



Kriss Worthington

Councilmember, City of Berkeley, District 7
 2180 Milvia Street, 5th Floor, Berkeley, CA 94704
 PHONE 510-981-7170, FAX 510-981-7177, EMAIL
 kworthington@ci.berkeley.ca.us

ACTION CALENDAR

April 4, 2017

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington, Cheryl Davila, Ben Bartlett, and Mayor Jesse Arreguin
 Subject: Fresh Start Resolutions: Reconstitution of the Board of Library Trustees, by removal and replacement of President Julie Holcomb and Vice President Jim Novosel

RECOMMENDATION:

Adopt two Fresh Start Resolutions: Reconstitution of the Board of Library Trustees, by requesting resignations, and if not forthcoming, then removal and replacement of President Julie Holcomb and Vice President Jim Novosel.

BACKGROUND

The Berkeley Municipal Code Chapter 3.04.010 states, "Each member of the board shall serve until his successor is appointed and qualified. A majority vote of all the members of the City Council shall be required to appoint a member to the board, or to fill any vacancy thereon, or to remove any member from the board prior to the expiration of his term of office."

Frequent fiascos have beset the Board of Library Trustees for three years. Concerned community members have proposed positive policy improvements and been met with delay, defeat, and disrespect. Whistleblowers have identified problems and shared suspicions of waste, fraud and abuse. City Council members have offered to help and attempted to mediate. Furthermore, the NAACP has raised concerns about the handling of the proposed renaming of Tarea Hall Pittman South Branch Library, and the ACLU has raised concerns of possibly unconstitutional actions.

For three months the Board election process has devolved from fiasco to farce. Each meeting the rules have been changed without advance notice. The historic leadership election process has been mishandled by declaring a victor, despite no one receiving a majority vote. City officials had to intervene to correct the mistakes. Then, unannounced proposals to change policy violated state law. This was followed by another unannounced new procedure proposing to declare a unanimous vote in spite of efforts to vote no or abstain. While Board minutes show a history of board members being allowed to vote on election of the Chair, the newly appointed City Council representative to the Board, Sophie Hahn, was disrespected and then denied the chance to vote, by still another change of process.

Blame for these recurring problems has been attributed to different sources, including various managers, librarians, outspoken and active constituents, unions, or Board members. The City Council has no direct power to change the management, the employees, the concerned community members, the unions or the retired librarians. The only group the City Council can change is the Library Board.

It would be preferable for the Board to admit and fix the problems. Sadly year after year the problems continue. Some City Council members have explored multiple Ordinances, Resolutions, and Proclamations trying to fix the multiple problems, but the City Council has no authority to instruct the Library Board what to do.

Therefore, after serious consideration of alternatives, we reluctantly conclude that a RECONSTITUTION of the Board by removal of the President and Vice President offers Berkeley a fresh start, and a chance to resolve the longstanding problems by bringing fresh perspectives of new Board members without emotional defensiveness or intellectual baggage from past battles. Requesting resignations as a first step is intended to allow Board Members a graceful way to support Reconstitution and not have removal from the position on the record.

FINANCIAL IMPLICATIONS: Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington 510-981-7170

Resolution #1 on the Reconstitution of the Board of Library Trustees

- WHEREAS,** The Board of Library Trustees needs a fresh start; and,
- WHEREAS,** Reconstitution of the Board will allow a diverse team with fresh eyes and significant experience to efficiently address community concerns; and
- WHEREAS,** The Berkeley City Charter, Section 30 provides that “Five Library Trustees shall be appointed and may be removed by a vote of five members of the Council and one of such trustees must be appointed by the Council from its own members. The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library;” and
- WHEREAS,** **The Berkeley Municipal Code, section 3.04.010 Composition—Term of office,** states, “The members appointed to the board as in this section provided shall be subject to removal from the board at the pleasure of the City Council, prior to the expiration of the term for which they were appointed... Vacancies on the Board of Library Trustees from whatever cause, except temporary vacancies as hereinafter provided, shall be filled by the City Council for the unexpired term. Each member of the board shall serve until his successor is appointed and qualified. A majority vote of all the members of the City Council shall be required to appoint a member to the board, or to fill any vacancy thereon, or to remove any member from the board prior to the expiration of his term of office;” and,
- WHEREAS,** The Berkeley Municipal Code, section **3.04.040 Organization of board** states, “The Board of Library Trustees shall organize by electing one of its members president and one of its members vice president, who shall hold office for one year, and until their successors are elected unless their terms as a member of said board expire sooner. The president and vice-president shall be elected at the first meeting of the board in October of each year. The Director of Library Services shall be ex officio secretary of the board and as such secretary shall keep a full account of all receipts and expenditures, and a record and full minutes of all proceedings of the board;” and,

WHEREAS,

The Berkeley Municipal Code, section **3.04.090 Powers and duties** states, “The Board of Library Trustees, by a majority vote of all its members, as herein provided, to be recorded in the minutes with the ayes and noes at length whenever there is a division, shall have power:

A. To make and enforce all rules, regulations and bylaws necessary for the administration, government and protection of such library, and all property belonging thereto or that may be loaned, devised, bequeathed or donated to the same;

B. To administer any trust declared or created for such library and to provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto;

C. To purchase necessary books, journals, publications and other supplies and personal property;

D. To appoint officers and employees of the library, either full-time or part-time, as may be necessary to adequately conduct the business of the library, said officers and employees to hold office at the pleasure of the board; to fix the salaries and wages thereof within the salary ranges established by resolution of the City Council, and to prescribe the duties and powers of such officers and employees;

E. To recommend to the City Council the purchase or lease of real property and the erection, rental or acquisition of such building or buildings, room or rooms as may be necessary when, in its judgment, a suitable building, or portion thereof, has not been provided by the council;

F. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.”

THEREFORE BE IT RESOLVED that we respectfully request the resignation of the President of the Board of Library Trustees, Julie Holcomb, in order to facilitate a graceful reconstitution of the BOLT; and,

THEREFORE BE IT FURTHER RESOLVED that if such a resignation is not forthcoming before noon on April 5th, 2017, the Berkeley City Council hereby removes Julie Holcomb from the Board of Library Trustees, effective at noon on April 5th, 2017.

Resolution #2 on the Reconstitution of the Board of Library Trustees

- WHEREAS,** The Board of Library Trustees needs a fresh start; and,
- WHEREAS,** Reconstitution of the Board will allow a diverse team with fresh eyes and significant experience to efficiently address community concerns; and
- WHEREAS,** The Berkeley City Charter, Section 30 provides that “Five Library Trustees shall be appointed and may be removed by a vote of five members of the Council and one of such trustees must be appointed by the Council from its own members. The Board of Library Trustees shall have power to manage the library and to appoint, discipline and dismiss all officers and employees of the library;” and
- WHEREAS,** **The Berkeley Municipal Code, section 3.04.010 Composition—Term of office,** states, “The members appointed to the board as in this section provided shall be subject to removal from the board at the pleasure of the City Council, prior to the expiration of the term for which they were appointed... Vacancies on the Board of Library Trustees from whatever cause, except temporary vacancies as hereinafter provided, shall be filled by the City Council for the unexpired term. Each member of the board shall serve until his successor is appointed and qualified. A majority vote of all the members of the City Council shall be required to appoint a member to the board, or to fill any vacancy thereon, or to remove any member from the board prior to the expiration of his term of office;” and,
- WHEREAS,** The Berkeley Municipal Code, section **3.04.040 Organization of board** states, “The Board of Library Trustees shall organize by electing one of its members president and one of its members vice president, who shall hold office for one year, and until their successors are elected unless their terms as a member of said board expire sooner. The president and vice-president shall be elected at the first meeting of the board in October of each year. The Director of Library Services shall be ex officio secretary of the board and as such secretary shall keep a full account of all receipts and expenditures, and a record and full minutes of all proceedings of the board;” and,

WHEREAS,

The Berkeley Municipal Code, section **3.04.090 Powers and duties** states, “The Board of Library Trustees, by a majority vote of all its members, as herein provided, to be recorded in the minutes with the ayes and noes at length whenever there is a division, shall have power:

A. To make and enforce all rules, regulations and bylaws necessary for the administration, government and protection of such library, and all property belonging thereto or that may be loaned, devised, bequeathed or donated to the same;

B. To administer any trust declared or created for such library and to provide memorial tablets and niches to perpetuate the memory of those persons who may make valuable donations thereto;

C. To purchase necessary books, journals, publications and other supplies and personal property;

D. To appoint officers and employees of the library, either full-time or part-time, as may be necessary to adequately conduct the business of the library, said officers and employees to hold office at the pleasure of the board; to fix the salaries and wages thereof within the salary ranges established by resolution of the City Council, and to prescribe the duties and powers of such officers and employees;

E. To recommend to the City Council the purchase or lease of real property and the erection, rental or acquisition of such building or buildings, room or rooms as may be necessary when, in its judgment, a suitable building, or portion thereof, has not been provided by the council;

F. To do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.”

THEREFORE BE IT RESOLVED that we respectfully request the resignation of the Vice President of the Board of Library Trustees, Jim Novosel, in order to facilitate a graceful reconstitution of the BOLT; and,

THEREFORE BE IT FURTHER RESOLVED that if such a resignation is not forthcoming before noon on April 5th, 2017, the Berkeley City Council hereby removes Jim Novosel from the Board of Library Trustees, effective at noon on April 5th, 2017.