Notice of Special Meeting of 
Marin County Law Library Board of Trustees

Monday, May 8, 2017 at 5:15 p.m.
Marin County Law Library
20 North San Pedro Road, Suite 2007
San Rafael, CA 94903

Agenda

Call to Order*
The public shall have a right to comment prior to a vote on each agenda item specified below.

1. Open Forum for comment by the public.

2. DISCUSSION AND ACTION ITEM: Discuss, Edit and Approve Marin County Law Library Development Plan for Submission to Board of Supervisors by May 10, 2017 in Support of an Application for Monies from the County General Fund Pursuant to California Business and Professions Code Section 6324.

Public Comment

3. Adjournment
The board of trustees is scheduled to meet for its regular monthly meeting on
Monday, May 15, 2017 at 5:15 p.m. at the Marin County Law Library.

* This meeting may be recorded as authorized by the Government Code.

If requested, pursuant to Government Code Section 54953.2, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation, please contact (415) 473-4381 (Voice/TTY) or 711 for the California Relay Service or e-mail disabilityaccess@marincounty.org at least five working days in advance of the meeting. A complete packet of information containing reports and exhibits related to each item is available for public review at least 72 hours prior to the meeting or, in the event that it is delivered to the Law Library Trustees less than 72 hours prior to a meeting, as soon as it is so delivered. The packet is available at the front desk of the Marin County Law Library, on the Law Library's bulletin board, and on the Law Library website at www.marincountylawlibrary.org. It is also available 24/7 outside the ground floor lobby of the middle archway entrance to the Civic Center (the one allowing access to the Courts floor) at 3501 Civic Center Drive, San Rafael, CA 94903 at least 72 hours prior to the meeting.
Development Plan for the Invigoration and Sustainability
of the Marin County Public Law Library

Background
The Marin County Law Library has a long history, opening its doors over 125 years ago in 1891 for practicing lawyers who needed access to legal research materials. But over the last few decades, more and more self-represented patrons have found their way to the Law Library doors. Now, of the 4000 patrons who come into the Law Library each year, almost half are unable to secure legal representation and so must represent themselves. They come to the Law Library for help, and they find it here.

And most often they come to us as a last resort. For so many the Law Library is literally their last hope and their lifeline. It’s imperative that we continue to serve our constituents to the best of our ability to help them prepare for their day in court.

Law Library Services
The Law Library is open and staffed more than 45 hours a week. We have no income or class restrictions— we are open to all. Our well-lit, warm, roomy and comfortable location is served by public transportation. We have a knowledgeable and caring staff always available. Lawyers are easy to serve—they just need a finger pointed in the direction of the correct book stack, but providing a welcome environment for the self-represented individual is right in line with the Trustees’ impetus to provide good service to those who might feel overwhelmed and perhaps even panicked by their legal situation.

It’s important to note that Law Library staff cannot dispense advice, even if the director is indeed an attorney. That means that attentive service and precise and caring instruction in filling out forms is essential to providing excellent service.

Demographics:
From October of 2016 through February of this year we learned a lot about our constituents because of our recently initiated Lawyers in the Library program. While our daily sign-in sheet tells us whether a patron is a lawyer or unrepresented, the intake forms from the Lawyers in the Library program give us more specific demographics as to our unrepresented patrons. 60% of Lawyers in the Library patrons are women; 63% are Caucasian and 10% Latino. A quarter seek Landlord/Tenant advice, and almost as many seek guidance in Family Law matters. A quarter have incomes below $1000 a month and another quarter have incomes below $2000 a month, and two-thirds of attendees are under $3000 a month. It seems most find their way to the evening sessions because of a friend and a substantial portion are referred by the County Clerk’s office. It’s disheartening to note that almost a third are retired.

A wonderful side-effect of the new Lawyers in the Law Library program is that patrons who come to the Law Library twice a month for this new program run in conjunction with the local Bar Association always sit together and seem to form an affinity—they talk about their cases with each other, compare notes and exchange phone numbers for support.
The Library’s Place in The County’s Legal Services Network
The Library is part of the newly-formed Marin County Legal Services Network, which is comprised of the larger non-profit outlets such as Legal Aid of Marin, Canal Alliance, and Fair Housing. Other entities include the Public Defender, the Self-Help Legal Center, the Family Law Center, and New Beginnings Law Center.

When any or all of the above entities cannot serve a client, the Law Library is the remaining safety net situated “underneath” the all entities. Some entities have income restrictions, or time restrictions, or and capacity restrictions. A 4-year-old report from MCF tells us that upwards of perhaps 10,000 individuals in Marin go without legal representation every year, creating a wide chasm of a justice gap. The Law Library thus serves as the safety net to catch the individuals who, for whatever reason, cannot be served by the other organizations in Network. It’s imperative we increase our capacity to remain a valuable community service.

The Law Library Budget
The budgets of all county law libraries in California are derived from a portion of the filing fees for civil cases. Nine years ago our budget was a fairly robust $260,000 a year. Since then our budget has declined 30%, to about $180,000 a year, not only because of the challenging economic downturn but also due to a proliferation of alternative dispute resolution services.

Like all law libraries we’ve had to cut staff, let go of important subscriptions, and pull back on the number of hours we’re open and in that we lost weekends. But our staff and board have done an excellent job in that other libraries are open less hours than ours on a larger budget.

As to the budget, it’s important to acknowledge the ongoing support of the County of Marin. That’s evident in the County’s backing that enabled the remodel of the Library. Even though maintaining the brick and mortar is compelled by State law, it needs to be emphasized that the Law Library is a better facility thanks to this partnership and the recent remodel.

Law Library Goals Over the Next Few Years
Our goals are simple: hold our ground, reach more people so that they know about the Law Library, extend our hours, recapture subscriptions we have lost, increase the compensation of our staff, and engage more staff for an increased capacity to serve.

For more people to better benefited by the Law Library, we need to boost our capacity. The twice monthly Lawyers in the Library offering now turns people away. We are in the process of collaborating more effectively with the providers of Marin’s Legal Services Network, increasing mutual community support. Finally, we want to help close that justice gap. Representing oneself in a legal case is not to be pitied or scoffed at—it should be supported. The law is here to provide protection for everyone, and the more we can make that possible, then the narrower that gap will be.
What We’ll Do With the Extra Funds:
In order to achieve our goals, we will fundraise effectively; improve our messaging and our channels of outreach; update marketing materials such as the website and printed collateral; and improve and increase our contact and participation within the Marin Legal Services Network. We’ll also engage more effectively with the county court clerks and judges, urging them to see themselves as advocates to steer new patrons our way.

Other efforts include:

- Making the Library even more inviting. That will help welcome new patrons more effectively, assisting them past their initial fear.
- Finding more lawyers for our twice monthly Lawyers in the Library program.
- Taking a page out of the local public libraries and replicate some of their efforts in creating a more engaging environment.
- Using the library as a venue for art, as other law libraries do.
- Increasing our capacity to fundraise, and engaging the systems and expertise that will support this.

Focus on Fundraising:
There is much we can do to bolster the financial foundation of the Library through effective fundraising. From writing grants to seeking individual donor engagement; from holding events as well as pursuing and securing government funding, we’ll endeavour to develop and expand:

- Grants – Develop a template for a grant proposal process and engage a seasoned writer.
- Individual donor engagement – This will require instituting a donor management effort as well as engaging a professional to train us on best practices. This expert fundraiser will help us develop elevator pitches, support our donor outreach and engagement through letters, calls and meetings, and stabilize that program.
- Engage Marin Community Foundation’s donor advised segment – bring donors in for site visits to the Library and present Library offerings at their offices, etc.
- Events – from house parties to an annual gala, we can create opportunities to recognize our partners and advocates as well as raise funds while generating community and highlighting meaning through the lens of the Library.
- Create a “Champions of the Law Library” Auxiliary Group, which would increase support for the Library through fundraisers and events, perform outreach, and provide an umbrella for a new cohort of Library supporters.
- A membership program can help both increase revenue as well as provide opportunities for outreach and development of community. If just half of the registered lawyers of the Marin Bar Association gave $10 a month, that could add significant revenue to our bottom line. (see budget chart below).
- Creation of a Friends of the Law Library tax exempt entity

Branding:
To achieve the above we need to consider and speak effectively not only to our audience – the
Marin County Law Library – Proposal for Support

self-represented patrons who come to us for help—but also to those who are open to supporting such individuals, which will increase our potential funding base. The story of the Law Library and its valuable place in or community will be told, by leveraging and harnessing the power of the board and our director. With new fundraising materials and training, we’ll have a renewed power source to effectively drive the Library forward towards greater sustainability and resilience.

Budget Request From County and the Road Ahead
We are seeking $25,000 per year for 3 years from the Marin County Board of Supervisors. The funds will help provide a wide range of support for all of the reinvigorating activities mentioned above. Here’s an outlay of how we’ll supplement funds from the County’s General Fund:

Extra Income Starting 2017:

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<th>Source</th>
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<th>Year Two</th>
<th>Year Three</th>
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<td>Grants (all)</td>
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<td>$30,000</td>
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<tr>
<td>Individuals</td>
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<td>$10,000</td>
<td>$15,000</td>
</tr>
<tr>
<td>MCF</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Champions</td>
<td>$5,000</td>
<td>$10,000</td>
<td>$15,000</td>
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<tr>
<td>Membership</td>
<td>$5,000</td>
<td>$10,000</td>
<td>$15,000</td>
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<tr>
<td>Totals</td>
<td>$40,000</td>
<td>$60,000</td>
<td>$95,000</td>
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</table>

Notes for the Above Proposed Budget:
1) The grants include the County’s $25k a year. We expected to write grants to institutions for another $35k over that total by Year Three
2) We expect to raise $10,000 from individuals in the first year and increase that to $20k by Year Three
3) We’ll work closely with MCF’s Donor Advised program
4) Our Champions will be charged with raising $5 the first year, and challenged to reach $25 by Year Three
5) We’ll find unique ways to create Membership Support

Conclusion
Because our budget of $180k per year barely covers the basics, making the effort now to shore up our systems so that we can count future increases as bonuses to our annual budget is very wise. If we can gain the full support of the county supervisors, blend into the community as a viable resource by maintaining a strong a fundraising program, this ambitious effort can be fulfilled.

A robust development program aided by County seeding will help us create the necessary materials and systems to drive an energized environment and community. We’ll be able to move back towards a more resilient financial position. And it is to this end that we hope you’ll
Marin County Law Library – Proposal for Support

choose to support the Law Library in its bold new plan for self-sufficiency.

For more information contact:

Jonathan Frieman, Law Library Trustee
E: yogi@well.com
415-845-1371

Branden Barber, Principal, Branden Barber& Associates
415-948-8323 branden@brandenbarber.com
Mission Statement
The Marin County Law Library serves the public by providing access to legal resources through research assistance, printed materials and technologies.

Overview and History of the Law Library
Law libraries in the State of California were first established and maintained as a resource for lawyers. In the last decade or so, however, that demographic has changed so much that almost half of the patrons of Marin County’s Law Library have no legal training. At the same time, though, the traditional funding source of the Law Library – a percentage of first appearance filing fees received by the Courts – has decreased substantially because the overall number of filings declined. One reason is the growing use of alternative dispute resolution.

People with little access to and little understanding of the process of the legal system really need additional attention and place a growing demand on the library Staff because of the time they require for assistance. Such individuals are often in a fragile situation, feeling beset with the effects of adversity. The library Staff willingly shoulders the increased burden by taking the time to explain which library resources to use, and how those resources apply to the different situations presented by the non-legal trained patrons, who are often referred to the Library by the Courts.

The depth of the need of those who have no access to the law which might go unmet is unknown – who knows how many lives are altered for the want of one filing form. But the Board and Law Library Staff accept the shift in patron attendance from legal professional to layperson by developing and maintaining a high degree of professionalism and care.

Accordingly, in order to continue to serve its residents, the Marin County Law Library, like all law libraries in the State*, is looking for new ways to supplement its traditional funding from non-traditional sources.

Profile
The Law Library is one of the oldest in the state, celebrating 125 years in 2016 as a resource for our legal community and all the county’s residents. It is funded as a governmental special district established under California Business and Professions Code sections 6300 through 6364. It is governed by a seven-member Board of Trustees composed of five delegates appointed by the Superior Court, and two delegates appointed by the Marin County Board of Supervisors.

The Law Library is one of the main organizations in Marin County responsible for providing no-cost legal information and assistance to the County’s 252,409 residents. It serves 12 Superior Court Judges, 1 Court Commissioner, 1 Referee, and 700 or more Marin County attorneys. And it provides reference services to inmates at San Quentin State Prison and participates in interlibrary loan services with other libraries on an as-needed basis.
The Law Library is open 45.5 hours per week, from 8:30 a.m. until 7:00 p.m. Monday through Thursday; and 8:30 a.m. to 12:00 Noon on Fridays.

**Board of Trustees**
The Law Library is fortunate to have both long-standing and new members on its Board. Their expertise, experience, and leadership across a broad spectrum of community service areas helps keep the library in touch with the needs of the community. In addition, they provide valuable advice and counsel to the Law Library Director.

<table>
<thead>
<tr>
<th><strong>Trustee</strong></th>
<th><strong>Term</strong></th>
<th><strong>Office / Affiliation</strong></th>
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<tr>
<td>Sam Ware, Esq.</td>
<td>Aug. 3, 2015 – Aug 3, 2018</td>
<td>President, Delegate of: Judge Kelly Simmons</td>
</tr>
<tr>
<td>Denise Bashline</td>
<td>April 20, 2015 – April 20, 2018</td>
<td>Vice President, Delegate of: Judge Paul Haakenson</td>
</tr>
<tr>
<td>Alexandria Quam, Esq.</td>
<td>Sept. 18, 2016 – Sept. 18, 2019</td>
<td>Delegate of: Judge Verna Adams</td>
</tr>
<tr>
<td>Elliot Bien, Esq.</td>
<td>Feb. 1, 2104 – Feb. 1, 2017</td>
<td>Delegate of: Judge Andrew Sweet</td>
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**Services of the Law Library**
Law Library support services provided by Staff range from individual training in reference services to sophisticated internet searches for information, laws and forms that may be difficult to locate. Typically, professional patrons with legal training just need a finger pointing them in the direction to the right stack of books.

However, the kinds of assistance untrained patrons might receive include explanations of the:

1) entire spectrum of legal source materials;
2) differences between primary authority and secondary authority;
3) differences between statutory law and case law; and
4) instruction in the use of Westlaw, Google Scholar, and CEB OnLAW.

The success of a patron’s visit thus depends on the law librarian’s availability and ability to be a patient and effective instructor, as well as offering counsel to individuals who are usually under a lot of stress. The Law Library recruits for good librarians.

There is no substitute for the well-lit, warm location of Marin County’s Law Library. The value of being able to spread out a number of sources over a large table further
demonstrates the benefit of print materials because they are removed from technological complications. It has been shown that engaging the part of the brain not driven by screens helps the layperson gain a feeling of confidence in the possible success of their case. Because the strong feeling of support of a law librarian certainly goes without measurement, providing excellent service is a hallmark of the County Law Library.

The Library Staff’s computations utilizing the tracking mechanism of the Library help Staff calculate that the 1,600 non-legal patrons demand as much as 75% more time than legal professionals

Library Collection
The Law Library maintains a collection of 18,155 print publications, including reporters, treatises, practice manuals, law reviews and journals, periodicals, and other printed materials. The Library spent $73,054 updating its publications and received 244 donated used books during the 2015-2016 Fiscal Year.

Because the cost of legal materials increases at about 7% to 9% per year, not all sets are being kept current as funding for the Law Library decreased 11% over the same period of time. This year 39% of all expenditures were on research and reference materials, which includes both computer databases and print materials. Figure 1 shows the relationship between the amount spent on materials and our total expenditures.

![Bar Chart]

Fig. 1
Electronic Resources
The Law Library acquired a Westlaw Next subscription during Fiscal Year 2013-2014. The subscription includes cases and statutes for all federal circuits, an extensive California database, and a number of secondary materials. Westlaw is an attractive service to attorneys and is also used regularly by self-represented patrons doing legal research. It is also used by the Librarian to assist non-attorney patrons.

Use of KeyCite, which is Westlaw’s equivalent of traditional Shepard’s Citations, is critical to check authorities for currency. The Board also approved a subscription to CEB OnLAW, another secondary database which includes all of CEB’s publications.

Infrastructure and Other Resources
The Law Library has six computer work stations (four available to the patrons), three printers, and three photocopiers. All of the work stations provide access to legal resources on the Internet. Four of the Internet stations are available for public use for general research, downloading of forms, and general word processing tasks. Two of the stations also access Westlaw.

The remaining two computer stations are for Staff use only, as is one printer and a combined fax/scanner/copier/printer. The Staff facsimile/scanning machine is used to provide fee-based scanning and fax services to Law Library patrons, with fees based on a per-page usage. Wireless internet service is also available to Law Library patrons.

The Library has a collection of 69 compact discs with downloadable forms for print publications by Nolo, CEB, James, Lexis and West; some of the newer edition Nolo print publications provide forms which are downloadable from the Internet.

Lastly, and most notably, befitting a library which focuses on the law, the Law Library has an electric typewriter available for public use. It is routinely used by individuals who come to the Law Library for that specific purpose.

The Law Library’s Website
The Law Library receives numerous inquiries and requests for information about its services from the email link on its website. To meet the demands of an increasing number of self-represented litigants, the Law Library created an online electronic self-help center on its website.

The website also offers additional revenue streams for the Law Library, such as conference room rentals and exam proctoring services. In addition, board meeting agendas and minutes are posted on the website for easy access.

The Law Library website will be updated in appearance and for ease of accessibility within the coming year.
Library Funding
In addition to ensuring excellent service for its patrons, the second most pressing issue for the Law Library – and for law libraries across the state – is funding. At present, the Law Library derives 90.7% of its operating funds from a fixed share of designated civil filing fees: $32 from fees paid for every first-paper filing with the Marin County Superior Court. That $32 figure has not changed since 2006, even though the number of actions filed with the court has steadily declined each year, starting in 2008.

In addition to the steady annual decrease in the number of cases filed, a statewide moratorium on increasing civil filing fees was imposed in 2006.

Figure 2 shows the 35 percent decline in filing fee income in the past six fiscal years:

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<tr>
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<tbody>
<tr>
<td>Filing Fee Income</td>
<td>$260,297</td>
<td>$230,611</td>
<td>$204,385</td>
<td>$182,611</td>
<td>$174,589</td>
<td>$169,679</td>
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Fig. 2

Income Streams and Reserves
A. Filing Fee Income
In Fiscal Year 2015-2016 the Law Library received $169,679 in filing fees, a 3% decrease in filing fees from the previous year, and the fifth consecutive year in which total filing fee revenues have fallen. This past year the Law Library received $4,910 less in filing fee income than it did the previous fiscal year.

B. Self-generated Revenue
The Law Library raised $17,416 in self-generated revenue. That sum came from charges for photocopies, document faxes and scans, proctoring services, conference room rentals, and book sales, as well as income from donations. The self-generated revenue comprised 9.3% of our total revenue, up 1% over the previous fiscal year.
C. Reserve Funds
The Library has $10,000 in reserve funds at the present time.

D. Community Service Funds
The Law Library benefited from a Marin County Community Service Fund grant in 2014-2015 for which the Trustees and Staff are most grateful.

Effect of Decreasing Budget
The Trustees continually endeavor to be as resourceful as possible. The easiest maneuver is to cut the budget. As intimated, this makes it more difficult to maintain updated legal publications. Also hampered is the provision of assistance to non-legal patrons, as well as the ability to develop legal education programs.

As a result of such budget cutting the Library canceled much needed print titles it had carried for many years and discontinued subscriptions to some legal periodicals. The Library, though, has partnered with larger, better-funded County Law Libraries to receive their discarded updates. This helps maintain a reasonably up-to-date collection of important publications.

As one can surmise, the Marin County residents most in need of access to the law bear the heaviest burden because access to justice has become more restricted with the steady loss of funding. The Law Library Staff consistently sees more and more non-professionals seeking such items as legal forms, and needing assistance with such matters as landlord-tenant issues, foreclosure proceedings, and divorce and child custody procedures. Providing the most basic assistance is a daily occurrence at the Law Library.

Fundraising Possibilities
The Law Library is actually a governmental entity, so donations to it are tax deductible to donors, just like a 501(c)(3). The Trustees and Staff may thus pursue funding streams such as individual donors and foundation grants. But pursuing these funding streams and then finding results will take time because, in effect, the Marin County Law Library is essentially a new entity in the fundraising field.

An additional hurdle to overcome is indeed that of being a governmental entity, which means the general public and funding institutions need to be educated as to why such a governmental arm of direct services needs their support.

Until the funding streams of the Law Library begin to flow, a viable option for the Law Library is to request that the Marin County Board of Supervisors exercise its authority under California Business and Professions Code section 6324. That section of the State Code allows the Board of Supervisors to “appropriate from the county treasury for law library purposes such sums as may in their discretion appear proper” so that those sums become a part of the Law Library fund.
It is hoped that this Annual Report has underlined the reasons why such an effort on the part of the County Supervisors would benefit the entire County.

**Conclusion**

Despite continued declining revenues, the Trustees of the Marin County Law Library remain committed to providing access to legal resources for all the residents of Marin. They have pared the budget, cut hours and publications, and begun to pursue technological upgrades.

As noted, the Trustees are committed to finding alternative funding streams using the well-traveled paths of individual donors, institutional grant seeking, and time-honored lobbying techniques. These efforts give hope to the sole practitioners of Marin, as well as to the untrained professionals seeking to make their day in court as bright as possible.

* Following are news accounts of law library woes across the state.
  http://www.mercedcountytimes.net/editorials/033116_lawlibrary.html
  http://www.buttecountylawlibrary.org/support.html
MARIN COUNTY LAW LIBRARY INCOME AND EXPENSE STATEMENT
2015-2016 FISCAL YEAR

SAP Fund No.: 70120  Business Area: 6160  Cost Center: 616001100
MUNIS Fund No.: 3400  Department: 701  Organization Code: 34017961

SUMMARY

Actual Receipts: $ 187,173.89
Actual Expenses: - $ 172,437.67
Actual Balance: + $ 14,736.22

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<th>County SAP Code</th>
<th>Account Description</th>
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<tr>
<td>451970</td>
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<td>Court Filing Fees</td>
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<td>441115</td>
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<td>462650</td>
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<td>462610</td>
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<td>461810</td>
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<td>Other Income (MCLE, etc.)</td>
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DEBITS/EXPENSES

**Staff Expenses**

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<td>513215</td>
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<td>515120</td>
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<td><strong>Subtotal:</strong></td>
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<td><strong>$ 78,025.00</strong></td>
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**Admin Expenses**

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<td>522410</td>
<td>5220110</td>
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<td>5220110</td>
<td>Projects</td>
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**Legal Publications Collection**

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Total Debits/Expenses: $ 172,437.67