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MEMORANDUM
Public Copy

DATE: November 12, 2024
TO: Honorable Mayor & City Council
City of Sebastopol
CC: Don Schwartz, City Manager
Mary Gourley, Assistant City Manager
FROM: Alex Mog, City Attorney
RE: **Sebastopol Regional Library Governance**

The Sebastopol Regional Library (“Sebastopol Library”) is the public library serving residents of the City of Sebastopol (“City”) and surrounding areas. The Sebastopol Library is a branch of the Sonoma County Library (“County Library”). This memorandum provides a brief overview of the governance structures of the libraries.

Discussion

In 2014, the City, Sonoma County, and all other cities within the County, executed the First Amended and Restated Joint Powers Agreement for the County-Wide Provision of Library Services (“Library JPA”). The Library JPA replaced a prior agreement between Sonoma County and some, but not all, of the cities in the County related to library services. Joint powers agreements are agreements executed between public agencies to jointly exercise common powers to provide identified services¹. Additionally, joint powers agreements may create new independent legal entities to provide such services.

The Library JPA specifies that it establishes the County Library as a public agency.² Importantly, the County Library is an independent public entity, and not a department of Sonoma County, and is not governed by the Board of Supervisors. Rather, the County Library is governed by the Library Commission, which is established by the Library JPA.³ The governing body of each member of the Library JPA, including the Sebastopol City Council, is entitled to appoint one

¹ See the Joint Exercise of Powers Act, Gov. Code § 6500 *et seq.*

² Library JPA § I.B. Technically, the County Library was first formed by the prior joint powers agreement, and is continued in existence by the Library JPA.

³ See Library JPA § VI.

representative to sit on the Library Commission as a voting member. In addition, Sonoma County and Santa Rosa are entitled to jointly appoint one additional member. There are 11 individuals on the Library Commission, each of whom serves a four-year term.

The County Library is responsible for “operating, managing, and administering the integrated free public library system in the County of Sonoma”.⁴ The Library Commission is the governing board of the County Library, and authorized to exercise all of the powers held by County Library. One of these powers is the authority to appoint the Library Director, who is responsible for the day-to-day operation, administration, and management of the County Library.⁵ The Library Commission’s role and authority over the County Library are equivalent to the City Council’s role and authority over the City. The Library Director is equivalent to the City Manager.

In addition to the Library Commission, the County Library has a Library Advisory Board (“LAB”) for each regional branch.⁶ Each LAB is comprised of residents from the service area of the regional branch. The purpose of each LAB is “to provide information and make recommendations to the Commission and the Library Director on matters affecting library service based on input from their respective service areas.”⁷ Each LAB may also appoint one of its member to act as a liaison to the Library Commission. However, the LABs have no decision-making authority, and are serve a purely advisory role. The Sebastopol Regional Library Advisory Board serves as the LAB for the Sebastopol Library.

The County Library is operated pursuant to an annual budget adopted by the Library Commission. The County Library is required to “distribute its personnel, financial and technological resources among the various regional library branches in an equitable fashion”.⁸ As part of this requirement, all branches of the County Library are required to be open for the same baseline number of hours, with the exception of the Central Branch. While branch libraries are allowed to accept gifts or donations to benefit that particular branch, such gifts or donations cannot be used to expand the operating hours of that branch.

The branch libraries are operated in buildings that are either owned by the County Library, or by the city in which the branch is located. For example, the City owns the building in which the Sebastopol Library is located. When the breach building is owned by a city, the County Library leases the building from the City. The Library JPA provides that the County Library and members shall “work together to plan for the provision and payment of capital improvements and capital repairs to facilities operated by the Library, including but not limited to major repair and replacement of building structures, HVAC systems, plumbing, roofing, ADA improvements,

⁴ Library JPA § I.C

⁵ Library JPA § VIII.A

⁶ Library JPA § V.

⁷ Library JPA § V.B.

⁸ Library JPA § X.B. This requirement does not apply when distribution of a resources is restricted, such as when a gift is made to a specific library branch.



and other structural elements or external features such as parking lots.”⁹ Member cities are required to obtain approval from the Library Commission prior to expanding or remodeling a library branch building owned by the city.

Individual cities may withdraw from the Library JPA at the end of a fiscal year, with at least one year’s prior written notice.¹⁰ However, the withdrawing city is not entitled to receive a distribution of any of the County Library’s property or funds, including property located within a branch building owned by the withdrawing city. Additionally, the withdrawing city is responsible for satisfying its share of all outstanding debt and obligations for system-wide costs, as well as all costs related to the regional branch located in the withdrawing city, that exist at the time of withdraw.

⁹ Library JPA § X.C.2

¹⁰ Library JPA § XI

