

AGENDA

NSCLS COUNCIL OF LIBRARIANS

Special Meeting

Tuesday, March 14, 2017

Adobe Virtual Meeting

2:00 PM – 3:30 PM

Please join me in an Adobe Connect Meeting.

Meeting Name: NSCLS

To join the meeting:

<http://infopeople.adobeconnect.com/r3s6epe2o3y/>

Conference Number(s):

US: 1-888-850-4523

Audio Conference Details:

Participant Code: 337190

If you have never attended an Adobe Connect meeting before:

Test your

connection: https://infopeople.adobeconnect.com/common/help/en/support/meeting_test.htm

1. Enter your name

2. Click "Enter Room"

Agenda

1. Call to order: Michael Perry, Chair
2. Roll Call
3. Public invited to address the Council
4. Approval of Agenda (ACTION REQUIRED)
5. Approval of February 14, 2017 Special Meeting Minutes Attachment 1
(ACTION REQUIRED)
6. Update from all Council Members on discussion with local Boards and/or Administrators
7. Report by Chair on meeting with Legacy System CalPERS ad hoc committee
8. Report by Chair on phone meeting with CalPERS
9. Adjournment

Support materials for agenda available for review at NLS Headquarters Office and
Website <http://northnetlibs.org/about-nls/nscls/nscls-meetings/>

Brown Act: The legislative body of a local agency may use teleconferencing in connection with any meeting or proceeding authorized by law. Cal. Gov't Code § 54953(b)(1). A "teleconference" is "a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both." Cal. Gov't Code § 54953(b)(4). A local agency may provide the public with additional teleconference locations. Cal. Gov't Code § 54953(b)(4).

The teleconferenced meeting must meet the following requirements:

- (1) it must comply with all of the Act's requirements applicable to other meetings;
- (2) all votes must be taken by roll call;
- (3) agendas must be posted at all teleconference locations and the meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties or public appearing before the body;
- (4) each teleconference location must be identified in the notice and agenda and each location must be accessible to the public;
- (5) during the teleconferenced meeting, at least a quorum of the members of the legislative body must participate from locations within the boundaries of the body's jurisdiction; and
- (6) the agenda must provide the public with an opportunity to address the legislative body at each teleconference location. Cal. Gov't Code § 54953(b).

Meeting Locations

Butte County Library, 1820 Mitchell Avenue, Oroville, CA 95966
Del Norte County Library District, 190 Price Mall, Crescent City, CA 95531
Humboldt County Library, 1313 Third Street, Eureka, CA 95501
Lassen Library District, 1618 Main Street, Susanville, CA 96130
Modoc County Library, 212 W. 3rd Street, Alturas, CA 96101
NorthNet Library System, 2471 Flores Street, San Mateo, CA 94403
Orland Free Library, 333 Mill Street, Orland, CA 95963
Plumas County Library, 455 Jackson Street, Quincy, CA 95971
Shasta Public Libraries, 1100 Parkview Avenue, Redding, CA 96001
Siskiyou County Library, 719 4th Street, Yreka, CA 96097
Tehama County Library, 645 Madison Street, Red Bluff, CA 96080
Trinity County Library, 211 N. Main Street, Weaverville, CA 96093
Willows Public Library, 201 N. Lassen Street, Willows, CA 95988

DRAFT

NORTH STATE COOPERATIVE LIBRARY SYSTEM
Administrative Council Special Meeting
February 14, 2017

1. WELCOME

The meeting was called to order by Michael Perry at 3:01 PM.

2. ROLL CALL OF ATTENDEES:

PRESENT	ABSENT	Public Library MEMBER LIBRARY	NAME
X		Butte County Library	Mel Lightbody
X		Del Norte Co. Library District	Shane Pipinos-Gausepohl
X		Humboldt County Library	Vanessa Christman
X		Lassen Library District	Deborah Probst
	X	Modoc County Library	Cheryl Baker
X		Orland Free Library	Jody Meza
X		Plumas County Library	Lynn Sheehy
X		Shasta Libraries	Erin Francoeur
X		Siskiyou County Library	Michael Perry
X		Tehama County Library	Todd Deck
X		Trinity County Library	Oresta Esquibel
X		Willows Public Library	Jody Meza
X		Pacific Library Partnership	Carol Frost
X		Pacific Library Partnership	Donna Truong
X		NLS/Pacific Library Partnership	Jacque Brinkley

WITH 11 OF 12 VOTING MEMBERS PRESENT A QUORUM WAS ESTABLISHED.

3. Public Invited to Address the Council: There were no members of the public present.

4. Approval of Agenda: Lightbody Moved; Meza Seconded; motion carried unanimously by roll call vote.

5. NSCLS CalPERS Obligation Memo: Perry reviewed history of North State and the consortia's obligation to past NorthState employees enrolled in CalPERS retirement system. Reference to pages 4 and 5 of Agenda Packet to review charts and the basis of funding since 2012/13. Perry noted that the two other legacy systems of NorthNet, Mountain Valley Library System (MVLS) and North Bay Cooperative Library System (NBCLS) currently have fund balances from which they have been paying their CalPERS obligations.

Perry stated that NLS formed a task group to look into legal advice to advise member libraries of each legacy system. Legal firms with CalPERS experience were being researched by task group members at this time.

Perry noted that historical documentation is lacking for North State and that only a few member resolutions were found in extensive physical and online search by PLP staff. Perry referred to the White Paper of Jane Light re: what documentation is available for North State.

6. North State Payment Obligations and Planning

Perry proposed that once the current payment demand is met, that NSCLS begin building a reserve balance to use for future payments and to use this frame of reference when discussing with administrative board for approval.

Perry reported that North State received notice of demand from CalPERS for payment of \$5,800 on the first of each month until payments are caught up, beginning March 1, 2017. North State has no funds to make payment at this time.

Meza asked if any legal notice was sent to the two non-paying libraries (Del Norte and Plumas). Perry replied that there is no legal team available and no letter was sent. He also stated that there is no policy as what recourse there is for the system if libraries want to drop out of the consortia (and, walking away from their share of the NSCLS CalPERS obligation).

Perry suggested the options of each library paying a portion of the amount in arrears to catch up and asking Del Norte and Plumas to begin making their current payments and to contribute to the reserve. Del Norte and Plumas would be asked to make “catch up” payments.

Frost reported that PLP (as the Fiscal Administrator of NSCLS) did mail a formal letter to Del Norte and Plumas to explain and detail their obligations and to stress the direness of the situation with the objective to put them officially on notice and to give them notice in writing.

Meza expressed frustration with non-paying libraries and stated that she budgets for this CalPERS payment each year, using book budget or part-time budget to cover her obligation.

Francoeur stated that she cannot justify spending her City funds to pay portion for non-paying libraries.

Lightbody stated that the issue is currently with her County Counsel. She suggested that by informing her County Administrator of the situation, that he/she be able to put pressure on Del Norte and Plumas administration to make payment and stated that pressure from a legal or similar level of administration can be most effective.

Perry stated that it is the North State consortia who has the debt and not the individual members and that CalPERS will take action if no plan is reached by the NSCLS members. CalPERS action may include contacting NSCLS retirees to notify them of non-payment and of a reduction in their retirement benefits due to the non-payment. CalPERS would proceed with legal action against NSCLS. Retirees may also sue NSCSL.

Christman asked if North State had perused legal counsel against the two non-paying libraries. Perry responded that no legal action had been taken, as there are no funds available and North State leadership had hoped that discussions with these two libraries would remedy the situation before legal action was required. Christman continued that she was uncomfortable paying for non-paying libraries and wants to hear from legal counsel before committing to any payment.

Perry responded that NLS has identified legal shops that may be considered for NLS review, but no decision to hire has yet been made. Perry stated that funding for any legal counsel to North State would have to come from North State members.

Probst stated that she had no authority to request funds to cover non-paying libraries and was concerned with the precedent that could set. She also requested to have legal counsel from whoever NLS selects as to what steps North State can take. She would be required to obtain her Board's approval for any additional payment and stated that her Board would feel better with legal counsel.

Christman stated that she would also be required to have Board approval for this new budget item and did not agree with proposal to build reserves to use for payment to cover non-paying libraries. She asked if CalPERS would consider a request for extension on payment.

Esquibel asked what is responsibility of library if documentation to establish membership was not found. In case of Trinity County Library, no resolution was located but the cost was included in annual budget and substantiated by the value Trinity County received through consortia membership.

Perry suggested to table the proposal of building a reserve and asked if the Council would like to ask CalPERS for an extension until legal counsel could be obtained?

Christman offered a pro bono review of North State/CalPERS contract (her husband is a retired law librarian).

Perry observed that members on the call appeared to be leaning to recommendations of seeking legal counsel before making any commitment. With no funds available, North State would need to ask NorthNet to cover the cost of legal counsel. Perry suggested an option that members contribute a nominal fee to contribute to payment at this time in order to meet demand of CalPERS.

Frost summarized responses and agreed with various points of view re: need to bring in local Boards. She reminded the Council that a clear plan needed to come from this meeting as to next steps to present to CalPERS.

Lightbody suggested that the plan given to CalPERS include that she and others are currently having the conversation with County Counsel– that counties are taking individual action at this time.

Perry expressed concern that CalPERS may or may not accept the action North State proposes and that next steps by CalPERS are yet unknown. He continued with outlining a plan to give to CalPERS based on the Council's direction:

- Work with outstanding members
- Work with local administrators as to how to fulfill obligation

- Note to CalPERS that without obtaining support from each local administration, members cannot commit to any payment plan at this time.

Perry stated that he will reach out to NorthNet Chair and CalPERS task group to request legal counsel and funds to cover as soon as possible. Perry asked if there is any legal counsel in NorthState who might help.

Frost asked for response from NSCLS members on the call as to their willingness to talk to their Boards and what would they say. Also, would anyone not need to get Board approval.

Franceour responded that she would not go to the City of Redding Board because she knows they would not pay, and raising the issue could jeopardize any future payments from Shasta Public Libraries. Shasta has paid from their operational budget without raising any questions.

Probst asked if there was any legal standing to force non-paying libraries to pay their arrears. Probst recognizes her library's obligation to pay and meets it.

Christman agreed that she also recognizes Humboldt's obligation, but requests additional research to be made to know legal standing and what recourse is available (to force non-payers to pay arrears and to stay current).

Perry summarized that he understands members recognize their obligation, but are not willing to pay for non-payers. He stated that he will work with the two outstanding libraries (Del Norte and Plumas) to get them to pay. He will also seek legal counsel for North State.

Frost reiterated that CalPERS will not accept a response of non-payment and recommended that NSCLS provide response that is time bound and clearly outlines a payment plan for North State.

Perry recommended the following:

- Apply payment due from Shasta (unrelated to the retirement arrears, but included in the total due) as a portion of the NSCLS arrears payment
- Propose to CalPERS a reduced payment plan, but time bound
- Notify CalPERS that all members will meet with their Boards to seek advisement on payment of arrears and planning for future payments.

Franceour and Perry asked what evidence or record of contract does CalPERS have to verify membership of North State. Who will they sue, if that action is threatened? Who is implicated in the CalPERS contract – who is included “North State” and what evidence or documentation does CalPERS have to substantiate?

Frost will ask CalPERS contact (author of demand letter) for a copy of the contract CalPERS has with North State. PLP has no North State contract or documentation from CalPERS. Frost also reported that retirees could sue North State if their pensions are reduced for non-payment.

Christman stated that North State and/or PLP should breakdown the hierarchy of obligations and obtain legal counsel to determine obligation.

Frost stated that by definition, if library is paying dues and receiving benefits, they are considered and should consider themselves as a member and that contract agreements would apply.

Perry requested that a Motion be carried to define next steps:

1. NSCLS will contact legal counsel for the following:
 - a. To further understand NSCLS 's CalPERS issues as whole consortia
 - b. Options for legally addressing the non-payments of individual libraries for non-payment - Del Norte Library District and Plumas County Library
2. NSCLS Members agree to meet with their administrative boards to consider payment options within the next 30 days
3. NSCLS will meet again on March 14th to review and discuss their Board recommendations for payment options
4. NSCLS will submit to CalPERS two months of payment within the next 30 days (this will be done as soon as PLP receives a payment from one of the libraries)

Motion to approve the above next steps. Lightbody moved; Christman seconded. Approved by voice vote. (Plumas and Tehama left the meeting before the Motion created.)

Perry will work with PLP and NLS to seek legal counsel; will provide update to NSCLS members and will confirm next Administrative Council meeting of March 14th. Perry also encouraged all NSCLS members to use the NSCLS listserv for communications.

Frost reported that she will convey North State actions from this meeting with CalPERS and ask for copies of their North State contract documentation.

Meeting Adjourned at 4:40 p.m.