Regular Meeting of the
Board of Law Library Trustees
of Marin County

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

Monday, December 14, 2015, at 5:15 p.m.

Present: Steven Schoonover, Sam Ware, Alexandria Quam, Denise Bashline, Trudy Verzosa, Robert Begley and Laurie Vaala-Olsen, Ex Officio Secretary.

Also Present: Kelly McKenna, Bill Hale and Stephanie Harcourt.

Call to Order

Steven Schoonover called the meeting to order at 5:20 p.m., and thereafter presided. He thanked Sam Ware for presiding over the October 19, 2015 board meeting.

1. Approval of the Minutes

1.1 Approval of the September 21, 2015 Minutes was postponed pending the arrival of Trustee Robert Begley. Upon Robert's arrival, the Minutes were reviewed and discussed. Sam requested removal of the word "Unfortunately" from the beginning of the fourth sentence in paragraph 5.2, Review and Discuss Analysis to Increase Staff Pay by Reducing Law Library Hours of Operation. Sam moved that the September Minutes be approved as amended. Robert seconded. The motion passed with 4 Ayes, 0 Noes, and 1 Abstention because Alexandria Quam was not present at the September board meeting.

1.2 The November 16, 2015 Minutes were reviewed. Sam moved to approve the November 17, 2015 Minutes as presented. Alexandria seconded. The motion passed with 6 Ayes, 0 Noes, and 0 Abstentions.

2. Open Forum

Stephanie Harcourt inquired about Law Library fundraising efforts.

3. Financial Report

3.1 November 2015 Fiscal Report

Laurie presented the November Fiscal Statement. The Unrestricted Fund Balance as of November 1, 2015 was $60,363.47. The Unrestricted Fund Balance as of November
30, 2015 was $62,067.47. The Unrestricted Fund Balance as of December 14 was $74,256.15. December Filing Fee Revenue was $14,161.61. Still, filing fee revenue is down $33,772.61 from five years ago.

3.2 Warrants

Laurie presented the list of November Warrants. Steven inquired about patron demand for the San Francisco Daily Journal. There are several individuals who regularly visit the Law Library just to read the Daily Journal, which includes the Daily Appellate Report. Sam inquired about patron use of the tax publications by BNA. Laurie stated they are used infrequently. Sam suggested conducting a statistical survey to determine the demand for these publications. Laurie will do so.

Laurie reported that she recently met with Chien Liew of SPTJ Consulting regarding the $2,362.50 fee for consulting services on his October Invoice. Chien offered to cut 10 hours from his October 2015 Invoice, leaving a balance due of $877.50. His fee for consulting services in November is $135, which results in a combined total due of $1,012.50. Laurie also reported that the October invoice for Staples purchases was inadvertently omitted from the November Warrants list so it is on the December Warrants list for retroactive approval. The Staples bill was paid last month so there will be no deduction of funds this month.

Laurie reported that the Law Library has received a debt collection letter from Inland for the amounts that are in dispute. Inland is now refusing to service the copier and printer equipment because of the billing dispute. Sam suggested that we revise the letter that we send to Inland along with our check to include a reference to the debt collection letter. There was further discussion regarding the Inland matter. Sam also suggested that in the event the equipment completely shuts down, we pay Inland under protest just to get the equipment up and running again. After discussion, it was decided to pay the $49.51, which was calculated based on the readings of the equipment meters on December 5, 2015. Sam will look into this matter further, including the leasing contract and the copy card chargeback system.

Sam moved to approve the December Warrants list with the following revisions:

- Line 14: delete $1,147.50 and insert $1,012.50; strike the comment in its entirety;
- Line 15: delete $0.00 and insert $53.19;
- Totals line: Delete $9,617.41 and insert $9,535.60; and
- Revise the Total Expenses, Total Expenditures, and Remaining Cash Balance in accordance with the changes in lines 14 and 15.

Robert seconded. The motion carried with 6 Ayes, 0 Noes and 0 Abstentions.

4. Librarian's Report

Notice Regarding Proposed Reduction in Law Library Hours of Operation - Laurie posted notices that the board will discuss at the December Board Meeting reducing the operating hours of the law library and consider increasing staff pay with the savings
from the reduced hours of operation, but received only one comment regarding the matter.

Steven's Term Ends December 31, 2015 - Steven will be stepping down from the board after 10 years of dedicated service.

Books Received from Closure of Mills Law Library in San Francisco – Kelly and Laurie traveled to Mills Law Library and boxed up 14 boxes of legal publications from their collection that were donated to the Marin County Law Library. Steven and Laurie returned in his truck to transport the boxes to Marin.

Family Law Visitation Supervisor Training Program Spearheaded by Alexandria Quam – Law Library Trustee Alexandria Quam, who is the Marin Family Law Facilitator, spearheaded an innovative training program to create additional family court resources to help young children, as reported in a press release from the Marin County Superior Court on December 7, 2015. Congratulations Alexandria!

5. Unfinished Business

5.1.1 Review and Discuss Analysis to Increase Staff Pay by Reducing Law Library Hours of Operation and Proposed Options for Reducing Hours of Operation

Laurie received one comment on a Law Library Check-in sheet in November in response to the posted notice about the proposed reduction in Law Library hours of operation, which comment she read aloud at the board meeting. The patron requested that the Law Library maintain the current hours and said weekend hours are necessary for attorneys. The Law Library is currently open 55.5 hours a week. Laurie reported that she updated the data on the Library Use Survey that was distributed with the agenda packet. Option 1 on the notice was incorrectly stated; it was supposed to say Monday and Friday from 8:30 a.m. to 4:00 p.m., and Tuesday, Wednesday and Thursday from 8:30 a.m. to 7:00 p.m. There was discussion regarding which days the board should reduce the hours.

The board decided to propose a schedule of Monday through Thursday from 8:30 a.m. to 7:00 p.m. and Friday from 8:30 – noon, for a total of 45.5 operating hours per week. Under this plan there will be no weekend hours. Steven suggested adopting the plan and making it effective January 2, 2016. Alexandria suggested that we post a notice of the proposed hours change on the front door of the Law Library and invite comment for the January Board Meeting. Sam is concerned that the information was inaccurate in the notice of reduction of hours that was posted prior to the December 2015 Board Meeting. Alexandria moved that the board approve today to implement on January 2nd, a schedule of Law Library operating hours of Monday through Thursday from 8:30 a.m. to 7:00 p.m. and Friday from 8:30 a.m. to noon, closed Saturday and Sunday, and that the board vote to approve it today and post the notice immediately. Bob seconded. The motion failed with 3 Ayes, 3 Noes, 0 Abstentions.
Sam moved that notices be posted on the website and on both doors to the Law Library that the board will consider and vote on a proposal to change the Law Library hours of operation to Monday through Thursday from 8:30 a.m. to 7:00 p.m., Friday from 8:30 a.m. to noon, closed Saturday and Sunday, and that the board vote on it at the next board meeting. Denise seconded. Motion carried with 6 Ayes, 0 Noes and 0 Abstentions.

5.1.2 Approve Schedule for Reducing Law Library Hours of Operation

See item 5.1.1.

5.2 Discuss Current Law Library Employment Policy (Adopted in 2003) and Consider Revisions to Eliminate Some Benefits; Retain Existing Policy or Approve Adoption of Revised Employment Policy

Steven reported that Elliot stated at last month's board meeting that he had concerns about our employment policy and suggested hiring an employment law attorney to review it and any revisions that might be made to the policy before it is approved and adopted by the Board. Trudy thought that Elliot's main concerns related to the "At Will" clause in the employment policy, as well as vacation and holiday pay considerations. Steven inquired about having the County Counsel look over the employment policy and learned that it will cost $225 per hour at a minimum for them to review the policy. Steven stated that he knows an employment lawyer who might be willing to do the work pro bono. He will check with her and requested that the other board members check with any employment law attorneys that they know. Laurie will post a notice on the CCCLL list service requesting the employment policies of other county law libraries. The Board felt it was not necessary to appropriate any money for this purpose at the present time.

5.3 Review and Approve Resolution 2015-7 Regarding Implementation of Mandatory Sick Leave Policy

Laurie directed the Board to items 2 and 3 in particular regarding sick leave. There are two ways to provide the mandatory sick leave, by the accrual plan or the non-accrual up front policy. The non-accrual plan provides employees with 24 hours of paid sick leave at the beginning of each year and after 90 days they are entitled to request to use it. The County is following the accrual plan at the rate of one hour earned for every 30 hours worked, and the time is not carried over. Item 3 relates to carryover; you may allow employees to carry it over, but you don't have to. Items 7 and 8 in the Resolution are required. Trudy suggested that we simply follow the accrual method. The Board decided that the Resolution does not need specific language about how to implement the law, but simply to state "according to the accrual method". So, items 1 through 8 in the Resolution will be eliminated. Sam moved to approve that the Board adopt Resolution 2015-7 as amended, and Alexandria seconded. The motion carried with 6 Ayes, 0 Noes, and 0 Abstentions.

5.4 Legal Memorandum to be Drafted Regarding Permissible Use of Law Library Bulletin Boards.
Steven stated that he will prepare a legal memorandum regarding this issue and give it to Laurie for the Board to use as it sees fit. There was no public comment about this matter except as to content; Bill stated he believes that there cannot be “outright take downs and there have been”.

6. **New Business**

   6.1 **Discuss and Approve Rescheduling January Board Meeting from January 18 (Martin Luther King, Jr. Holiday) to January 11 or 25**

The Board discussed the two options and decided that January 25th will work best for most people. There was no public comment. Sam moved that the Board reschedule the trustee's meeting from January 18th to January 25th. Bob seconded. The motion carried with 6 Ayes, 0 Noes, and 0 Abstentions.

   6.2 **Closed Session: (CA Gov Code 54950 – 54963) Discussion and Vote Regarding Public Employee Appointment, California Government Code § 45954.5(e), 54957(b)(1), Title: Law Library Director**

Public Comment prior to Closed Session: Bill commented that the board's impending action is adding insult to injury with regard to the Board forcing Jason out. However, Bill further stated that although the Judge denied his motion for injunction at the hearing earlier that day, the Judge clarified that he has the power to rearrange the situation afterward.

   6.3 **Reconvene Open Session: (CA Gov. Code §54957.1(a)(5) Announcement Regarding Action Taken in Closed Session, if any, and Report Vote, if any, Regarding Appointment of Public Employee, Title: Law Library Director**

Steven reported that the Board voted unanimously to make Acting Law Library Director Laurie Vaala-Olsen the Law Library Director.

7. **Adjournment**

All business before the Board having been considered, Alexandria moved to adjourn the meeting, and Elliot seconded. The meeting was adjourned at 7:50 p.m. The next meeting of the Marin County Law Library Board of Trustees will be held on Monday, January 25, 2015, at 5:15 p.m.

Respectfully submitted,

Steven Schoonover, President  
Laurie Vaala-Olsen, Ex Officio Secretary