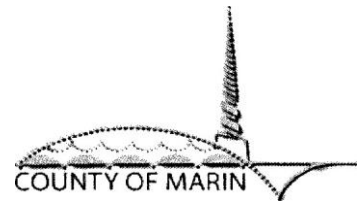


ACTING LIBRARY DIRECTOR:
Laurie Vaala-Olsen

Marin County Law Library



Notice of Special Meeting

Marin County Law Library Board of Trustees

Tuesday, January 20, 2015 at 5:15 p.m.

Agenda

BOARD OF TRUSTEES:
Benjamin Gale, Esq.
Steven Schoonover,
Esq.
Samuel Ware, Esq.
Alexandria Quam, Esq.
Robert Begley, Esq. Elliot
Bien, Esq.

Call to Order

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

1. Open Time for comment by the public.
2. ACTION ITEM: Request to approve Resolution to execute letter of unconditional commitment under Government Code 54960.2 to cease, desist from and not repeat challenged actions per letter of December 15, 2015. (See Attachment)

Public Comment

2. ACTION ITEM: Request to reduce Law Library hours during two weekday mornings to meet staffing concerns.

Public Comment

3. ACTION ITEM: Request to appoint Laurie Vaala-Olsen as Acting Law Library Director and approve compensation of \$20 hourly.

Public Comment

A complete packet of information containing reports and exhibits related to each agenda item for general meetings 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 during business hours, as well as on the Law Library website, which may be found at www.marincountylawlibrary.org.

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 the librarian at (415) 499-6356 in advance of the meeting.

RESOLUTION NO. 2015-01

RESOLUTION OF THE BOARD OF TRUSTEES
OF THE MARIN COUNTY LAW LIBRARY
TO EXECUTE LETTER OF UNCONDITIONAL COMMITMENT PER GOVERNMENT
CODE 554960.2 TO CEASE, DESIST, FROM AND NOT REPEAT CHALLENGED
ACTIONS

WHEREAS, the Board has received a December 15, 2015 "DRAFT ONLY" cease and desist letter from Bill Hale challenging practices under the Brown Act related to its meetings attached hereto as Exhibit A;

WHEREAS, the Board never received a final copy of the "cease and desist" letter from Bill Hale other than the "DRAFT ONLY" letter;

WHEREAS, Government Code section 54960.2 provides that in order to avoid unnecessary litigation, and without admitting any violation of the Brown Act, a legislative body may respond to a cease and desist letter by approving an unconditional commitment that it will cease, desist from, and not repeat the challenged past action.

WHEREAS, Government Code section 54960.2 prescribes that the response letter be in substantially the form included in the statute and prohibits a party from maintaining an action where the legislative body has provided such an unconditional commitment.

WHEREAS, the Board does not admit any such violations, but wishes to avoid unnecessary litigation and expense so that it may focus its efforts and funds on the Law Library,

BE IT RESOLVED, that the Board hereby agrees to issue the unconditional commitment letter to Bill Hale, set forth in Exhibit B and to provide Bill Hale with the settlement agreement between Jason Voelker and Marin County Law Library.

PASSED AND ADOPTED at a special meeting of the Board of Trustees of the

Marin County Law Library held on this 20th day of January, 2015, by the following vote:

AYES:

NOES*

ABSENT:

PRESIDENT, BOARD OF TRUSTEES

ATTEST:

CLERK (LAW LIBRARY DIRECTOR)

EXHIBIT A

December 15, 2015

****DRAFT ONLY****

Board of Trustees
Marin County Law Library

Re: Demand to Cease and Desist: Ralph M. Brown Act (Government
Code Section 54950 et seq.)

Chairman, Members:

This letter challenges practices occurring in connection with the December 15, 2014 meeting of the Board of Trustees of the Marin County Law Library as violations of the Brown Act, specifically by Agenda Item # and in the order of importance as I see them:

Agenda Item #7, "Closed Session Session (Govt Code 54950-54963)"

Statement must cite the specific statutory authority, including the particular section, subdivision, and paragraph, under which the session is being held. [Gov. Code 11126.36))

Agenda Item #7.1 "Public Employment, Title: Law Library Director"

Closed session statement is inadequate under circumstances.

See attached: Agenda Title — Vague & Misleading 15 Nov 2014

Agenda itself — Untimely & Inadequate Postings

Today's agenda not posted at least 72-hours in advance.

[Section ~~54954.2(a)(1)~~] Govt Code.

Not posted to me by 5:15 PM, Friday, December 12, 2014

Insufficient Agenda Postings — failing to post Agenda on web site [Section ~~54954.2(a)(1)~~]

.. tand on the local agency's Internet Web site, if the local agency has one...

In order to avoid the filing of an action against the Board of Trustees for declaratory and injunctive relief to confirm that the practices in question violated the Brown Act and to order them not to be repeated, and for the recovery of any attorney fees and costs incurred in such litigation, I demand that Chairman of the Marin County Law Library Board of Trustees, within 30 days of the receipt of this letter and in conformity with Government Code Section 54960.2, subdivision (c), inform me of the Board of Trustees unconditional commitment to cease, desist from, and not repeat the practices herein challenged as violations of the Act.

Bill Hale
BillHale@Live.com

****DRAFT ONLY****

From: billhale@live.com ajaxlaw@comcast.net; sam@samware.us;

To: bengale@sbcglobal.net; ajaxlaw bob@rjbegtey.com,'

alexandria_quam@marincourt.org; elb@biencounsel.com

CC: lawliblo@sonic.net; lvaala.olsen@gmail.com; martaoster'oh@comcast.net

Subject07:58: Agenda Title - Vague & Misleading

Date: sat, 15 Nov 2014:36 -0800

Re: Item #7 - Closed Session

Item #7 .1 Employment, Title: Law Library Director

Ben, Board Members:

This institution is the Law Library. It should be setting nothing less than the gold standard in its own legal operations.

How can the public know what your item refers to when it is not clearly disclosed? The public is not being adequately noticed so that the Public Comment provided before the Closed Session can actually have meaning to the community.

The Brown Act provides that agendas must contain "a brief general description of each item of business to be transacted or discussed at the meeting . . . A brief general description of an item generally need not exceed 20 words." Govt. Code Section 54954.2(a). The general idea is that the agenda listing should provide notice to the public of the business to be conducted, so that interested community members know to attend and participate in the meeting.

The Brown Act further provides that "[f]or purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions" by giving particular types of information, depending on the reason for the closed session and that if this information is provided, the body will not have violated Section 54954.2. Govt. Code Section 54954.5.

It is impossible for members of the public to know from the description proffered, "Employment, Title: Law Library Director" what the board will be considering and as to whom — i.e. to consider appointment, employment, performance evaluation, or dismissal of employee pursuant to GC 554957 etc. [Interim Director, Acting Director, Departing Director, Other.]

...To my reading, the present text appears intended to be intentionally vague, and thereby, misleading.

While there is no bright-line rule for determining whether a particular listing is misleading or too vague. here are some examples that might be useful in determining whether the listing at issue is too broad to satisfy the notice requirements of the Brown Act:

Agenda Title - Vague Misleading

15 Nov 2014

•In *Shapiro v. San Diego City Council*, 96 Cal. App, 4th 904 (2002), the court affirmed a trial court's holding that agenda listings in the nature of "In the matter of giving direction to the City Manager on behalf of the City of San Diego regarding real estate interests in the Centre City East area of

downtown San Diego" were insufficient to give notice that issues such as the hiring of a ballpark manager and the effect of the redevelopment on the homeless population would be discussed,

- An Attorney General opinion, 73 Op. Atty Gen. Cal, 1, in which the A.G. held that listing approximately 700 parcels that might be the subject of negotiation in a closed session was insufficient to give notice that any particular parcels would be discussed. The A.G. rejected the argument that the list of 700 parcels would satisfy the agenda requirement even though the two parcels scheduled for review at a particular session had not otherwise been disclosed. [d. at*7.

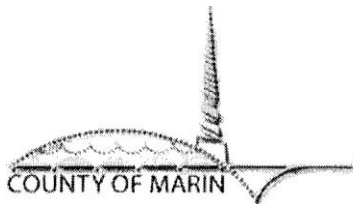
- A California Court of Appeal held that an agenda item called "continuation school site change" was insufficient to give the public notice that the board would take action to close the school at issue. *Carlson v. Paradise Unified School District*, 18 Cal. App. 3d 196 (Cal. Ct. App. 1971). Although the agenda requirements in that case were imposed by a provision of the Education Code, the analysis should be similar under the Brown Act.

- A 1984 California Attorney General opinion concluded that an agenda item called "Tuolumne River / San Joaquin River Flood Control Problem" was insufficient to give the public notice that action would be taken to oppose inclusion of the Tuolumne River in the National Wilderness Preservation System. 67 Ops, Cal. Atty. Gen. 84 (1984). The agenda requirements in this opinion were imposed by the Bagley-Keene Act, the state counterpart of the Brown Act. Again, the analysis under Bagley-Keene should be analogous to analysis under the Brown Act.

Bill

p.s. One more thing, missing trustee from masthead — Marta. She deserves recognition for her service on the board. I for one am grateful for her contributions and work over time, .

EXHIBIT B



Marin County Law Library

Board of Trustees
PRESIDENT
Benjamin Gale
Board of Supervisors Appointed

January 20, 2015

Steven Schoonover
Board of Supervisors Appointed

Bill Hale

Sam Ware
Judicially Appointed

billhale@live.com

Alexandria Quam
Judicially Appointed

Dear Mr. Hale

Robert Begley
Judicially Appointed

The Board of Trustees received your letter dated December 15, 2014. While the letter states it is a "DRAFT ONLY," the Board will assume this letter constitutes a formal cease and desist letter regarding the Board's meetings.

Elliot Bien
Judicially Appointed

Your letter alleges that certain past actions of the Board of Trustees violate the Ralph M. Brown Act. In particular, you challenge practices occurring in connection with the December 15, 2014 meeting as follows:

Laurie Vaala-Olsen
Acting Library Director
Secretary of the Board

1. Agenda Item #7 related to a closed session, (failure to cite to the specific statutory authority, including the particular section, subdivision and paragraph, under which the session is being held);
2. Agenda Item #7.1 related to a closed session statement, (failure to adequately describe the session in statement).
3. Agenda, as untimely and not posted on the internet.

20 North San Pedro Road
Suite 2007
San Rafael, CA 94903
415472-3733 T
415472-3729 F
www.marincountylawlibrary.org

You also attached to the December 15, 2014 letter an email you sent Board members on November 15, 2014, with the subject entitled, "Agenda Title — Vague and Misleading." The email complains that "Item #7 Closed Session, 7.1 Employment Title: Law Library Director" did not contain a reason for the closed session, i.e. appointment, employment, performance evaluation or dismissal of employee pursuant to Government Code section 54957. The email did not request that the Board cease and desist from any actions.

I have enclosed the December 15, 2014 letter and the November 15, 2014 email for your reference.

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act or that the attached letters properly fulfilled the requirements set forth in Government Code section 54960, the Board of Trustees, Marin County Law Library, hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past actions as described above and in the attached December 15, 2014 letter and November 15, 2014 email.

The Board of Trustees may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and notices on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address you specify, of any

Marin County Law Library

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intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing,

Sincerely,

Ben Gale,
President, Board of Trustees

Enclosure