

09 April 2025

TO: Mayors' & City council Members' Association of Sonoma County ("SCMCA")
RE: Statement for Open Session of the SCMCA Agenda: Sonoma County Library, Joint Powers Agreement ("JPA")
FROM: Fred Engbarth

Good evening,

A. INTRODUCTION

I wish to thank each of you, and your supporting staff members, for the work you do, every day, on behalf of the citizens of Sonoma County.

Sonoma County is blessed with an outstanding library system which, with your attention and interest, grow into being a great one.

I hope to be at your Public Comment portion of the agenda. If I make to the meeting, I will refer to this document by reference and be available to any questions you may have.

If I am not able to attend, please accept this statement as my "public comment" in my stead.

I've been an active member of the Sonoma County community since 1971.

During that time, I have served the community as an administrator at Sonoma State University; a volunteer firefighter and EMT at the Twin Hill Fire Protection District; a practicing attorney; and currently Sebastopol's representative to the Sonoma County Library Commission.

I address you today in my personal capacity. More specifically, this statement is based on my 50+ years as a very active, satisfied, user of the Sonoma County Library system and its services.

The Sonoma County Library Joint Powers Agreement ("JPA") effective 2014, Article VI. Governance, Section 5. *Review this Agreement once every ten years its continuing to determine its continuing effectiveness and present written findings to Members ...*¹

You will soon be tasked with the responsibilities to review the Findings and Recommendation of the Sonoma County Library on the current, 2014 Sonoma County Library JPA (2014 revision)

¹ See the cited section at <https://sonomalibrary.org/sites/default/files/attachments/about/JPA2014.pdf>

I believe that the revised JPA agreement remains, with the potential of a few minor tweaks and updates, a sound and viable document.

Your colleagues who worked on the 2014 JPA Agreement did, in my judgement, an exemplary job.

One prime example of the quality of the 2014, JPA Review Committee was the addition of an obligation to conduct the above stated review of the documents effective every 10 years.

INTENT AND ACTION:

I believe that the perceived problems with the current Joint Powers Agreement are related to the misalignment between the intent of the document's drafters and the action of those charged with the tasks of governing and managing the Sonoma County Library.²

What follows are some areas where I believe, historically, there has been difficulty in achieving alignment between the "intent" of the JPA Members and "actions" undertaken by the Library's Governing body ("Commission") as well as the Library's administrative team:

THE VALUE OF CALIFORNIA'S PUBLIC LIBRARIANS: Public libraries are community hubs that bring people together and close the opportunity gap by connecting people to essential services and resources. Libraries build and support communities of lifelong learners and help Californians enjoy the social and economic benefits that learning brings.³

COMMUNITY ENGAGEMENT⁴: Community engagement is the process of working collaboratively with community members — be they library customers, residents, faculty, students or partner organizations— to address issues for the betterment of the community. Each of the Regional Branches are placed in demographic and cultural part of our County which vary from one to another.... just as the people do. A "cookie cutter" approach is, in my opinion ineffective.

Community engagement has not been fostered by the practices adopted during the term of the revised JPA. One example, the minimalization of the historical mission of the Regional Library Advisory Boards.⁵(LABs)

² In general, see, Intent vs. Action in Leadership: Unraveling the Dynamics
<https://learnexus.com/blog/intent-vs-action-in-leadership-unraveling-the-dynamics/>

³ <https://www.library.ca.gov/wp-content/uploads/2021/09/Value-of-Libraries.pdf>

⁴ <https://www.ala.org/tools/librariestransform/libraries-transforming-communities/engagement>

⁵ See, for example, the following: See, See, *Whose Library Is IT?*
<https://sonoma.courts.ca.gov/system/files/4-library.pdf>
and,

I urge your organization to aggressively engage the community in your review of the JPA and explore ways to development and expand community participation in the Sonoma County Library.

OPEN AND TRANSPARENT GOVERNMENT: ⁶ *The underlying philosophy of the open government laws is that public agency processes should be open and as transparent as probable. Such transparency is vital in promoting public trust in government. Not only is the flow of information between the Sonoma County Library and the public problematic but between the Library Commission and Administration.*⁷

OVERSIGHT: *The SCL administration and library are not above "oversight and review of the public and external agencies. Here, the agencies that belong to the Sonoma County Grand Jury JPA and the JPA Members have a responsibility to monitor the terms of the agreements and adjust them as needed.*⁸ There is a value and opportunity in learning about potential mistakes. I believe that "mistakes" are exceptional opportunities for learning. Errors help you learn.

EQUITABLE RESOURCES AND FUNDING PLANS⁹: *All resources provided directly or indirectly by the library, regardless of format or method of delivery, should be readily and equitably accessible to all library users. Imposing any financial barrier may*

White Paper Sonoma County Library Commission Joint Powers Agreement Review October 2012
<https://digital.sonomalibrary.org/Documents/Detail/jpa-review-2011-2013-volume-1/521182?item=521488>

and,

Library Joint Powers Agreement Review Committee-Library Advisory Board Survey Results
<https://digital.sonomalibrary.org/Documents/Detail/jpa-review-2011-2013-volume-2/521181?item=521289>

and,

Minutes All LAB Meeting (04-27-2024)
<https://sonomalibrary.civicweb.net/document/72084/>

⁶ See, *The ABCs of Open Government Laws*, https://www.ca-ilg.org/sites/main/files/file-attachments/abcs_of_open_government_0.pdf?1498252437

and

Transparency Laws
https://www.ca-ilg.org/sites/main/files/chapter_4.pdf

and

The People's Business: A Guide to the California Public Records Act
https://www.calcities.org/docs/default-source/city-attorneys/the-peoples-business.pdf?sfvrsn=f827f33f_3

⁷ *It's OK to Fail, but You Have to Do It Right*, <https://hbr.org/2023/07/its-ok-to-fail-but-you-have-to-do-it-right>

⁸ *Assembly Local Government Committee Informational Hearing: Developments in the Use of Joint Powers Authorities & Agreements (03-21-2012) V. External Oversight & Audits, Pages 3-4 at*
<https://alcl.assembly.ca.gov/sites/alcl.assembly.ca.gov/files/JPA%20Info%20Hearing%20Briefing%20Paper.pdf>

⁹ In general, see *Cities and towns across California only get the libraries they can afford*
<https://edsources.org/2022/cities-and-towns-across-california-only-get-the-libraries-they-can-afford/677969>

disadvantage users, and libraries of all types—public, school, and academic—should consider eliminating barriers that limit access to library resources and other services.¹⁰ Since the original 1971 JPA the Sonoma County Library has not developed a building renewal and replacement, as opposed to maintenance & repairs, and a system-wide funding plan.

The issues of the equitable distribution and funding of resources will only become more acute over time as funds diminished resources deteriorate.

CONTINUING EDUCATION OF COMMISSIONERS:" *Commissioners: Libraries that cultivate a culture of learning encourage their staff to participate in continuing education. But shouldn't this learning culture also extend to library boards? At the State Library of Iowa, we say yes! Trustees can and should play a key role in fostering a culture of learning at their libraries—beginning with themselves. When library boards embrace a learning culture, they become more receptive to supporting continuing education, in policy, planning, and budgeting.¹¹*

Community: Whose Library, is it? To be effective advocates of their peers engaged community members should learn about the structure, governance, management, and operations of the library system.

What follows is some background information. It is more designed for skimming than study.

C. SOME HISTORY AND BACKGROUND INFORMATION

It has been said that "*History is who we are and why we are the way we are.*"¹² This is appropriate for a review of the efforts to create a free, county-wide, library system in Sonoma County.

1. Introduction: The parties to the Original JPA Agreement established the library system as a distinct public entity

The Joint Powers Agreements (JPA) are statutory contracts. Which is a type of contract that is created and governed by a specific law or statute. It is an agreement between two or more parties that is legally enforceable.

How did we get to where we are today and why are we are?

¹⁰ <https://www.ala.org/advocacy/intfreedom/librarybill/interpretations/economicbarriers>

¹¹ See for example, *Building a Culture of Learning with Library Boards*
<https://www.webjunction.org/events/webjunction/culture-of-learning-library-boards.html>

¹² HISTORIAN ADDRESSES WESLEYAN. David McCullough, American historian at

<https://www.nytimes.com/1984/06/04/nyregion/historian-addresses-wesleyan.html>

2. Early Days: In 1859, a private library association established the Santa Rosa Library, founding what was the 14th public library in California. The Santa Rosa Library would be the ancestor of the Central Library of the Sonoma County Library system. Santa Rosa's second library building was dedicated in March 1904 with a Carnegie grant, although the 1906 earthquake damaged it badly. The library was rebuilt as the Santa Rosa Free Public Library and served Santa Rosa until 1960, when deferred maintenance forced the City of Santa Rosa to condemn the old Carnegie library; the Santa Rosa Public Library was housed for several years in temporary quarters in downtown Santa Rosa.

Private and municipal libraries were also established in towns throughout Sonoma County from the mid-19th century, including Petaluma (1858) Cloverdale(1884), Healdsburg (1896), Sonoma (1903), Sebastopol (1916) and Guerneville (1924).

In 1945, Sonoma County Free Public Library was founded. By 1950, the new system included a Central Library and four branches, a bookmobile, and many outlets, among them 80 school libraries. The Santa Rosa Public Library merged with the Sonoma County Free Public Library in 1965, and the Sonoma County Board of Supervisors designated the combined organization as official archives for the county.

3. Original JPA: After years of practice and research the County of Sonoma and Cities within Sonoma County ¹³created established a new, independent and separate joint powers¹⁴ authority named the "Sonoma County Library"¹⁵, was established for

¹³ See, *Report on Alternative Methods of Organizing a County Wide Library System* (Sonoma County Administrator) September 1972 at <https://digital.sonomalibrary.org/documents/mirador/521182>

Of note: The discussion under Section IV: To distribute the costs of library buildings so that each is funded by those persons which it serves, regardless of political boundaries.

¹⁴ About JPAs, in general, see *Governments Working Together: A Citizen's Guide to Joint Powers Agreements* published by California State Legislature Senate Local Government Committee (2007) (http://www.calafco.org/docs/Senate_LG_JPA_Report.pdf)

and,

The Ins and Outs of Joint Powers Authorities in California

<https://bbklaw.com/resources/the-ins-and-outs-of-joint-powers-authorities-in-california>

and

Joint Powers Authorities: Opportunities and Challenges

https://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/california_wa_terfix/exhibits/docs/RestoretheDelta/part2/RTD_273.pdf

the purpose of consolidating their existing public library services and continuing the operation of free public library ¹⁶services throughout the County of Sonoma.¹⁷

4. JPA Review: The continued effectiveness of the original JPA was brought into question after a series of public mishaps. For example, see, a report by the Sonoma County Grand Jury entitled "*Whose Library Is It?*"¹⁸ and On after a series of the effectiveness of the original JPA started to come into questi90n in the Sonoma County Library

In 2012, the Board of Supervisors approached the Sonoma County Mayors and Council murmurs, who agreed to initiate a review of the Joint Powers Agreement "in light of challenges at the library and changes in demographics, technology and finances since 1975. All of the cities in the County agreed to participate in the review, along with the Library Commission, and formed the Sonoma County Library JPA Review Committee.

The Committee, Chaired by Supervisor Mike McGuire, met 15 to=times following October, 20212, it included extensive public participation at its meetings, including input from library advocates, staff, and managers. The Committee also dedicated time for input from the Library Advisory Boards ("LABs") ¹⁹

5. Today: The Sonoma County Library Commissio0n recently appointed a Task Force to start is review of the 2014 JPA Agreement. After completion, the Sonoma County Library Commission will review and discuss the findings of the Task Force. The Commission will then forward the Reports, with findings and recommendation, to the JPA Members for a final review an action, if necessary.

¹⁶ What is considered a public library? Public libraries are government institutions – they are funded by and an integral part of the civic system of a specific state, county, or city. Public libraries serve their communities. They differ in response to the size, location, and specific needs and resources of the community they serve.

¹⁷ In general, see *About California Libraries* at <https://www.library.ca.gov/services/to-libraries/about-libraries/>
and *The Creation of California's Public Libraries*

¹⁸ **WHOSE LIBRARY IS IT?** <https://sonoma.courts.ca.gov/system/files/4-library.pdf>
and,

Response: **Board of Supervisors**
<https://sonoma.courts.ca.gov/system/files?file=whose-library-it-bos-response.pdf>

and,
Response: **Commission Response**
<https://sonoma.courts.ca.gov/system/files?file=whose-library-it-library-commission-response.pdf>

and,
Response: **Director's Response**

¹⁹ See, County of Sonoma Agenda Item Summary Report https://sonoma-county.granicus.com/MetaViewer.php?view_id=3&clip_id=399&meta_id=130860

D. CONCLUSION

I suggest that your association start work on the JPA Agreement as soon as you are able to do so.

I have a list of reference documents, accumulated over the years, which I would be pleased to share with you upon request.

There are a number of your predecessors in office who are available for any inquiries you may have, from the perspective of a mayor(s) and/or councilmember about the 2014 Agreement, including, but not limited to Sarah Gurney, John d'Olso, and Don Schwartz.

The parties to the Original Agreement created the library as a distinct public entity, separate and apart from the parties to such agreement, pursuant to the provisions of the JPA Act (Government Code Section 6506) and Education Code Sections 19100, et seq. It is the intent of the Parties that, under this Agreement, the Library continue as a distinct public entity under the JPA Act and other applicable law.

The Joint Powers Agreement (JPA) for the Sonoma County Library is the statutory agreement that created a Joint Powers Authority the Sonoma County Library; established how the library system is governed and funded; and continued the effort, started in 1971, to consolidate city and county libraries into a single system.

You, whose predecessors in office created the Joint Powers Authority and the JPA Agreement he agreement's Members are the County of Sonoma and nine cities, delegating governance to the Sonoma County Library Commission, which oversees policies and budget decisions.

The 2014 Joint Powers Agreement (JPA) requires the SCL Commission to review the JPA and make recommendation to the JPA Members every ten years.

Public Forums, live-streamed to the community, would be a good first step in the review process. This step would follow receipt of the SCL JPA Review report.

The question remains "Whose Library, is It?"

It will soon be up to you to decide.

Thank you for your consideration.

Fred Engbarth

Response or Questions: fengbarth@outlook.com