsequent meeting concerning any matter; and
- The legislative body may, subject to the rules of procedures of the legislative body, direct staff to place a matter on a future agenda.

The body may not discuss non-agenda items to any significant degree under these exceptions. Comments *must* be brief. These exceptions do not allow long or wide-ranging question and answer sessions between the public and Board or between legislative body and staff. A useful rule of thumb is to prevent a quorum of the Board from commenting on such items, limiting, for example, discussion to two members of a five-member Board.

When the body is considering whether to direct staff to add an item to a subsequent agenda, these exceptions do not allow the body to discuss the merits of the matter or to engage in a debate about the underlying issue.

To protect the body from problems in this area, legislative bodies may wish to adopt a rule that any one or two members may request an item to be placed on a subsequent agenda, so that discussion of the merits of the issue can be easily avoided. If the legislative body does not wish to adopt this rule, then the body's consideration and vote on the matter must take place with essentially no discussion of the merits of the proposal.

It is important to interpret these exceptions narrowly so that an important and complex action is not tainted by a non-agendized discussion.

5. The public's right to photograph, videotape, tape-record and broadcast open meetings

The public may videotape, film, photograph or broadcast a public meeting (Section 54953.5). However, a body may prohibit or limit recording of a meeting if the body finds that the recording cannot continue without noise, illumination, or view obstruction that would disrupt the meeting (Section 54953.5). Disruption must be narrowly interpreted to mean actual

interference with the ability of the Board to discuss agency business or members of the audience to hear that discussion.

Any audio or video record of an open and public meeting made, for whatever purpose, by or at the direction of the agency is a public record and subject to inspection by the public under the Public Records Act. The Library must not destroy the record for at least 30 days following the meeting. Members of the public must be able to view or listen to the record at no charge on equipment provided by the agency (Section 54953.5).

If a member of the public requests a copy of the tape, the agency must provide it, but may charge a fee to cover the cost of duplication.

The Brown Act requires written material distributed to a majority of the body by *any person* to be provided to the public without delay, including provision of the materials in an alternate format if requested by a person with a disability. If it is distributed less than 72 hours before a meeting and pertains to an item of business at that meeting, it must be made available to the public (typically at the circulation desk) when it is made available to members of the legislative body (Section 54957.5).

One problem in applying this rule arises when written materials are distributed directly to a majority of the body without knowledge of staff, or even without the members knowing that a majority has received it. The law still treats these materials as public records. Thus, it is a good idea for at least one member of the body to ensure that staff gets a copy of such documents so that copies can be made for the agency's records and for the public.

G. Closed Sessions

The Brown Act allows a legislative body to convene a closed session during a meeting in order to meet privately with its advisors on specifically enumerated topics, although the Board will rarely convene in closed session during the course of its business. Sometimes people refer to closed sessions as "executive sessions," a term used in the Brown Act's early days. Business that may be conducted in closed session includes personnel evaluations, labor negotiations, pending litigation, and real estate negotiations (see Sections 54956.7 through 54957 and Sections 54957.6 and 54957.8). The political sensitivity of an item is not a lawful reason for a closed session discussion and no exception allows closed discussion of contracts other than labor agreements, settlement agreements and real estate contracts.

The Brown Act specifically protects the confidentiality of closed session discussions. A person who acquires confidential information during a closed session may not disclose that information to a person not entitled to receive it unless the legislative body has authorized disclosure. However, there are relatively few remedies for violations of this rule, as discussed below (Section 54963).

The Brown Act requires that closed session business be described on the public agenda. If the agency uses statutorily prescribed language, legal challenges to the adequacy of the description are barred (Section 54954.5). This so-called "safe harbor" encourages local

governments to use very similar agenda formats and often requires legal assistance in preparing a closed session agenda.

A legislative body must reconvene a public meeting after a closed session and publicly report specified actions and the vote taken on those actions in closed session (Section 54957.1). There are limited exceptions for certain kinds of litigation decisions, and to protect the victims of sexual misconduct or child abuse.

Contracts, settlement agreements or other documents that are finally approved or adopted in closed session must be disclosed when the closed session ends to any person who has made a standing request for all documentation in connection with a request for notice of meetings (typically journalists) and to any person who makes a request within 24 hours of the posting of the agenda, if the requestor is present when the closed session ends (Section 54957.1).

The Brown Act also includes detailed requirements describing when litigation is considered "pending" for the purposes of a closed session (Section 54956.9). These requirements involve detailed factual determinations that will probably be made in the first instance by the Library Attorney.

Closed sessions may be called to order in a different location than the Board's usual meeting place if the location is noted on the agenda and the public can be present when the meeting begins. Moreover, public comment on closed session items must be allowed before the closed session begins.

One common question is whether a body may discuss salary and benefits of an individual employee (such as a general manager) as part of an evaluation session under Section 54957. It may not. However, the body may designate a negotiator to negotiate with that employee and meet with its negotiator in closed session under Section 54957.6 to provide directions. The employee in question may not be present in such a closed session (although he or she can be present to discuss his or her evaluation).

In this post-9/11 world, the Brown Act now also recognizes the need to respond to security threats. While former law prohibited closed sessions during emergency meetings, the law now permits discussion of emergency situations in closed session if approved by a two-third vote of the members of the legislative body present, or if less than two-thirds of the members are present, by a unanimous vote of the members present. In such a session, the legislative body may consider matters posing a threat to water supplies, waste treatment facilities and gas and electrical service. In addition, security consultants and security managers are now permitted to be present in closed session to discuss these issues. (Sections 54956.5 and 54957.)

H. Enforcement

There are both civil remedies and criminal misdemeanor penalties for Brown Act violations. Civil remedies include injunctions against further violations, orders nullifying an unlawful action, and orders determining the validity of any rule to penalize or discourage the expression of a member of the legislative body (Section 54960.1). The provision relating to efforts to penalize expression may come up in the context of measures by the legislative body to

censure or penalize one of its members for breaching confidentiality or other violations. This area of law is charged with difficult free-speech, due process and attorney-client-privilege issues. The tape recording of closed sessions is not required unless a court orders such taping after finding a closed session violation (Section 54960).

Prior to filing suit to challenge an alleged Brown Act violation, a complaining party must make a written demand that the legislative body "cure" or correct the alleged violation. The demand must be made within 90 days after the challenged action was taken in open session unless the violation involves the agenda requirements under Section 54954.2, in which case the written demand must be made within 30 days. The legislative body is required to cure the challenged action and to inform the party who filed the demand of its correcting actions, or its decision not to cure or correct, within 30 days. A suit must be filed by the complaining party within 15 days after receipt of the written notice from the legislative body, or if there is no written response, within 15 days after the 30-day cure period expires. No suit can be filed unless a demand for cure is first made.

A member of the legislative body is *criminally* liable for a violation of the Brown Act if he or she intends to deprive the public of information to which he or she knows or has reason to know the public is entitled under the Brown Act (Section 54959). This standard took effect in 1994 and is different from most criminal standards; it has yet to be applied in a published appellate decision and it is therefore unclear what evidence is needed to provide a criminal violation of the Brown Act.

In addition to the remedies noted above, a member of the legislative body who willfully releases confidential information obtained in closed session without the body's permission may be referred to the grand jury, which can bring a civil charge of misconduct in office, which, if proved, results in loss of office.

A fuller description of the remedial provisions of the Brown Act appears in a paper posted at www.cllaw.us under "papers."

I. Conclusion

The Brown Act contains many rules and some ambiguities; it can be confusing and compliance can be difficult. In the event that you have any questions regarding any provision of the law, you should contact the Library Executive Director or our office.

Current Board of Trustee Meeting Practices

PUBLIC NOTIFICATION AND PARTICIPATION PRACTICES OF THE BOARD OF TRUSTEES OF THE LA LAW LIBRARY

The Board of Trustees values public input and participation concerning the business of the Library. The following procedures are currently in place to facilitate public participation and ensure compliance with the Brown Act and other applicable open meeting laws:

MEETING NOTICE AND AGENDAS: Agendas for all Board meetings are posted on the front doors of the Library (visible from outside) and on the Library website. If the meeting is a "regular meeting" (i.e., occurs on the body's regular meeting day), the agenda is posted at least 72 hours in advance. For "special meetings," the agenda is posted at least 24 hours in advance. Journalists and other members of the public can also receive written notice of special meetings if they request it. A limited number of free copies of the meeting agenda are also available at the meeting for the public.

MEETING PACKETS: The meeting packets, including the agenda and all non-confidential supporting materials provided to the Board, are available at least 72 hours in advance of the meeting (normally the Friday morning before a Tuesday meeting) for viewing at the circulation desk. Copies can be made in the copy center. A public copy of the meeting packet is also available for audience review at the meeting, but must remain at the public table.

MAILED MEETING INFORMATION: The Library will also mail the agenda or the full agenda packet in advance of the meeting to any person making a written request. The agency will charge a fee to recover its costs of copying and mailing. The request must be renewed annually.

ADDRESSING THE BOARD: Any member of the public wishing to address the Board at a meeting may do so by submitting a speaker's form prior to the start of the meeting. Each speaker is normally allowed to speak for 3 minutes for a single item or a total of 5 minutes for all items. The President may adjust the amount of time per speaker, depending upon the number of speakers and the issues before the Board.

Members of the public may also submit written comments to the Board. If written comments on agenda items are received at least 24 hours in advance of the meeting, they will be given to each Board member at or prior to the meeting and will be made part of the meeting packet. Members of the public may also present written comments at the meeting.

All participants and audience members at the meeting are expected to remain courteous and respectful. Calling out from the audience, yelling, profanity or any other disruption of the orderly conduct of the meeting is not permitted.

AUDIO OR VIDEO RECORDING: Each Board meeting is tape recorded and the recording is available for review or copying as a public record after the meeting. Members of the public may also record the meetings with private equipment, but are asked to do so from the seats designated for recording to avoid any interference or disruption of the meeting..

ADDITIONAL INFORMATION AVAILABLE ON THE INTERNET: The dates of the regular Board meetings are posted on the website. Approved minutes of prior meetings are also posted on the website. Hours, location, service and program information and a variety of other information of interest to Library patrons is also available on the website.

