


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: September 7, 2021
To: Honorable City Councilmembers
From: City Administration
Subject: **Interview:** Interview to Fill the Vacancy (Remaining Term) Due to Resignation for the Position on the Sonoma County Library Commission for a Representative from Sebastopol (Current Rep: Joel Neuberg - Term Ends July 31, 2022)
Recommendation : That the City Council Conduct the Interview and Discuss Appointment Later in the Agenda
Funding: Currently Budgeted: _____ Yes _____ No XX N/A

Net General Fund Cost:
Amount: \$

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

INTRODUCTION: This item is to request that the City Council Interview to Fill the Vacancy (Remaining Term) Due to Resignation for the Position on the Sonoma County Library Commission for a Representative from Sebastopol (Current Rep: Joel Neuberg - Term Ends July 31, 2022) and discuss appointment later in the agenda.

BACKGROUND:

The Sonoma County Library was established in 1975 with a Joint Powers Agreement (JPA). In 2014 a JPA Review Committee with representatives from the Sonoma County Board of Supervisors as well as from city councils of each incorporated city within Sonoma County completed a two-year review process and approved the First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services by the Sonoma County Library. The city councils of Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma and Windsor, along with the Sonoma County Board of Supervisors each appoint a library commissioner. The City of Santa Rosa and the Sonoma County Board of Supervisors also jointly appoint one library commissioner for a total of an eleven-member governing board.

At the May 20, 2014 Sebastopol City Council Meeting, the City Council approved the Amended Sonoma County Library Joint Powers Agreement and gave direction to staff to begin the application process. Applicants need not be a resident of the City but may be appointed from the City, Sebastopol Greater Area or any other location within Sonoma County. The first Library Commissioner (Helena Whistler) was appointed by the City of Sebastopol City Council for a 4-year term beginning August 2014 through July 2018. Stephen Zollman was appointed to succeed Helena Whistler in 2018 for a four-year term ending 2022. Mr. Neuberg was appointed to fill out the remainder of Mr. Zollman’s term who resigned from this position in 2019.

The Commission generally meets monthly, with additional special meetings as needed. Each commissioner is liaison to a Library Advisory Board (LAB), attending LAB meetings and participating in an ex-officio capacity. Commissioners may be asked by the Chair to participate in one of the library commission’s committees (advocacy, finance, director evaluation, etc.). Committees generally meet monthly and make recommendations to the

Commission on various policy matters. Commissioners are encouraged to regularly liaison and to report annually to their appointing authority.

DISCUSSION:

City staff received notification of resignation from former member Joel Neuberg on June 17, 2201. Mr. Neuberg requested his resignation date of July 17, 2021 or as soon as a replacement can be appointed. City staff initiated the recruitment process to have a member the community fill out his remaining term of office as the City of Sebastopol Representative on the Sonoma County Library Commission until July 31, 2022. Opening was noticed in the Sonoma West Times and News; City web site; Facebook, City newsletter and City email distribution list. As of the deadline the City received one application for consideration. An Interview has been scheduled as follows:

Time of Interview Name of Applicant

5:30 pm Fred Engbarth

GOALS:

This item relates to City Council Goal 5: Provide open and responsive Municipal Government Leadership, as it communicates the CAC's work to the Council and general community. It also relates to General Plan Goal CSF 6, policy SCF 6-1, Continue to maximize public participation in local government actions and maintain excellent levels of City government services.

RECOMMENDATION:

That the City Council City Council Interview to Fill the Vacancy (Remaining Term) Due to Resignation for the Position on the Sonoma County Library Commission for a Representative from Sebastopol (Current Rep: Joel Neuberg - Term Ends July 31, 2022) and discuss appointment later in the agenda.

Attachment:

Application

Description of Commissioner

Fred Engbarth

[REDACTED]
Sebastopol, CA 95472
[REDACTED]

July 29, 2021

Mary Gourley
Assistant City Manager/City Clerk
7120 Bodega Avenue
P.O. Box 1776
Sebastopol, CA 95473

Re: Application for City of Sebastopol Representative to the
Sonoma County Library Commission

Dear Council Members,

Would you believe that libraries are more popular than baseball and apple pie? ¹

As a life-long "consumer" of library services I consider libraries an important cornerstone of a healthy community. Libraries give people the opportunity to find jobs; explore careers; learn skills; listen to music; explore legal and medical research; experience new ideas; get lost in wonderful stories, and provide a sense of place for gathering. ²

The Sebastopol Branch of the Sonoma County Library is a unique and valuable resource to our community.

As your representative to the library commission, I would be an advocate for the library within the community, and advocate for the community to the commission. To serve as an advocate of the library is to work for the improvement of the library services offered for the community. I will work with the community, connect with public groups, and make sure that the needs and interests of the community are at the forefront of making commission decisions.

As your commissioner, I would regularly provide you with reports and, on occasion, present you with recommendations on matters of interest to the City and the community.

¹ See, *Public Libraries Are Better Than Congress, Baseball, and Apple Pie, Say Americans: Public approval polls reveal the amazing truth!* <https://www.theatlantic.com/technology/archive/2013/12/public-libraries-are-better-than-congress-baseball-and-apple-pie-say-americans/282312/>

² See, *Library Services in the Digital Age* (Pew Research Center) <https://www.pewresearch.org/internet/2013/01/22/library-services/>

Throughout my career, I have spent a significant amount of time on policy issues, developing, implementing, monitoring, compliance and, evaluating the effectiveness of policies. Under the library's JPA, the library commission is a governing (administrative) board, as opposed to an advisory board, and that once policies are adopted by the commission, the library's Executive Director and her staff perform and carry out the policies.³ The library commission is responsible for the appointment and evaluation of the Executive Director's job performance.

My Application and Resume demonstrate a work history of integrity, dedication and effectiveness. I have worked with groups, large and small, in a broad range of diverse settings.

I am not a litigator. My law practice is focused on the prevention, negotiation, and mediation of disputes.

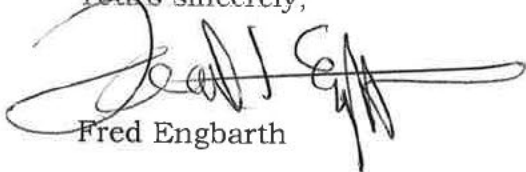
As a resident of Sonoma County since 1971 and the West County since 1974, I am familiar with the community and proudly served the community as a firefighter-EMT and later Director at the Twin Hill Fire Protection.

With regard to the local business community, I was one of the original founding members of Creative Property Services along with Paul Schaeffer, John Wright, and Jim Rittenhouse in 1974. More recently, prior to the pandemic, I participated in weekly meetings with local businesspeople including: Paul Butkus, Butkus Insurance Services; Mike Bogges, Insurance Broker; Susan Brooke, Alignable; Kathy Andersen, Vineyard Table; and W. Rhett Marzett, Bank of The West.

I am aware the term of this vacancy ends July 31, 2022. However, I have presented you with an in-depth application to serve as a springboard for my application for the full-term appointment in 2022.

I would be honored to serve as your representative to the Sonoma County Library Commission. I look forward to sharing my vision with you. Please do not hesitate to contact me if you have any questions.

Yours sincerely,



Fred Engbarth

Attachments: Application and Executive Profile

³ For general reference, I recommend the 1998 publication, *Trustee Tool Kit Library Leadership* " which was designed to introduce library Trustees and commissioners to the role and responsibility of their new position. It clarifies , among other matters, the differences between advisory and administrative boards and provides direction and context for boards within California government at pages 12-14, *Trustee Tool Kit Library Leadership*
<https://www.cpladvocates.org/resources/Documents/CA%20Library%20Trustee%20toolkit.pdf>

**APPLICATION FOR CITY OF SEBASTOPOL BOARDS,
COMMISSIONS & COMMITTEES**

Instructions:

Use this form to apply to serve on any of the City of Sebastopol's Boards, Committees or Commissions. Please complete the entire form and either print and mail it to the address above or email your completed application to mgourley@cityofsebastopol.org. If a question does not apply, please note as not applicable. Please deliver completed form, by the date and time due, to the City Clerk. All applications will be reviewed by the City Council. If appointed, you have a choice whether you wish to have your contact information visible to the public; however, your information may be made public upon request by (a) member(s) of the public.

Board, Commission, or Committee being applied for?

Sonoma County Library Commission

Name: Fred Engbarth

Home Address: [REDACTED] Sebastopol, CA 95472

Home Phone Number: [REDACTED] **If appointed, do you want this number to be visible to the public?** No

Work Phone Number: [REDACTED] **If appointed, do you want this number to be visible to the public?** Yes

Facsimile Number: None

E-Mail Address: [REDACTED] **If appointed, do you want this address to be visible to the public?** Yes, also, the library has email addresses for commissioners that are library address but drop into our home email inbox.

Are you a registered voter in Sebastopol? No, during the time of my residence in the West County, 1974-present, I have lived outside of Sebastopol's city limits. I have been a registered voter in the County of Sonoma since 1971.

Do you hold a current business license from the City of Sebastopol? No. My business has been conducted from my home address, which is outside of the Sebastopol city limits, virtually, since 2012.

Have you attended a meeting of this body? When? Yes, the Sonoma County Library via Zoom and online re-broadcasts, on various occasions, from 2011 through present. The City Council, City of Sebastopol, via Zoom, 2021

Have you served on, interviewed for, or applied for this body previously? No If so, when? Not applicable.

Present Employer: Sole proprietor of the Law and Mediation Office of Frederick John Engbarth since 1984.

Have you previously served on any governmental bodies or held elected office? If so, please list position held and dates: Yes, Director, *Twin Hill Fire Protection District* (now Goldridge Fire Protection District) an elected office (1982-1984)

Please list civic or charitable organization to which you belong or have belonged:

Current: Los Cien; World Health Organization EPI-WIN; Amputee Coalition; and, Sebastopol Senior Center Past: Firefighter-EMT, Twin Hills Fire Protection District; Sonoma County Law Library Trustee; Sonoma County Courts: Judicial Arbitration Program; Small Claims Judge (Pro Tem); American Bar Association-Committee on Disaster Response and Preparedness; among others.

Have you been an officer in any of these organizations? If so, please list position held and dates: No.

What special interests, skills and talents would you bring to this board, commission, or committee? I have a deep passion for the vital role libraries play in our society and bring a spirit of intellectual curiosity to all my endeavors.

As an eclectic life-long learner and voracious reader I use university libraries, law libraries, medical libraries, public libraries, and on-line research services.

With over 40 years of experience advising and representing members of the public, and private sector employees and employers and organizations before a broad range of public agencies I am very familiar with the duties and obligations of public agencies.

I have a clear understanding of the history of libraries in Sonoma County and the economic issues facing the library. I have acquired significant knowledge of the workings of the library system, its strengths and weaknesses.

I am skilled in the recruitment, retention, evaluation, and termination of public employees and administrative personnel. As well as in negotiation, mediation, arbitration, and public agency hearings. Experienced and trained in the making of decisions during time of crisis and emergency.

Please list any college, professional or vocational schools you have attended with major subject studied, dates and any earned degrees:

★ Juris Doctor (J.D). Empire College of Law (1980) ★ Bachelor of Arts (B.A.) University of California, Irvine-Charter Class (Asian and United States History) (1965-1970) ★ Other Post Graduate Study: ♦ Humanistic Psychology, M.A. Sonoma State University (Thesis Not Completed) (1971-1973); ♦ Conflict Resolution Sonoma State University (2000-2001); Restorative Justice Certificate (2001); Restorative Justice Certificate (2001) and, ♦ Administrative Law College of the California State Bar (1982) ★ On-going Continuing Legal Education: 25 hours of Minimum Continuing Legal Education (MCLE) every three years since 1980.

Please list any special awards or recognition you have received: The first person to receive the University Service Award, University of California, Irvine; rapid job

promotions of increasing levels of responsibility while employed at Sonoma State University. Distinguished Service Plaque from the Twin Hill Fire Protection District for service as a volunteer firefighter, EMT, and Director; Letter of Commendation, from State Senator Mervyn Dymally, for services rendered to The Joint Committee on The Master Plan for Higher Education (1972).

Please state why you would like to become a member of this board, commission or Committee, including what specific objectives you would be working toward as a member of this body: *Community:* The future of libraries is intimately related to the community they serve. Members of the community should be empowered and supported in their efforts to provide advice to the library. As commissioner, I would strive to empower the local advisory board (LAB) and the other community organizations which support the Library, such as the Friends, Lantern, Roseland Coalition, and the Sonoma County Library Foundation.

Organizationally: Within groups, I tend to act as a procedural leader and information provider. I usually have an anchoring or centering influence on groups and organizations. I envision playing a similar role on the library commission.

I believe that it is essential, before undertaking an act or decision to be cognizant of the relevant history, precedent, and competing interests.

I am also very much aware of and sensitive to the impact of misinformation or "group think" on an organization. Consequently, I conduct diligent fact checking, outreach, and research, to avoid both.

Specific Objectives: See the discussion of the following topic, below.

I am committed to the sharing information, other than that appropriately classified as confidential, with the people served by any organization I belong to. This is especially the case with a public institution, such as the library, which receives public funding through sales and property taxes.

During my tenure as your commissioner, I will offer to conduct workshops and public forums on such topics as open meeting laws in California; a citizen's guide to joint powers authorities; guidelines for access to public records; best practices for nonprofits that operate and fundraise in California; and the like.

Are you associated with any organization/employment that might be deemed a conflict of interest in performing your duties if appointed to this position? No, from 2001-2007 I was retained by Local SEIU 707. I have not had a business relationship with that organization since then.

City policy directs all appointed, advisory body members not to vote on matters where there exists a potential conflict of interest such as property ownership near a project, or a financial relationship with the applicant. Would you be willing to abstain from voting if such a conflict arises? Yes, without hesitation. I view public service as a trust which would require me to place loyalty to the citizens, the laws, and ethical principles above private or personal gain.

How did you hear about this opening? Helena Whistler, my wife, who served on the Sonoma County Library Commission from January 2011 through July 2018 and as Chair from August 2016 through July 2018, told me of the vacancy.

Is there any other information that you feel would be useful to the City Council in reviewing your application and materials provided with the application? In addition to my course work and professional certifications, I have completed a number of courses through EdX and Coursera on topics relevant to service as a library commissioner such as: ♦Teamwork and Collaboration (2018); ♦Leading Change in Times of Disruption (2019); ♦Unconscious Bias From Awareness to Action (2019); ♦Mindfulness and Resilience at Work (2020); ♦Library Advocacy Unhushed (2021); ♦Introduction to Community Engagement: Collaborating for Change (2021); ♦Resilience - The Art of Coping with Disasters (2021); ♦DFEH-Bystander Intervention to Stop Anti-Asian/American and Xenophobic Harassment (2021); and ♦Managing a Diverse and Inclusive Workplace for Public Libraries (2021).

What do you think qualifies you to be appointed to this? board/committee/commission?

Interest in the library and its services: I have a life-long interest in libraries. Since moving to Sonoma County in 1971, I have extensively used the services of the Sonoma County Library, Sonoma County Law Library, and the Sonoma State University Library.

I am familiar with the history of libraries in Sonoma County as well as the documents which have governed the Sonoma County since 1974¹. Specifically, Joint Powers Agreement for Consolidation of Public Library Facilities Among Cities in The County of Sonoma And the County-Wide Provision of Library Services by The Sonoma County Library (1974); First Amended and Restated Joint Powers Agreement for the County-Wide provision of Library Services by the Sonoma County Library (2014)²; Sonoma County Library Policies ³; Measure Y ⁴; and the Reimaging Plan 2021.⁵

The ability and time to participate effectively in Commission activities and decision making. I am semi-retired and desire to be more active in the community.

Able to represent the varied needs and interests of the community and of the library. Early in my professional career, I learned the value of both the "inverted pyramid" and active listening.

¹ In general, *California Library Laws 2021*
<https://www.library.ca.gov/Content/pdf/services/toLibraries/CaliforniaLibraryLaws2021.pdf?2021-01-22>

² See, <https://sonomalibrary.org/jpa>

³ See, <https://sonomalibrary.org/about/policies-and-procedures>

⁴ See, <https://sonomalibrary.org/about-us/measure-y-voter-investment-in-librariesSee>,

⁵ See, <https://sonomalibrary.civicweb.net/document/11926>

In the usual model, "solutions" flow from the top of the pyramid down based upon the assumption that the leadership knows what's best for the community.

A significant part of my role as a representative of the community is to listen and work hand-to-hand with the people I represent and, as much as possible, to turn the pyramid upside down so that its expressed interests are placed at the top and flow down to the library's leadership.

My core objective is to hear what it is that the people I represent want as opposed to what I might think they want or need.

As a "dyed-in-the-wool" introvert, I naturally tend to stand back and learn about the person or group of people I am interacting with before acting.

In my law practice, I listen to the person tell their story in his/her own words. Then I conduct research, analyze the problem, and develop potential strategies for resolution. I share the strategies with my client for feedback and review. And then I work with the client for its resolution.

A significant part of my time as an attorney is devoted to educating and empowering my clients to express and resolve their claim at the early stages of the conflict, through informal process or negotiation, while I serve as a coach or mentor. In cases where advocacy is required (arbitration, hearing, or trial) my client plays an active role in development of the case and its presentation. Throughout, we follow the selected path, step-by-step, toward completion.

I utilize a similar approach when teaching. I provide my students with the basic knowledge and tools and then encourage them to test their skills directly while I provide feedback and encouragement. In class, I spend more time answering question and mentoring than lecturing.

This approach has served me well in my professional career and I would utilize the same skills and techniques while serving as your representative to the library commission.

Strong interpersonal and communication skills. As a student at UCI I have studied and applied active listening and problem-solving techniques. This includes workshops at Western Behavioral Sciences Institute and Carl Roger's Center for Studies of the Person (T-Groups), ombudsman training, group counseling sessions. I served as the Senior Resident Advisor and started and directed a peer counseling program for the campus among other work.

While employed at SSU I was called upon to intervene in and resolve disputes between students and student organizations, staff members; and resolution of critical incidents, among other matters.

In my law practice I have emphasized the prevention and resolution of conflict in workplace disputes; licensees and consumers claims related to the various professional licensing agencies of the State of California; public employment collective

bargaining during my tenure with SEIU Local 707; and schools (K-12), Colleges, and Universities.

Demonstrated experience working with governing bodies , agencies, elected officials, library staff and members of the public. Over my work history, I have worked with clients, providing advice and counsel to individuals as well as members of governing bodies, elected officials, library staff, and members of the public on a range of issues including, but not limited to, employment disputes; claims of prohibited discrimination; professional licensing regulations; the development compliance programs; open meetings; privacy; conflict of interest; public records and information practices; collective bargaining; professional ethics; workplace investigations; claims arising from disputes within the educational setting including Sonoma Rosa Junior College District; the State University and Colleges; and the University of California.

I have also worked with a broad range of compliance and enforcement agencies, both state and federal.

Familiar with the Sonoma County Library: I am familiar with the libraries of Sonoma County, both prior to and following the consolidation of 1974. As a consumer of library services in Sonoma County since 1971 I have made frequent use the library.

I am well versed in the Sonoma County Library's governing documents, the JPAs⁶, its published policies, and Measure Y.

I have a clear understanding of the duties and responsibilities of a library commissioner.

Are there particular issues you think the board/committee/commission should concentrate on? Yes, members of the community should view the library as a community resource and, as a consequence, be drawn into it for the services it offers the community.

Inclusivity and Equity: Throughout my working career, I have advocated for a more just, equitable, and fair society. I support the Sonoma County Library Commission's *Statements on Inclusivity and its Resolutions in Support Residents/of undocumented Residents/Immigrants/Dreamers.* ⁷

Progress has been made toward equitable access which must be at the center of library decisions. In that regard, I have a particular interest in accessibility to library services for people with disabilities, the elderly, residents of care facilities, the unhoused community, and people who are not computer or internet literate.

Outreach to Small Businesses: I believe that small businesses and public libraries are a perfect match: Small business owners have unique requirements for business research and information, and librarians can find and deliver the resources they need

⁶ Sec., *Governments Working Together: A Citizen's Guide to Joint Powers Authorities*
<https://sgf.senate.ca.gov/sites/sgf.senate.ca.gov/files/GWTFinalversion2.pdf>

⁷ See, <https://sonomalibrary.org/about-us/library-commission-adopts-statement-of-inclusivity>

to grow their businesses. The challenge is making sure small businesses know that the library is there to help.⁸

The Library's Role in Disasters: With the recent, and increasing, threat of fires and the pandemic now is an ideal time for the library working with other community organizations groups to discuss the management of future crises and to look ahead and redefine the library's role with the public, schools, businesses, and government.⁹

The Library as a "go to" Community Resource: I believe that the libraries should be viewed by the community as universal centers that provide access to information to anyone and everyone. Equal access to everyone is a core value of libraries; thus, it includes helping individuals from all different backgrounds and equal opportunity for self-education or personal development.¹⁰

Changing Nature of Education: Lifelong Learning: I believe that libraries should provide the public with as many opportunities as possible to prepare, not only for the world of work but also for lifelong learning in a global setting.¹¹

Open Access: Open access (OA) refers to free, unrestricted online access to research outputs such as journal articles and books. OA content is open to all, with no access fees. There are two main routes to making research outputs openly accessible.¹²

American Rescue Plan: Support efforts to secure funds made available, at the state of federal, as a result of the adoption and implementation of the American Rescue Plan (ARPA).¹³

⁸ For examples see, #ULCchat Recap: Supporting Entrepreneurs and Small Businesses <https://www.urbanlibraries.org/blog/ulcchat-recap-supporting-entrepreneurs-and-small-businesses>

⁹ For example, see *Library as Safe Haven: Disaster Planning, Response, and Recovery* <https://www.alastore.ala.org/sites/default/files/LibraryAsSafeHavenPDF.pdf?fbclid=IwAR3ecNfUhaAS5mjX7-7CSGvKNVzAeyDMNK-FsY68gT75mFFGvAz8eGvd14g> Also see, *help your community recover from disasters (recover.org)* <https://recovers.org>

¹⁰ See, *How Libraries Help Build Healthy Communities* <https://www.brookings.edu/blog/up-front/2017/03/30/how-public-libraries-help-build-healthy-communities/>

¹¹ See *Library as Infrastructure: Reading room, social service center, innovation lab. How far can we stretch the public library?* https://placesjournal.org/article/library-as-infrastructure/?gclid=EAIaIQobChMIjZP1mIHD8QIVewnnCh1b8gmnEAMYASAAEgKSOID_BwE&cn-reloaded=1

¹² See, *Open access books: increasing support, training and education for authors* <https://www.morressier.com/article/open-access-books-increasing-support-training-education-authors/5f5a04c62c3338b5c13cd03a?>

¹³ *How the American Rescue Plan Act Works for Libraries* <https://www.libraryjournal.com/?detailStory=how-arpa-works-for-you>

How should community comments be integrated into the board/committee/commission decision-making process? The future of libraries is connected to their communities and that is an ethical imperative in our highly participatory society in which library users are creators and not just consumers.

The world is a busy place, and everyone is consumed with activities. Therefore, it is important for the library to provide meaningful opportunities and forums for public comment as well as to ask for continuing attendance at library meetings (in person or virtual) and to do more than just politely listen to comments without response.

I would foster community comments through my active participation in the following: **(1) Sebastopol Library Advisory Board (LAB); (2) Friends of the Library:** Friends of the Sebastopol Library; **(3) LANTERN;** and, **(5) Zooming with the Commissioner:** I would host a monthly Zoom for community members to meet with me and discuss concerns, ideas, and suggestions about the library.

If appointed, how would you handle it if another board/committee/commission member vehemently disagrees with your comments on a regular basis? It has been my experience that internal conflicts between colleagues, whether out in the open or submerged, is one of the leading reasons for non-profit board member and executive director resignations.

Community organizations and their boards of director, such as the library commission, are often fertile ground for conflict because they tend to be: (1) diverse in their membership; (2) involve passionate, caring people; (3) struggle with being unified and focused on terms of mission and goals in the face of many important demands; and (4) strive to be an expression of alternative democratic structures and processes: non-authoritarian, non-hierarchical and inclusive.

In this context, I do not view conflict as a battle between the rational and irrational. The presence of strong emotions means that people care; that the issues and the relationships, often both, are close to their hearts. For every negative emotion there is a positive one; what we are against reminds us what we are for.

The sort of conflict described in this scenario, when managed well can promote change, adaptation, and awareness of self and others. It can even strengthen relationships and heighten morale. Managed poorly however, the conflict can also be destructive. Its potential to hurt individuals and damage relationships is what affects us most because, despite our effort to tell ourselves not to, we take it personally.

Under the facts of this question, I would use, if one exists, the written "Code of Conduct" for the Library Commission. Such a code would provide a set of standards and rules for their relationship between Commissioners with one another, with the Executive Director and with library staff that. It would also set forth rules on issues such as confidentiality, conflicts of interests, lobbying of fellow board members and speaking with "one voice".

In the absence of such a code, I would invite my fellow commissioner to meet with me, in an agreed upon, neutral and safe, setting, in order to better understand what the issues are. If this invitation is declined, I would then suggest that we schedule such a

meeting with the attendance of an agreed upon neutral; and, if these efforts are not productive, I would then ask for the help of the Commission's chair to facilitate such a meeting.

When the meeting is held, I would suggest spending some time, at the start, agreeing to "ground rules" on process and goals for the meeting.

My suggestions for "ground rules" would include: (a) define the problem; b) meet to communicate and listen not to debate or argue; (c) treat each other with dignity and respect; (d) agree to an action plan, (e) secure commitment to the agreed upon plan, and (e) provide for feedback.

I understand that all problems are not amendable to resolution. In that case I would try, at minimum, to "agree to disagree" with dignity and respect for each other's differences.

I believe that commissioners must strive to act in good faith and in the interest of the Sonoma County Library. Commissioners must realize that internal conflicts can cripple the library and stifle its growth and must be resolved without damaging the library.

An organization, such as the library commission, that wishes to grow and stay relevant cannot ignore the need to have an efficient conflict resolution method in place. Hopefully the commission has adopted such a policy. If not, I would work towards developing one.

How would you handle a situation where a proposal comes before your board/committee/commission that the City staff finds consistent with City policies and standards, but that you personally do not support? Once appointed as a commissioner, I am obligated to exercise my powers with competence, reasonable skill and diligence in the *best interest of the library* and not my personal likes or dislikes. Such a duty is usually described as "fiduciary" because the obligation to act in the best interest of the library is, at its core, an obligation of loyalty, honesty and good faith.

I also have a duty to my appointing power, the City of Sebastopol.

I anticipate that in most, if not all cases, I would be able to vote in a manner consistent with my duties as a commissioner and as a representative for the City of Sebastopol, without a conflict of interests.

If presented with a library agenda item which I feel may be conflict with a position of the City of Sebastopol, I would promptly notify both the chair of the Library Commission and the City Staff of the potential conflict and schedule a meeting to discuss the conflict and how the conflict might be avoided or resolved

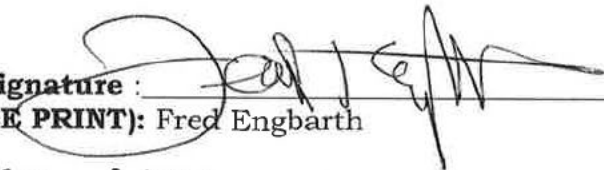
What if the conflict cannot be resolved? My options would be to vote in the best interests of the Sonoma County Library or abstain from voting. With the knowledge that, as opined California Attorney General in Opinion No. 00-708, issued December

8. 2002. which both opined that "A member of the governing board of a joint powers agency may cast a valid vote on a matter before the agency that is inconsistent with the position taken by the legislative body which appointed the member.... " noting later in the text, *How an appointing power may ensure compliance with its wishes is for the appointing power to determine. For example, a "contrary" vote may result in removal of the person from the board of directors, but it will not affect the validity of the vote itself. Here, the SCAT agreement makes the members of the board of directors "at pleasure" appointments: "Each Board member shall serve at the pleasure of his or her appointing authority for a term of four (4) years. . . ." The control that an appointing authority has over its appointee is removal from the board of directors.* ¹⁴ (Emphasis added)

Therefore, if I voted in favor of the item over the objections of the City staff, the City of Sebastopol would be free to remove me from office.

I would, always, work diligently with the City Staff to avoid the necessity for resort to this measure.

I certify that I have thoroughly read and understand all material in this application.

Applicant's Signature :  **Applicant's Name (PLEASE PRINT):** Fred Engbarth
Date: 07-29-2021

¹⁴ <https://oag.ca.gov/system/files/opinions/pdfs/00-708.pdf> Also see, the discussion in Joint Powers Authorities: Opportunities & Challenges <https://www.cacities.org/getattachment/5768b027-71a7-4bc5-8d82-d2009f304297/LR-Cassman> at Pages 16-18 Also see, "To City Boards/Committee and Commissions" City of Sebastopol, "Terms of Office"

Fred Engbarth
Attorney and Counsellor at law

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EXECUTIVE PROFILE

Results oriented and highly effective employment law attorney with over 40 years' experience within both the private and public sectors, representing employees and employers, in the resolution of a broad range of complex disputes through advice, counseling, mediation, negotiation, and training.

Demonstrated history of exercising sound judgment and discretion; working well under pressure and in times of crisis; meeting deadlines; developing imaginative and innovative solutions to workplace problems; building consensus; strong interpersonal and negotiation skills; and, resolving highly sensitive, complex and/or unprecedented problems. Able to learn, interpret and apply policies, procedures, and regulations independently; and possesses the ability to prioritize multiple tasks and bring complex tasks to completion.

Additional experience (1) obtaining and defending individuals with professional licenses issued by the State of California; and (2) resolving disputes arising within institutions of learning involving students, parents, teachers, and administrators.

DEMONSTRATED SKILLS

- Knowledge of laws, regulations, principles and processes related to employment; public agencies; professional licensing; special districts and joint powers authorities; public libraries; and education.
- Analyzing and drafting policies, procedures, and regulations
- Developing projects with lasting impact and change
- Skilled in Conflict Resolution (Negotiation, Mediation, Arbitration).
- Analytical/problem solving, communication, organizational and interpersonal skills.
- Working with diverse populations and "ad hoc" teams, establishing and maintaining effective working relationships.
- Deliberative, patient, and pragmatic decision maker.

EMPLOYMENT SUMMARY

LAW AND MEDIATION OFFICE OF FREDERICK J. ENGBARTH (1984 to date)

- As a sole practitioner, I manage all aspects of a small firm, "from cradle to grave," including marketing, budgeting, billing, accounting, client relations, correspondence, investigations, legal research, drafting legal pleadings and other documents, settlement negotiations, mediations, arbitrations, and representation at administrative hearing and court proceedings.
- Represent public and private sector employees and successfully resolved claims arising under state and federal laws including violations of the FMLA, FLSA, ERISA; discrimination claims, sexual harassment, retaliation; wrongful termination; defamation; intentional infliction of emotional distress; ADA claims, job accommodations, constitutional claims, workplace civility, and privacy.
- Successfully, represented individuals holding, and seeking to obtain, professional licenses issued by the State of California in disciplinary actions and administrative hearings.
- Represented students, teachers, administrators, and family members with claims arising within California secondary and post-secondary education system.
- Retained by SEIU Local 707 (now Local 1021) from 2001-2007 as advisor/consultant in the areas of employment and labor law to provide services such as: legal research; legal counseling; mentorship on negotiations and other forms of alternative dispute resolution; case analysis; strategy; issues related to applications for disability or service retirement disputes; workshops; drafted proposed policies and handbooks; and, when requested, participated in collective bargaining negotiations on behalf of SEIU and its membership.

SONOMA STATE UNIVERSITY (1971-1984)

Assistant to the President/Judicial Affairs (1980-1984)

- Reported directly to the president of the university as "in house" legal advisor, with broad discretion and wide latitude for independent action and judgment. Provided legal advice to the president and senior administrators.
- Liaised with campus administrators, staff, faculty, labor representatives, as well as the California State University (CSU) Office of the General Counsel other campuses within the CSU, Attorney General, State of California and other external entities, agencies, as appropriate.

Associate Dean (Students/Judicial Affairs Officer) (1977-1980)

- Responsible for providing leadership and oversight to student issues primarily related to student advocacy and intervention, including, grievances and disciplinary actions.
- Supervised and developed the department staff, facilitating professional opportunities to improve individual capability and managing performance against job accountabilities, department goals and established university, campus and department policies and procedures.

Student Affairs Officer (1971-1977) During this period, I received frequent promotions, serving in positions such as, Student Activities Advisor, Assistant Director of Student Activities, and Acting Director Student Activities, and Acting Director Student Union. Served as an advisor to the staff of California State Senator Mervyn Dymally, Joint Committee on the Master Plan for Higher Education California Legislature.

TEACHING EXPERIENCE

Instructor, Empire College School of Law (1984-1990) developed and taught classes to first year law students on (1) Legal Research and Writing; (2) Orientation to Legal Studies; and (3) Legal Practice & Writing; Instructor, Sonoma State University Extension, Para-Legal Program, Instructor Legal Research and Writing (1980); *Various*: workshops and training programs on topics related to employment law, labor law and alternative dispute resolution and, with the Twin Hill Fire Protection District, co-developed and taught basic firefighting to new volunteers.

EDUCATION

★ Juris Doctor (J.D.) Empire College School of Law (1980)★ Bachelor of Arts (B.A.) University of California, Irvine (Asian and United States History) (1970) ★ *Other Post Graduate Study*: ♦ Humanistic Psychology, M.A. Sonoma State University (Thesis Not Completed) (1971-1972); ♦ Conflict Resolution Sonoma State University (2000-2001); Restorative Justice Certificate (2001); and, ♦ Administrative Law College of the California State Bar (1982) ★ *On-going Continuing Legal Education*: 25 hours of Minimum Continuing Legal Education (MCLE) every three years 1980; ★ *Courses through EdX and Coursera on topics such as* ♦Leading Change in Times of Disruption (2019); ♦ Unconscious Bias From Awareness to Action (2019); ♦ Library Advocacy Unhushed (2021); ♦ Introduction to Community Engagement: Collaborating for Change (2021); ♦Resilience - The art of coping with disasters (2021); ♦ DFEH-Bystander Intervention to Stop Anti-Asian/American and Xenophobic Harassment (2021);

and ♦ registered for Managing a Diverse and Inclusive Workplace for Public Libraries (Starts 08-03-21)

AMITTED TO THE PRACTICE OF LAW

★ Supreme Court of California (1980) ★ United States Court of Appeal for the Ninth District (1981); ★United States District Court, Northern District of California (1981); and ★ Supreme Court of the United States of America (1984)

COMMUNITY SERVICE

★ Sonoma County Portrait of a Graduate Design Team¹ (A partnership between Technical Education Foundation of Sonoma County, Sonoma County Office of Education, and Cradle to Career Sonoma County).

★ Sonoma County Courts: Judicial Arbitration Program; Small Claims Judge (Pro Tem); also, assisted the Courts and the State Bar in the closing an of abandoned law practice.

★ Twin Hills Fire Protection District: Firefighter-Emergency Medical Technician (EMT); Basic Firefighter Trainer; and Elected Member of the Twin Hill Fire Protection Districts Board of Directors.

¹ *The Portrait of a Graduate Design Team* <https://www.sonomapog.org/join-us>

Sonoma County Library Commissioner Job Description

Summary

Provides governance for the Sonoma County Library; establishes policy; sets goals and objectives; hires and evaluates the director; establishes and monitors the annual budget; signs necessary contracts; exercises such other powers, consistent with the law to foster the effective use and management of the library.

Responsibilities

- Hires, sets salary, evaluates and supervises a qualified library Director to implement Commission decisions and directions and to carry out day-to-day operation of the library and its programs and services
- Determines and adopts written policies to govern the operation and services of the library
- Works with Director to establish short and long range goals for the library
- Attends all regular and special meetings of the Commission and participates in subcommittees as necessary
- Attends appropriate library functions including Library Advisory Board meetings, fundraisers, special events and other activities
- Sets an annual budget and approves expenditure of funds; monitors budget and expenses throughout the year
- Understands pertinent local, state, and federal laws; actively supports library legislation in the state and nation
- Advocates for the interests and needs of the countywide library system
- Represents the interests and needs of the community
- Acts as liaison with the public, interpreting and informing local government, media and public of library services and needs
- Sets parameters and authority level for Library Management's labor negotiations with the Union; adopts MOU contract; serves as the employer to library staff
- Lends expertise and experience to the organization
- Maintains knowledge of library issues, laws, and trends, and their implications for library use
- Understands the Brown Act as it applies to Library governance
- Is familiar with the Joint Powers Agreement governing the Library
- Reviews and signs necessary contracts
- Reports activities to local officials

Qualifications

- Is interested in the library and its services
- Has the ability and time to participate effectively in Commission activities and decision making
- Is able to represent varied needs and interests of the community and of the library
- Has strong interpersonal and communication skills
- Has the ability to work with governing bodies, agencies, elected officials, library staff and members of the public
- Has the ability to handle opposition and make decisions in the interest of library service

Desired Experience

- Familiarity with the Sonoma County Library
- Experience working with one of the Library's Advisory Boards, Friends of the Library groups, or other support group

Time Commitment

- The Commission meets monthly at a time convenient for members. (Currently, meetings are held the first Monday of each month at 6:30pm). Meetings can last up to four hours, and considerable preparation time is needed prior to each meeting.
- It has been common practice for the Commission to devote two all-day workshop meetings to budget planning.
- Commissioners may serve on one or more subcommittees or ad hoc task forces in addition to their regular duties.
- Under terms of the Joint Powers Agreement, trustees shall hold their office for four years from the date of appointment and until their successors are appointed.
- Special meetings or committee meetings may be called as necessary at times that are convenient to members and that comply with the open public meeting law.