

# WHOSE LIBRARY IS IT?

## SUMMARY

In the fall of 2011, members of the Grand Jury became aware of concerns about mismanagement and dissension occurring within the Sonoma County library system. One such concern was that an order of furniture for the children's section of the Guerneville library branch remained unfilled for almost three years. We were told that the library director herself was holding up the purchase. On October 5, 2011, a "Vote of No Confidence" petition signed by library employees and various stakeholders was presented to the Library Commission alleging mismanagement of library resources and distribution of misinformation on the part of the director. A complaint was filed with the Grand Jury that questioned the director's ability to manage. The complaint further stated that the director was no longer heeding advice given by the library commissioners, Library Advisory Boards (LABs), or library employees. Instead she was unilaterally steering this public agency away from public participation in its affairs.



During our investigation, the Grand Jury found evidence that the director provided the library commissioners with inaccurate, misleading, or incomplete information. Only one commissioner, a newer member, regularly confronts or questions the director regarding evidence put forth by the director in support of a claim or request. A member of the Board of Supervisors (BOS) recently questioned the director pointedly about some of the conflict surrounding the library; the director remained silent.

The following statement by the director is representative of what the Grand Jury repeatedly heard from interviewees when they talked about the director's disregard for the needs of the public and the manner in which she interacts with stakeholders regarding library issues at open, public meetings.

We continue to lock the book drops for the 10-day holiday/MTO (mandatory time off) closure and also have all online services "go dark." Not only will this help remind the public that they cannot take the Library for granted—but it will also help mitigate workload caused by the deluge of returned materials and requests to pull.

- Library director to the Library Commission on November 2, 2011

The investigation into the management of the library broadened to include evidence that the director edited minutes of meetings in her favor; instituted an unworkable performance review protocol, leaving almost all staff without current job descriptions or reviews of their work; and ordered that furniture for all branches be selected from a catalog she commissioned and be pre-approved personally by her.

Some of the complaints speak to the disuse of the Joint Powers Agreement (JPA). Instead of there being a coordinated system of community-minded people involved in steering and advising the library system, the director appears to be making decisions without consulting the commissioners or the LABs or library employees; and the Library Commission seems to approve the director's acts and requests with little or no fact-finding or information verification. Her recent proposal to create a new position of assistant director is a case in point. The director did

not provide the commissioners with a job description for the person who will hold the new position. Only one commissioner challenged the director on the lack of information and voted against it.

With 173 employees spread over 13 branches, there is a need for the director to delegate responsibility. The JPA should be reviewed with attention paid to what responsibilities fall to the director, the commissioners, the Library Advisory Boards (LABs), and the Board of Supervisors. An effective director needs to allow other employees to contribute to the welfare of this public agency. The director must foster communication and respect between the commissioners, LABs, Friends of the Library (FOL) groups, and the public. After all, whose library is it?

## **APPROACH**

The Grand Jury interviewed current and former library employees, library management, members of the Library Commission, members of Library Advisory Boards, Friends of the Library volunteers, a Service Employees International Union (SEIU) representative, and the complainant. The Grand Jury also reviewed meeting videos and minutes of the Board of Supervisors, the Library Commission, the Sonoma County Save Our Library group, various county Library Advisory Boards, and the Friends of the Library.

## **BACKGROUND**

The Sonoma County library system, as it exists today, was created in 1975 by way of a Joint Powers Agreement (JPA) between the County of Sonoma and cities in the county. The cities and county provide the buildings occupied by library branches, and the county provides the funds which are drawn from property taxes that make up the county General Fund. The organizational structure calls for a Library Commission of seven members, five of whom are appointed by the Sonoma County Board of Supervisors (BOS), representing each supervisorial district, and one from each of the cities of Santa Rosa and Petaluma who are appointed by their city council. The commission is charged with the duty of advising and supervising the library director who answers solely to them. Each branch has a Library Advisory Board (LAB) consisting of members who are appointed by the commissioner from that area. The LABs have the duty of soliciting and receiving public input and advising the director and their commissioner of the needs and wants of the people who use the local branches. The JPA dated January 27, 1975 states: “The advisory boards shall organize and meet as they shall each determine, and shall make recommendations to the library director and the Commission on all matters affecting library service in the region which they represent.”

In May 2010, the commissioners unanimously approved a budget presented to them by the director which contained a seven million dollar error. There is no required or structured training for commissioners and little oversight by the BOS. This may be changing as public complaints are now being voiced directly to supervisors.

On October 5, 2011, a “Vote of No Confidence” petition with 78 signatures of library employees and others was presented to the Library Commission at the commission’s monthly meeting. The petition was accepted with the understanding that the commissioners would consider the contents and respond at a later date. On March 27, 2012, the commissioners appeared in front of the BOS to respond to many of the same issues. A video of this meeting is available online at <http://www.supervisors.sonoma-county.org>. The commission prepared for this question-and-answer session by putting together a PowerPoint presentation that displayed the library as a loved and necessary institution struggling to serve the public in trying economic times. It did not address the questions of leadership and accountability raised in the “Vote of No Confidence.” At the end of the presentation, a supervisor

focused specifically on the library director and posed some of these questions. Each time he did, the commissioner who presented the PowerPoint stepped in and deflected the question. The library director did not answer. The commissioners called this meeting The First Annual State of the Library Address. No other BOS member asked any pointed question. One board member continually referred to the commission as consisting of five members and not seven as has been the case for 48 years. Her mistake is somewhat excused by the fact that only three of the seven commissioners attended the meeting.

The heart and soul of the library is the pride and participation of the patrons of each branch. There is a Friends of the Library group (FOL) affiliated with each branch that supports and contributes to the individual character of their local library. These groups are essential to the life of the library. These passionate people solicit funds through various activities, and give the proceeds to their local library for specific purchases. As previously stated, the JPA establishes local LABs, with each LAB functioning as a sounding board for the wants, needs, and aspirations of local stakeholders. The manager of the area branch is in close contact with the supporting FOL group and attends its meetings as well as those of the LABs. The JPA has traditionally been interpreted to allow decentralized administration, which went hand-in-hand with citizen participation and a sense that the library branches belong to the people whom they serve.

In working with an FOL to enhance the local library, a branch manager develops a wish list of items or programs that the budget doesn't cover. The branch manager discusses the list with his or her FOL group, and the FOL often agrees to pay for one or more of the items. In April 2009, the Guerneville FOL agreed to, and promptly paid for, two end panels to enhance the children's section of their library. The branch manager submitted an order form and complete payment. When the Grand Jury researched the status of the order, we traced it to the desk of the library director. The order remains there today, three years later. Most everyone we interviewed knew about the unordered end panels. In January, when we asked about the items, we were told that they were on the director's "to do list." The Grand Jury has learned that the library director subsequently indicated to the branch manager and a library commissioner that she now has no intent of ever ordering the items. There are other items from other branches and other FOL groups which are also delayed without explanation for well over a year.

Many LABs meet irregularly and have been lax in making recommendations to the director and the commissioners. The LAB meetings are not held frequently enough to stay up to date with the needs, wants, and concerns of the library users. Minutes of the meetings are sporadically posted and, at times, delayed. Recommendations made at the meetings are not always documented and, therefore, not followed up for completion. Without facts and information from the LABs, FOLs, branch managers, the public, and library employees, the commissioners have little ability to challenge any claim or need expressed by the director. We reviewed recordings of commission meetings and noted that one of the newer commissioners was alone in questioning the conclusions presented by the director and pushing for supporting documentation. The commission, on its own, has limited resources to gather information. This curtails their ability to advise and supervise library management. The result is a vacuum where there should be clear lines of authority and responsibility. That is not the intent of the JPA.

The director attempts to manage everything from the information that is contained in minutes of meetings, to deciding what furniture can be donated and from whom it must be purchased; from what hours each branch will be open to the public, to whose job is safe and who must go. Whose library is it?

## DISCUSSION

The JPA places all final decisions affecting the running of the library on the desk of the director. The Library Commission relies on and trusts the director to provide accurate and complete information on which they base their decisions. The all-volunteer Library Commission functions without the assistance of even a clerk to keep track of business. No training or education is provided for them, yet it is their duty to advise and supervise the director based on information made available to them by the director. They have no means available to fact-check the information.

Numerous witnesses informed us of a policy instituted by the director where the director would review minutes from all meetings having anything to do with any branch of the library and edit them for content even when she, herself, had not attended the meeting. The previously-mentioned seven million dollar budget error resulted from the director's error while editing the raw numbers on a completed budget that was on her desk for review before presentation to the commission.

There is a fine line between editing for grammatical errors or clarity and altering the content of the minutes. Minutes do not have to include all that is said at a meeting. Summaries are acceptable in meetings of boards of private companies. Board meetings of public agencies, however, need to be more comprehensive to comply with the public's right to know. We sought and received several examples of raw minutes and edited minutes. What follows, set side by side, are the meeting secretary's draft minutes of the meeting of October 5, 2011, sourced from both notes and a recording of the meeting, and the edited version by the library director. The names were removed for purposes of this report and indicated by ( ).

### **Public Appearances - Draft Minutes**

SEIU Representative ( ) presented a petition for a vote of no confidence on behalf of the employees and other union members to the commission regarding Library Director ( ). She read a statement which gave many examples of not being able to manage the operations and budget of the Library. Other claims were that the Director consistently paid for the higher price consultants. ( ) added that there was poor planning and research regarding reduction of hours, substitutes, Burlingame Hall, RFID, regional staffing, and book drops and that things were put forward with no plan behind them at all. She said they believe the book drops was a situation being currently created so it would look like a failure and more purchases would have to be made to remedy at the expense of the public. Lastly, she said there was failure on the Director's part to communicate with all the various Library groups, including the Library Advisory Boards and the Friends, as well as the public.

### **Public Appearances - Edited Minutes**

SEIU Representative ( ) presented a petition for a vote of no confidence on behalf of the employees and others to the Commission regarding Library Director ( ). She read a statement which gave many examples of the Library Director not being able to manage the operations and budget of the library.

The commission met again on November 2, 2011. They were presented the edited minutes and approved them.

The tenth item on the November agenda was Book Return Retrofit. The director argued that the book drops were outdated and not designed for the volume of materials presently in circulation. She presented pictures of overflowing book drops taken following a Sunday/Monday closure. She said the problem was not new, but it has been highlighted by the change in service hours. She requested and received permission to spend up to \$61,000 to retrofit the drops. There was no reference to the allegations made on October 5, 2011 about the book drop misinformation which had been edited out of the minutes. The request was not substantiated with cost details, broken down by branch, or specifically what was to be done; however, the director did indicate that the bins were already ordered and she expected the work could be complete by the February 2012 Martin Luther King holiday. It is not complete as of this writing in April 2012. When speaking of the savings to the library from being closed on Mondays, the director does not mention the additional \$61,000 incurred or the costs of employing two people to drive around to all libraries on Mondays to stack the returns.

As this report goes to print, the library has posted an opening for an assistant director. The director created this position by reclassifying a recently vacated Community Services Manager IV slot and petitioning the commission's approval. The director's rationale was that the job class, Librarian I or II, would save money because the person to be hired would be earning somewhat less than that paid to the Community Services Manager who retired at the high end of her position's wage scale. A Librarian I or II has the potential to eclipse the salary of a Community Services Manager IV, and when that happens there will be no savings to the library. The rough draft of the Library Commission minutes from February 27, 2012 indicate that one commissioner requested a job description be provided before the commissioners voted on the request. The director stressed the immediate need for the reclassification, and at least four commissioners voted for it without a description. One commissioner was absent and the commissioner who questioned acting on an item without a description voted against. The minutes are unclear as to the vote of the seventh commissioner. The minutes edited by the director say: "The Commission agreed to the change, and the Director agreed to share the position description with the Commission once it was complete."

The JPA does not require the director to heed the advice of the commissioners or the advisory boards, nor is she obligated to listen to the voices of the FOLs or other stakeholders. The volunteer energy on which the health of the library depends suffers when given no voice. The LABs are charged with the task of advising the director, although no set or periodic procedure exists for this to happen. The JPA establishes the LABs to be channels of information relaying the needs and wants expressed by the patrons of each library branch to the director. There exists no provision for what to do when a director doesn't listen. The LABs also serve as conduits of public concerns between the people who use their local branch and the commissioner appointed from that area. The commissioners can then address the concerns by taking them to the director or the supervisor from their district or both. Some of the people we interviewed were dismayed when criticism imparted in confidence to their commissioner was immediately related to the director along with the name of the person making the complaint. These people feared reprisal and were hesitant about reporting additional problems.

The Grand Jury noted an absence of adherence to many of the measures of performance found in well-run companies. There are few to no current job descriptions, set performance standards, or scheduled performance reviews for the majority of employees. Some of those interviewed expressed trepidation about speaking their minds with so little protection. Position and promotion appear to be based on the director's subjective criteria. A committee was formed in 2008 to develop the Performance Management Program work plan for use in doing performance reviews. The resulting template was updated in December 2010, and the 11-page form has turned



out to be so cumbersome and time-consuming that only one or two managers used it. In a time when the library is cutting costs by reducing the hours of extra-help employees, there was no one available to fill in for workers who would be away from their jobs while participating in their performance reviews. Nearly every employee is without a current performance review. The director herself does not appear to be held to any objective standards of performance.

The absence of a performance review program was addressed as recently as March 19, 2012 by the Library Commission. The director shifted the responsibility away from the unworkable procedure and onto the staff. She told the commissioners that a system is in place but the staff is not implementing it, that nothing was being done, and the managers still were not using the system. Commissioners stressed that this is a top priority and offered suggestions on streamlining the performance review process. The director stated that she is in charge and it will get done in the next library year, which is March 1, 2012 through February 28, 2013. There is nothing in either the draft minutes or the edited minutes indicating openness on her part to alter or amend the process she instituted.

The draft minutes state: “Provide the Commission with a written plan to ensure that the Performance Management System is 100% in place and being done on a regular basis by all managers and supervisors.”

The director’s edited minutes presented to the commission and approved on April 5, 2012 state: “Indicate the manager responsible for each outcome in Focus & Finish for 2012-2013.”

The Focus & Finish document is the library’s priorities for the next library year developed by the library director. Specific to the Performance Management System it states: “For 2012-2013: Each member of the Library Management Team will have up-to-date job descriptions and work plans for the staff reporting to them.”

The minutes edited by the director contain no reference to the commission’s order for 100% compliance.

The director is evaluated annually by the commission in closed sessions. We did not locate any criteria used to measure her performance. We did not locate any questionnaires for employee input, nor did we find any safe channel for comments and criticism. We interviewed employees from every level of the library and found no one who had been contacted by the commission for an opinion.

The Friends of the Library (FOLs) are groups whose sole purpose is to support their local library branch. FOL members give generously of their time and effort to add to their branch items that are outside the budget drawn up at the central library. Historically, the items were individual and unique, making each branch distinctive and reflective of the surrounding community. The ability to influence the character of the local branch is essential to continued local pride and participation.

In July 2008, the current director went outside the resources available to her from within the library, the cities that house the library branches, and Sonoma County to hire an outside design firm to select furniture for use in all the libraries. The director instituted a rule requiring all items of furniture be selected from a catalog



compiled by the outside agency. Since then, an FOL group, LAB or any branch manager is required to select any furniture for their branch from the catalog.

Additionally, there is no method in place to track FOL money still being held by the library. There is a handwritten ledger recording the receipt of money donated to buy items but no way to tag each donation to ensure timely follow-through on the purchase.

The shortening and standardization of library hours and the decision to close the libraries on Mondays is an issue which irritates most of the people we interviewed. The library has been using extra-help employees to fill in on short notice at branches. By making the hours at all libraries uniform, staff can be shifted from branch to branch when need arises due to absence or vacation. The closure was not decided on for the convenience of library patrons but solely to save money by reducing the hours filled by extra-help employees, the least costly per hour labor used at the libraries. The staff and volunteer groups are irritated about being left out of consideration in the decision-making process. Many said that they were not given an opportunity to be heard. For example, the chairperson of one LAB was informed about the closures after the fact by reading an article in *The Press Democrat* and was left wondering, "Whose library is it?"

At a minimum there must be (re)training for the BOS, the commissioners, the director and LABs as to their roles and responsibilities. The JPA is failing to the extent that the LABs are not making documented and well-founded recommendations to the commission and the director. The JPA is failing when the public has to resort to directly contacting/petitioning their supervisors to pay attention to the library. The JPA is failing to the extent that most of the commissioners do not seem to take in sufficient information from the stakeholders of their branch. They are therefore unable to advise and supervise the director. Finally, the JPA is failing when a director no longer listens to the wants and needs of the branches and the public who use them or to the advice of the LABs and the commission. When the JPA is failing, a director says things like "... Not only will this help remind the public that they cannot take the Library for granted..." and the commissioners will nod and move on. When these failures occur, we know the answer to "Whose library is it?" It may not be "Ours."

## FINDINGS

- F1. The Joint Powers Agreement appears to be outdated and needs to be revised.
- F2. The Joint Powers Agreement states that the individual library branches have input in major decisions; however, it appears that they are not heard and basically ignored.
- F3. Having an unresponsive library director undermines the spirit of the JPA.
- F4. Library Advisory Boards are not functioning as per the original intent of the JPA.
- F5. The Library Commission seems unclear as to their duties and function.
- F6. The Library Commission appears to have no formal training sessions to assist them.
- F7. The library director is inappropriately editing meeting minutes.
- F8. The majority of employee performance reviews are not being completed on a regular basis. There appeared to be no urgency at the library director level to get reviews up to date.

F9. The absence of written policies and procedures is causing a lack of follow-through on the expenditure of funds received from the FOL.

F10. Furniture orders for some branches are unnecessarily held up at the library director's level.

## RECOMMENDATIONS

R1. The Board of Supervisors evaluate the library's leadership structure, including the JPA, and write a report suggesting ways to improve collaboration.

R2. The Board of Supervisors establish an education and training process, including budget analysis, for current and future library commissioners.

R3. The Library Commission establish a method to facilitate communication between the LABs and Library Commission.

R4. The Library Commission establish a regular monthly schedule for LAB meetings with the library patrons and then monthly with the Library Commission to discuss findings.

R5. The Library Commission instruct the director to cease editing meeting minutes. Any corrections or edits should be brought up at the subsequent Library Commission meeting when minutes are approved.

R6. The library director bring all employee job descriptions up to date, with the approval of the Library Commission.

R7. The library director revise the Performance Management Program work plan performance review template to make it a workable document and institute its usage.

R8. The library director advise all managers of the past due employee performance reviews and get them up to date.

R9. The library director develop a follow-up method to ensure that reviews are done on time.

R10. The library director report to the Library Commission the status of library employee reviews on a monthly basis to ensure compliance with library policies and procedures for reviewing all employees in a timely fashion.

R11. The library director order the two end panels for the Guerneville library.

R12. The library director order the other delayed furniture for the Rincon Valley and Coddington branches.

R13. The library director delegate the ordering of furniture to the library branch manager level when the item is being purchased with FOL funds and within the furniture catalog guidelines.

R14. The library director establish and implement a furniture ordering policy so that orders requested are placed in a timely fashion.



## REQUIRED RESPONSES

Pursuant to Penal Code Section 933.05, the Grand Jury requires responses from the following:

- Library Director - R6, R7, R8, R9, R10, R11, R12, R13, and R14
- Sonoma County Board of Supervisors – R1 and R2
- Library Commission - R3, R4, R5, and R10

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

## BIBLIOGRAPHY

- Sonoma County Library Joint Powers Agreement – dated January 27, 1975
- Sonoma County Board of Supervisors meeting minutes
- Library Commission minutes
- Library Advisory Board minutes
- Friends of the Library minutes
- Sonoma County Library organization chart
- Sonoma County SEIU labor negotiations minutes – dated July 27, 2011
- Sonoma County Library Performance Management Program Work Plan
- Sonoma County Library Core Competencies document
- Sonoma County Save Our Library web site

*Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.*