California Library Laws 2014

CALIFORNIA STATE LIBRARY

CALIFORNIA
LIBRARY LAWS
2014

Selections from the California Codes and Regulations
relating to public libraries, the State Library,
and other library-related matters,
in effect January 1, 2014

California State Library
Sacramento, 2014
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CALIFORNIA LIBRARY LAWS 2014

INTRODUCTION.

California Library Laws 2014 is a selective guide to state laws and related materials that most directly affect the everyday operations of public libraries and organizations that work with public libraries. It is intended as a convenient reference, not as a replacement for the annotated codes or for legal advice.

The guide is organized as follows. Statutes relating to library programs of statewide applicability are listed first, those of local applicability next. Miscellaneous provisions that apply to a particular type of library are appended to that library statutes. Next are statutes which are not unique to libraries, but are commonly used to provide library services. Concluding sections cover fiscal and miscellaneous provisions affecting libraries in general. Appendixes include a list of California court decisions and Attorney General Opinions relating to libraries, and a table of statutes. There is no index as such.

Full text in effect January 1, 2014, is provided for most of the material. For less frequently-used statutes, only the library-specific text or a brief citation is provided. Omission of matter not directly relevant to libraries, or unrepealed obsolete material, is indicated by three asterisks (***).

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STATE LIBRARY

(Education Code, Title 1, Division 1, Part 8, Chapter 1, Article 8, Section 12130)
(Education Code, Title 1, Division 1, Part 11, Chapter 7, Article 1-4, Sections 19300-19336)

ARTICLE 8. FEDERAL AID TO PUBLIC LIBRARIES

Sec. 12130. Acceptance, receipt and administration of federal aid to public libraries.
The California State Library is hereby named and designated as the proper state entity to accept, receive and administer any and all funds, moneys or library materials, granted, furnished, provided, appropriated, dedicated or made available by the United States or any of its departments, commissions, boards, bureaus or agencies for the purpose of giving aid to public libraries in the State of California.

ARTICLE 1. DIVISION OF LIBRARIES IN DEPARTMENT OF EDUCATION

Sec. 19300. Policy.
The Legislature hereby declares that it is in the interest of the people and of the state that there be a general diffusion of knowledge and intelligence through the establishment and operation of public libraries. Such diffusion is a matter of general concern inasmuch as it is the duty of the state to provide encouragement to the voluntary lifelong learning of the people of the state.

The Legislature further declares that the public library is a supplement to the formal system of free public education, and a source of information and inspiration to persons of all ages, and a resource for continuing education and reeducation beyond the years of formal education, and as such deserves adequate financial support from government at all levels.

Sec. 19301. California State Library.
There is in the State Department of Education a division known as the California State Library.

Sec. 19302. State Librarian.
The division shall be in charge of a chief who shall be a technically trained librarian and shall be known as the "State Librarian."

Sec. 19303. Appointment of State Librarian.
The State Librarian shall be appointed by and hold office at the pleasure of the Governor, subject to confirmation by the Senate.

Sec. 19306. Appointment of assistant.
The State Librarian may appoint an assistant who shall be a civil executive officer.

ARTICLE 2. POWERS AND DUTIES

Sec. 19320. Powers and duties of State Librarian.
The State Librarian may do all of the following:
(a) Make rules and regulations, not inconsistent with law, for the government of the State Library.

(b) Appoint assistants as necessary.
(c) Sell or exchange duplicate copies of books.
(d) Keep in order and repair the books and property in the library.
(e) Prescribe rules and regulations permitting persons other than Members of the Legislature and other state officers to have the use of books from the library.
(f) Collect and preserve statistics and other information pertaining to libraries, which shall be available to other libraries within the state applying for the information.
(g) Establish, in his or her discretion, deposit stations in various parts of the state, under the control of an officer or employee of the State Library. No book shall be kept permanently away from the main library, which may be required for official use. Books and other library materials from public libraries of the state may be accepted for deposit, under agreements entered into by the State Librarian and the public libraries concerned, whereby materials that should be preserved but are rarely used in the region may be stored and made available for use under the same conditions that apply to materials in the State Library.
(h) Collect, preserve, and disseminate information regarding the history of the state.
(i) Authorize the State Library to serve as regional library for the blind, in cooperation with the Library of Congress.
(j) Give advisory, consultive, and technical assistance with respect to public libraries to librarians and library authorities, and assist all other authorities, state and local, in assuming their full responsibility for library services.
(k) Authorize the State Library to serve as the central reference and research library for the departments of state government and maintain adequate legislative reference and research library services for the Legislature.
(l) Acquire, organize and supply books and other library informational and reference materials to supplement the collections of other public libraries of the state with the more technical, scientific and scholarly works, to the end that through an established interlibrary loan system, the people of the state shall have access to the full range of reference and informational materials.
(m) Make studies and surveys of public library needs and adopt rules and regulations for the allocation of federal funds to public libraries.
(n) Contract, at his or her discretion, with other public libraries in the state to give public services of the types referred to in subdivisions (g) and (l) of this section, when service by contract appears to be a needed supplement to the facilities and services carried on directly by the State Library.

Sec. 19320.5. Children's consultant.
The State Librarian shall employ a consultant to provide technical assistance to public libraries in the development and enhancement of library services to children and youth.

Sec. 19321. Additional duties of State Librarian.
The State Librarian shall also do all of the following:
(a) Purchase books, maps, engravings, paintings, furniture, and other materials and equipment necessary to carry out State Library programs and services.
(b) Number and stamp all books and maps belonging to the library, or otherwise indicate ownership of them, and keep a catalog thereof.
(c) Have bound all books and papers that require binding.
(d) Keep a register of all books taken from the library.

Sec. 19322. Provisions of local library services.
The Department of Education may:

(a) Contract with counties, cities, or districts within this state, agencies of the state, and agencies of the United States government for the purpose of providing library services.
(b) Establish and operate library service centers.

Sec. 19323. Supplementary loan of tape recordings to blind and physically handicapped people.
The State Librarian shall make available in the state on a loan basis to legally blind persons, or to persons with a disability that prevents them from reading conventional printed materials, audio recordings of books and other related materials. The audio recordings shall be selected by the California State Library on the same basis as the California State Library's general program for providing library materials to legally blind readers.

Sec. 19324. Duplication of Braille materials.
The State Librarian may duplicate any Braille book master, other than textbook masters, presented by any legally blind person directly to the State Librarian for duplication. The State Librarian may duplicate any braille book master, other than textbook masters, presented by any other person or agency directly to the State Librarian for duplication.

Sec. 19325. Toll-free telephone services for blind and physically handicapped people.
The State Librarian may provide the following:
(a) Toll-free telephone services for registered patrons of the federally designated regional libraries for the blind and physically handicapped, in order to enable those persons to have direct patron access to library services.
(b) Toll-free telephone access to telephonic reading systems for individuals with print disabilities who are registered patrons of the federally designated regional libraries for the blind and physically handicapped.

Sec. 19325.1. Telephonic reading system.
(a) The State Librarian may operate a telephonic reading system, fund the operation of telephonic reading systems operated by qualifying entities, or both.
(b) Pursuant to an appropriation in the annual Budget Act and in accordance with Section 270 of the Public Utilities Code, the telephonic reading system is to be funded from the Deaf and Disabled Telecommunications Program Administrative Committee Fund.
(c) As used in this section, the following terms have the following meanings, unless otherwise indicated:
    (1) "Telephonic reading system" means a system operated by the State Librarian or a qualifying entity, whereby a caller can hear the reading of material such as newspapers, magazines, newsletters, broadcast media schedules, transit route and schedule information, and other reference or time-sensitive materials, as determined by the operator of the system.
    (2) "Qualifying entity" means any agency, instrumentality, or political subdivision of the state or any nonprofit organization whose primary mission is to provide services to people who are blind or visually impaired.
(d) Qualifying entities that were eligible, as of January 1, 2001, to receive funds from the State Librarian relating to the operation of a telephonic reading system may continue to receive funding from the State Librarian.
(e) The State Librarian, in cooperation with qualifying entities, may expand the type and scope of materials available on telephonic reading systems in order to meet the local, regional, or foreign language needs of print-disabled residents of this state. The State Librarian may also expand the scope of services and availability of telephonic reading services by current methods and technologies or by methods and technologies that may be developed. The State Librarian may inform current and potential patrons of the availability of telephonic reading service through appropriate means, including, but not limited to, direct mailings, direct telephonic contact, and public service announcements.

(f) The State Librarian may enter into contracts or other agreements that he or she determines to be appropriate to provide telephonic reading services pursuant to this section.

Sec. 19326. Gold medal for excellence in humanities and sciences; advisory panel; selection; private contributions.

(a) The State Librarian may annually award a gold medal for excellence in the humanities and science to an individual or organization for publication of a work that has enriched the collection of the State Library and enriched the state by significantly contributing to the intellectual, cultural, and scientific knowledge of the people of the state.

(b) The award shall formally be known as the "California State Library Gold Medal for Excellence in the Humanities and Science."

(c) To assist in making the selection of a recipient of the California State Library Gold Medal for Excellence in the Humanities and Science, the State Librarian shall consult an advisory panel consisting of one representative from each of the following:

(1) The Governor.

(2) The President pro Tempore of the Senate.

(3) The Speaker of the Assembly.

(4) The Chief Justice of the California Supreme Court.

(d) The State Librarian is authorized to seek private contributions to defray the cost of awarding the California State Library Gold Medal for Excellence in the Humanities and Science and related expenses.

Sec. 19327. State Library Foundation; operating agreements; fees.

(a) In order to protect and preserve valuable and irreplaceable treasures of the state, the State Librarian may enter into an operating agreement with a private, nonprofit, tax-exempt organization, currently known as the California State Library Foundation, as follows:

(1) The California State Library Foundation may be designated by the State Librarian as the only authorized provider of copies and reproductions of rare and valuable State Library materials.

(2) The California State Library Foundation may be authorized by the State Librarian to provide copies and reproductions of documents and other information found in the collection of the State Library, as requested by members of the public.

(3) The California State Library Foundation may be authorized by the State Librarian to use State Library facilities and equipment designated by the State Librarian as necessary for the California State Library Foundation to provide services to the State Library efficiently and economically.

(b) The State Librarian may establish an agreement with the California State Library Foundation to collect fees from the public for providing the services specified in subdivision (a). Fees for copying, reproduction, and other services provided by the California State Library Foundation shall be at a level consistent with the cost of providing these services.

Sec. 19328. Bernard E. Witkin State Law Library.

(a) The Legislature hereby finds and declares that Bernard E. Witkin's legendary contribution to California law is deserving of a lasting tribute and an expression of gratitude from the state whose legal system, he, more than any other single individual in the 20th century, helped to shape.

(b) The law library of the California State Library, located in the Library and Courts Building in the City and County of Sacramento, is hereby designated as the Bernard E. Witkin State Law Library of California.

(c) The State Librarian, in cooperation with the Department of General Services, may install appropriate plaques and markers showing this special designation upon receiving donations from nonstate resources to cover any costs.

ARTICLE 3. BOOKS

Sec. 19330. Borrowing of books by state officers.
Books may be taken from the library by the Members of the Legislature and by other state officers during regular office hours.

Sec. 19331. Overdue fines.
The Controller, when notified by the State Librarian that any officer or employee of the state for whom he or she draws a warrant for salary has failed to return any book taken by him or her, or for which he or she has given an order, within the time prescribed by the rules, or the time within which it was agreed to be returned, and which notice shall give the value of the book, shall, after first informing the officer or employee of the notice, upon failure by him or her to return the book, deduct from the warrant for the salary of the officer or employee, twice the value of the book, and place the amount deducted in the General Fund.

Sec. 19332. Purchase of duplicates.
In case of the neglect or refusal on the part of any officer or employee of the state to return a book for which he or she has given an order or a receipt or has in his or her possession, the State Librarian may purchase for the library a duplicate of the book, and notify the Controller of the purchase, together with the cost of the book. Upon the receipt of the notice from the department, the Controller shall deduct twice the cost of the duplicate book from the warrant for the salary of the officer or employee, and place the amount deducted in the General Fund.

Sec. 19333. Suit for unreturned books.
The State Librarian may bring suit in his or her official capacity for the recovery of any book, or for three times the value thereof, together with costs of suit, against any person who has the book in his or her possession or who is responsible therefore. If the department has purchased a duplicate of any book, it may bring suit for three times the amount expended for the duplicate, together with costs of suit.

Sec. 19334. Liability for damaged or unreturned books.
Every person who injures or fails to return any book taken is liable in three times its value.

ARTICLE 4. READING INITIATIVE PROGRAM

Sec. 19335. Citation of act.
This act shall be known and may be cited as the Reading Initiative Program.

Sec. 19336. Reading Initiative Program.
The State Librarian shall establish the Reading Initiative Program with funds appropriated for that purpose and with funds received from private sources. The State Librarian shall administer the program, for which purpose he or she shall do all of the following:

(a) Develop a list of recommended books, in consultation with various groups, including, but not limited to, teachers, librarians, parents, writers, publishers, and employees of the State Department of Education. The recommended books shall supplement the state-recommended English/language arts curriculum framework, and shall include recreational reading selections for children.

(b) Develop a method of involving pupils enrolled in kindergarten and grades 1 to 12, inclusive, in the program and an appropriate form of recognition for pupils who volunteer to participate in the program and who succeed in the program. Rewards and related recognition activities shall be funded with amounts received from private sources.

(c) To the extent private funds are available, and consistent with subdivision (b), expend private funds received by the State Librarian for the purposes of this article to obtain and make available to the public the books on the list developed pursuant to subdivision (a).

CALIFORNIA CODE OF REGULATIONS
TITLE 5. EDUCATION
DIVISION 2. CALIFORNIA STATE LIBRARY.
CHAPTER 1. LIBRARY SERVICES PROVIDED BY THE STATE
ARTICLE 1. GENERAL PROVISIONS
(Cal. Code Regs., Tit. 5 §§ 20000-20050)

Sec. 20000. Loan Period
(a) Books and like materials are lent for five weeks.
(b) Periodicals are lent for three weeks.
(c) Foreign language fiction is lent for three months.
(d) Exceptions to the above loan periods may be made for certain types of material or for special needs of the borrower.

Sec. 20003. Payment for Photostatic Copies
(a) A private individual or a firm shall pay in advance of delivery for photostatic copies, or any other item that may be sold by the State Library.
(b) Public agencies may buy and receive delivery of such copies or other items, and be billed later for the purchase price.

Sec. 20004. Use of Books on Library Premises
Any person may use in reading rooms of the State Library any books, periodicals, and like material. He shall not, however, mark, cut, tear, deface, or remove any pages or parts thereof. Any person who does so, may thereafter be denied the use of any library material.

Sec. 20020. General Policies
State Library books and materials which are permitted to circulate shall be made available to inhabitants of the State through a loan service.
(a) Where there is a local library, all requests for loan of State Library materials shall be made through a local library, except as provided in Section 20050.
(b) In addition to borrowing through any library which they are entitled to use, high school students in schools where no established school library exists may borrow through a high school district employee designated by the proper school authorities to handle library requests.
(c) Direct service to individuals may be made as provided in Section 20050.

Sec. 20021. Request for Loan
The State Library shall loan any book or periodical which is available for loan purposes to any other public or private library in California upon receipt of a request from the borrowing library.

Sec. 20050. Direct Library Loan Service to Individuals
The State Library shall give direct library loan service to the following persons only, and upon proper identification:
(a) Members of the California Legislature.
(b) Legislative staff members, State officers and employees.
(c) Accredited representatives of the Capitol Correspondents Association as published in most recent legislative histories.
(d) Employees, located in Sacramento, of Organizations Representing California State Employees as verified

by the State Personnel Board.

(e) A resident of the State in an area where no local library service is available.

CALIFORNIA LIBRARY SERVICES ACT

(Education Code Title 1, Division 1, Part 11, Chapter 4, Articles 1-6, Section 18700-18767)

Note:
The California Library Services Act will be repealed when all program elements of the Library of California Act are implemented under the terms of Education Code Section 18870.

ARTICLE 1. GENERAL PROVISIONS

Sec. 18700. Title.
This chapter shall be known as the California Library Services Act.

Sec. 18701. Legislative finding.
The Legislature finds and declares that it is in the interest of the people of the state to insure that all people have free and convenient access to all library resources and services that might enrich their lives, regardless of where they live or of the tax base of their local government.
This finding is based on the recognition that:
(a) The public library is a primary source of information, recreation, and education to persons of all ages, any location or any economic circumstance.
(b) The expansion of knowledge and the increasing complexity of our society create needs for materials and information that go beyond the ability of any one library to provide.
(c) The public libraries of California are supported primarily by local taxes. The ability of local governments to provide adequate service is dependent on the taxable wealth of each local jurisdiction and varies widely throughout the state.
(d) Public libraries are unable to bear the greater costs of meeting the exceptional needs of many residents, including people with disabilities, non-English-speaking and limited-English-speaking persons, those who are confined to home or in an institution, and those who are economically disadvantaged.
(e) The effective sharing of resources and services among the libraries of California requires an ongoing commitment by the state to compensate libraries for services beyond their clientele.
(f) The sharing of services and resources is most efficient when a common database is available to provide information on where materials can be found.

Sec. 18702. Legislative intent.
It is the intent of the Legislature to provide all residents with the opportunity to obtain from their public libraries needed materials and informational services by facilitating access to the resources of all libraries in this state.

This policy shall be accomplished by assisting public libraries to improve service to the underserved of all ages, and by enabling public libraries to provide their users with the services and resources of all libraries in this state.

Sec. 18703. Legislative policy.
In adopting this chapter, the Legislature declares that its policy shall be:
(a) To reaffirm the principle of local control of the government and administration of public libraries, and to affirm that the provisions of this chapter apply only to libraries authorized by their jurisdictions to apply to participate in the programs authorized by this act.

(b) To require no library, as a condition for receiving funds or services under this chapter, to acquire or exclude any specific book, periodical, film, recording, picture, or other material, or any specific equipment, or to acquire or exclude any classification of books or other material by author, subject matter, or type.
(c) To encourage adequate financing of libraries from local sources, with state aid to be furnished to supplement, not supplant, local funds.
(d) To encourage service to the underserved of all ages.
(e) To encourage and enable the sharing of resources between libraries.
(f) To reimburse equitably any participating library for services it provides beyond its jurisdiction if a public library, or, if not a public library, beyond its normal clientele.
(g) To ensure public participation in carrying out the intent of this act.

ARTICLE 2. DEFINITIONS

Sec. 18710. Definitions.
As used in this chapter, unless the context otherwise indicates or unless specific exception is made:
(a) “Academic library” means a library established and maintained by a college or university to meet the needs of its students and faculty, and others by agreement.
(b) “Act” means the California Library Services Act.
(c) “Cooperative library system” means a public library system that consists of two or more jurisdictions entering into a written agreement to implement a regional program in accordance with this chapter, and which, as of the effective date of this chapter, was designated a library system under the Public Library Services Act of 1963 or was a successor to such a library system.
(d) “Direct Loan” means the lending of a book or other item directly to a borrower.
(e) "Equal access” means the right of the residents of jurisdictions that are members of a cooperative library system to use on an equal basis with one another the services and loan privileges of any and all other members of the same system.
(f) “Independent public library” means a public library not a member of a system.
(g) “Interlibrary loan” means the lending of a book or other item from one library to another as the result of a user request for the item.
(h) “Interlibrary reference” means the providing of information by one library or reference center to another library or reference center as the result of a user request for the information.
(i) “Jurisdiction” means a county, city and county, city, or any district that is authorized by law to provide public library services and that operates a public library.
(j) “Libraries for institutionalized persons” means libraries maintained by institutions for the purpose of serving their resident populations.
(k) “Net imbalance” means the disproportionate cost incurred under universal borrowing or equal access when a library directly lends a greater number of items to users from outside its jurisdiction than its residents directly borrow from libraries of other jurisdictions.
(l) “Public library” means a library, or two or more libraries, that is operated by a single public jurisdiction and that serves its residents free of charge.
(m) “School library” means an organized collection of printed and audiovisual materials that satisfies all of the following criteria:
  (1) Is administered as a unit.
  (2) Is located in a designated place.
  (3) Makes printed, audiovisual, and other materials as well as necessary equipment and services of a staff accessible to elementary and secondary school pupils and teachers.

(n) "Special library" means one maintained by an association, government service, research institution, learned society, professional association, museum, business firm, industrial enterprise, chamber of commerce, or other organized group, the greater part of their collections being in a specific field or subject, e.g., natural sciences, economics, engineering, law, and history.
(o) "Special Services Programs" means a project establishing or improving service to the underserved of all ages.
(p) "State board" means the California Library Services Board.
(q) "System" means a cooperative library system.
(r) "Underserved" means any population segment with exceptional service needs not adequately met by traditional library service patterns; including, but not limited to, those persons who are geographically isolated, economically disadvantaged, functionally illiterate, of non-English-speaking or limited-English-speaking ability, shut-in, or institutionalized, or who are persons with disabilities.
(s) "Universal borrowing" means the extension by a public library of its direct loan privileges to the eligible borrowers of all other public libraries.

ARTICLE 3. ADMINISTRATION

Sec. 18720. California Library Services Board.

(a) There is hereby established in the state government the California Library Services Board, to consist of 13 members. The Governor shall appoint nine members of the board. Three of the Governor's appointments shall be representative of laypersons, one of whom shall represent people with disabilities, one of whom shall represent limited- and non-English-speaking persons, and one of whom shall represent economically disadvantaged persons.

(b) The Governor shall also appoint six members of the board, each of whom shall represent one of the following categories: school libraries, libraries for institutionalized persons, public library trustees or commissioners, public libraries, special libraries, and academic libraries.

(c) The Legislature shall appoint the remaining four public members from persons who are not representative of categories mentioned in this section. Two shall be appointed by the Senate Committee on Rules and two shall be appointed by the Speaker of the Assembly.

(d) The terms of office of members of the board shall be for four years and shall begin on January 1 of the year in which the respective terms are to start.

(e) On January 1, 2013, the members of the board shall be those persons serving on the former Library of California Board, appointed pursuant to former Section 18820, as it existed on December 31, 2012, who shall serve for the duration of their terms.

Sec. 18722. Validity of board acts.
The concurrence of seven members of the state board shall be necessary to the validity of any of its acts.

Sec. 18723. Compensation of board.

Members of the state board shall serve without pay. They shall receive their actual and necessary traveling expenses while on official business.

Sec. 18724. Duties of board.
The duties of the state board shall be to adopt rules, regulations, and general policies for the implementation of this chapter. In addition, the state board, consistent with the terms and provisions of this chapter, shall have the following powers and duties:
(a) To direct the State Librarian in the administration of this chapter.
(b) To review for its approval all annual proposals submitted under this chapter.
(c) To annually submit budget proposals as part of the annual budget of the Department of Education.
(d) To expend the funds appropriated for the purpose of implementing the provisions of this chapter.
(e) To require participating libraries and systems to prepare and submit any reports and information which are necessary to carry out the provisions of this chapter, and to prescribe the form and manner for providing such reports and information.
(f) To develop formulas for the equitable allocation of reimbursements under Sections 18731, 18743, 18744, and 18765. Such formulas shall be submitted to the Department of Finance for approval.
(g) To require that any public library participating in programs authorized by this chapter provide access to its bibliographic records and materials location information consistent with the legislative policy of encouraging the sharing of resources between libraries.

Sec. 18725. State Advisory Council on Libraries.
The state board shall serve as the State Advisory Council on Libraries for the purpose of meeting the requirements of the federal Library Services and Technology Act.

Sec. 18726. State Librarian as Chief Executive Officer.
The State Librarian shall be the chief executive officer of the state board for purposes of this chapter and shall:
(a) Make such reports and recommendations as may be required by the state board.
(b) Administer the provisions of this chapter.
(c) Review all claims to insure programmatic and technical compliance with the provisions of this chapter.

ARTICLE 4. LOCAL PUBLIC LIBRARY SERVICES

Sec. 18730. Special Services Programs.
Any public library or combination of public libraries may submit proposals to the state board for Special Services Programs within the service area. Applications shall identify the needs of the target service group, assess the capacity of the applicant library or libraries to respond to those needs, and shall identify the activities and timelines necessary to achieve those objectives. Funds may be expended for the development of collections to meet the needs of the underserved, together with the employment or retraining of staff necessary to properly utilize the collections, and to provide appropriate services to the underserved.

Sec. 18731. Universal borrowing.
Any California public library may participate in universal borrowing. Public libraries participating in universal borrowing may not exclude the residents of any jurisdiction maintaining a public library. Public libraries that incur a net imbalance shall be reimbursed for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724. Reimbursement shall be incurred only for imbalances between:

(a) System member libraries and independent public libraries.
(b) Independent public libraries with each other.
(c) Member libraries of one system with member libraries of other systems.

Sec. 18732. Consolidation of libraries.
If two or more public library jurisdictions wish to consolidate their libraries into a single library agency, an establishment grant in the annual maximum amount of twenty-thousand dollars ($20,000) shall be made to the newly consolidated library jurisdiction for each of two years, provided that notice of such consolidation is filed with the State Librarian within one year after the consolidation.

ARTICLE 5. LIBRARY SYSTEM SERVICES

Sec. 18740. Eligible systems.
A library system, eligible for funds under this article, may consist of the following systems:
(a) A cooperative library system that, as of the effective date of this act, was designated a system under the Public Library Services Act of 1963.
(b) A library system in which two or more systems consolidate to form a library system.
(c) A library system that is formed by adding independent public library jurisdictions to an existing system.
(d) A library system formed by any combination of the above.

Sec. 18743. Equal access.
Each member library of a system shall provide equal access to all residents of the area served by the system. Member libraries that incur a net imbalance shall be reimbursed through the system for the handling costs of the net loans according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18744. Interlibrary loan reimbursement.
Each member library of a system shall be reimbursed through the system to cover handling costs, excluding communication and delivery costs, of each interlibrary loan between member libraries of the system according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18745. System communications and delivery.
Each system shall annually apply to the state board for funds for intra system communications and delivery. Proposals shall be based upon the most cost-effective methods of exchanging materials and information among the member libraries.

Sec. 18746. System planning, coordination, and evaluation.
Each system shall annually apply to the state board for funds for planning, coordination, and evaluation of the overall systemwide services authorized by this chapter.

Sec. 18747. System administrative council and advisory board.
Each system shall establish an administrative council whose membership consists of the head librarians of each jurisdiction in the system. Duties of the administrative council shall include general administrative responsibility for the system, adopting a system plan of service, and submitting annual proposals to the state board for implementation of the provisions of this article.

Sec. 18751. Grants to newly consolidated systems.

When any system or systems consolidate, a grant of ten thousand dollars ($10,000) for each of the two years following the consolidation shall be made to the newly consolidated system.

ARTICLE 6. STATEWIDE SERVICES

Sec. 18760. State reference centers.
The state board shall establish and administer two or more state reference centers. The centers shall be responsible for answering reference requests that cannot be met by systems and libraries participating in the programs authorized by this chapter.

Sec. 18761. Services of state reference centers.
Each reference center established by the state shall provide statewide service. Such service shall include the handling of reference requests that cannot be met locally and regionally.

Sec. 18762. Agreements for services and materials.
Each reference center established pursuant to Section 18760 may enter into reciprocal or contractual agreements with libraries or any other information source for the purpose of making available their materials and informational services for the benefit of the library users of this state. Each California public library participating in any program under this chapter shall make materials and services available, as needed, to state reference centers.

Sec. 18763. Allowable expenditures.
The budget of any reference center established pursuant to Section 18760 may include funds for the general operations of such centers, including funds for collection development and use.

Sec. 18764. Repository for collections relevant to disadvantaged persons.
The state board shall designate one or more of the reference centers established pursuant to Section 18760 as a repository for collections specially relevant to economically disadvantaged persons and non-English-speaking persons.

Sec. 18765. Interlibrary loan reimbursement.
Each California library eligible to be reimbursed under this section for participation in the statewide interlibrary loan program shall be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724 to cover the handling costs of each interlibrary loan whenever the borrowing library is a public library, except for the interlibrary loans made between members of a cooperative library system as provided in Section 18744. Libraries eligible for interlibrary loan reimbursement under this section shall include public libraries, libraries operated by public schools or school districts, libraries operated by public colleges or universities, libraries operated by public agencies for institutionalized persons, and libraries operated by nonprofit private educational or research institutions. Loans to eligible libraries by public libraries shall also be reimbursed according to the allocation formula developed pursuant to subdivision (f) of Section 18724.

Sec. 18766. Statewide communications and delivery.
The state board shall establish and maintain a statewide communications and delivery network between and among systems, state reference centers, independent public libraries and all other libraries participating in the programs authorized by this act.

Sec. 18767. Bibliographic data base.

The state board shall establish and maintain a computerized data base of bibliographic records and locations of all materials acquired by public libraries in this state, for the purpose of carrying out the legislative policy of enabling libraries to share resources efficiently.

CALIFORNIA LIBRARY LITERACY SERVICES PROGRAM

(Education Code, Part II, Libraries, Chapter 4.6., Sections 18880-18884)

Sec. 18880. Establishment of program; allocation of funds; technical assistance.

(a) The California Library Literacy and English Acquisition Services Program is hereby established within the California State Library as a public library program designed to reduce illiteracy among children and adults by providing English language literacy instruction and related services to native and nonnative English speaking youth and adults residing in California. For purposes of this article, "English language literacy instruction" means the development of basic skills of speaking, reading, and writing in the English language.

(b) The California State Library shall allocate funds appropriated in the Budget Act for the California Library Literacy and English Acquisition Services Program to local library jurisdictions that are effectively providing literacy services.

(c) At local discretion, jurisdictions may use their allocation from the State Literacy Program for any of the services described in Section 18881.

(d) The California State Library shall provide local jurisdictions with technical assistance to the extent that resources are available for this purpose.

Sec. 18881. Authorized services; adult literacy instructional program; coordinated literacy and preliteracy and preliteracy services to families; collaboration with nonprofit and other local organizations.

The California Library Literacy and English Acquisition Services Program for public libraries may be used for any of the following:

(a) (1) Services designed to reduce adult illiteracy by providing English language literacy instruction and related services to adults and youth who are not enrolled in school. A participating public library may establish an adult literacy instructional program that provides adult basic literacy instruction and related services. Participant learning shall be evaluated on the basis of statewide guidelines established by the State Librarian.

(2) The public library shall do all of the following in establishing and implementing the program:

(A) Seek community and local government awareness of and support for the program and develop a local commitment of resources for the program's continuation.

(B) Develop cooperative relationships with other local literacy service providers and participate in existing community adult literacy coalitions, in order to address the wide variety of literacy needs of the community and ensure an effective utilization of resources. The public library shall assist in the establishment of a community adult literacy coalition if none currently exists.

(C) Recruit and train volunteers to provide tutoring and other services in public library and other community settings.

(D) Certify that the local jurisdiction will provide the same level of local and private fiscal support as it did in the preceding fiscal year.

(b) (1) Services to prevent illiteracy through coordinated literacy and preliteracy services to families that include illiterate adults and young children. The program shall provide reading preparation services for young children in public library settings and shall instruct parents in reading to their children. In addition, the program shall provide technical assistance, parent support, and any resources and materials necessary for its implementation.

(2) A public library implementing this service shall meet all of the following requirements:

(A) Offer new services to families with young children with the goal of helping the children become successful readers by increasing their general competence, self-confidence, and positive emotional associations with reading as a family experience and familiarity with the lifelong use of library resources. Recruitment of parents not previously included in public library literacy programs is a high priority.
(B) Families eligible for the program shall include, but not be limited to, those with young children up to the age of five years.
(C) Program meetings shall be held in public library settings.
(D) The public library literacy program staff and children's services staff shall work in close coordination with the State Library in administering the program to assure maximum integration of literacy services to parents and preliteracy services to their children.

(3) Services offered by a public library under this subdivision shall include the following:
(A) Acquisition of books, of appropriate reading levels for, and containing subjects of interest to, children for ownership by young children of families participating in the program.
(B) Regular meetings of parents and children in public library settings during hours that are suitable for parents and their children.
(C) Storytelling, word games, and other exercises designed to promote enjoyment of reading in adults and children.
(D) Use of children's books and language experience stories from the meetings as material for adult literacy instruction.
(E) Instruction for parents in book selection and reading aloud to children.
(F) Services to enhance full family participation and to foster a family environment conducive to reading.
(G) Assistance to parents in using services in order to access books and other materials on such topics as parenting, child care, health, nutrition, and family life education.
(H) Other services, as necessary to enable families to participate in the program.

(c) Services for pupils in kindergarten and grades 1 to 12, inclusive, and their families in local English language learner and literacy programs. Local libraries may offer year-round literacy and English language tutoring in collaboration with nonprofit and other local organizations.

Sec. 18883. Exclusive use of funds.

A local library shall ensure that funds received pursuant to this chapter are exclusively used for expenses resulting from providing English language and literacy services and shall ensure that at least 90 percent of the funds received for the program are expended on direct services and related materials.

CALIFORNIA LIBRARY SERVICES ACT REGULATIONS
(Code of California Regulations, Title 5, Division 2, Chapter 1, Subchapter 2,
Articles 1- 8, Sec. 20100-20265)

SUBCHAPTER 2. CALIFORNIA LIBRARY SERVICES

ARTICLE 1. GENERAL PROVISIONS

Sec. 20100. Scope.
The regulations contained in this chapter shall implement the California Library Services Act, Chapter 4 of Part 11 of Division 1 of Title 1 of the Education Code, beginning with Section 18700 thereof.

Sec. 20101. General provisions.
(a) The State Board finds that it is in the best interests of the citizens of California and best fulfills the purposes of the Act (Chapter 4, part 11, Division 1, Title 1, Education Code) that libraries participating in any one program of the Act participate in all applicable programs of the Act.
(b) Any public library participating in programs of the Act shall, under Section 18724(g) of the Act, provide access to the library's bibliographic and location data upon request from the State Board for inclusion in the appropriate data base established by the State Board in implementation of the Act. The access shall be provided in such form, manner, and frequency as are agreed upon between the State Board and the library.
(c) Funding distributed according to California Library Services Act provisions may not be used to support other than library purposes. To comply with Education Code Section 18703(c), the funding may not be used to replace local funds for library services, but only to supplement the local funding to further the purposes of the Act.
(d) A public library participating in any program of the Act must participate in the direct loan transaction reporting, whether the library participates in either of the direct loan programs or not. During the designated transaction reporting periods all CLSA participating libraries must record all direct loans made to eligible residents of other jurisdictions whose libraries are participating in the direct loan programs, as long as the handling costs of paid loans are not being covered in whole, or in part, by CLSA funds in addition to direct loan reimbursement funds, LSTA funds, or by funds provided by the jurisdiction of the eligible non-resident.

Sec. 20103. Waiver of filing date.
The State Board may waive or reset any filing dates required by these regulations, if the State Board determines that so doing would best serve the purposes of the Act.

Sec. 20104. Eligibility to participate.
Funding under any program of the Act shall be provided only to libraries which are physically and administratively located within California and which meet any additional eligibility criteria required for specific program participation.

Sec. 20105. General requirements for participation.
(a) Public Library Participation Authorization. Every public library wishing to participate in any of the programs of the Act must file with the State Board an authorization by the jurisdictional governing body for that library's participation. The authorization must be in the form and manner and be filed by the date specified by the State Board.

(b) Public Library Certification. Upon the authorization by the jurisdictional governing body, the head librarian of each public library wishing to participate in the programs of the Act must file a certification of compliance with provisions of the Act. This certification shall remain in effect until the library jurisdiction no longer complies with the stated provisions. The certification shall specifically include compliance with Education Code Sections 18703(c) and 18724(e).

If the library or jurisdiction is no longer in compliance, the head librarian shall notify the Board no later than thirty days following such a change in compliance status.

(c) Participation by Libraries other than Public Libraries. The head librarian of such library eligible to participate in any of the programs of the Act and wishing to do so must file with the State Board a notice of its intent to participate and of its agreement to the provisions of the Act and administrative regulations as they apply to the library's participation. This notice shall be filed in such form and manner as specified by the State Board by September 1 of the fiscal year preceding active participation. The agreement shall remain in effect until rescinded by the State Board or the library.

(d) Reports, Applications, and Claims. Any budget documents, reports, applications, and claims for funds pursuant to this Act shall be submitted by participating libraries in such form and manner and by the dates established by the State Board.

(e) No public library participating in the programs of the Act may charge its residents, as defined in Section 20203, any fee to obtain a library card nor for services for which it is receiving reimbursement under the California Library Services Act.

(f) The California Library Services Board believes that it is in the best interests of the citizens of California that the information services of public libraries be provided free of charge.

Sec. 20106. Uniform population statistics.

Any funds distributed per capita shall be awarded using the most recently published and available combined estimate for cities and counties from the California State Department of Finance.

Sec. 20107. Definitions.

(a) The definitions concerning California Library Services Act components set forth in Education Code Section 18710 are hereby incorporated by reference, with additions as noted in subsection (b) of this section. The definitions incorporated by reference are accurate to California Statutes 1979.

(b) Additions to the regulations hereby incorporated are as follows:

(1) "Chief Executive Officer" means the State Librarian.

(2) "President" means the elected President of the Board.

(3) "Public library affiliation" means the formal and legal joining to a System (i.e., the obtaining of full System membership status) by a public library not previously a member of any System. A Public Library Affiliation is not considered complete until all necessary local System and jurisdictional agreements have been approved and are in force, and the State Board has approved the affiliation.

(4) "Public library consolidation" means the formal and legal joining of the functions, services, operations, etc. of two or more formerly independent public libraries into a single public library, as defined in Education Code Section 18710(f). A Public Library Consolidation is not considered complete until all necessary local jurisdictional agreements have been approved and are in force, and the State Board has approved the consolidation (see Administrative Code Section 20180, below).

(5) Reference collection. Reference collection means a collection of materials, both print and non-print, designed primarily for use in answering requests for information.

(6) Reference specialist. Reference specialist means a trained and experienced librarian who can provide reference referral services and who can also understand how to approach the community in general and the underserved in particular, together with appropriate skills in analysis of information needs and

design and implementation of reference programs responsive to those needs. A reference specialist may be employed in providing any of the services for which he/she is qualified.

(7) "Secretary" means the Executive Secretary of the Board.

(8) "State Board" means the California Library Services Board.

(9) "System consolidation" means the formal and legal joining of geographic service areas, functions, operations, etc., of two or more formerly separate Systems into a single Cooperative Library System, as defined in Education Code Section 18710(c). A System Consolidation is not considered complete until all necessary local System consolidation agreements have been approved and are in force, and until the State Board has approved the consolidation (see Administrative Code Section 20185, below).

(10) "Valid non-resident borrowers card" means a card that is issued free of charge by a public library to a resident of another jurisdiction which maintains a public library, as long as such card meets all of the legal requirements of the issuing library.

(11) "Vice-President" means the elected Vice-President of the Board.

ARTICLE 2. CALIFORNIA LIBRARY SERVICES BOARD PROCEDURES

Sec. 20116. Officers of the State Board.

The State Board shall elect a President and Vice-President. The State Librarian shall be the Chief Executive Officer of the State Board.

(a) The State Board shall annually elect a President and Vice-President at the first regular meeting of each calendar year.

(b) Should a vacancy occur in the Office of President or Vice-President, the State Board shall at its next regular meeting elect one of its members to fill such vacancy for the remainder of the term.

(c) Duties of President. The President shall preside at all meetings of the State Board, shall execute for the State Board any documents requiring such execution, and shall perform such other duties as the State Board so provides.

(d) Duties of Vice-President. The Vice-President shall in the absence of the President perform any of the duties of President that cannot reasonably await the President's return.

(e) Duties of the Chief Executive Officer.

(1) Make such reports and recommendations to the State Board as he deems desirable and appropriate or as may be required by the State Board.

(2) Administer the provisions of this chapter.

(3) Review all claims to ensure programmatic and technical compliance with the provisions of this chapter.

Sec. 20117. Quorum.

A quorum for all State Board meetings shall be seven (7) members. The concurrence of 7 of its members shall be necessary to the validity of all actions of the State Board.

Sec. 20118. Regular meetings.

(a) Date. Regular meetings of the State Board shall take place at least bi-monthly on the third Thursday of the months of February, April, June, August, October; the December meeting shall be held in conjunction with the California Library Association (CLA) Conference.

(b) Place. The tentative locations for the regular meetings of the following calendar year shall be determined annually, at the last regular meeting of the calendar year.

(c) Change of date or place. Nothing in this regulation shall be construed to prevent the State Board from altering its regular meeting dates or places of meeting.

(d) Meeting notice. A notice of regular meetings shall be provided at least seven days prior to the meeting date to any person annually requesting such notice under Section 20119 below. Such notice shall include the time, date, and place of the regular meeting and a copy of the agenda therefor.

Sec. 20119. Notices.

(a) Eligibility. Notice of any regular or special public meeting of the State Board shall be given to any person annually requesting under Section 20119(b).

(b) Procedure. Individuals and organizations wishing to receive notice of regular and special meetings of the State Board and copies of the agenda may annually request the Secretary to include their names on the mailing list. Inclusion on the mailing list will result in notification to the addressee of all regular and special meetings of the State Board. The Secretary shall annually notify interested agencies and organizations that, upon request, they are entitled to be placed on the mailing list.

Sec. 20120. Open meetings of Committees, Commissions, and Advisory Bodies.

(a) State Board Committees. Meetings of the State Board committees composed solely of members of the State Board, created by a formal action of the State Board, shall be open and public.

(b) Advisory Bodies. Unless otherwise provided by law, meetings of any advisory body, or committees or subcommittees thereof, created by statutes or by formal action of the State Board, to advise or report or recommend to the State Board, shall be open and public.

Sec. 20121. Open meetings.

All meetings of the State Board will be open and public except for executive sessions authorized by Government Code Section 11120-11131.

Sec. 20122. Special meetings.

Special meetings may be called by the President of the State Board or a majority of the members thereof for any stated purpose. Notice of such meetings shall be provided at least 24 hours in advance to those persons so requesting under Section 20119(b).

Sec. 20123. Emergency meetings and agenda items.

(a) Power. An emergency meeting may be called by the President of the State Board or a majority of the members thereof without providing the notice required by Section 20119 if there is an unforeseen emergency condition in existence.

(b) Definition. An unforeseen emergency condition exists when there is an immediate threat of adverse effects on the program authorized by the Act of such scope that requires action of the State Board to avert such effects.

(c) Agenda Items. An item may be included on the agenda of any regular meeting if an unforeseen emergency condition exists without the notice required by Section 20119.

(d) Certification. Concurrence of 7 of the members is required to certify that an emergency condition exists in order to take any action at an emergency meeting or regarding an emergency item.

(e) Notice. If reasonably possible, notice of the emergency item or meeting shall be provided to those so requesting under Section 20119(b). Lack of such notice shall not invalidate any action taken on said item or at said meeting.

Sec. 20124. Agenda.

(a) All matters to be submitted for consideration of the State Board shall be sent to the Secretary at least 10 days preceding a regular meeting of the State Board at California Library Services Board, P.O. Box 942837, Sacramento, CA 94237-0001.
(b) Setting of Agenda. The agenda for regular meetings of the State Board shall be set by the Chief Executive Officer at least 8 days prior to the meeting.

Sec. 20125. Speakers.
(a) Recognition of Speakers. Members of the public or the State Library staff will be recognized by the President of the State Board to speak at any meeting. All remarks made shall be germane to the business at hand and shall be addressed to the President. No person other than the person having the floor and members of the State Board shall be permitted to enter the discussion.
(b) Subject of Remarks. All speakers before the State Board shall confine their remarks to the subject indicated in their written request, or indicated in the recognition by the President.

Sec. 20127. Robert's Rules of Order.
Except where the provisions of the California Library Services Act of 1977 or of these regulations provide to the contrary, or when the State Board determines otherwise, the State Board shall operate under the latest edition of Robert's Rules of Order.

Sec. 20130. Public hearings.
(a) Notice. The State Board may hold a public hearing regarding any matter pending before it, after giving the 45- day notice as required by the California Administrative Procedures Act. Such notice shall include adequate descriptive matter relating to the subjects to be considered in hearing.
(b) Alternative hearing. The State Board may direct that a public hearing be held before staff of the State Library, an advisory commission to the State Board, or a standing or ad hoc committee of the State Board regarding any matter which is, or is likely to be, pending before the State Board.
(c) Speakers.
(1) Notice. Persons wishing to address the State Board on a subject to be considered at a public hearing, should present a request to the Secretary four (4) working days in advance of the meeting at the office of the Secretary, stating the subject they wish to address, the organization they represent, if any, and the nature of their testimony. Persons wishing to address the Board, who have not presented a request four days in advance, may be heard at the discretion of the presiding officer.
(2) Copies of Statement. The speaker may provide a written copy of his statement to the Secretary 24 hours in advance of the hearing.
(3) Public Testimony. At or before the hearing at which oral comments from the public are to be received, the State Board or other hearing body shall determine the total amount of time that will be devoted to hearing such oral comments, and may, at its discretion, determine the time to be allotted to each person or to each side of an issue.

Sec. 20131. Waiver by Presiding Officer.
At any time upon a showing of good cause, the presiding officer of the hearing may waive the requirements of Section 20130.

Sec. 20134. Public records.
(a) Inspection of Public Records.

(1) Inspection of the original copy of any public record of the State Board (as defined in Government Code Section 6252(d) and 6254) will be permitted during regular office hours of the State Library, Library-Courts Building, Sacramento.
(2) Requests to inspect such records should be filed with the Secretary at least five working days prior to the requested date in order to insure availability.
(3) Requests for inspection should be as specific as possible in identifying the records desired.
(4) Original copies of public records shall not be removed from the office of the Secretary.

(b) Obtaining Copies of Public Records.

(1) Requests to obtain copies of public records may be made in person or by mail to the office of the Secretary.
(2) Such requests should be as specific as possible in identifying the records desired.
(3) Certification of the authenticity of copies may be obtained from the Secretary.

ARTICLE 3. GENERAL PROVISIONS FOR SYSTEMS

.

Sec. 20135. System budget request and plan of service.

Each System participating in programs of the Act shall adopt a System Plan of Service and prepare a budget for carrying out the objectives of the Plan. After approval by the Administrative Council, the System budget request and Plan of Service shall be annually submitted to the State Board by June 1 of the fiscal year immediately preceding the fiscal year for which funds are requested.

(a) Plan of Service. The annual Plan of Service shall describe in the form and manner prescribed by the State Board how the System proposes to carry out the purposes of the Act, and it shall include information relative to the following statements:
  (1) A population profile. This shall be no more than five years old, and shall use the most current data available.
  (2) A description of the users and non-users of the services of the members of the System.
  (3) A description of the services provided by the System.
  (4) A list of the major unmet information needs of the population of the System area.
  (5) A plan for the use of CLSA funds, listing each of the services in (3) above which the System plans to maintain or improve, and each of the unmet needs in (4) above which the System plans to address. Under each such service to be provided or unmet needs to be addressed, the plan shall include:
    (A) The user benefit expected.
    (B) A brief description of the method by which the benefit will be provided.
(b) Budget. The System budget shall document in the form and manner prescribed by the State Board the dollar amounts to be expended for providing each System service or addressing each unmet need.
(c) In addition, each System shall file by September 1 of each year a report, in the form and manner prescribed by the State Board for the fiscal year just ended, that describes actual accomplishments and expenditures of the System program, compares them with the planned

accomplishments and expenditures for the fiscal year reported and includes other appropriate commentary.

Sec. 20136. System administrative policy manual.
Each System participating in programs of the Act must develop by July 1, 1979, a System Administrative Policy Manual which shall include along with any other items the System finds useful, its policies for:

(a) Receiving and accounting for state and federal funds on behalf of the System.
(b) Employment of System personnel.
(c) Executing the System programs approved by the State Board. Policy manuals shall be in conformity with the California Library Services Act. Policy manuals shall be kept current.

Sec. 20140. System administration.

(a) Cooperative Library Systems. The System Administrative Council shall consist of the head librarian of each jurisdiction in the system. In case of the head librarian's absence, an official delegate or alternate may vote in place of the head librarian. It shall have regular meetings, open and accessible to the public as required in the Ralph M. Brown Act (Govt. Code Sectoin 54950-54961). Information about the meetings of the Council shall be disseminated in such a way and in such languages as the Council determines will most effectively inform the public of the Council's activities. The Council shall provide for the position of a Council Chair-person, and for rotation of that position among the Council members.

Sec. 20158. Allowance.
Each System shall receive an annual allowance based on the number of member libraries of the System and on the total population served by that System. The State Board shall periodically, and at least annually, review and approve the membership and population figures, and determine an appropriate funding formula which shall be uniform statewide.

ARTICLE 5. CONSOLIDATIONS AND AFFILIATIONS

Sec. 20180. Public library consolidation.

(a) If any two or more contiguous jurisdictions operating public libraries wish to consolidate their libraries into a single library agency and receive establishment grants under Education Code Section 18732, a joint notice of intent signed by the head librarians of the consolidating jurisdictions must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date for consolidation. Authorizations to consolidate, approved by the governing body of each consolidating jurisdiction and a joint plan for provision of consolidated services, signed by the head librarians, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of the consolidation.
(b) The State Board's approval of requests for library consolidation funds under Education Code Section 18732 shall be based on its determination that the consolidation provides a more effective means of carrying out the purposes of the Act than would be the case if the consolidation did not occur.

(c) For purposes of determining the eligibility of the consolidating jurisdictions to receive funds under other provisions of the Act, a public library consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Sec. 20185. System consolidations.

(a) If any two or more Systems whose borders are contiguous wish to consolidate and receive a consolidation grant under Education Code Section 18751, a joint notice of intent, approved by the Administrative Councils of the consolidating systems, must be filed with the State Board no later than September 1 of the fiscal year immediately preceding the effective date of consolidation. System participation authorizations approved by the jurisdictional governing body of each of the System's member libraries, and a new system Plan of Service and budget, must be filed with the State Board no later than June 1 of the fiscal year immediately preceding the effective date of consolidation. If the State Board approves the consolidation funding request, a grant shall be awarded for each of the two fiscal years following the fiscal year in which the filing is made.

(b) The State Board's approval of requests for System consolidation funds under Education Code Section 19851 shall be based on its determination that the consolidation provides a more effective way of carrying out the purposes of the Act than would be the case if the consolidation did not occur.

(c) For purposes of determining the eligibility of the consolidating systems to receive funds under other provisions of the Act, a system consolidation approved by the State Board will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the consolidation authorizations are filed.

Sec. 20190. Public library affiliation with an existing system.

(a) If any jurisdiction, not previously a member of any System, joins a System with borders contiguous to the jurisdiction, and the System wishes to receive an affiliation grant under Education Code Section 18752, the administrative body of the System shall file a notice of intent and the jurisdictional governing body of the affiliating library shall file and affiliation authorization with the State Board.

(b) The State Board's approval of requests for affiliation shall be based on its determination that the proposed membership is at least as effective a way of carrying out the purposes of the Act as would be the case if the membership were with a System other than the one joined.

(c) For purposes of determining the eligibility of the affiliating public library or system to receive funds under other provisions of the Act, an affiliation will be considered effective beginning July 1 of the fiscal year immediately following the fiscal year in which the affiliation authorization is filed.

Sec. 20192. Public library withdrawal from system membership.

(a) If a member library does not retain its membership in any System participating in the programs of the Act, the System shall notify the State Board no later than three months preceding the beginning of the fiscal year in which the withdrawal takes effect.

(b) Any System failing to provide the notice required in Section 20192(a) may be required to return to the State Board any funds allocated to it on the basis of the withdrawing library's membership, if the Chief Executive Officer determines that such funds would not have been allocated had the required notice been provided.

Sec. 20195. Public library change of system membership.
If any jurisdiction at present or previously a member of a System which has received state funds pursuant to that jurisdiction's membership, wishes to join another System instead, and if the library and the System it proposes to join wish to receive state funds pursuant to that jurisdiction's membership under Article 5 of the Act, the governing body of the jurisdiction and the administrative body of the System it proposes to join shall file a joint notice of intent with the State Board. The notice shall be filed by September 1 of the year preceding any July 1 of the first full fiscal year for which state funds pursuant to the new membership are requested. The State Board shall approve all appropriate state fund payments to the System under Article 5 of the Act only if it determines that the new membership results in a more effective statewide method of carrying out the purposes of the Act than would be the case if the jurisdiction retained or resumed the System membership it had previously. If the State Board does not make such a determination in favor of the new membership, then the new System's funding under Article 5 of the Act shall be calculated on the basis of the System comprising only those public library jurisdictions whose membership is approved.

ARTICLE 6. DIRECT LOANS

Sec. 20200. Scope.
Except where otherwise specified, the regulations contained in the Article apply both to Education Code Section 18731 (Universal Borrowing) and Education Code Section 18743 (Equal Access) of the Act.

Sec. 20203. Residency.
For purposes of this Article, each resident of the State shall be deemed to have a single legal residency, which shall entitle him/her to resident library services of the jurisdiction in which he/she resides, and such services shall not be reimbursable under this Article. In determining the places of residency, the following rules as excerpted from Government Code Section 244 shall be observed:
(a) It is the place where one remains when not called elsewhere for labor or other special or temporary purpose, and to which he or she returns in seasons of repose.
(b) There can be only one residence.
(c) A residence cannot be lost until another is gained.
(d) The residence of the parent with whom an unmarried minor child maintains his or her place of abode is the residence of such unmarried minor child.
(e) A married person shall have the right to retain his or her legal residence in the State notwithstanding the legal residence or domicile of his or her spouse.

Sec. 20204. Loans to eligible non-resident borrowers.
(a) Public libraries participating in direct loan programs under this Act shall not charge any fee to non-residents for borrowing privileges.
(b) Reserves and interlibrary loan requests shall be accepted by the participating public library under the same rules and policies applied to local residents.
(c) All procedures governing registration of borrowers shall apply equally to residents and non-residents.
(d) All materials normally loaned by a participating public library are available for loan to non-residents under the same rule and policies applied to local residents.

(e) All loan and return rules governing circulation apply equally to residents and non-residents. If overdue materials are returned to a library other than the library from which borrowed, fines may be paid to and retained by the library to which the return is made. Payments for lost or damaged materials are payable to the lending library, and are to be forwarded by the library to which payment is made.
(f) Special loan privileges extended by the participating public library to teachers and other groups within its jurisdiction need not be extended beyond the jurisdiction.

Sec. 20205. Non-resident borrower eligibility.
An eligible non-resident borrower must be a resident of California,
(a) Hold a valid borrowers card issued by his/her home library, or
(b) Hold or obtain a valid non-resident borrowers card issued by any California public library, or
(c) Hold a valid state borrowers identification card issued by any California public library;
(d) And present any additional identification normally required by a library of its own residents.
(e) Nothing in this section shall prevent the issuing of a non-resident card or charging of fees to a resident of another state, except that loans to such non-residents shall not be counted as reimbursable transactions.

Sec. 20206. Valid identification.
The lending library must be supplied with the name and current address of the borrower and the name of the library jurisdiction in which the borrower maintains his or her legal residency.

Sec. 20210. Exchange of local funds prohibited.
Libraries participating in direct loan programs authorized by the Act, shall not charge other jurisdictions for borrowing privileges extended to their residents, except that contracts for loan or other services provided within a defined geographic area by a library jurisdiction to residents of another jurisdiction not served by their library jurisdiction are not prohibited. Persons served under such contracts are to be registered as residents of the jurisdiction providing the contract service.

Sec. 20211. Maintenance of local service standards.
It is the intent of this Article that local service standards be maintained:
(a) Extension of borrowing privileges by libraries to non-residents should not adversely affect the level of service provided by the home library to its own residents.
(b) No library jurisdiction may reduce or fail to maintain or improve the level of service to its residents for the purpose of placing undue reliance on the library services of neighboring library jurisdictions.

Sec. 20215. Reimbursements for net direct loans.
Loan of a library material of any type by a participating public library to an eligible non-resident borrower shall result in reimbursement from the state under Education Code Sections 18731 and 18743 to the extent that the number of such loans exceeds the number of items borrowed by that library jurisdiction's residents from other participating public libraries, during a specific reporting period.

Sec. 20216. Reporting requirements.
To obtain reimbursement, participating public libraries shall provide reports in the form and manner, and for the period required. Reports must be submitted by established deadlines. Records in support of claims for state funds must be maintained for four years.

Sec. 20217. Reimbursable costs.

Reimbursable costs, expressed on a unit basis, are those handling costs incurred by the lending library in processing a direct loan to a non-resident. The State Board shall periodically review, at least once a year, and approve such cost data, but the reimbursement rate, as adopted, shall be uniform statewide.

ARTICLE 7. COMMUNICATION AND DELIVERY

Sec. 20235. Definition of reporting terms.
In complying with the reporting requirements of Section 20135, each system shall report the following items using the following definitions with respect to the communication and delivery programs:

(a) "Message" means the transmission of a discrete body of information from one library to another by means of a telecommunications system to a single individual or institutional addressee. Many separate items of information may be contained in a single message. The same body of information transmitted to several addressees at physically distinct locations constitutes several, not one, messages. Written information physically conveyed by delivery van, U.S. mail, or other courier services is not considered a "message" for communications and delivery reporting purposes.

(b) "Item delivered" means the physical removal of a discrete item from one library to another by means of a delivery van, U.S. mail, courier service, or other delivery system. Reasonable judgment shall be exercised in determining particular "items" status (e.g., a carton containing 10,000 brochures is one -- not 10,000 items).

(c) "Frequency/schedule of delivery service" means that specific (daily, twice weekly, weekly, etc.) frequency of delivery service received by member libraries. If not all members receive the same frequency of delivery service the number of member libraries served on each differing schedule must be reported.

(d) "Other" means that when a system employs communications or delivery methods other than those specifically cited on the standard reporting forms, the system must specify the method(s) employed and separately account for the message or delivery volume for each such method.

ARTICLE 8. INTERLIBRARY LOANS

Sec. 20251. Scope.
The regulations in this article refer to interlibrary loan activity covered under the provisions of Education Code Section 18744 (i.e., System interlibrary loan) and 18765 (i.e., Statewide loan).

Sec. 20252. Intent.
It is the intent of this program of the Act to support the sharing of library resources through interlibrary loan. Library materials needed by a library user and not available in the user's library will be made available to the user via interlibrary loan.

Sec. 20255. Eligibility.

(a) Public libraries. Any public library as defined in Education Code Section 18710(1), which has been authorized by its jurisdiction to participate in programs of the Act must participate in the interlibrary loan program s of the Act.

(b) Libraries other than public libraries. To be eligible to participate these libraries must be authorized by their own administrative authorities to do so and must file the proper notice with the State Board as outlined in Section 20105(c). Further, a library, other than a public library, may be eligible for a reimbursement only

for a loan to an eligible public library. Libraries, other than public libraries, which can become eligible for participation in the interlibrary loan reimbursement programs of the Act include only the following:

(1) Libraries operated by public schools or school districts. These libraries include only those defined in Education Code Section 18710(m).
(2) Libraries operated by public colleges or universities. These include those academic libraries (Education Code Section 18710(a)) which are funded primarily with public funds. Academic libraries potentially eligible for these programs include the libraries of the University of California, of the State University and College System, and of the California Community Colleges.
(3) Libraries operated by public agencies for institutionalized persons. Libraries for the institutionalized include hospital, correctional, and residential treatment facility libraries which are funded primarily with public funds (i.e., local, state, or federal tax monies).
(4) Libraries operated by nonprofit private educational or research institutions. These libraries include those operated by private colleges and universities which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. These libraries also include those operated by private companies which are primarily devoted to educational or research purposes and which maintain nonprofit status under provisions of the federal Internal Revenue Service or the California Franchise Tax laws. Such libraries may be required by the State Board to furnish proof of their nonprofit status in addition to any other required notices and forms.

Sec. 20257. Reimbursable transactions.

An interlibrary transaction can result in reimbursement under Education Code Sections 18744 and 18765 if it consists of the loan of a library material of any type which is collected by a library or if it consists of the provisions of a copy in lieu of loan of a library material, from any eligible, participating lending library to any eligible public library as defined in Section 20255 and in Education Code Sections 18744 and 18765.

Sec. 20260. Reimbursable costs.

Reimbursable costs are only those handling costs which a lending library incurs in filling a successfully completed interlibrary loan transaction. The State Board shall periodically, and at least annually, review and approve the cost data and determine an appropriate funding formula which shall be uniform statewide.

Sec. 20265. Participation requirements.

Participating libraries, both public and non-public, shall conform to the following requirements:

(a) Reporting. To obtain reimbursement a library shall provide by the deadline reporting date, all required reports of its interlibrary loan transactions in an established form and manner determined by the Board for the period required.
(b) Audit. For audit purposes, a record of the interlibrary loan transactions must be maintained for four years.
(c) Fees. A library providing an item for interlibrary loan may not collect a handling fee on a transaction for which that library claims an interlibrary loan reimbursement under provisions of this article. A photocopy fee, exclusive of photocopy handling charge, may be collected.
(d) Direct loan availability. Participating libraries shall make maximum use of available bibliographic access tools to refer users to borrow directly from nearby libraries where requested material is easily available, rather than to process an interlibrary loan.
(e) Responsibility for borrowed materials. The borrowing library shall be responsible for all items it borrows, and if such item is lost or damaged by the library or its users, the borrowing library may be required by the lending library to make restitution for the item.
(f) Adherence to standards. All participating libraries shall attempt to follow the standards described in the "California Library Services Act Interlibrary Loan Standards," which is hereby incorporated by reference.

The State Board may withhold reimbursements to libraries which continually fail to meet the standards of performance.

PUBLIC LIBRARY FINANCE

(Education Code, Title 1, Division 1, Part 11, Chapter 1.5, Articles 1- 4, Sections 18010-18032)

ARTICLE 1. GENERAL PROVISIONS

Sec. 18010. Legislative declarations.
The Legislature finds and declares that it is in the interest of the people and of the state that there be a general diffusion of information and knowledge through the continued operation of free public libraries. Such diffusion is a matter of general concern inasmuch as it is the duty of the state to provide encouragement to the voluntary lifelong learning of the people of the state.

The Legislature further declares that the public library is a supplement to the formal system of free public education, and a source of information and inspiration to persons of all ages, cultural backgrounds, and economic statuses, and a resource for continuing education and reeducation beyond the years of formal education, and as such deserves adequate financial support from government at all levels.

Sec. 18011. Legislative intent.
It is the intent of the Legislature under this chapter to initiate and examine a specific program providing equitable and adequate funds to the public libraries of the state which are established under various provisions of law, and which, historically dependent for their support on local property tax revenues, face a fiscal crisis as a result of ad valorem tax limitations imposed by Article XIIIA of the California Constitution, which fiscal crisis has not been sufficiently resolved through application of existing statutes.

Sec. 18012. Policies and objectives.
In adopting this chapter, the Legislature declares that its policy, and its objective in enacting the specific program prescribed in Section 18011, is to do all of the following:

(a) Assure the availability to every resident of the state of an adequate level of public library service regardless of the taxable wealth of the local jurisdiction providing the service.
(b) Provide permanent, stable, and predictable financing for public libraries of the state through a combination of state and local revenues.
(c) Provide state funds for public library service through application of a simple formula whose variable elements can be readily predicted and ascertained by both state and local officials, and which can be administered by the Controller and the State Librarian as ministerial functions.
(d) Reaffirm the principle of local control of the government and administration of public libraries under broad state policy determinations, and subject to the necessity for financial accounting to the state for the expenditure of state funds and required local matching funds.

Sec. 18013. Program within state appropriations limit.
The Legislature finds and declares that this chapter effects a state policy that each public library provide a minimum level of service, known as the foundation program, to the extent state funds are made available for that purpose as prescribed by this chapter. The Legislature, therefore, declares that state funds made available to each public library pursuant to this chapter, to the extent those funds are appropriations subject to limitation of a public library, shall be included in the appropriations limit of the state for purposes of Article XIIIB of the California Constitution. However, this chapter does not mandate any new program or higher level of service on any local government for which state funds are not made available as prescribed by this chapter.

ARTICLE 2. DEFINITIONS

Sec. 18015. Definitions.
As used in this chapter:
(a) "Public library" means a library, or two or more libraries, operated as a single entity by one or more public jurisdictions and which serve the general public without distinction.
(b) "Foundation program" means those elements of library service which are basic to its function as a provider of information, education, and cultural enrichment to all segments of the community, including, but not limited to, collection development and maintenance, lending services, information services, facility maintenance, and administration. The foundation program shall not include major capital improvements, which, for purposes of this chapter, shall be defined as the purchase of real property, the construction or improvement of buildings, and the purchase of equipment and the payment of fees or other costs in connection with the same.
(c) "Fiscal officer" means, for a municipal library, the chief fiscal officer of the municipality; for a county library or a library district under the jurisdiction of the county board of supervisors, the chief fiscal officer of the county; and for an independent library district, the chief librarian of the district. In the case of a public library which provides foundation program service by contract to one or more jurisdictions in addition to the jurisdiction or jurisdictions with which it is affiliated, the chief fiscal officer of the jurisdiction with which it is primarily affiliated shall be deemed the fiscal officer for the public library for the purposes of this chapter.

ARTICLE 3. FUNDING

Sec. 18020. Cost of foundation program.
For the fiscal year 1982-83, the cost of the foundation program is deemed to be twelve dollars ($12) per capita.

For the 1983-84 fiscal year and each fiscal year thereafter, the cost of the foundation program shall be increased by a percentage equal to the average statewide percentage increase in the total revenue limit for all unified school districts computed pursuant to Section 42238 from the prior fiscal year.

Sec. 18021. Population served by each public library.
The State Librarian shall determine and certify, on or before June 1, 1982, and June 1 of each fiscal year thereafter, the population served by each public library of the state based upon census data compiled by the United States Department of Commerce or estimates prepared by the California Department of Finance, whichever is more current. For such purposes, no person shall be deemed to be served by more than one public library.

Sec. 18022. Total cost of local foundation program.
The total cost of the foundation program for each public library for the purposes of this chapter shall be the product of the per capita cost determined pursuant to Section 18020 multiplied by the population determined pursuant to Section 18021.

Sec. 18023. Annual report of appropriation.
On or before August 31, 1982, and October 31 of each fiscal year thereafter, the fiscal officer of each public library shall report to the State Librarian the total revenue appropriated for the foundation program of the public library for that fiscal year and shall specify the amount of local revenue included in such total appropriation.

For the purposes of this chapter, homeowner and business inventory exemption reimbursements, timber yield tax funds, and federal revenue sharing funds shall be deemed to be local revenues.

Sec. 18024. Public Library Fund.

(a) A fund is hereby created in the State Treasury to be known as the Public Library Fund.

(b) The Controller shall transfer on January 1, 1984, from the General Fund to the Public Library Fund the amount necessary to meet the state's obligations under this chapter for the remainder of the 1983-84 fiscal year.

(c) The Controller shall transfer on July 1, 1984, and on July 1 of each year thereafter, from the General Fund to the Public Library Fund the amount necessary to meet the state's obligation under this chapter for that particular fiscal year.

Sec. 18025. Allocations from Public Library Fund.

(a) For the 1982-83 fiscal year and each fiscal year thereafter, the State Librarian shall determine the amount to which each public library is entitled for support of the library during the fiscal year. The amount shall be equal to 10 percent of the cost of the foundation program as determined pursuant to Section 18022.

(b) If local revenues appropriated for a public library for the 1982-83 fiscal year and each fiscal year thereafter, including tax revenues made available under Chapter 282 of the Statutes of 1979, total less than 90 percent of the cost of the foundation program as determined pursuant to Section 18022, the state allocation for that fiscal year shall be reduced proportionately. A proportional reduction in the state allocation as described in this subdivision shall not be made, however, commencing with the 1997-98 fiscal year and each fiscal year thereafter, if the amount appropriated to the Public Library Fund for that fiscal year is equal to or greater than the amount necessary to fund each public library in the amount it received for the prior fiscal year, thus providing the state's share of the cost of the foundation program to each library based only on its population served, as certified by the State Librarian. After the first fiscal year in which the proportional reduction is not made, no further reductions based on this subdivision shall be made in any future fiscal year. It is the intent of this subdivision to make this change without harm to any library currently receiving an unreduced share of the state's cost of the foundation program.

(c) If local revenues appropriated for a public library for the 1982-83 fiscal year and each fiscal year thereafter, including tax revenues made available under the provisions of Chapter 282 of the Statutes of 1979, total more than 90 percent of the cost of the foundation program as determined pursuant to Section 18022, the state allocation for that fiscal year shall remain at 10 percent of the cost of the foundation program as determined pursuant to Section 18022.

(d) In order for a public library to receive state funds under this chapter in the 1983-84 fiscal year and any fiscal year thereafter, the total amount of local revenues appropriated for the public library for that fiscal year, including tax revenues made available under Chapter 282 of the Statutes of 1979 and other revenues deemed to be local revenues according to Section 18023, shall be equal to at least the total amount of local revenues, as defined, appropriated for the public library in the previous fiscal year. State funds provided under this chapter shall supplement, but not supplant, local revenues appropriated for the public library.

(e) (1) Notwithstanding subdivision (d), or any other provision of law, in the 1993-94 fiscal year, any city, county, district, or city and county, that reduces local revenues appropriated for the public library for the 1993-94 fiscal year shall continue to receive state funds appropriated under this chapter for the 1993-94 fiscal year only, provided that the amount of the reduction to the appropriation to that public library for the 1993-94 fiscal year is no more than 20 percent of the 1992-93 fiscal year appropriation made to that public library as certified by the fiscal officer of the public library and transmitted to the State Librarian pursuant to Section 18023.

(2) Commencing with the 1993-94 fiscal year, and each fiscal year thereafter, any city, county, district, or city and county may request from the State Librarian a waiver of the requirements of subdivision (d) or of paragraph (1) by demonstrating that the percentage of the reduction in local revenues appropriated for the public library is no greater than the percentage of the reduction of local revenues received by the city, county, district, or city and county operating the public library as a result of changes made to Chapter 6 (commencing with Section 95) of Part 0.5 of the Revenue and Taxation Code by statutes enacted during or after the 1991-92 Regular Session having the effect of shifting property tax revenues from cities, counties, special districts, and redevelopment agencies to school districts and community colleges. Requests for the waiver and the substantiating documentation shall be submitted to the State Librarian along with the annual report of appropriation required by Section 18023 or any other report of appropriations applying to public libraries required by any other provision of law.

(1) Commencing with the 1997-98 fiscal year, and each fiscal year thereafter, any city, county, district, or city and county may request from the State Librarian a waiver of the requirements of subdivision (d) by demonstrating that the percentage of reduction in local revenues appropriated for the public library is no greater than the percentage of reduction of local revenues received by the city, county, district, or city and county operating the public library as a result of the addition of Article XIIID, otherwise known as the Right to Vote on Taxes Act, to the California Constitution as approved by the voters at the November 5, 1996, general election. Requests for the waiver and the substantiating documentation shall be submitted to the State Librarian along with the annual report of appropriations required by Section 18023 or any other report of appropriations applying to public libraries required by any other provision of law.

(2) Commencing with the 2000-01 fiscal year, and each fiscal year thereafter, any city, county, district, or city and county may request from the State Librarian a waiver of the requirements of subdivision (d) or of paragraph (1) by demonstrating that the reduction in local revenues appropriated for the public library is no greater than the reduction in local revenues received by the city, county, district, or city and county operating the public library as a result of the automatic termination of a locally approved special tax or benefit assessment for that public library. Requests for the waiver and substantiating documentation shall be submitted to the State Librarian along with the annual report of appropriation required by Section 18023 or any other report of appropriations applying to public libraries required by any other provision of law.

(f) If the state allocations computed pursuant to this section exceed the total amount of funds appropriated for purposes of this section in any fiscal year, the State Librarian shall adjust on a pro rata basis public library allocations prescribed by this section so that the total amount in each fiscal year does not exceed this amount.

Sec. 18026. Distribution of allocations.

Commencing with the 1984-85 fiscal year, the State Librarian shall certify to the Controller on or before November 15, 1984, and on or before each November 15 thereafter, the amounts determined in Section 18025. The Controller shall distribute to the fiscal officer of each public library 100 percent of the amount certified by the State Librarian on or before January 15 of the 1984-85 fiscal year, and on or before each January 15 thereafter.

ARTICLE 4. SERVICES

Sec. 18030. Interlibrary loan.

Notwithstanding any other provision of law, books and other library materials acquired or maintained by a public library as a part of the foundation program supported in part by state funds under this chapter shall be

made available upon request to other public libraries in the state without charge, subject to any restrictions which may apply to the use of the materials by residents of the area normally served by the library.

Sec. 18030.5. Minors access to Internet services.

(a) Every public library that receives state funds pursuant to this chapter and that provides public access to the Internet shall, by a majority vote of the governing board, adopt a policy regarding access by minors to the Internet by January 1, 2000.

(b) Every public library that is required to adopt a policy pursuant to subdivision (a) shall make the policy available to members of the public at every library branch.

Sec. 18031. Effective date.

The provisions of this chapter shall become operative July 1, 1983.

Sec. 18032. Videotape access by minors.

(a) Every public library that receives state funds pursuant to this chapter and that provides public access to video recordings shall, by a majority vote of the governing board, adopt a policy regarding access by minors to video recordings by January 1, 2000.

(b) Every public library that is required to adopt a policy pursuant to subdivision (a) shall make that policy available to members of the public at every library branch.

CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 1988

(Education Code, Title 1, Division 1, Part 11, Chapter 11, Articles 1-3, Sections 19950-19981)

ARTICLE 1. GENERAL PROVISIONS

Sec. 19950. Title.
This chapter shall be known and may be cited at the California Library Construction and Renovation Bond Act of 1988.

Sec. 19951. Findings.
The Legislature finds and declares all of the following:

(a) The public library is a supplement to the formal system of free public education, a source of information and inspiration to persons of all ages, cultural backgrounds, and economic statuses, and a resource for continuing education and reeducation beyond the years of formal education, and therefore deserves adequate financial support from government at all levels.

(b) It is in the interest of the people and of the state that there be a general diffusion of information and knowledge through the continued operation of free public libraries. This diffusion is a matter of general concern inasmuch as it is the duty of the state to provide encouragement to the voluntary lifelong learning of the people of the state.

(c) Many existing public library facilities are not safe, efficient, or accessible for use, adequate for the size of the communities they serve, or otherwise capable of providing the public library services needed by the communities they serve.

(d) Many communities that are populous enough to require a public library facility do not have one.

(e) Local public library authorities do not have sufficient funds to construct or rehabilitate necessary public library facilities.

(f) Funding to meet the need for public library facilities, which is beyond the ability of local government to supply, is most appropriately met by a partnership of state and local governments.

Sec. 19952. Definitions.
As used in this chapter, the following terms have the following meanings:

(a) "Committee" means the California Library Construction and Renovation Finance Committee created pursuant to Section 19972.

(b) "Fund" means the California Library Construction and Restoration Fund created pursuant to Section 19955.

(c) "Board" means the California Library Construction and Renovation Board. The board includes the State Librarian, the Treasurer, the Director of Finance, the Assembly Member appointed by the Speaker of the Assembly, and the Senator appointed by the Senate Rules Committee.

Legislative members of the board shall meet with, and participate in, the work of the board to the extent that their participation is not incompatible with their duties as Members of the Legislature. For the purposes of this chapter, Members of the Legislature who are members of the board shall constitute a joint legislative committee on the subject matter of this chapter.

ARTICLE 2. CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION PROGRAM

Sec. 19955. California Library Construction and Renovation Fund.
The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Library Construction and Renovation Fund, which is hereby created. Notwithstanding Section 13340 of the Government Code, the fund shall be continuously appropriated without regard to fiscal year.

Sec. 19956. Eligibility for grants.
All moneys deposited in the fund shall be available for grants to any city, county, city and county, or district that is empowered at the time of the project application to own and maintain a facility for the acquisition, construction, remodeling, or rehabilitation of facilities for public library services.

Sec. 19957. Purposes of grants.
The grant funds authorized pursuant to Section 19956 and the matching funds provided pursuant to Section 19962 shall be used by the recipient for any of the following purposes:

(a) Acquisition or construction of new facilities or additions to existing facilities.
(b) Acquisition of land necessary for purposes of subdivision (a).
(c) Remodeling of existing facilities for energy conservation purposes.
(d) Remodeling of existing facilities to provide access for the disabled.
(e) Rehabilitation of existing facilities to bring them into compliance with current health and safety requirements for public facilities.
(f) Procurement and installation of shelving fastened to the structure, and built-in equipment required to make a facility fully operable.
(g) Payment of fees charged by architects, engineers, and other design professionals whose services are required to plan and execute a project authorized pursuant to this chapter.

Sec. 19957.5. Eligibility for grant for public library facilities.

(a) An applicant for a grant for the acquisition, construction, remodeling or rehabilitation of public library facilities under this chapter, as opposed to an application for a grant to acquire land pursuant to subdivision (b) of section 19957, shall be eligible to apply for that grant if that applicant has an order issued by a court for possession of property in and eminent domain action pursuant to Section 1255.410 of the Code of Civil Procedure.
(b) The terms “purchase of land” or acquisition of land,” as used in this chapter, or in any rule, regulation, or policy adopted by the State Librarian pursuant to Section 19960, shall include, but shall not be limited to, the acquisition of land by eminent domain and the eligible cost of acquisition of land by eminent domain shall be the fair market value of the property as defined by Sections 1263.310 to 1263.330, inclusive, of the Code of Civil Procedure. However, the eligible cost of the land for a library project’s site acquired by eminent domain, if title to the land will not be transferred until after the grant application is submitted, shall be limited to the appraised value of the land.

Sec. 19958. Purposes for which grant and matching funds may not be used.
No grant funds authorized pursuant to Section 19956 or matching funds provided pursuant to Section 19962 shall be used by a recipient for any of the following purposes:

(a) Books and other library materials.
(b) Administration costs of the project, including, but not limited to, the costs of all of the following:
    (1) Preparation of the grant application.
    (2) Procurement of matching funds.
    (3) Conducting an election for obtaining voter approval of the project.
    (4) Plan checking and code compliance inspections.
(c) Interest or other carrying charges for financing the project, including, but not limited to, costs of loans or lease-purchase agreements in excess of the direct costs of any of the authorized purposes specified in Section 19957.
(d) Any ongoing operating expenses for the facility, its personnel, supplies, or any other library operations.

Sec. 19959. Competitive bidding.
All construction contracts for projects funded in part through grants awarded pursuant to this chapter shall be awarded through competitive bidding pursuant to Part 3 (commencing with Section 20100) of the Public Contract Code.

Sec. 19960. Administration by State Librarian.
This chapter shall be administered by the State Librarian, who shall adopt rules, regulations, and policies for the implementation of this chapter.

Sec. 19961. Applications for grants.
A city, county, city and county, or district may apply to the State Librarian for a grant pursuant to this chapter, as follows:
(a) Each application shall be for a project for a purpose authorized by Section 19957.
(b) The applicant shall request not less than thirty-five thousand dollars ($35,000) per project.
(c) No application shall be submitted for a project for which construction bids already have been advertised.

Sec. 19962. Matching funds.
(a) Each grant recipient shall provide matching funds from any available source in an amount equal to 35 percent of the costs of the project. The remaining 65 percent of the costs of the project shall be provided through allocations from the fund.
(b) Qualifying matching funds shall be cash expenditures in the categories specified in Section 19957 which are made no earlier than three years prior to the submission of the application to the State Librarian. Except as otherwise provided in subdivision (c), in-kind expenditure shall not qualify as matching funds.
(c) Land donated or otherwise acquired for use as a site for the facility, including, but not limited to, land purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement at its appraised value as of the date of the application.
(d) Cash expenditures not to exceed 10 percent for furnishings required to make the facility fully operable may be credited towards the 35 percent matching funds requirement. The recipient shall certify to the board that these furnishings have an estimated useful life of not less than 10 years.

(e) Architect fees for plans and drawings for library renovations and new construction, including plans and drawings purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement.

Sec. 19963. Allowance for art works.
An amount not to exceed 1 percent of the cost of construction of the project may be used for appropriate works of art to enhance the facility.

Sec. 19964. Excessive costs.
(a) The estimated costs of a project for which an application is submitted shall be consistent with normal public construction costs in the applicant's area.
(b) An applicant wishing to construct a project with costs which exceed normal public construction costs in the applicant's area may apply for a grant in an amount not to exceed 65 percent of the normal costs if the applicant certifies that it is capable of financing the remainder of the project costs from other sources.

Sec. 19965. Changes in amount of grant.
Once an application has been approved by the board and included in the State Librarian's request to the committee, the amount of funding to be provided to the applicant shall not be increased. Any actual changes in project costs shall be the full responsibility of the applicant. In the event that the amount of funding which is provided is greater than the cost of the project, the applicant shall return that portion of the funding which exceeds the cost of the project to the State Librarian.

Sec. 19966. Considerations in reviewing applications.
In reviewing applications, the board shall consider all of the following factors:
(a) Needs of urban and rural areas.
(b) Projected population growth.
(c) Changing concepts of public library service.
(d) Distance of the proposed project from other existing and proposed facilities.
(e) Age and condition of the facility.

Sec. 19967. Facility dedicated to direct public library service.
(a) A facility, or the part thereof, acquired, constructed, remodeled, or rehabilitated with grants received pursuant to this chapter shall be dedicated to public library direct service use for a period of not less than 20 years following the completion of the project, or the useful life of the building, whichever is longer.
(b) If the facility, or part thereof, Acquired, constructed, remodeled, or rehabilitated with grants received pursuant to this chapter ceases to be used for public library direct service prior to the expiration of the period specified in subdivision (a), the board shall be entitled to recover from the grant recipient or the recipient's successor in the maintenance of the facility, an amount which bears the same ratio to the value of the facility, or the appropriate part thereof, at the time it ceased to be used from public library direct service as the amount of the grant bore to the cost of the facility or appropriate part thereof. For purposes of this subdivision, the value of the facility, or the appropriate part thereof, shall be

determined by the mutual agreement of the parties, or through an action brought for that purpose in the superior court.

(c) The board may release the grant recipient or the recipient's successor in the maintenance of the facility from its obligation under subdivision (a), and waive the requirements of subdivision (b), if the board determines that so doing would not diminish the quality of public library service in the community served by the facility.

(d) Notwithstanding subdivision (f) of Section 16724 of the Government Code, moneys recovered pursuant to subdivision (b) shall be deposited in the fund, and shall be available for the purpose of awarding grants to other projects.

ARTICLE 3. FISCAL PROVISIONS

Sec. 19970. Authorization for bonds.

Bonds in the total amount of seventy-two million four hundred five thousand dollars ($72,405,000) (exclusive of refunding bonds), or so much thereof as is necessary, may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this chapter and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds shall, when sold, be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

Sec. 19971. Conformance with General Obligation Bond Law.

The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

Sec. 19972. General Obligation Bond Law "committee" and "board".

(a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law, of the bonds authorized by this chapter, the California Library Construction and Renovation Finance Committee is hereby created. For purposes of this chapter, the California Library Construction and Renovation Finance Committee is the "committee" as that term is used in the State General Obligation bond Law. The committee consists of the Treasurer, the State Librarian, the Director of Finance, or their designated representatives. The Treasurer shall serve as chairperson of the committee. A majority of the committee may act for the committee.

(b) For purposes of the State General Obligation Bond Law, the California Library Construction and Renovation Board is designated the "board".

Sec. 19973. Powers of committee.

The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in Article 2 (commencing with Section 19955), and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

Sec. 19974. Collection of revenue for debt service.
There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year, and it is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act which is necessary to collect that additional sum.

Sec. 19975. General Fund appropriation.
Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.
(b) The sum which is necessary to carry out the provisions of Section 19976, appropriated without regard to fiscal years.

Sec. 19976. Advances from General Fund.
For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds which have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, with interest at the rate earned by the money in the Pooled Money Investment Account during the time the money was withdrawn from the General Fund pursuant to this sections from money received from the sale of bonds for the purpose of carrying out this chapter.

Sec. 19976.5. Treasurer's treatment of bond proceeds when interest is excluded from gross income.
Notwithstanding any other provision of this bond act, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), if the Treasurer sells bonds pursuant to this bond act that include a bond counsel opinion tot the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions, the Treasurer may maintain separate accounts for the bond proceeds invested and the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law, or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

Sec. 19977. Advances from Pooled Money Investment Account.
The board may request the Pooled Money Investment board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds which the committee has by resolution authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

Sec. 19978. Refunding of bonds.
Any bonds issued and sold pursuant to this chapter may be refunded by the issuance of refunding bonds in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 2 of Title 2 of the Government Code. Approval by the electors of the state for the issuance of bonds shall include the approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

Sec. 19979. Disposal of interest earned on bonds.
All money deposited in the fund which is derived from premium and accrued interest on bonds sold shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

Sec. 19980. Bond proceeds not "proceeds of taxes."
The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursements of these proceeds is not subject to the limitations imposed by that article.

Sec. 19981. Allowance for State Library administration.
An amount not to exceed 1 percent of the fund may be used by the State Librarian for costs of administering this chapter.

CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION BOARD ACT OF 1988 REGULATIONS.

(California Code of Regulations, Title 5, Division 2, Chapter 2, Sections 20410-20428)

ARTICLE 1. GENERAL PROVISIONS

Sec. 20410. Definitions

(a) Addition/renovation. "Addition/renovation" means a project which adds new square footage to an existing public library in conjunction with remodeling that existing public library building.
(b) Applicant. "Applicant" means a local jurisdiction as defined under Education Code sections 19956 and 19961 which is eligible for and in the process of making application for California Library Construction and Renovation Bond Act funds
(c) Appraised value. The "appraised value" means the value of land, an existing building or any other improvements as determined by a certified appraisal performed within one year prior to the date of the State Librarian's deadline for application.
(d) Built-in equipment. "Built-in equipment" means equipment which is constructed as part of the building which is not detachable and therefore not removable from the building or grounds.
(e) Completion of the public library project. "Completion of the public library project" means the completion of the construction contract and the receipt by the applicant of the final state payment of funds.
(f) Conversion. "Conversion" means a project which converts by remodeling an existing building, not currently used for public library purposes, into a public library building
(g) Eligible project costs. "Eligible project costs" are costs authorized in Education Code sections 19957, 19962(d) and 19963. The terms "eligible project costs" and "eligible project expenditures" are used synonymously.
(h) Eligible projected construction cost. "Eligible projected construction cost" means:

(1) for the remodeling portion of conversion, addition/renovation or remodeling projects: the projected construction costs limited specifically to the purposes of energy conservation, providing access for the disabled, and rehabilitation of existing facilities to bring them into compliance with current health and safety requirements established by State Statutes, State Building Codes and local building codes for public facilities;

(2) for new construction: those construction contract costs which are derived by calculating the normal public construction costs in the applicant's area (See section 20418(c)(1)-(7)).

(i) Excessive. "Excessive" means going beyond the limits of what is customary. The State Librarian shall be the sole judge of the limits of what is customary with respect to public library construction projects.
(j) Fastened to the structure. "Fastened to the structure" means bolted, screwed, or welded to the structure of the building or otherwise permanently attached to the building.
(k) Library building program. The "library building program" means a document which provides the analysis of the need for the library project and defines the specific space requirements for a new or improved library building in a manner specified in Appendix 3.
(l) Local matching funds. "Local matching funds" means 35 percent of the eligible project costs.
(m) New construction. "New construction" means the construction of new building square footage for:

(1) a totally new library building, or

(2) an addition to an existing library building, or

(3) an addition to an existing building which is being converted to a library building.

(n) Project. "Project" means a new construction or remodeling project for purposes authorized under Education

Code section 19957.

(o) Projected construction cost. "Projected construction cost" means the projected cost of the construction contract for the library project estimated by architects and engineers licensed to practice in the State of California.

(p) Qualified library consultant. "Qualified library consultant" means a person who:

(1) possesses a Masters in Library Science (MLS) or equivalent 5th year degree in library science,

(2) has acted as a consultant to provide at least five of any of the services specified in section 20414(1)(4)(A) through (E). for at least five different library projects within the last ten years, and

(3) has provided the services as an independent contractor, or as the employee of an organization involved with the administration of public libraries.

(q) Remodeling. "Remodeling" means any form of renovation or rehabilitation of an existing facility. The three terms, remodeling, renovation and rehabilitation are used synonymously.

(r) State matching funds. "State matching funds" means 65 percent of the eligible project costs.

(s) Supplemental funds. "Supplemental funds" means any additional local funds above and beyond the eligible project costs which are directly related to the library construction project and are required for the completion of the library construction project.

Sec. 20412. Eligibility for Grants

(a) **Joint Powers Agreements (JPA).** Grants shall be available to applicants participating in joint powers agreements as long as each party of the JPA is an eligible grant recipient as defined in Education Code section 19956.

(b) **Official library service area populations of the project.** For the purpose of making application for state funds from the California Library Construction and Renovation Board for a public library construction project, when providing the current (1990) and projected (2010) population of the library service area, the applicant shall only count the people residing:

(1) within the official legal boundaries of the applicant, and

(2) within the service area of the proposed project, but

(3) exclude all people living within the boundaries of other special district, county, or city library service areas, for which there is no library service contract with the applicant.

Sec. 20414. Purposes of Grants

(a) **Allowance for art works.** Any work of art which is acquired as an eligible project cost shall be fastened to the structure of the library building or otherwise permanently attached to the grounds.

(b) Acquisition of a prefabricated or existing building

(1) A local jurisdiction may acquire, through purchase or donation, a prefabricated building or an existing building for the purpose of converting it to a public library.

(2) The eligible cost of the building shall be determined in the following ways:

(A) If the building will be purchased by the applicant after the State Librarian's deadline for application, either the purchase price or the appraised value of the building shall be an eligible cost for the library project;

(B) If the building has already been purchased by the applicant prior to the State Librarian's deadline for application, the appraised value of the building shall be an eligible cost for the library project;

(C) If the building has been or will be donated to the applicant, the appraised value of the building shall be an eligible cost for the library project

(3) In the case (A), where the purchase price of the building is used for the eligible cost, the applicant shall provide documentation acceptable to the State Librarian demonstrating proof of the purchase price paid for the building. In case (A), the choice between the use of either the purchase price or the appraised value of the building shall be at the option of the applicant.

(4) A building shall be considered acquired by the applicant on the date the title to the building has been transferred to and recorded in the name of the applicant.

(c) **Rejection or the application for conversion of an existing building.** The State Librarian may reject an application for the purchase of an existing building, if the State Librarian finds the existing building to be unsuitable for conversion to a public library because of:

(1) poor structural condition,

(2) presence of toxic materials,

(3) building conditions which limit effective library service,

(4) inappropriate location to serve as a public library,

(5) conversion costs in excess of the normal public construction cost in the applicant's area for new construction, or

(6) excessive costs of site acquisition, demolition or development.

(d) **Rejection of the application for additional renovation because of the existing library facility.** The State Librarian may reject an application for an addition/renovation project, if the State Librarian finds that the existing building is unsuitable for renovation because of:

(1) poor structural condition,

(2) presence of toxic materials,

(3) building conditions which limit effective library service,

(4) inappropriate location to continue serving as a public library, or

(5) renovation costs in excess of the normal public construction cost in the applicant's area for new construction.

(e) **Multipurpose buildings.** A "multipurpose project" means a project which results in a multi-use facility for which part of the use is for the delivery of public library services. The applicant shall determine the total and eligible project costs for that portion of the multipurpose project that is dedicated solely to the delivery of public library services. The architect shall provide a cost analysis comparing the budget of the multipurpose project as a whole with the budget of the library portion of the project.

(f) **Land ownership.** The applicant may apply for state funds if the applicant owns the proposed library site or shall acquire the site as part of the project. If ownership of the library site is not in the name of the applicant, the applicant may apply for state funds only if the applicant obtains an option to purchase the site, or a lease or lease-purchase agreement for a period of not less than 20 years following completion of the project, or the useful life of the building, whichever is longer. The lease or lease purchase agreement may contain a provision that makes the performance of the agreement contingent upon funding of the project by the California Library Construction and Renovation Board.

(g) **Acquisition of a site.**

(1) A local jurisdiction may acquire land for the purpose of building a public library facility, by:

(A) purchase,

(B) donation,

(C) lease, or

(D) lease-purchase agreement.

(2) The eligible cost of the land for the library project's site shall be determined in the following ways:

(A) If the land will be purchased by the applicant after the State Librarian's deadline for

application, either the purchase price or the appraised value of the land shall be an eligible cost for the library project;

(B) If the land has already been purchased by the applicant within three years of the State Librarian's deadline for application, either the purchase price or the appraised value of the land shall be an eligible cost for the library project;

(C) If the land has already been purchased by the applicant prior to three years from the State Librarian's deadline for applicant, the appraised value of the land shall be an eligible cost for the library project;

(D) If the land has been or will be donated to the applicant, the appraised value of the land shall be an eligible cost for the library project.

(3) In cases (A) and (B), where the purchase price of the land is used for the eligible cost, the applicant shall provide documentation acceptable to the State Librarian demonstrating proof of the purchase price paid for the land. In cases (A) and (B), the choice between the use of either the purchase price or the appraised value of the land shall be at the option of the applicant.

(4) The value of land, which has been acquired through a lease or a lease-purchase agreement, shall not be an eligible cost.

(5) The value of land, already owned by the applicant and dedicated to the operation of an existing public library, shall not be an eligible cost.

(6) Land shall be considered acquired by the applicant on the date the title to the land has been transferred to and recorded in the name of the applicant.

(h) **Rejection of the application because of the site.** The State Librarian may reject an application, if the State Librarian finds that the proposed site has:

(1) excessive acquisition costs,

(2) title restrictions that adversely effect the state's interest in the site,

(3) limited vehicular accessibility, in terms of traffic volume on roads or streets, or parking capacity for the library building,

(4) inappropriate geographical location within the library service area,

(5) excessive site development costs,

(6) excessive demolition costs,

(7) limited lot size or poor configuration,

(8) location in a 100-year flood plain, or

(9) non-compliance with California Environmental Quality Act (CEQA).

(i) **Site development and demolition.** Site development and demolition costs associated with the project are eligible project costs, but shall be directly related to the construction of the library facility. Eligible site development and demolition costs shall be limited to work performed within the legal boundaries of the library project's site, except in the case of utilities, paving, curbs or gutters which may extend 100 feet beyond the legal boundaries of the site if the work is required to tie-in the library with existing utilities and roads

(j) **Remodeling**. General remodeling of an existing building is not an eligible project cost. Only remodeling limited specifically to the purposes of energy conservation, providing access for the disabled, and rehabilitation of existing facilities to bring them into compliance with current health and safety requirements for public facilities is an eligible project cost. This applies to the remodeling of any facility, including existing library buildings, existing library buildings which are being expanded, or existing buildings which are being converted into a library building.

(k) **Architects and engineers.**

(1)Payment of fees for any work related to the library construction project performed by architects and engineers is an eligible project cost.

(2) "Architects and engineers" means a person required to be certified or licensed by either the State

Board of Architectural Examiners, State Board of Landscape Architects, State Board of Registration for Professional Engineers and Land Surveyors, or the State Board of Registration for Geologists and Geophysicists, and who possesses a current and valid license or certificate from that body.

(l) **Other design professionals.** Payment of fees for any work related to the library project performed by other design professionals is an eligible project cost. "Other design professionals" means:

(1) Interior designers employed to design furnishings and equipment, provide floor layouts, write specifications, and otherwise develop contract documents and supervise the bidding of furnishings and equipment for the interiors contract or portion of the general contract for the library construction project;

(2) Construction cost estimators employed to provide project cost estimates;

(3) Asbestos consultants registered by the California Occupational Safety and Health Administration (CAL/OSHA) who are employed to perform asbestos surveys and asbestos abatement contract administration;

(4) Qualified library consultants providing:

(A) public library needs assessments,

(B) public library facility master plans,

(C) public library site studies,

(D) public library building programs, and

(E) public library architectural plans reviews.

(m) **Ineligible purposes.** Project costs which are ineligible also means, but is not limited to, the following:

(1) Costs associated with construction administration or project management performed by the local public works department of the applicant, or by individuals who are not licensed architects, engineers or other design professionals as specified in Education Code section 19957;

(2) Costs associated with the performance of appraisals;

(3) Costs associated with the performance of an audit;

(4) Costs associated with the acquisition of land by use of a lease or lease-purchase agreement

Sec. 20416. Matching Fund

(a) Resolution certifying the project budge the local funding commitment, supplemental funds and the application

(1) The governing body of the applicant shall certify by resolution the following:

(A) the project budget contained in the application (See section 20418(e) and application form section entitled "Library Project Budget"),

(B) the commitment of local matching funds,

(C) the applicant's ability to finance the supplemental funds necessary to complete the project in a timely manner (See section 20418(d)),

(D) that local matching and supplemental funds will be available when needed to meet the project's cash flow requirements (See section 20418(d)),

(E) the accuracy and truthfulness of all information contained in the application form (See section 20420(e)), and

(F) a commitment to operate the completed facility and provide direct public library service, unless the facility shall be operated by a jurisdiction other than the applicant (See section 20424(a)).

(2) The resolution shall be supported by official action taken at an open meeting of the governing body of the applicant and duly recorded in the minutes of that meeting. The resolution shall be signed by the duly elected head of the jurisdiction and notarized or validated by the affixing of the official

seal of the clerk of the jurisdiction. The resolution shall be submitted with the application prior to the State Librarian's deadline for application. An application submitted without the resolution shall be deemed ineligible by the State Librarian.

(3) Private funds from donations, gifts or foundations which are identified as such in the library project budget section of the application form shall be deposited in a fund account under the complete control of the applicant prior to the State Librarian's deadline for applications. An account statement bearing on its face an original signature of the applicant's fiscal officer and a statement certifying the necessary account balance from private sources and the applicant's control over the account, shall be submitted with the application prior to the State Librarian's deadline for applications.

(b) **In-kind expenditures or donations.** In-kind expenditures or donations of materials, labor, equipment, works of art, articles or services of value of any kind shall not qualify as matching funds, and shall not be counted as eligible project costs.

(c) Land credit.

(1) The State Librarian shall allow credit for all land already acquired by the applicant, which has not been rejected by the State Librarian as a library site, except:

(A) land already owned by the applicant and dedicated to the operation of an existing public library;

(B) land not owned by the applicant, but secured by a lease or lease-purchase agreement.

(2) The credit allowance for land purchased by the applicant prior to three years of the State Librarian's deadline for applications shall be the appraised value of the land for the library project.

(3) The credit allowance for land purchased by the applicant for the library project within three years of the State Librarian's deadline for applications shall be the purchase price paid by the applicant for the land or the appraised value of the land.

(4) No credit allowance shall be made for land which will be purchased by the applicant after the State Librarian's deadline for application (See section 20414(g)(2)(A)).

(5) The credit allowance for land which has been donated to the applicant prior to the State Librarian's deadline for applications shall be the appraised value of the land for the library project.

(6) No credit allowance shall be made for land which will be donated to the applicant after the State Librarian's deadline for application (See section 20414(g)(2)(D)).

(7) No credit allowance shall be made for land which has been acquired through a lease or a lease purchase agreement.

(8) No credit allowance shall be made for land which is already owned by the applicant and dedicated to the operation of an existing public library.

(d) Appraisal.

(1) For the purpose of determining the appraised value of land or a building, a certified appraisal shall be obtained by the applicant and submitted with the application prior to the State Librarian's deadline for applications.

(2) A "certified appraisal" means conformance with the requirements of the Lancaster-Montoya Appraisal Act (Civil Code sections 1922 to 1922.14).

(3) The appraiser performing the certified appraisal shall be a member of the American Institute of Real Estate Appraisers, or the Appraisal Institute and carry the MAI designation, or a member of the Society of Real Estate Appraisers and carry the SREA designation.

(4) The appraiser shall be an independent contractor, and not an employee or agent of the applicant or the seller of the proposed library site.

(5) If the certified appraisal is contested by either the State Librarian or the applicant, one or more additional certified appraisals shall be obtained by the applicant and the difference in the appraisals shall be resolved with a determination of land value made by the Office of Real Estate and Design Services in the Department of General Services for the State of California.

(e) **Furnishings credit.** Cash expenditures, not to exceed 10 percent of the eligible project costs, for furnishings required to make the facility fully operable may be credited towards the 35 percent matching funds requirement.

(f) Architectural plans credit.

(1) The State Librarian shall give credit for architectural plans and drawings developed solely for the public library project for which application is being made. The plans and drawings shall have been created by an architect or engineer licensed to practice in the State of California. The combined credit and eligible cost for architectural plans and drawings shall not exceed twelve percent of the construction cost of the project.

(2) "Architectural plans and drawings" means, and is limited to, any of the following documents necessary for the design of the public library building:

(A) conceptual plans and drawings,

(B) schematic plans and drawings,

(C) preliminary or design development plans and drawings, and

(D) final working drawings and specifications, commonly referred to as contract documents.

Sec. 20418. Normal Public Construction Costs and Excessive Costs

(a) **Architect's projected construction cost estimate and conceptual plans.** A projected construction cost estimate for a conversion, addition/renovation, remodeling or new project shall be provided by architects and engineers. Conceptual plans shall be submitted justifying the architectural and engineering estimate of the projected construction cost. The normal public construction costs in the applicant's area shall be determined using the methods specified in sections 20418(b)(1)-(4) for remodeling and sections 20418(c)(1)-(7) for new construction.

(b) Normal public construction costs in the applicants area for remodeling.

(1) The normal public construction costs in the applicant's area for the remodeling portion of conversion, addition/renovation or remodeling projects shall be only the eligible construction project costs portion of the projected construction cost estimate provided by architects and engineers. In addition to the projected construction cost estimate, architects and engineers shall also provide the eligible projected construction cost estimate for the remodeling portion of conversion, addition/renovation or remodeling projects.

(2) Remodeling, conversion, and addition/renovation projects shall submit:

(A) An engineering study performed by a licensed engineer which assesses the structural integrity of the existing building; and

(B) An asbestos survey which determines the presence of asbestos containing materials in the building and provides an initial cost estimate for the safe removal or abatement of the materials. The building survey for asbestos containing materials shall be performed by an asbestos consultant registered with the California Occupational Safety and Health Administration (CAL/OSHA); and

(C) For energy conservation projects, an energy audit performed by a licensed engineer shall be submitted; and

(D) For projects which involve rehabilitation for health and safety purposes, the architect shall cite specific sections of State Statutes, State Building Codes and local building codes which demonstrate that the existing building is in need of rehabilitation for health and safety purposes.

(3) For remodeling and conversion projects, an eligible contingency not to exceed twenty percent of the eligible projected construction cost for remodeling may be utilized in the project budget.

(4) For addition/renovation projects, an eligible contingency not to exceed fifteen percent of the eligible projected construction cost of the new construction, and an eligible contingency not to exceed twenty percent of the eligible projected construction cost for remodeling, may be utilized in the project budget.

(c) Normal public construction costs in the applicant's area for new construction.

(1) For new construction, the calculation of the normal public construction cost in the applicant's area shall be based on the current (1991) cost of public library buildings, which shall be $ 115.20 per square foot. This figure does not include costs for land acquisition, site development, demolition, works of art, shelving and built-in equipment, or movable furnishings and equipment.

(2) The current cost shall be modified utilizing the following "California Locality Adjustment Table by County." The current cost figure is multiplied by the factor in the adjustment table to obtain the locally adjusted cost of public library buildings.

California Locality Adjustment Table by County

County	Multiplier Factor
Alameda	1.35
Alpine	1.20
Amador	1.19
Butte	1.14
Calaveras	1.11
Colusa	1.14
Contra Costa	1.30
Del Norte	1.15
El Dorado	1.20
Fresno	1.19
Glenn	1.14
Humboldt	1.15
Imperial	1.17

Inyo	1.21
Kern	1.17
Kings	1.19
Lake	1.14
Lassen	1.11
Los Angeles	1.27
Madera	1.11
Marin	1.31
Mariposa	1.13
Mendocino	1.14
Merced	1.12
Modoc	1.11
Mono	1.20
Monterey	1.26
Napa	1.22
Nevada	1.18
Orange	1.29
Placer	1.20
Plumas	1.14
Riverside	1.23
Sacramento	1.21
San Benito	1.26
San Bernardino	1.23
San Diego	1.18
San Francisco	1.39
San Joaquin	1.19
San Luis Obispo	1.15
San Mateo	1.33
Santa Barbara	1.25
Santa Clara	1.29
Santa Cruz	1.22
Shasta	1.11
Sierra	1.18
Siskiyou	1.11
Solano	1.23
Sonoma	1.22
Stanislaus	1.11
Sutter	1.13
Tehama	1.11
Trinity	1.11
Tulare	1.13
Tuolumne	1.12
Ventura	1.24
Yolo	1.14
Yuba	1.13

(3) The locally adjusted cost shall then be increased by 1/3 percent per month for each month from the State Librarian's deadline for application until the anticipated date of construction bids for the project. This figure shall be the eligible projected construction cost. This figure, or a lesser amount, shall be utilized as the normal construction cost in the applicant's area unless justification for a higher figure can be made based upon recent local bidding experience.

(4) At the applicant's option, this eligible projected construction cost figure may be increased by averaging the construction contract costs for a minimum of three comparable public construction projects bid within two years of the State Librarian's deadline for application. If three comparable public construction project bids cannot be found within two years of the State Librarian's deadline for application, this locally determined comparable cost approach cannot be utilized by the applicant.

(5) "Comparable public construction projects" shall be post offices, museums, courthouses, city halls, auditoriums, community college and public libraries, senior citizens centers, public schools and recreation centers.

(6) The locally determined comparable cost figure shall be averaged with the eligible projected construction cost to obtain the revised eligible projected construction cost figure, which shall be considered to be the normal public construction cost in the applicant's area.

(7) For projects with new construction, an eligible contingency not to exceed fifteen percent of the eligible projected construction cost may be utilized in the project budget.

(d) **Certification of excessive costs.** For projects where the projected construction cost exceeds the eligible projected construction cost, the applicant shall provide certification in the form of a resolution demonstrating the capability to finance the supplemental funds necessary to construct the project at the higher cost (See section 20416 (a)). The resolution shall also guarantee that the required local matching and supplemental funds necessary to complete the project at the level stated in the project budget will be made available for the project in a timely manner.

(e) **Project budget.** The project budget shall include all expenditures for eligible project costs, as well as any other capital outlay expenditures directly related to the library construction project. In addition, the project budget shall show the sources of all funding including state matching, local matching, and local supplemental funding. The project budget, specified in the library project budget section of the application, shall be certified by resolution of the governing body of the applicant (See section 20416. (a)).

Sec. 20420. Application for Grants

(a) **Minimum local matching requirement.** To be eligible for state matching funds, the minimum eligible project cost shall be at least $ 53,846, and the applicant shall provide at least $ 18,846 in local matching funds and request not less than $ 35,000 in state matching funds.

(b) **Construction bids already advertised.** If construction bids have been submitted prior to six months before the State Librarian's deadline for application, and all bids were formally rejected resulting in no contract award, the project may be submitted during the grant application process.

(c) Application forms.

(1) Each applicant may make a preliminary application on the form shown in Appendix I entitled "Pre-application for California Library Construction and Renovation Bond Act Funds." If an applicant makes a pre-application, the State Librarian shall provide a preliminary evaluation of the proposal and notify the applicant of the competitiveness of the project.

(2) Each applicant shall make a formal application for state funds on the form shown in Appendix 2 entitled "Application for California Library Construction and Renovation Bond Act Funds" and provide a library building program using the outline shown in Appendix 3 entitled "Outline of Requirements for a Library Building Program."

(d) Deadline for applications and late or incomplete application submissions

(1) The pre-application shall be received by the Bond Act Fiscal Officer, or that officer's designee, at the following location by 3 p.m. on November 21, 1990:

California State Library
Library & Courts Building
Fiscal Services - Room 215
914 Capitol Mall
Sacramento, California 95814-4877

(2) If a pre-application is not received by that time, the State librarian shall not review the pre-application and shall not notify the applicant of the competitiveness of the project, but the applicant may still make application.

(3) Applications for the first funding cycle shall be received by the Bond Act Fiscal Officer, or that officer's designee, at the following location by 3 p.m. on February 15, 1991:

California State Library
Library & Courts Building
Fiscal Services - Room 215
914 Capitol Mall
Sacramento, California 95814-4877

(4) If funds are available after the first funding cycle, applications for the second funding cycle shall be received by the Bond Act Fiscal Officer, or that officer's designee, at the following location by 3 p.m. on July 19, 1991:

California State Library
Library & Courts Building
Fiscal Services - Room 215
914 Capitol Mall
Sacramento, California 95814-4877

(5) If an application, or documents required to support the application, are not received by the State Librarian's deadline for applications for the first funding cycle, the applicant shall not be considered by the State Librarian or board for grant approval during the first funding cycle.

(6) If an application, or documents required to support the application, are not received by the State librarian's deadline for applications for the second funding cycle, the applicant shall not be considered by the State Librarian or board for grant approval during the second funding cycle.

(7) The State Librarian may waive any minor procedural problems or technicalities which occur during the submission of applications.

(e) **Certification of the application.** The applicant shall certify, by resolution (See section 20416(a)) and by signing the application form, the accuracy and truthfulness of the information provided during the application for state funds.

(f) **Corrections in project application information.** If due to oversight or clerical error, the information provided by the applicant during the application process proves to be inaccurate, the board, at its discretion, has the authority to make minor adjustments to correct obviously inaccurate information in applications.

(g) Only one pre-application and one application per project.

(1) Only one pre-application for each proposed project shall be submitted by the applicant.

(2) Only one application for each proposed project shall be submitted by the applicant.

(h) **Withdrawal of an application.** If it is determined by the applicant that a project cannot be built within the scope of the application submitted to the State Librarian and board, the application may be withdrawn by the applicant at any time.

Sec. 20422. Audits and State Payments

(a) **Audit requirements**. The State Librarian shall require a final fiscal and program compliance audit of eligible project funds performed by an independent Certified Public Accountant (CPA) utilizing Generally Accepted Accounting Principles (GAAP), to be submitted to the State Librarian by the grant recipient prior to release of the final ten percent of state project funds.

(b) State payments.

(1) The State Librarian shall authorize state grant payments to the grant recipient on a periodic reimbursement basis. Payments shall be made no more frequently than on a monthly basis. Payment requests shall state that the reimbursement request is being made only for eligible project expenditures. Payment requests shall be submitted with an original signature of the grant recipient's fiscal officer, or that officer's designated agent, affixed to an original copy of the payment request.

(2) The final state payment of ten percent shall be made when:

(A) all eligible project funds have been expended;

(B) the grant recipient certifies, by providing a compliance letter from the local building official, that the building has been completed in accordance with the approved plans and specifications, including the installation of bookstacks, funded by state and local matching funds;

(C) the grant recipient shows evidence of having recorded a "Notice of Completion" for which the lien period has expired and for which all outstanding liens have been settled;

(D) the grant recipient shows evidence of the building title having been accepted by the grant recipient;

(E) the grant recipient provides evidence that the State's interest in the building, and the land, if the land is owned by the grant recipient, has been recorded in the title record (See section 20424 (c)); and

(F) the grant recipient submits a final audit which is acceptable to the State Librarian (See section 20422(a)).

Sec. 20424. Facility Dedicated to Direct Public Library Service

(a) **Statement of library jurisdiction's willingness to operate.** If the proposed library facility will not be operated by the applicant, a resolution indicating a willingness to operate the facility shall be adopted by the governing body, or its designated officer who has been empowered to act in its behalf that will be operating the facility after its completion. This resolution shall be submitted with the application prior to the State Librarian's deadline for application.

(b) Marketable record title.

(1) "Marketable record title" means that the title to the property shall include both legal and equitable estates, shall be free from unknown encumbrances, and shall be in a condition that an informed and reasonable buyer, exercising reasonable care would and should accept it,

(2) The applicant shall obtain marketable record title to the library site, unless the library site shall be secured through a lease or lease-purchase agreement. When the applicant owns the site, the applicant shall provide the State Librarian with proof that the applicant holds marketable record title to the library site.

(3) If the library site is being secured through a lease or lease-purchase agreement, the applicant shall provide the State Librarian with proof that the lessor holds marketable record title to the library site.

(4) If the applicant has acquired or is acquiring a building for the purpose of converting it into a public library, the applicant shall obtain marketable record title to the building. The applicant shall provide the State Librarian with proof that the applicant holds marketable record title to the building.

(5) Proof of marketable record title shall include a preliminary title report. The preliminary title report shall include, but not be limited to, the following as applicable:

(A) name and addresses of all owners and their respective interests,

(B) a description of the exact property being proposed,

(C) a statement of easements, appurtenances, encumbrances, and all other matters of record that might impact on the use of the property, and

(D) a plat plan or survey showing in detail the location of the property and any easements.

(6) If exceptions to marketable record title are present, the applicant's legal counsel shall submit a written opinion indicating that the exceptions present do not diminish the use of the property for a public library building or in any way diminish or limit the state's interest in the property.

(7) Proof of marketable record title to a building and site, or proof that marketable record title to a building and site can be obtained, shall be submitted with the application prior to the State Librarian's deadline for applications.

(c) State's interest recorded in the title record.

(1) When state grant fund have been provided by the California Library Construction and Renovation Board for acquisition of or credit for land, the grant recipient shall record in the title record the state's interest in the land upon completion of the project.

(2) The title record for land shall specify the state's interest by recording that the land shall be used to provide direct public library service for twenty years following the completion date of the project or the useful life of the library building in place upon it, whichever is longer, as specified in Education Code section 19967.

(3) When state grant funds have been provided by the California Library Construction and Renovation Board for acquisition, construction, or remodeling of a library facility, the grant recipient shall record in thetitle record the state's interest in the facility upon completion of the project.

(4) The title record for the building shall specify the state's interest by recording that the library facility shall be used to provide direct public library service for twenty years following the completion date of the project or the useful life of the building, whichever is longer, as specified in Education Code section 19967.

(d) **Value determined by mutual agreement.** For purposes of Education Code section 19967, determining the value of the facility and land by mutual agreement shall mean by use of a certified appraisal as called for in section 20416 (d).

Sec. 20426. Changes in Projects and Withdrawal of a Grant

Changes in a project. Any change in the project made by the gant recipient subsequent to the approval of the project by the board, which significantly changes the project information provided during the application process, shall be approved by the State Librarian. The State Librarian shall have the sole authority to determine if a change is significant. If the State Librarian does not approve the change, the grant recipient may appeal the State Librarian's decision to the board. The decision of the board regarding a change in the project is final and binding.

(b)Withdrawal of a grant. If it is determined by the grant recipient that a project cannot be built within the scope of the approved application, the project may be withdrawn by the grant recipient at any time. The board shall disapprove matching state funds for projects which have been withdrawn by the grant recipient.

[See Illustrations In Original]

CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION BOND ACT OF 1988

Title 24, California Code of Regulations, California Building Standards Code, California Administrative Code, Part 1, Chapter 16, Article 1-4.

ARTICLE 1. SCOPE.

16-101. Application. These regulations apply to public library projects for which funds have been granted under the Library Construction and Renovation Bond act of 1988. Proposition 85 (1988), Education Code Sections 19950-19981.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957 and 19961.

ARTICLE 2. DEFINITIONS

16-201. Definitions. In this chapter, the following definitions apply:
PROJECT means the construction or renovation project for which an application has been approved by the Board.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957 and 19961 (c).

BOND ACT means the California Library Construction and Renovation Bond Act of 1988, Proposition 85 (1988), Education Code Sections 19950-19981.

Authority: Education Code Section 19960.
Reference: Education Code Section 19950.

BOARD means the California Library Construction and Renovation Board.

Authority: Education Code Section 19960.
Reference: Education Code Section 19952 (c).

FACILITY means a building used for a public library service and operated or intended to be operated by a jurisdiction under authority of an Education Code provision to provide public library service. The owner of a facility may be a jurisdiction other than the operator of the facility.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

INITIATOR means a description of a proposed change order together with a request for a cost estimate for the change order, prepared for transmission to the contractor by the project architect or similar official representing the owner. An “initiator” is sometimes referred to as a “bulletin”.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957, 19962 and 19965.

STATE LIBRARIAN means the State Librarian or a duly authorized representative of the State Librarian.

Authority: Education Code Section 19960.
Reference: Education Code Section 19960.

ARTICLE 3. ADMINISTRATION AND ENFORCEMENT.

16-301. Local responsibility for plan checking and inspection. The local building official of the jurisdiction responsible for the site upon which the facility is located is responsible for routine plan checking and on-site inspections for compliance with local building codes, regulations and requirements.

Authority: Education Code Section 19960.
Reference: Education Code Section 19958 (b).

16-302. Required submissions to the state librarian before putting a project to bid.

(a) No project shall receive Bond Act Funds if it has been put to bid before the State Librarian has reviewed and approved, in sequence, the following submissions of design and fiscal documents:

1. The building program, schematic designs and outline specifications, and a current project budget.
2. Preliminary plans and specifications (also known as 100 percent design development documents), and a current project budget.
3. Working drawings and specifications and contract language (also known as construction documents or contract documents), and a current project budget. This submission shall be prior to the local plan check.
4. Any revisions to the approved set of schematic designs, preliminary plans, or any revisions to the approved set of working drawings, specifications and contract clauses, including any resulting from the local plan check if they affect library operations or project scope.

(b) Projects which, at the time of approval of their application by the Board, have completed any of the design documents in the preceding subsection, shall after approval of the application submit the building program and the most current set of design documents to the State Librarian for the required review, in the number of copies specified by the State Librarian. Earlier version need not be submitted.

(c)

Authority: Education Code Section 19960.
Reference: Education Code Section 19960.

Exception: Submission requirements shall differ from those in the preceding section for the designs of the following projects:

1. Projects solely for energy conservation shall submit an energy audit by a qualified engineer or architect, instead of a building program.
2. Projects whose total cost is less than $200,000, including any contiguous work not included in the approved project, shall omit the submission of the preliminary plans and specifications.

3. Projects governed by this section shall provide all other required submissions.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-303. Notification of submission dates. Grantees shall periodically provide the State Librarian an amended schedule of dates when the required initial submissions of building programs and schematic, preliminary and working drawings will be made. Submissions received within twenty-two (22) working days of the date specified on the most recent amended schedule received from the grantee at least thirty (30) working days prior to the submission shall be reviewed within the time periods specified in this Article.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957 and 19960.

16-304. Time period for review of submissions prior to bid.

(a) The State Librarian shall review:
   1. The initial submission of building programs, schematic drawings and outline specifications, and current project budget within fifteen (15) working days after receipt.
   2. The initial submission of preliminary plans and specifications, and current project budget within fifteen (15) working days after receipt.
   3. The initial submission of working drawings, specifications and contract clauses within thirty (30) working days after receipt.

(b) The State Librarian shall approve any required resubmissions or any changes to approved designs and documents prior to bid, within five (5) working days after receipt.

(c) If the submission is received more than twenty-two (22) working days earlier or later than the date specified on the most recent amended schedule received from the grantee at least thirty (30) working days prior to the submission, the State Librarian may extend the review period for that submission by ten (10) working days.

(d) Following the time period for review, the State Librarian shall either approve the submission or notify the submitter of the deficiencies that are to be corrected. If the State Librarian does neither, the submission is approved as submitted.

Authority: Education Code Section 19960.
Reference: Education Code Section 19960.

16-305. Change orders.

(a) Following local award of the construction contract for the project, the grantee shall submit to the State Librarian a copy of each initiator, regardless of its nature, no later than the same time it is forwarded to the contractor.

(b) The State Librarian shall, within three working days of receipt of the initiator, review all initiators that if issued as change orders would:
   1. Affect library operations, including but not limited to work that affects the location or number of any bookstacks, storage shelving, doorways or direction of swing of doors, paths

of travel and circulation, access to any library equipment, materials and services or use of spaces. Any such initiators shall be accompanied by a statement by the local library director describing how the change will be accommodated in the operational program following completion of the construction; or,

2. Change the scope of the project, including the project budget if the change would reduce the local contribution to the project.

(c) Upon receipt of any initiator requiring review in accordance with the preceding subsection, the State Librarian shall:

1. Approve the change order; or,
2. Return the initiator for resubmission, for a specified reason, in which case the resubmission will be reviewed within three days of its receipt; or,
3. Notify the submitter than an additional period not to exceed five days will be required to gather specified additional information. No further additional time shall be taken for this reason.

(d) If the State Librarian does not act in accordance with the preceding subsection, the change order may be issued as submitted.

(e) All other change orders may be issued without the State Librarian's approval.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957, 19962 and 19965.

16-306. Review of building programs, schematic designs, specifications and budget. The State Librarian shall review and approve building programs, schematic designs, outline specifications and the current project budget to ensure that:

(a) The building program conforms to general principles of library planning as included in Nolan Lushington, Libraries designed for users (1979); Raymond Holt, Wisconsin Library Building Handbook (1978); Aaron Cohen, Designing and space planning for libraries (1979), or similar standard public library planning works, and as supplemented by subsequent standard journal literature on changing concepts of library service.

(b) The schematic designs and outline specifications appropriately interpret the building program, provide functional arrangements and a practical design.

(c) The current project budget is appropriate to the approved program and to the schematic designs and outline specifications.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-307. Review of preliminary plans, specifications and budget. The State Librarian shall review and approve preliminary plans and specifications and the current project budget to ensure that:

(a) The preliminary plans carry out the approved schematic design concepts without significant change.

(b) The support systems are appropriate to meet program requirements, accessible and reasonably laid out.

(c) There are no obvious code compliance problems.

(d) The current project budget is appropriate to the approved program and to the preliminary designs.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-308. Review of working drawings, specifications, budget and contract language. The State Librarian shall review and approve working drawings and specifications, the current project budget, and contract language to ensure that:

(a) The systems and design are compatible with the programmatic needs of the library and the requirements of the State Building Code.

(b) The design reflects prudent principles of public works buildings design and good construction practice.

(c) The systems in the design documents are well coordinated.

(d) The current project budget is appropriate to the approved program and to the working drawing designs.

(e) The construction contract provides for all relevant requirements of the Bond Act, of the regulations adopted under authority of Education Code Section 19960, and of the project documents.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-309. Arbitration if fail to agree on comments.

(a) If the grantee and the State Librarian cannot agree on disposition of comments by the State Librarian at any of the reviews by the State Librarian, the State Librarian shall provide to the grantee a list of three experts qualified in the appropriate discipline. The experts shall not have previously been involved with the project. The grantee shall choose one of them to decide the issue, and shall pay the expert's costs and customary fees. The expert's decision shall be binding on both parties.

(b) If the issue relates to code interpretation, its disposition shall use the jurisdiction's local ode appeals process.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-310. Bookstacks.

(a) No bookstacks may be installed, remodeled or moved until the State Librarian has reviewed and approved in sequence the following:

1. Specifications for the bookstacks, which implement the standards in Part 2 of the State Building Code, and
2. The local review of the contractor's calculations showing that the installation meets the specification.

This requirement applies to bookstacks to be installed, remodeled or moved in any project receiving Bond Act

funds. It also applies both to bookstacks included in the local construction contract and to bookstacks contracted for separately from the local construction contract, but installed within one year of the completion of the local construction contract.

(b) The grantee or its successor in interest shall ensure that any bookstacks installed, moved or remodeled in any project during the twenty (20) years following acceptance of the project by the local jurisdiction having title to the facility conform to the specifications for library bookstacks in the State Building Code applicable to the project at the time of project completion.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957 (f) and 19967 (a).

16-311. Floor Loads. If any floor areas in a project are adjacent to bookstacks and are potentially available for future installation of bookstacks, even if not originally so intended, those areas shall conform to the same floor load standards as required for the book-stacks.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-312. Remodeling.

(a) Remodeling and renovation of public library facilities constructed prior to 1973 shall conform to the Uniform Building Code requirements for remodeling, except that:

1. Remodeling and renovation of facilities classified as qualified historical buildings or structures under Health and Safety Code Section 18955 shall meet the requirements of the State Historical Building Code instead of the requirements of the Uniform Building Code.
2. Remodeling or renovation projects that include unreinforced masonry shall conform to Chapter 1 of the Appendix to the Uniform Code for Building Conservation, 1987. If a jurisdiction with a remodeling or renovation project that included unreinforced masonry has adopted a local earthquake hazard mitigation program that requires strengthening such structures, the jurisdiction may instead follow its local program.

(b) Remodeling and renovation of public library facilities constructed in 1973 or later, or parts of public library facilities, shall for the facility, or each respective part of a facility, conform to the codes in effect at the time of original construction for the facility or for the respective part. If the remodeling and renovation is for a facility that had previously been remodeled, or for one or more parts that had previously been remodeled, and such previous remodeling required that the facility or respective parts of the facility were brought up to the code in effect at the time of previous remodeling, then the remodeling funded by Bond Act moneys shall conform to the code in effect at the time of previous remodeling rather than the code in effect at the time of original construction of the respective parts of the facility.

Authority: Education Code Section 19960.
Reference: Education Code Section 19957.

16-313. Access to construction and records. The grantee shall provide to the State Librarian reasonable access to the construction site and to project records.

Authority: Education Code Section 19960.
Reference: Education Code Section 19960.

ARTICLE 4. FEES.

16-401. Project administration fee.

(a) For purposes of this section, "project cost" means the entire cost of a project, paid by state and local funds combined, including the cost of bookstacks whether or not in the construction contract, and of furnishings if credited under Education Code Section 19962 (d), but excluding the cost of land acquired under Education Code Section 19957 (b) or the value of land donated or otherwise acquired and credited to the project under Education Code Section 19962 (c).

(b) The State Librarian may charge a project administration fee for each project of one-half of one percent (.5%) of project cost.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957, 19960 and 19962.

16-402. Allowable fees and costs as allowable bond act costs. Any fees or costs authorized in this Division, including work required to meet Title 24 requirements, may be included in Bond Act project costs. Costs of resolving a code interpretation dispute with the local building official may not be included in Bond Act costs.

Authority: Education Code Section 19960.
Reference: Education Code Sections 19957 (g) and 19958 (b) (4).

Title 24, California Code of Regulations, California Building Standards Code, California Building Code, Part 2, Chapter 4, Sec. 439.1-439.3

SECTION 439
PUBLIC LIBRARIES [SL AND SFM]

Public libraries funded from the California Library Construction and Renovation Act of 1988.

439.1 Automatic sprinkler system. Automatic sprinkler systems shall be installed in:

1. New facilities, including additions;
2. Existing facilities to which a project adds the lesser of 5,000 square feet (465m^2) or 10 percent of the size of the existing facility, if the existing does not already have an automatic sprinkler system.

439.2 System monitoring requirement. All fire protection systems shall be monitored by a fire alarm supervising station in accordance with the NFPA 72.

439.3 Book return slots. Any interior book return with a slot piercing the exterior wall shall have a separate sprinkler head and be enclosed in fire-rated construction.

LIBRARY BOND ACT OF 2000

(Education Code Title 1, Division 1, Part 11, Chapter 12, Articles 1-3, Sections 19985 - 20011)

ARTICLE 1. GENERAL PROVISIONS

Sec. 19985. Title.
This chapter shall be known and may be cited as the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000.

Sec. 19985.5. Findings.
The Legislature finds and declares the following:
(a) Reading and literacy skills are fundamental to success in our economy and our society.
(b) The Legislature and Governor have made enormous strides in improving the quality of reading instruction in public schools.
(c) Public libraries are an important resource to further California's reading and literacy goals both in conjunction with the public schools and for the adult population.
(d) The construction and renovation of public library facilities is necessary to expand access to reading and literacy programs in California's public education system and to expand access to public library services for all residents of California.

Sec. 19986. Definitions.
As used in this chapter, the following terms have the following meanings:
(a) "Committee" means the California Library Construction and Renovation Finance Committee established pursuant to Section 19972.
(b) "Fund" means the California Public Library Construction and Renovation Fund.
(c) "Board" means the California Public Library Construction and Renovation Board. This board is comprised of the State Librarian, the Treasurer, the Director of Finance, an Assembly Member appointed by the Speaker of the Assembly, a Senator appointed by the Senate Rules Committee, and a member appointed by the Governor.

Legislative members of the board shall meet with, and participate in, the work of the board to the extent that their participation is not incompatible with their duties as Members of the Legislature. For the purposes of this chapter, Members of the Legislature who are members of the board shall constitute a joint legislative committee on the subject matter of this chapter.

ARTICLE 2. PROGRAM PROVISIONS

Sec. 19987. California Public Library Construction and Renovation Fund.
The proceeds of bonds issued and sold pursuant to this chapter shall be deposited in the California Public Library Construction and Renovation Fund, which is hereby established.

Sec. 19988. Eligibility for grants.
All moneys deposited in the fund, except as provided in Section 20011, are continuously appropriated to the State Librarian, notwithstanding Section 13340 of the Government Code, and shall be available for grants to

any city, county, city and county, or district that is authorized at the time of the project application to own and maintain a public library facility for the purposes set forth in Section 19989.

Sec. 19989. Purposes of grants.
The grant funds authorized pursuant to Section 19988, and the matching funds provided pursuant to Section 19995, shall be used by the recipient for any of the following purposes:
(a) Acquisition or construction of new facilities or additions to existing public library facilities.
(b) Acquisition of land necessary for the purposes of subdivision (a).
(c) Remodeling or rehabilitation of existing public library facilities or of other facilities for the purpose of their conversion to public library facilities. All remodeling an rehabilitation projects funded with grants authorized pursuant to this chapter shall include any necessary upgrading of electrical and telecommunications systems to accommodate Internet and similar computer technology.
(d) Procurement or installation, or both, of furnishings and equipment required to make a facility fully operable, if the procurement or installation is part of a construction or remodeling project funded pursuant to this section.
(e) Payment of fees charged by architects, engineers, and other professionals, whose services are required to plan or execute a project authorized pursuant to this chapter.

Sec. 19990. Purposes for which grants and matching funds may not be used.
Any grant funds authorized pursuant to Section 19988, or matching funds provided pursuant to Section 19995, may not be used by a recipient for any of the following purposes:
(a) Books and other library materials.
(b) Administrative costs of the project, including, but not limited to, the costs of any of the following:
  (1) Preparation of the grant application.
  (2) Procurement of matching funds.
  (3) Conduct of an election for obtaining voter approval of the project.
(c) Interest or other carrying charges for financing the project, including, but not limited to, costs of loans or lease-purchase agreements in excess of the direct costs of any of the authorized purposes specified in Section 19989.
(d) Any ongoing operating expenses for the facility, its personnel, supplies, or any other library operations.

Sec. 19991. Competitive bidding.
All construction contracts for projects funded in part through grants awarded pursuant to this chapter shall be awarded through competitive bidding pursuant to Part 3 (commencing with Section 20100) of Division 2 of the Public Contract Code.

Sec. 19992. Administration of chapter; rules, regulations and policies.
This chapter shall be administered by the State Librarian. The board shall adopt rules, regulations, and policies for the implementation of this chapter.

Sec. 19993. Applications for grants.
A city, county, city and county, or district may apply to the State Librarian for a grant pursuant to this chapter, as follows:
(a) Each application shall be for a project for a purpose authorized by Section 19989.
(b) An application may not be submitted for a project for which construction bids already have been advertised.
(c) The applicant shall request not less than fifty thousand dollars ($50,000) per project.

Sec. 19994. Priorities for construction, remodeling, or rehabilitation.

(a) The State Librarian shall consider applications for construction of new public library facilities submitted pursuant to Section 19993 in the following priority order:
   (1) First priority shall be given to joint use projects in which the agency that operates the library and one or more school districts have a cooperative agreement.
   (2) Second priority shall be given to all other public library projects.

(b) The State Librarian shall consider applications for remodeling or rehabilitation of existing public library facilities pursuant to Section 19993 in the following priority order.
   (1) First priority shall be given to public library projects in the attendance areas of public schools that are determined, pursuant to regulations adopted by the board, to have inadequate infrastructure to support access to computers and other educational technology.
   (2) Second priority shall be given to all other projects.

Sec. 19995. Matching funds.

(a) Each grant recipient shall provide matching funds from any available source in an amount equal to 35 percent of the costs of the project. The remaining 65 percent of the costs of the project, up to a maximum of twenty million dollars ($20,000,000) per project, shall be provided through allocations from the fund.

(b) Qualifying matching funds shall be cash expenditures in the categories specified in Section 19989 which are made not earlier than three years prior to the submission of the application to the State Librarian. Except as otherwise provided in subdivision (c), in-kind expenditures do not qualify as matching funds.

(c) Land donated or otherwise acquired for use as a site for the facility, including, but not limited to, land purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement at its appraised value as of the date of the application. This subdivision shall not apply to land acquired with funds authorized pursuant to Part 68 (commencing with Section 100400).

(d) Architect fees for plans and drawings for library renovation and new construction, including, but not limited to, plans and drawings purchased more than three years prior to the submission of the application to the State Librarian, may be credited towards the 35 percent matching funds requirement.

Sec. 19996. Excessive costs.

(a) The estimated costs of a project for which an application is submitted shall be consistent with normal public construction costs in the applicant's area.

(b) An applicant wishing to construct a project having costs that exceed normal public construction costs in the area may apply for a grant in an amount not to exceed 65 percent of the normal costs up to a maximum of twenty million dollars ($20,000,000) per project if the applicant certifies that it is capable of financing the remainder of the project costs from other sources.

Sec. 19997. Changes in amount of grant.

Once an application has been approved by the board and included in the State Librarian's request to the committee, the amount of the funding to be provided to the applicant may not be increased. Any actual changes in project costs are the full responsibility of the applicant. If the amount of funding that is provided is greater than the cost of the project, the applicant shall return that portion of the funding that exceeds the cost of the project to the fund. If an applicant has been awarded funding by the board, but chooses not to proceed with the project, the applicant shall return all of the funding to the fund.

Sec. 19998. Consideration in reviewing applications.

(a) In reviewing applications, as part of establishing the priorities set forth in Section 19994 the board shall consider all of the following factors:
   (1) Needs of urban and rural areas.
   (2) Population growth.
   (3) Age and condition of the existing library facility.
   (4) The degree to which the existing library facility is inadequate in meeting the needs of the residents in the library service area and the degree to which the proposed project responds to the needs of those residents.
   (5) The degree to which the library's plan of service integrates appropriate electronic technologies into the proposed project.
   (6) The degree to which the proposed site is appropriate for the proposed project and its intended use.
   (7) The financial capacity of the local agency submitting the application to open and maintain operation of the proposed library for applications for the construction of new public libraries.
(b) If, after an application has been submitted, material changes occur that would alter the evaluation of an application, the State Librarian may accept an additional written statement from the applicant for consideration by the board.

Sec. 19999. Facility dedicated to direct public library services.
(a) A facility, or the part thereof, acquired, constructed, or remodeled, or rehabilitated with grants received pursuant to this chapter shall be dedicated to public library direct service use for a period of not less than 20 years following completion of the project.
(b) The interest of the state in land or a facility, or both, pursuant to the funding of a project under this chapter, as described in subdivision (a), may be transferred by the State Librarian from the land or facility, or both, for which that funding was granted to a replacement site and facility acquired or constructed for the purpose of providing public library direct service.
(c) If the facility, or any part thereof, acquired, constructed, remodeled, or habilitated with grants received pursuant to this chapter ceases to be used for public library direct service prior to the expiration of the period specified in subdivision (a), the board is entitled to recover, from the grant recipient or the recipient's successor in the maintenance of the facility, an amount that bears the same ratio to the value of the facility, or the appropriate part thereof, at the time it ceased to be used for public library direct service as the amount of the grant bore to the cost of the facility or the appropriate part thereof. For purposes of this subdivision, the value of the facility, or the appropriate part thereof, is determined by the mutual agreement of the board and the grant recipient or successor, or through an action brought for that purpose in the superior court.
(d) Notwithstanding subdivision (f) of Section 16724 of the Government Code, any money recovered pursuant to subdivision (c) shall be deposited in the fund, and shall be available for the purpose of awarding grants for other projects.

ARTICLE 3. FISCAL PROVISIONS

Sec. 20000. Authorization for bonds.
Bonds in the amount of three hundred fifty million dollars ($350,000,000), exclusive of refunding bonds, or so much thereof as is necessary, may be issued and sold for deposit in the fund to be used in accordance with, and for carrying out the purposes expressed in, this chapter, including all acts amendatory thereof and supplementary thereto, and to be used to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and

binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of and interest on bonds as the principal and interest become due and payable.

Sec. 20001. Conformance with General Obligation Bond Law.
The bonds authorized by this chapter shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), and all of the provisions of that law apply to the bonds and to this chapter and are hereby incorporated in this chapter as though set forth in full in this chapter.

Sec. 20002. General Obligation Bond Law "committee" and "board."
(a) For purposes of this chapter, the California Library Construction and Renovation Finance Committee established pursuant to Section 19972 is the "committee" as that term is used in the State General Obligation Bond Law.
(b) For purposes of the State General Obligation Bond Law, the California Public Library Construction and Renovation Board established pursuant to subdivision (c) of Section 19986 is designated the "board."

Sec. 20003. Issuance of bonds.
The committee shall determine whether or not it is necessary or desirable to issue bonds authorized pursuant to this chapter in order to carry out the actions specified in this chapter, including all acts amendatory thereof and supplementary thereto, and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

Sec. 20004. Collection of revenue for debt service.
There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of and interest on the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

Sec. 20005. General Fund appropriations.
Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this chapter, an amount that will equal the total of the following:
(a) The sum annually necessary to pay the principal of and interest on bonds issued and sold pursuant to this chapter, as the principal and interest become due and payable.
(b) The sum necessary to carry out Section 20006, appropriated without regard to fiscal years.

Sec. 20006. Advances from General Fund.
For the purposes of carrying out this chapter, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized to be sold for the purpose of carrying out this chapter. Any amounts withdrawn shall be deposited in the fund. Any money made available under this section shall be returned to the General Fund, with interest at the rate earned by the money in the Pooled Money Investment Account during the time the money was withdrawn from the General Fund pursuant to this section, from money received from the sale of bonds for the purpose of carrying out this chapter.

Sec. 20007. Advances from Pooled-Money Investment Account.

The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account, in accordance with Section 16312 of the Government Code, for the purposes of carrying out this chapter. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this chapter. The board shall execute any documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated by the board in accordance with this chapter.

Sec. 20008. Refunding of bonds.
Any bonds issued and sold pursuant to this chapter may be refunded by the issuance of refunding bonds in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 2 of Title 2 of the Government Code. Approval of the electors of the state for the issuance of bonds under this chapter shall include the approval of the issuance of any bonds issued to refund any bonds originally issued or any previously issued refunding bonds.

Sec. 20009. Disposal of interest earned bonds.
All money deposited in the fund that is derived from premium and accrued interest on bonds sold pursuant to this chapter shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest.

Sec. 20010. Bond proceeds not "proceeds of taxes."
The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this chapter are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

Sec. 20011. Administration expenses; appropriation.
Amounts deposited in the fund pursuant to this chapter may be appropriated in the annual Budget Act to the State Librarian for the actual amount of office, personnel, and other customary and usual expenses incurred in the direct administration of grant projects pursuant to this chapter, including, but not limited to, expenses incurred by the State Librarian in providing technical assistance to an applicant for a grant under this chapter.

LIBRARY BOND ACT OF 2000 REGULATIONS

(California Code of Regulations, Title 5, Division 2, Chapter 3, Sections 20430-20444)

ARTICLE 1. GENERAL PROVISIONS

Sec. 20430. Definitions.

(a) Addition – a project that increases the floor area of enclosed space of an existing building. "Addition" also means "expansion."

(b) Addition/remodeling – a project that combines remodeling with an addition to an existing building.

(c) Administrative costs of the project [Education Code section 19990] – administrative costs include costs of any services provided by employees of the applicant jurisdiction or its library service provider, excluding professional services as described in section 20432(e) and (f) where such services are required by the applicant jurisdiction to be provided by a Public Works or similar department, or by other departments providing the professional services, and where the costs are directly billed to the construction project.

(d) Applicant – a local jurisdiction as defined under Education Code section 19988 that is eligible for a grant and that is in the process of making application for California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 funds.

(e) Application Form – the form entitled "Application Form: California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 Funds" found in section 20440, Appendix 1.

(f) Appraised value – the value of land, an existing building, or any other improvements as determined by an independent certified appraiser no more than one year prior to the date of the Board's deadline for application. [See section 20436(a) for appraisal requirements.]

(g) Architect – an architect holding a valid license under California Business and Professions Code, Chapter 3, Division 3, commencing with section 5500.

(h) Assignable square footage – the usable space within the building assigned to furniture and equipment, excluding any non-assignable space.

(i) Board – California Public Library Construction and Renovation Board.

(j) Bond Act – the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000 (Education Code sections 19985-20011).

(k) Co-located library – a library that houses a combined public library and public school library in a single facility, either on or off of school grounds. Library services provided in the facility shall be defined by a cooperative agreement between the public library jurisdiction that will operate the library and one or more public school districts serving any combination of K-12 students. The terms "co-location project" and "co-located library" are used synonymously. If portions of a co-located project are not devoted to the delivery and support of public library direct service, the project shall be considered, in addition, a multipurpose project.

(l) Common areas of a multipurpose building – areas of a multi-occupant building that are shared by its occupants.

(m) Community Library Needs Assessment – a written evaluation of the library service needs of an identified public library service area containing the elements specified in section 20440, Appendix 3.

(n) Completion of the public library project – For the purposes of Bond Act grant projects, the public library project shall be considered complete at Substantial Completion.

(o) Construction manager – an individual who has had responsibility for construction management for five or more construction projects in excess of $1,000,000 each, within the 10 years prior to the Board's application deadline.

(p) Conversion – remodeling an existing building that is not currently used for public library purposes to make it a public library.
(q) Construction cost estimator – an individual who has had responsibility for five or more construction project cost estimates in excess of $1,000,000 each, within the 10 years prior to the Board's application deadline.
(r) Cooperative agreement – a written legal agreement containing the elements specified in section 20440, Appendix 2.
(s) DSA – Division of the State Architect, Department of General Services, State of California.
(t) Electronic technologies – any electronic device or network that processes or provides access to data or information.
(u) Eligible project costs – reimbursable costs authorized in Education Code sections 19989 and 19995(b) as made specific in these regulations.
(v) Eligible projected construction cost:
  (1) For new construction – construction contract costs for a public library or joint use library facility derived by calculating the normal public construction costs in the applicant's area as specified in section 20436 (c).
  (2) For conversion, remodeling, and addition/remodeling – construction costs related to all aspects of remodeling, rehabilitating, or renovating an existing public library facility owned by the applicant; or construction costs related to the conversion of a building into a public library, as specified in section 20436(d).
(w) Engineer – an engineer holding a valid license under California Business and Professions Code, Chapter 7, Division 3, commencing with section 6700, in that branch of engineering that is applicable.
(x) Existing public library – a facility operated to provide public library direct service, either owned or leased, if the lease has a total duration of not less than 20 years.
(y) Existing public school library – a facility operated to provide library service to students in a public school, either owned or leased, if the lease has a total duration of not less than 20 years.
(z) Fenestration – the arrangement, proportioning, and design of exterior and interior windows, clerestories, skylights, window walls, and doors in a building.
(aa) Field Act – Education Code sections 17281, 17365, and 81130.
(bb) Gross square footage – the entire area of the building interior including the exterior wall thickness. The total of the assignable square footage and the non-assignable square footage equals the gross square footage. Whenever the terms or abbreviations "square footage," "square feet," "SQ FT," or "SF" are used in the Bond Act regulations or appendices without the modifiers "assignable" or "non-assignable," then the terms or abbreviations mean "gross square footage" or "gross square feet."
(cc) Inadequate infrastructure – incoming telecommunication connection to a public school building equal to or less than 512 thousand bits per second (512K bps).
(dd) Joint use project – a public library project that is either a co-located library or a joint venture project.
(ee) Joint venture project – a project to construct a public library facility that jointly serves both public library users and any combination of K-12 students as defined by a cooperative agreement between a public library jurisdiction and one or more public school districts. Joint venture library services are defined in section 20434 (a) (1) (B).
(ff) K-12 – kindergarten through grade 12.
(gg) Library building program – the planning document that describes the space requirements and all other general building considerations required for the design of a public library building, as specified in section 20440, Appendix 5.
(hh) Library consultant – a qualified library consultant who meets all of the following criteria:
  (1) Possesses a Master of Library Science or equivalent 5th year degree in library science.
  (2) Has been a consultant for at least five different library projects within the last 10 years for the

development of at least one of the following:
(A) Library needs assessment.
(B) Library plan of service.
(C) Library facility master plan.
(D) Library site study.
(E) Library building program.
(F) Library architectural plans review.

(3) Has provided the services in (2) above as an independent contractor or as the employee of an organization involved with the administration of public libraries.

(ii) Library facilities master plan – a jurisdiction-wide plan detailing the anticipated need for new and/or remodeled public library facilities for a specified period of time.

(jj) Local matching funds – 35% of the total eligible project costs submitted in the Library Project Budget in the Application Form, which the applicant is responsible for obtaining from sources other than the Bond Act.

(kk) Mid-point of construction – the calendar date that falls half-way between the start of construction and Substantial Completion of the project.

(ll) Multipurpose building – a multi-occupant facility, part of which is a public library and part of which is used for other purposes. [See also the definition (k), Co-located library].

(mm) New construction – new building square footage for one or more of the following:
(1) A totally new library building.
(2) An addition to an existing public library building owned by the applicant.
(3) An addition to an existing building that is being converted to a public library building.

(nn) New public library – any of the following:
(1) The construction of a new public library building.
(2) The acquisition of a building that is not currently a public library and remodeling it to become a public library.
(3) A replacement facility for an existing public library, whether on the same site or a new site.

(oo) Non-assignable space – utility areas of a building required for the function of the building, including stairways; elevators; corridors and interior walkways; public lobbies; restrooms; duct shafts; mechanical rooms; electrical closets; telecommunications closets for voice, data, electrical, security, and fire systems; janitor's closets; fireplaces; interior and exterior wall thickness; and exterior amenities that are part of the building but not enclosed, such as loading docks and covered patios, porches, and walkways.

(pp) Project – a remodeling, remodeling with addition, or new construction project for purposes authorized under Education Code section 19989.

(qq) Project manager – an individual who has had responsibility for project management of five or more construction projects in excess of $1,000,000 each, within the 10 years prior to the Board's application deadline.

(rr) Projected construction cost – the construction cost of the library project as estimated by an architect, engineer, or construction cost estimator.

(ss) Public library portion of a building or site – the portion of the building or site dedicated to the delivery and support of public library direct services plus the pro rata share of common areas attributable to the delivery and support of public library direct services.

(tt) Readers' seats – all seating in the library available for the public of all ages to use while reading print materials (i.e., lounge seating, benches, floor cushions, seating at tables, carrels, and study counters). Readers' seats do not include technology workstations.

(uu) Remodeling – any form of renovation or rehabilitation of an existing facility. The following terms are used synonymously: remodeling, renovation, and rehabilitation.

(vv) State matching funds – 65% of the total eligible project costs submitted in the Library Project Budget in

the Application Form.

(ww) Substantial Completion – the date on which the owner and contractor agree that the construction contract is sufficiently complete to permit the owner to take possession of the facility.

(xx) Supplemental funds – local funds required to cover ineligible project costs that are directly related to the construction project.

(yy) Technology workstations – workstations in the library (e.g., tables, carrels, counters, office systems) available for the public of all ages to use while operating any kind of library-provided electronic or audiovisual technology (i.e., personal computers, computer terminals, on-line public access computers (OPAC), audio and video units, ADA adaptive technology, and microform readers).

ARTICLE 2
CALIFORNIA LIBRARY CONSTRUCTION AND RENOVATION PROGRAM

Sec. 20432. Purposes of Grants.

(a) Acquisition of an existing or prefabricated building – A local jurisdiction may acquire, through purchase or donation, an existing building or a prefabricated building for the purpose of converting it to a public library.

(b) Multipurpose building – A local jurisdiction may acquire space in a multipurpose building for use as a public library.

(c) Allowable site use – A local jurisdiction may build a public library facility on land that has been:
- (1) Purchased.
- (2) Donated.
- (3) Leased.
- (4) Secured by a lease-purchase agreement.

(d) Site development and demolition costs – Site development and demolition costs are eligible if they are:
- (1) Necessary and directly related to the construction of the public library.
- (2) Within the legal boundaries of the public library project site.
- (3) No more than 100 feet beyond the legal boundaries of the site and are required to tie-in the public library site with existing utilities and roads. Such work shall be limited to:
  - (A) Utilities.
  - (B) Paving.
  - (C) Sidewalks, curbs, and gutters.
  - (D) Landscaping and irrigation.
  - (E) Traffic signals.

(e) Architectural and engineering services.
- (1) Payment of fees for any work related to the public library construction project performed by architects and engineers are eligible project costs provided they are cash expenditures made not earlier than three years prior to the submission of the grant application, as specified in Education Code section 19995(b).
- (2) Matching funds credit for architectural plans and drawings.
  - (A) The cost of architectural plans and drawings developed solely for the public library project for which the application is being made, regardless of when their cost was incurred, may be credited toward the matching funds requirement.
  - (B) "Architectural plans and drawings" means, and is limited to, the following documents created by an architect or engineer that are necessary for the design of the proposed public library building:
    1. Conceptual plans and drawings.
    2. Schematic plans and drawings.
    3. Design development plans and drawings (also referred to as preliminary plans and drawings).

4. Construction documents and specifications (also referred to as final working drawings and specifications).

(f) Other professionals – Fees for work related to the public library construction project performed by the following professionals are eligible project costs:
(1) Americans with Disabilities Act (ADA) consultants
(2) Attorneys
(3) Audio-visual consultants
(4) Building security systems consultants
(5) Certified Public Accountants
(6) Construction managers
(7) Hazardous materials consultants – Registered Environmental Assessors registered by the California Environmental Protection Agency, Office of Environmental Health Hazard Assessment, and asbestos consultants registered by the California Occupational Safety and Health Administration, who are employed to perform hazardous materials surveys and related abatement contract administration.
(8) Historical consultants required to assess the historical significance of an existing building.
(9) Interior designers employed to:
(A) Design furnishings and equipment.
(B) Provide furnishings floor plans and layouts.
(C) Write specifications.
(D) Otherwise develop bid documents and supervise the bidding and installation of furnishings and equipment for the interiors contract or portion of the general contract for the public library construction project.
(10) Independent construction cost estimators employed to provide project cost estimates
(11) Land surveyors
(12) Library Consultants providing or assisting in the preparation of:
(A) Library needs assessments.
(B) Library plans of service.
(C) Library facility master plans.
(D) Library site studies.
(E) Library building programs.
(F) Library architectural plans reviews.
(1) Lighting consultants
(2) Project Managers
(3) Real estate appraisers
(16) Scientists required for CEQA compliance
(17) Signage consultants
(18) Technology planning consultants
(19) Telecommunications consultants
(20) Traffic engineering consultants

(g) Remodeling existing public library facilities owned by the applicant jurisdiction
(1) As required by Education Code 19989(c), all projects to remodel existing public library facilities shall include "necessary upgrading of electrical and telecommunications systems to accommodate Internet and similar computer technology."
(2) These improvements are defined as enhancements to the electrical and data systems that provide:
(A) Dedicated circuits for all computers and their peripherals.

(B) Copper, fiber optic, or wireless data connections with a minimum of Category 5 data cabling. Category 5 cable is data communications twisted pair cable appropriate for transmission of signals up to 100 Mb/second.

(h) Ineligible project costs – Ineligible project costs include but are not limited to the following:

(1) Costs for services related to the administration of the public library construction project that are performed by employees of the applicant or the library service provider are ineligible. An exception shall be made for professional services described in section 20432 (e) and (f) where such services are required by the applicant jurisdiction to be provided by a Public Works or similar department, or by other departments providing the professional services, and where costs for the services are directly billed to the construction project.

(2) Lease or lease-purchase payments or the value of land secured through a lease or lease-purchase agreement.

(3) The costs associated with portions of a project that will not be used for the delivery and support of public library direct services are not eligible project costs.

(4) In-kind expenditures and services or donations of materials, labor, furniture, equipment, or articles of any kind shall not qualify as matching funds and shall not be counted as eligible project costs.

(5) The value of land owned by the applicant that is already dedicated to the operation of an existing public library.

Sec. 20434. Funding Priorities.

(a) New public library project priorities

(1) First priority for new public library facilities: joint use projects. As specified in Education Code section 19994(a)(1), first priority for new public libraries shall be given to joint use projects in which the agency that operates the library and one or more school districts have a cooperative agreement. [See sections 20440(d)(1) and Appendix 2 for information about Cooperative Agreements.]

Joint use projects shall be one of two types:

(A) Co-located library [See "Co-located library" definition in section 20430(k)].

(B) Joint venture projects [See "Joint venture project" definition in section 20430(ee)].

Joint venture projects shall provide one or more of the following services:

1. Computer center – A computer center houses computer systems with electronic resources or other educational technologies to assist with any combination of K-12 student learning activities. Services shall include one or more of the following:
   a. A range of computer literacy classes covering introductory to advanced skill levels.
   b. Access to the computer resources, including the Internet, for both public and student clienteles.
   c. Computer literacy activities for students and their families or caregivers.
   d. Distance learning equipment and staff to enable online instruction and other forms of educational interaction with distant communities, individuals, or institutions.
2. Family literacy center -- A family literacy center houses materials and space for tutoring and instructional activities to improve the ability of K-12 students and their parents or caregivers to read and write English and to develop lifelong learning skills. Activities shall include one or more of the following:
   a. One-to-one tutoring, either personal or online.
   b. Small group instruction.
   c. Reading and writing instruction.
   d. Computers with software to improve reading and writing skills.
   e. Literacy programming for students and their families or caregivers.

f. After-school literacy programming for students.

3. Homework center – A homework center houses space to provide materials and formal support to assist K-12 students with homework and/or study assignments. Support shall focus on the needs of students including either general assistance in reading, writing, science, language, math skills, and study skills, or individual student assignment assistance, or both. Services shall include one or more of the following:
   a. Specialized print and electronic resource collections responsive to curriculum needs, including designated computer time for student homework needs.
   b. Peer and/or adult assistance, either paid or volunteer.
   c. Instruction in research and study skills.
   d. Provision of appropriate support tools such as bibliographies, listing of web sites, and pathfinders.
   e. After-school computer or language literacy activities.
   f. Temporary reserve or limited circulation collections in response to teacher requests.
4. Career center – A career center houses space to provide job, career, and college education information to assist K-12 students in assessing and pursuing vocational and career choices. Information formats shall include any combination of print, electronic, and audiovisual resources. Service shall include one or more of the following:
   a. Resources providing information on various careers and vocations, future opportunities, and the necessary associated job skills and/or education.
   b. Career counseling assistance, either paid or volunteer.
   c. Information on available training programs and available jobs.
   d. Résumé assistance, online job posting, and interview training.
   e. College-preparation programs, including scholarship information, college application assistance, college entrance exam preparation, and college essay and résumé preparation.
5. Shared electronic and telecommunication library services -- Shared library electronic and telecommunication services provide for the sharing of electronic equipment and resources that complement the curriculum of K-12 students. Services shall include one or more of the following:
   a. Wide-area network between the public library and public school(s).
   b. Collaborative electronic resource database licenses and related training.
   c. Collaborative catalog access and shared circulation systems and related training.
6. Subject specialty learning centers – Subject specialty learning centers house a comprehensive, in-depth collection of resources and learning activities on a specific subject area that complements the curriculum of the school district that is a part of the joint use cooperative agreement.
7. Other library services – Other similar collaborative library services that directly benefit K-12 students.

(2) Second priority for new public library facilities: all others. As specified in Education Code section 19994(a)(2), all other new public library projects shall be given second priority.

(b) Priorities for remodeling existing public library facilities owned by the applicant jurisdiction

(1) Remodeling first priority – As specified in Education Code section 19994(b)(1), to be considered for first priority funding, a project to remodel an existing public library building owned by the applicant jurisdiction shall be within the attendance area of a public elementary, middle, or high school that, at the time of application, is identified as having inadequate infrastructure to support access to computers and other educational technology.

(A) If the project is located in the attendance area of more than one public school, the applicant may

select any one of the schools with inadequate infrastructure.

(B) The applicant shall submit with the Application Form:

1. A letter from the public school district superintendent verifying that at the time of the Board's application deadline:
   a. The project site is located within the attendance area of the identified public school.
   b. None of the public school buildings at the identified public school has an incoming telecommunication connection greater than 512 thousand bits per second (512K bps).
2. A copy of the public school attendance area map showing that the public library project site is within the attendance area.

(2) Remodeling second priority – As specified in Education Code section 19994(b)(2), second priority shall be given to all other remodeling projects for existing public library facilities owned by library jurisdictions.

Sec. 20436. Determining Project Costs.

(a) Determining the value of land and buildings.

(1) Land and buildings purchased by or donated to the applicant.

(A) The eligible project cost for land and buildings acquired by the applicant, whether purchased or donated, shall be the appraised value as determined by a certified appraiser no more than one year prior to the date of the Board's deadline for application.

(B) When an existing building is purchased for conversion and will be a multipurpose building, the applicant shall provide an appraisal of only the public library portion of the building and site. [See definition: section 20430(ss)].

(2) Appraisals of land and buildings.

(A) An appraisal is only required if the value of the land or building will be claimed as an eligible project cost or a local matching fund credit.

(B) Appraisals of land and buildings to determine the best and highest use of the property shall be in conformance with the requirements of the Real Estate Appraiser's Licensing and Certification Law (Business and Professions Code sections 22300, et seq.).

(C) Appraisals shall be performed by an appraiser who:

1. Has a State Certified General Real Estate Appraiser's License.
2. Is an independent appraiser, not an employee of the applicant, the applicant's library service provider, or the seller of the proposed public library site.

(3) Contested appraisals – If the appraisal is contested by the State Librarian or the applicant, one or more additional certified appraisals shall be obtained by the applicant. The difference in the appraisals shall be resolved by a determination of land value made by the California Department of General Services, Real Estate Division.

(b) Construction cost estimate – All applicants shall submit with the Application Form a projected construction cost estimate that is based on the conceptual plans and that has been prepared by an architect, engineer, or a construction cost estimator.

The estimate shall be organized in one of the following formats, or in a similar estimating format, at the applicant's option.

(1) Format 1 [Construction Specification Institute (C.S.I.) Masterformat Divisions]

(A) General Requirements.

(B) Site Work.

(C) Concrete.

(D) Masonry.

(E) Metals.
(F) Wood and Plastics.
(G) Thermal and Moisture Protection.
(H) Doors and Windows.
(I) Finishes.
(J) Specialties.
(K) Equipment.
(L) Furnishings.
(M) Special Conditions.
(N) Conveying Systems.
(O) Mechanical.
(P) Electrical.

(2) Format 2 [R. S. Means Assemblies Cost Data Manual]
(A) Foundations.
(B) Substructures.
(C) Superstructures.
(D) Exterior Closure.
(E) Roofing.
(F) Interior Construction.
(G) Conveying.
(H) Mechanical.
(I) Electrical.
(J) General Conditions.
(K) Special.
(L) Site Work.

(c) Determining normal public construction costs for new construction – The normal public construction cost in the applicant's area for new construction, both new facilities and square footage for an addition, shall be based on the January 2002 cost per square foot figures for public library buildings, as determined by Marshall Valuation Service in *Special Studies: Library Buildings*. The cost per square foot for new facilities is $202, and the cost per square foot for square footage added to an existing building is $238. These figures do not include costs for land acquisition; site development, demolition, utilities, or landscaping; surface and under building parking; works of art; shelving; furniture; built-in service desks, counters, workstations, or other casework; movable equipment; or architectural and engineering fees.

(1) Locality adjustments – The current cost shall be modified utilizing the following "California Locality Adjustment Table by County." The current cost figure is multiplied by the factor in the adjustment table to obtain the locally adjusted cost of public library buildings.

California Locality Adjustment Table by County

County	Multiplier Factor
Alameda	1.15
Alpine	.98
Amador	.98
Butte	.94
Calaveras	.92
Colusa	.96

Contra Costa	1.14
Del Norte	1.05
El Dorado	1.04
Fresno	.98
Glenn	.96
Humboldt	1.05
Imperial	.97
Inyo	1.03
Kern	.97
Kings	.92
Lake	.98
Lassen	.98
Los Angeles	1.01
Madera	.91
Marin	1.13
Mariposa	.93
Mendocino	.92
Merced	.91
Modoc	.98
Mono	1.02
Monterey	1.07
Napa	1.05
Nevada	1.00
Orange	1.01
Placer	1.01
Plumas	.97
Riverside	.99
Sacramento	1.00
San Benito	1.04
San Bernardino	1.00
San Diego	.97
San Francisco	1.20
San Joaquin	.97
San Luis Obispo	.97
San Mateo	1.14
Santa Barbara	1.00
Santa Clara	1.17
Santa Cruz	1.05
Shasta	.98
Sierra	.97
Siskiyou	.98
Solano	1.07
Sonoma	1.04
Stanislaus	.93
Sutter	.93
Tehama	.98
Trinity	1.02

Tulare	.92
Tuolumne	.93
Ventura	.99
Yolo	.94
Yuba	.93

(2) Inflation adjustment.
  (A) The locally adjusted cost may then be increased by 1/5 percent per month for each month from January 1, 2002, through the estimated mid-point of construction of the project.
  (B) This figure shall be the eligible projected construction cost. This figure, or a lesser amount, shall be utilized as the normal public construction cost in the applicant's area unless justification for a higher figure can be made based upon recent local bidding experience.
(3) Optional method.
  (A) At the applicant's option, the locally adjusted cost figure may be replaced by averaging the construction contract cost per square foot for a minimum of three comparable public construction projects bid in the applicant's county within three years of the Board's deadline for application.
  (B) If three comparable public construction project bids cannot be found in the applicant's county within three years of the Board's deadline for application, this locally determined comparable cost approach cannot be utilized by the applicant.
  (C) Comparable public construction projects are:
    1. Public libraries.
    2. Community colleges.
    3. Post offices.
    4. Museums.
    5. Courthouses.
    6. City halls.
    7. Auditoriums.
    8. Convention centers.
    9. Civic centers.
    10. Senior citizen centers.
    11. Public schools.
    12. Recreation centers.
(4) Contingency for new construction – For projects with new construction an eligible contingency not to exceed 10% of the eligible projected construction cost may be utilized for any eligible cost in the project budget.
(5) Costs in excess of normal public construction cost – For projects where the projected construction cost exceeds the eligible projected construction cost, the applicant shall provide 100% of the supplemental funds necessary to construct the project at the higher cost.

(d) Normal public construction costs in the applicant's area for remodeling.
(1) For remodeling projects, and for the remodeling portions of conversion and addition/remodeling projects, the normal public construction cost in the applicant's area is the eligible projected construction cost estimated by an architect, engineer, or construction cost estimator.
(2) For remodeling projects, and for the remodeling portion of conversion and addition/remodeling projects, a contingency of not more than 15% of the projected cost for remodeling may be utilized in the project.
(3) For addition/remodeling projects, and for the remodeling portion of conversion and addition/remodeling projects, an eligible contingency not to exceed 10% of the eligible projected

construction cost of the new construction and an eligible contingency not to exceed 15% of the eligible projected construction cost for remodeling, may be utilized for any eligible cost in the project budget.

(e) Project budget -- The project budget found in the Application Form [see section 20440, Appendix 1] shall include both eligible and ineligible project costs directly related to the public library construction project. The project budget shall also include the following sources of project revenue:
   (1) Amount of State matching funds.
   (2) Amounts and sources of all local matching funds.
   (3) Amounts and sources of all local supplemental funds.

(f) Calculating the eligible project costs for multipurpose projects -- For each budget line item in the project budget on the Application Form, applicants shall calculate the eligible project costs as follows:
   (1) Public library direct services areas eligible costs -- The applicant shall determine the eligible project costs for those areas that are dedicated to the delivery and support of public library direct services.
   (2) Common areas eligible costs -- For a multipurpose project, applicants shall determine the eligible cost of the common areas by calculating the public library's pro rata share of those costs.
   (3) Multipurpose project cost analysis -- An applicant proposing a multipurpose building project shall submit a cost analysis that has been prepared by an architect or construction cost estimator. The cost analysis shall compare the multipurpose project as a whole to the public library portion of the project, justifying the cost figures in the Multipurpose Project Budget section of the Application Form.

(g) Projected Library Operating Budget -- Applicants shall provide on the Application Form a library operating budget that projects:
   (1) The initial library start-up expenses.
   (2) Annual operating expenses for the library.

Sec. 20438. Site and Title.

(a) California Environmental Quality Act (CEQA).
   (1) The applicant, as lead agency, shall submit with the Application Form, evidence that the environmental impact documentation (EID) required by CEQA has been fully completed. [See Public Resources Code sections 21000-21177 and California Code of Regulations, Title 14, sections 15000 – 15387.]
   (2) This evidence shall consist of one of the following:
      (A) No adverse environmental impact.
         1. Determining applicability of CEQA for the project -- If the applicant has determined that there is no possibility the project will result in an adverse environmental impact, or that the project qualifies for a specific statutory or categorical exemption, and therefore is not subject to the provisions of CEQA, provide an explanation and appropriate legal citations.
         2. Categorical exemption -- If an exemption is claimed for the project, the applicant shall also submit the following:
            a. A statement of the basis for the claim.
            b. A copy of the Notice of Exemption.
      (B) Negative declaration -- If a negative declaration was adopted for the project, applicants shall provide a final copy of the negative declaration, as well as a conformed (stamped by the County Clerk) copy of the Notice of Determination which has been signed by the lead agency and filed with the County Clerk with the Application Form.
      (C) Environmental Impact Report -- If the project was the subject of an Environmental Impact Report (EIR), applicants shall provide a final copy of the EIR and a conformed (stamped by the County Clerk) copy of the Notice of Determination which has been signed by the lead agency and filed with the County Clerk with the Application Form. Applicants shall also provide a copy of the adopted statement of overriding considerations.

(D) State Clearinghouse review -- Before adopting a Negative Declaration or an Environmental Impact Report, the applicant shall submit the draft environmental documents to the State Clearinghouse at the following address:

State Clearinghouse
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

The applicant shall take into consideration timely comments made by State agencies on the project before adopting final environmental documents and approving the project. The applicant shall provide either the compliance letter or the comments from State agencies provided by the State Clearinghouse with the Application Form. After project approval a Notice of Determination shall be filed with the County Clerk before it is submitted with the Application Form.

(b) Marketable record title – "Marketable record title" means that the title to the property shall include both legal and equitable estates, be free of unknown encumbrances, and be in a condition that an informed and reasonable buyer, exercising reasonable care, would and should accept it.

(c) Obtaining marketable record title.

(1) Site is owned or will be owned by the applicant:

(A) The applicant shall submit marketable record title to the public library site**.**

(B) Applicants with multipurpose buildings shall obtain marketable record title only for those portions of the multipurpose project site for which Bond Act funds will be expended.

(C) If the property is not yet owned by the applicant, the applicant shall obtain proof that marketable record title can be obtained. The proof of marketable record title shall include a preliminary title report which shall include, but not be limited to, the following, as applicable.

(2) Lease and lease-purchase agreements -- If the public library site will be secured through a lease or lease-purchase agreement, the applicant shall provide the State Librarian with proof that the lessor holds marketable record title to the public library site and shall comply with the requirements of section 20440, Appendix 6, item 1.c.

(3) Acquisition of a building – If the applicant acquired or will acquire a building for the purpose of converting it into a public library, the applicant shall obtain marketable record title to the building.

(4) Preliminary title report required – Proof of current marketable record title shall be submitted with the Application Form, section 20440, Appendix 1.

(A) Names and addresses of all owners and their respective interests.

(B) A description of the exact property being proposed.

(C) A statement of easements, appurtenances, encumbrances, and all other matters of record that might impact the use of the property.

(D) A plat plan or survey showing in detail the location of the property and any easements.

(5) Title exceptions -- If there are exceptions to the marketable record title, the applicant's legal counsel shall prepare a written opinion indicating that the exceptions present do not diminish the use of the property for a public library building or in any way diminish or limit the State's interest in the property.

(d) State's interest recorded in the title record.

(1) State's interest in the land
  (A) State's interest in the land required -- When State grant funds have been provided by the Board for acquisition of or credit for land, upon completion of the project the grant recipient shall record the State's interest in the land in the title record.
  (B) Statement to be added to land title -- The title record for land shall specify the State's interest by recording that the land shall be used to provide public library direct service for 40 years following the completion date of the project, as specified in Education Code section 19999.
(2) State's interest in the public library building
  (A) State's interest in the building required -- When Bond Act funds have been provided for acquisition, construction, or remodeling of a public library facility, upon completion of the project the grant recipient shall record the State's interest in the facility in the title record.
  (B) Statement to be added to the building title – The title record for the building shall specify the State's interest by recording that the public library facility shall be used to provide public library direct service for 40 years following the completion date of the project, as specified in Education Code section 19999.

Sec. 20440. Grant application requirements.

(a) Application for Bond Act grant funds.
  (1) For each application cycle, applicants shall submit:
    (A) A completed Application Form found in section 20440, Appendix 1, and six additional copies of the form.
    (B) One copy of each supporting document.
  (2) Applications submitted for each cycle, including supporting documents, are the property of the California State Library.
  (3) Applications shall be submitted by the application deadlines and sent to the mailing address specified in section 20442.
(b) Supporting documentation instructions.
  (1) All supporting documentation shall be submitted with the Application Form.
  (2) Supporting documentation is required for all applications unless otherwise noted in the Bond Act regulations.
  (3) If an Executive Summary is specified in a required document, it shall be no longer than two single-spaced typed pages. Limit type size to no smaller than 11 point if using a computer, or 12 pitch (elite) if using a typewriter.
(c) Supporting document submittals: site and building
  (1) Boundary survey
    (A) All applicants, except those with multipurpose projects, shall provide a boundary survey showing the metes and bounds of the proposed library site.
    (B) Applicants with multipurpose buildings shall provide a boundary survey for the entire multipurpose project site.
    (C) The survey shall be stamped and signed by a licensed land surveyor.
  (2) Geotechnical report -- Applicants with new construction or additions to existing public libraries or buildings to be converted to public libraries shall provide a copy of a geotechnical report performed by a licensed engineer.
  (3) CEQA documentation [See section 20438 (a)]
  (4) Visual record of the existing library.
    (A) Applicants who have existing public library buildings that will be replaced or improved shall provide photographs and/or video of the existing public library building as support documentation

concerning the age and condition of the building. If a new library building will replace more than one existing library, applicants shall provide photographs and/or video of each library being replaced.

(B) An applicant proposing a co-located joint use project in partnership with a public school that has an existing library shall also provide photographs and/or video of each school library that will be replaced or improved.

(C) All photographs and videos shall be labeled with the name of the applicant and the project name.

(5) Map and visual record of the site – Applicants with new construction or additions to existing public libraries or buildings to be converted to public libraries shall provide photographs and/or video of the site and surrounding area as follows:

(A) Visual record

1. Show views facing toward the site from a minimum of two vantage points from outside the site, one of which shall be the building front entrance.
2. Show at least one view from each of the following directions from the vantage point of the middle of the site, facing out: north, south, east, and west.
3. All photographs and videos shall be labeled with the name of the applicant and the project name.

(B) Map showing the site – Provide one or more maps showing the location of the proposed library site in the community showing the following:

1. The service area of the proposed project,
2. All major thoroughfares,
3. All public K-12 schools and,
4. All major retail business centers.

(6) Preliminary title report [See section 20438 (c) (4)]

(7) Legal opinion regarding title exceptions [See section 20438 (c) (5)]

(8) Site ownership, option to purchase, or possession of lease.

(A) If a site is owned by the applicant at the time of application, the applicant shall submit verification of ownership.

(B) If the library site is not owned by the applicant at the time of application, the applicant shall submit one of the following with the Application Form:

1. For a site that will be purchased, a copy of a legally executed option to purchase agreement for the site.
2. For a site that will be donated, a copy of a legally binding agreement to donate the site.
3. For a site that will be secured through a lease or lease-purchase agreement, a legally executed lease or lease-purchase agreement for the site that is in compliance with the conditions of section 20440, Appendix 6, and which may contain a provision making the lease agreement or lease-purchase agreement contingent upon funding of the project by the Board.

(9) Building ownership (conversion projects).

(A) If a building is owned by the applicant at the time of application, the applicant shall submit verification of ownership.

(B) If a building to be converted into a public library is not owned by the applicant at the time of application, the applicant shall submit a copy of a legally executed option to purchase agreement for the building.

(C) In the case of a building that will be donated, the applicant shall submit a copy of a legally binding agreement to donate the building.

(10) Verification of property value -- Completed property appraisals shall be submitted with the Application Form. [See section 20436 (a).]

(11) Parking shared use agreement (if applicable) [See Application Form, Library Automobile Parking section]

(12) Required studies for remodeling, conversion, and addition-remodeling projects only-- Applicants for remodeling, conversion, and addition-renovation projects shall submit the following with the Application Form:

(A) Structural study – A licensed engineer's study that assesses the structural integrity of the existing building.

(B) Hazardous materials – A hazardous materials survey that determines the presence of hazardous materials in the building and provides an initial cost estimate for the safe removal or abatement of the materials. The building survey for hazardous materials shall be performed by a hazardous materials consultant as defined in section 20432 (f) (7).

(C) Energy audit – a study performed by a licensed engineer that assesses the existing facility's energy efficiency and makes specific recommendations regarding how the facility can be made more energy efficient.

(D) ADA study – a study performed by an ADA consultant that assesses the existing facility's limitations for its use by individuals with disabilities and makes specific recommendations regarding how the facility can be made physically accessible.

(E) Project feasibility study – performed by architects and engineers to determine the feasibility of utilizing a specific building for the proposed public library project.

(13) First priority remodeling projects only: letter from the public school district superintendent [See section 20434 (b) (1) (B) 1.]

(14) First priority remodeling projects only: public school attendance area map [See section 20434 (b) (1) (B) 2.]

(d) Supporting document submittals: planning – For the required supporting documents defined in Appendices 3-5, all components and elements listed in the Appendices are required, but need not be in the specific order listed in the Appendices and may appear in any of the planning documents.

(1) Joint use projects only: cooperative agreement. Along with the grant Application Form for a joint use project, all applicants for joint use project funding shall submit a copy of the cooperative agreement between the public library jurisdiction and the public school district(s) that shall include the elements listed in section 20440, Appendix 2.

(2) Community Library Needs Assessment.

(A) All applicants shall submit a copy of a Community Library Needs Assessment that demonstrates the need for the specific project and describes its relationship to the overall public library jurisdiction.

(B) Joint use project applicants shall develop the Community Library Needs Assessment as a collaborative effort between both the public library and the public school district(s) and shall also consider and respond to the needs of both public library and school library clienteles.

(C) The Community Library Needs Assessment shall have been completed or revised within five years of the application deadline.

(D) Community Library Needs Assessment components – The Community Library Needs Assessment shall include, but not be limited to, the elements listed in section 20440, Appendix 3.

(3) Library Plan of Service.

(A) Applicants shall submit a Library Plan of Service that describes how the needs of the residents in the library service area, as identified in the Community Library Needs Assessment, will be met by the proposed project.

(B) The Library Plan of Service shall include the elements listed in section 20440, Appendix 4.

(4) Library Building Program.

(A) Applicants shall submit a Library Building Program that demonstrates how the Library Plan of Service will be implemented in the project.

(B) The Library Building Program shall contain the components listed in section 20440, Appendix 5.

(5) Conceptual plans submittal.

(A) All applicants shall submit conceptual plans on paper not less than 24”x36” prepared by an architect justifying the architectural and engineering projected construction cost estimate. The plans shall be submitted with the Application Form prior to the Board’s application deadline.

(B) Applicants with multipurpose projects shall submit the required conceptual plans for both the total multipurpose project, as well as the library portion of the project.

(C) The conceptual plan submittal shall consist of the following:

1. An area plan showing the library site in context with the surrounding neighborhood buildings, parking, public transit stops, and streets. The plans and documentation shall demonstrate that the architectural design for the project is compatible with the scale and character of the surrounding neighborhood.
2. A site plan showing the library building, automobile and bicycle parking, access roads, bicycle and pedestrian pathways, and any anticipated future expansion of the building and parking. The site plan shall also indicate which direction is north.
3. A floor plan (single line drawing) identifying by name the major programmed areas for the library, including non-assignable spaces. Each area shall show the assignable square footage called for in the library building program and the actual square footage allocated on the floor plan.
4. Two sections through the building, one longitudinal and one latitudinal.
5. Two elevations, with one elevation being the front of the library building.
6. Outline specifications describing the type and quality of building systems, basic components, and components unique to the project. The specifications shall contain references to any applicable sections of State statutes and State building codes.

(e) Supporting document submittals: financial and certifications.

(1) Projected construction cost estimate [See section 20436 (b)]

(2) Multipurpose projects: cost analysis [See section 20436 (f) (3)]

(3) Resolution certifying project budget, local funding commitment, supplemental funds, and public library operation. The applicant’s governing body shall certify the following by resolution and submit a copy of the resolution with the Application Form:

(A) A commitment to provide the local matching fund amount identified in the Library Project Budget, as required by Education Code section 19995 (a), including and identifying any amounts to be credited to local matching funds pursuant to section 19995 (c) and (d).

(B) A commitment to provide supplemental funds necessary to complete the project at the level stated in the project budget [See section 20436 (e)].

(C) The availability of the local matching and supplemental funds specified in the project budget when they are needed to meet cash flow requirements for the project.

(D) The project budget contained in the Library Project Budget section of the Application Form.

(E) The accuracy and truthfulness of all information submitted in the Application Form and the required supporting documents.

(F) A commitment to operate the completed facility and provide public library direct service, unless the public library shall be operated in whole by a jurisdiction other than the applicant.

(G) A commitment that the facility shall be dedicated to public library direct service use for a period of 40 years following completion of the project, regardless of any operating agreements the applicant may have with other jurisdictions or parties.

(4) Operation of the facility involving a jurisdiction other than the applicant.
If the completed public library will be operated by a jurisdiction other than the applicant, the applicant shall obtain from the operating jurisdiction a copy of a resolution of its governing body that certifies a commitment to operate the completed facility and provide public library direct service and submit the copy with the Application Form.

(5) Private funds – availability deadline and account certification.
The applicant shall submit a copy of an account statement from the applicant's accounting system showing the amount of private funds designated in the Library Project Budget section of the Application Form. This account statement shall be submitted with the Application Form.

[Sec. 20440, Appendix 1 through 6 are not printed here. Refer to California Code of Regulations.]

Sec. 20442. Submission of Application and Grant Awards.

(a) Submission of applications; deadlines for application cycles and grant amounts; late or incomplete application submissions.

(1) Application location – Submit applications for each funding cycle to:

Bond Act Fiscal Officer
Office of Library Construction
1029 J Street, Suite 400
Sacramento, CA 95814-2825

(2) Funding cycles

(A) First funding cycle

1. The application deadline for the first funding cycle is 5:00 p.m. on June14, 2002.
2. In the first funding cycle the Board will award grants totaling no more than $150,000,000.

(B) Second funding cycle

1. The application deadline for the second funding cycle is 5:00 p.m. on March 28, 2003.
2. In the second funding cycle the Board will award grants totaling no more than $110,000,000.

(C) Third funding cycle

1. The application deadline for the third funding cycle is 5:00 p.m. on January 16, 2004.
2. All remaining grant funds will be awarded in the third funding cycle.

(3) Late applications not considered -- If an application, or documents required to support the application, are not received by the Board's deadline for application, the application shall not be considered by the State Librarian or Board for grant approval during the funding cycle.

(4) Incomplete applications not considered – If applications, or documents required to support the application, are incomplete, the application shall not be considered by the State Librarian or Board for grant approval during the funding cycle.

(b) Corrections to the project application – If, due to oversight or clerical error, the information provided by the applicant during the application process proves to be inaccurate, the State Librarian, at his or her discretion, may make minor adjustments to correct obviously inaccurate information in applications.

(c) One application per project -- Applicants may submit only one application for each proposed project during any single application cycle.

(d) Resubmission of a project application – Applicants may resubmit project applications that were not funded in one application cycle for a subsequent funding cycle by submitting a complete project application.

(e) Changes in projects after grant award.

(1) If there are proposed changes to the project after grant award that significantly modify the project, applicants shall submit the proposed changes to the State Librarian for review and authorization.
(2) The State Librarian has the sole authority to determine if a change is significant.
(3) If the State Librarian does not approve the change, the grant recipient may appeal the State Librarian's decision to the Board.
(4) The decision of the Board regarding a change in the project is final and binding.

(f) Value determined by mutual agreement -- For purposes of Education Code section 19999 (c) regarding the return of State grant funds, determining the value of the facility and land by mutual agreement shall mean by an appraisal prepared by an independent certified appraiser as specified in section 20436 (a).

Sec. 20444. State Payments, Fiscal and Program Compliance Review.

(a) Frequency of State grant payments; original signatures
(1) The State Librarian shall authorize State grant payments to the grant recipient on a periodic reimbursement basis. Payments shall be made no more frequently than on a monthly basis.
(2) Payment requests shall state that the reimbursement request is being made only for eligible project costs.
(3) Payment requests shall be submitted with an original signature of the grant recipient's fiscal officer or that officer's designee.

(b) Final State grant payment
The final State payment of 10% will be made when:
(1) All eligible project costs have been paid.
(2) The grant recipient certifies building completion by providing a compliance letter from the local building official verifying:
(A) The date of Substantial Completion of the project.
(B) The building was completed in accordance with the approved plans and specifications.
(C) The building has been approved for occupancy.
(D) Book stack installation has been completed.
(3) The grant recipient shall submit evidence that the State's interest in the building and the land has been recorded in the title record [see Education Code section 19999].
(4) Certified Public Accountant (CPA) review and audit submission
(A) CPA review – Following completion of the project, the grant recipient shall submit a final fiscal and program compliance review performed by an independent CPA utilizing standards established by the American Institute of Certified Public Accountants. To be considered independent, the CPA shall not be an employee of the grant recipient or the grant recipient's library service provider. The CPA review shall be submitted to the State Librarian prior to release of the final 10% of State project funds.
(B) Audit Submission with the CPA review.
1. In addition to (A), grant recipients who are subject to the Single Audit Act, Title 31 United States Code sections 7501 through 7507, shall submit a copy of their most recent Single Audit report to the State Librarian with the CPA review.
2. Recipients who are not subject to the Single Audit Act shall submit a copy of their most recent jurisdictional audit report with the CPA review.
(5) CPA Review deadline
(A) Grant recipients shall submit the CPA review no later than 18 months following Substantial Completion of the construction contract for the project.

(B) If a CPA review indicating fiscal and program compliance is not received within 18 months following Substantial Completion, the State may hire a CPA to conduct the review. The final 10% of grant funds shall be reduced by the cost of the CPA review.

PUBLIC LIBRARY CONSTRCUTION AND RENOVATION BOND ACT OF 2000
Title 24, California Code of Regulations, California Building Standards Code, California Administrative Code, Part 1, Chapter 16, Article 5.

ARTICLE 5.1. SCOPE.

16-510. Applicability. These regulations apply to public library projects for which funds have been granted under the California Reading and Literacy Improvement and Library Construction and Renovation Bond Act of 2000. Education Code Sections 19985-20011.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989 and 19993.

Article 5.2. Definitions.

16-520. Definitions. In this chapter, the following definitions apply:

ADDENDUM - a description of a proposed change to the approved plans or specifications prior to bid for construction.

ADDITION - a project that increases the floor area of enclosed space of an existing building. Addition also means expansion.

ARCHITECT - an architect holding a valid license under Chapter 3, Division 3, of the California Business and Professions Code.

ASSIGNABLE SQUARE FOOTAGE - the usable space within the defining walls of the building assigned to furniture and equipment but does not include any non-assignable space.

BOARD - the California Public Library Construction and Renovation Board.

BOND ACT - the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000, Education Code, Sections 19985-20011.

BUILDING CODE - the California Building Standards Code, Title 24, California Code of Regulations.

CHANGE ORDER - a description of a proposed change, together with a cost estimate for the change order, prepared for transmission from the contractor to the project architect or similar official representing the owner.

CONSTRUCTION COST ESTIMATOR - an individual who has had responsibility for five or more construction project cost estimates in excess of $1,000,000 each within the previous 10 years prior to the Board's application deadline.

CONSTRUCTION SPECIFICATIONS INSTITUTE or CSI - a technical association providing product and specification information to its members.

DESIGN DOCUMENTS - plans, specifications, and all other documents appropriate for the design phase of a project.

DIVISION OF THE STATE ARCHITECT or DSA - the Division of the State Architect, Department of General Services, State of California.

FACILITY - a building used for public library service and operated or intended to be operated by a local jurisdiction to provide public library service. The owner of a facility may be a jurisdiction other than the operator of the facility.

FENESTRATION - the arrangement, proportioning, and design of exterior and interior windows, clerestories, skylights, window walls, and doors in a building.

GROSS SQUARE FOOTAGE - the entire area of the building interior including the exterior wall thickness. The total of the assignable square footage and the non-assignable square footage equals the gross square footage.

LIBRARY BUILDING PROGRAM- the planning document that describes the space requirements and all other general building considerations required for the design of a public library building.

NON-ASSIGNABLE SPACE - utility areas of a building required for the function of the building, including stairways; elevators; corridors and interior walkways; public lobbies; restrooms; duct shafts; mechanical rooms; electrical closets; telecommunications closets for voice, data, electrical, security and fire systems; janitor's closets; fireplaces; interior and exterior wall thickness; and exterior amenities that are part of the building but not enclosed, such as loading docks and covered patios, porches, and walkways.

PLANS - the architectural and engineering drawings associated with a project such as, but not limited to, vicinity maps, site plans, foundation plans, floor plans, reflected ceiling plans, roof plans, cross sections, interior elevations, exterior elevations and details.

PROFESSIONAL ENGINEER - an engineer holding a valid certificate under Chapter 7, Division 3, of the California Business and Professions Code, in that branch of engineering which is applicable.

PROJECT - the construction, renovation and/or addition project for which an application has been awarded a grant by the Board.

READERS' SEATS - all seating in the library available for the public of all ages to use while reading print materials (i.e., lounge seating, benches, floor cushions, seating at tables, carrels, and study counters). Readers' seats do not include technology workstations.

REMODELING, REHABILITATION AND RENOVATION - a construction change within, or to, an existing building.

STATE LIBRARIAN - the California State Librarian or a duly authorized representative of the State Librarian.

STATE LIBRARY - the California State Library.

STATE LIBRARY PLANS REVIEW FORM- the form used by California State Library staff to comment on each design phase plan submittal. (See Appendix.)

TECHNOLOGY WORKSTATIONS - workstations in the library of any form (e.g. tables, carrels, counters, office systems) available for the public of all ages to use while operating any kind of library provided electronic or audiovisual technology (i.e., personal computers, computer terminals, online public access computers (OPAC's), audio and video units, ADA adaptive technology, and microform readers).

Authority: Education Code Section 19992.
Reference: Education Code Sections 19985, 19986(c), 19989, 19992, 19995, and 19997.

Article 5.3. Administration and Enforcement.
All Library Bond Act Projects.

16-530. Local Responsibility for Permitting, Plan Checking and Construction Inspections.

Local Building Official Responsibilities. The local building official of the jurisdiction responsible for the site upon which the facility is located is responsible for routine plan checking and on-site inspections for compliance with state and local building codes, regulations and requirements.

Authority: Education Code Section 19992.
Reference: Education Code Section 19992.

Article 5.4. Administration and Enforcement.
All Library Bond Act Projects
Including All Joint Use Projects.

16-540. Required Submission to the State Librarian Before Putting a Project to Bid.

(a) State Librarian Review and Accept Before Bid. No project awarded Library Bond Act funds shall be put to bid before the State Librarian has reviewed and accepted, in sequence, the submissions of design documents and final cost estimate as set forth in Section 16-542.

(b) Projects That Have Completed any of the Design Documents at Grant Award not Required to Submit Earlier Versions. Projects that, at the time of approval of their application by the Board, have completed any of the design documents in Section 16-542 shall, after grant award, submit a copy of the final library building program and the most current set of design documents to the State Librarian for the required review. Earlier versions need not be submitted.

Authority: Education Code Section 19992.
Reference: Education Code Section 19993.

16-541. Timetable for Architectural and Engineering Plans and Specifications Review and Acceptance.

(a) Conceptual Plans and Outline Specifications Review. Conceptual plans shall be returned to the grant recipient within fifteen (15) working days after the grant award by the Board.

(b) State Librarian Plans Review. The State Librarian shall review and accept:

1. **Schematic Design Plans and Specifications Review.** The review period for schematic documents [See Section 16-542(h)] is 15 working days after receipt.
2. **Design Development Plans and Specifications Review.** The review period for design development documents [See Section 16-542(i)] is 21 working days after receipt.
3. **Construction Documents and Specifications Review.** The review period for construction documents [see Section 16-542(j)] is 30working days after receipt.
4. **Final Review of Construction Documents.** The review period for final construction documents [see Section 16-542(k)], before going to bid, is five working days after receipt. Final review shall occur after all local jurisdictional approvals have been obtained.

(c) Revision to Previously Accepted Set of Design Documents. The State Librarian shall review and accept, within 10 working days after receipt, any revisions to a previously accepted set of design documents , including any revisions resulting from the local plan check, that affect the following:

1. **Alter Use of Space.** Alter the proposed use of all or part of the library building;
2. **Change Square Footage of Space.** Change the square footage by 10 percent or more of a building space identified in the grant recipient's building program, and in the most recently accepted set of design documents;
3. **Decrease Library Components.** Decrease the number of collections, readers' seats, technology workstations, staff workstations and offices, meeting room seating by more than 10 percent;
4. **Change in Building Systems with Negative Impacts.** Change the lighting, power, or data distribution systems in a manner that negatively impacts the use of the building, furniture, and equipment by the public or staff;
5. **Modify Access Compliance.** Modify access compliance from most recently accepted set of design documents;
6. **Functional Layout.** Change the layout of the library furniture and equipment in a way that negatively effects the functional operation of the facility as a library.

(d) State Librarian Acceptance. Following the time period for review, the State Librarian shall either accept or notify the grant recipient of the deficiencies that are to be corrected. If the State Librarian does neither, the submission is accepted as submitted.

(e) Plans and Specifications Submittal Review Period Extension. The State Librarian may extend the plans review period up to 15 additional working days if potential design or construction defects are identified in the plans and specifications. A letter of notification of the additional 15 working day review period will be sent to the grant recipient.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989 and 19993.

16-542. Submittal Requirements for Architectural and Engineering Plans and Specifications Review and Acceptance.

(a) Address for Plans Submittal. The address for plans submittal shall be:

Library Bond Act Manager
Office of Library Construction
California State Library
1029 J Street, Suite 400
Sacramento, CA 95814-2825

(b) State Librarian Review and Acceptance of Architectural and Engineering Plans. The State Librarian shall review and accept, in sequence, the final library building program, the architectural and engineering plans, and the construction cost estimates. For each submittal of schematic plans, design development plans, and construction documents, the grant recipient shall submit to the California State Library, the following:

1. **Number of Sets of Plans Required.** Four sets of plans and specifications; and
2. **One Copy of All Supporting Documents Required.** One copy of all other documentation as designated in this section for each design phase.

(c) Sheet Numbering. All plan sheets shall be identified by a sheet number and be cross-referenced. Sheet numbers shall also correspond to a sheet index on the Title sheet.

(d) Preliminary, Detailed, and Final Construction Cost Estimates. An independent, professional construction cost estimator who is not an employee of the grant recipient or library service provider shall provide the preliminary construction cost estimate for the schematic design plans and specifications review, the detailed construction cost estimate for the design development plans and specifications review, and the final construction cost estimate for the construction documents and specifications review. All estimates shall be priced out at the current market conditions prevailing at the time the plans and specifications are submitted to the State Library.

(e) Incomplete Submittals. If the State Library determines that any design plan submittal is incomplete or incorrect, the grant recipient will be notified of the missing or incorrect documents within five days of receipt of the submittal. The time period for State Librarian review will not begin until the missing or corrected documents are submitted to the State Library.

(f) State Library Plans Review Form. In response to any design phase review, State Library comments shall be documented on a State Library Plans Review Form (see Appendix), and returned to the grant recipient. The grant recipient shall address each State Library comment on the plans or specifications, making

appropriate changes and noting on the State Library Plans Review Form each change made and where it can be found on the drawings or in the specifications. The grant recipient shall return one copy of this revised form to the State Library at the next required design phase submittal.

(g) Conceptual Plans and Outline Specifications Review. Conceptual plans and outline specifications previously submitted with an application shall be sent with State Library comments to the grant recipient. The grant recipient shall incorporate these comments into the Schematic Design Plans and Specifications.

(h) Schematic Design Plans and Specifications Review. The grant recipient shall provide the following:

1. **Final Library Building Program.** A final library building program.
2. **Preliminary code information.** Preliminary code information documented on the title sheet of drawings including occupancy, construction type, site and building access, any applicable seismic and energy provisions, planning and environmental compliance information, and any other code applications to specific project conditions.
3. **Site Plan.** A site plan showing the library building, parking (including number of spaces and location of accessible parking), and trees or other features which must remain in their original locations, and access drives as well as any anticipated future expansion of the building and parking. The site plan shall have a north arrow. Property lines shall be shown clearly as determined by the boundary survey completed as part of the grant application.
4. **Floor Plans.** Floor plans of the spaces listed in the library building program and identified by the area/space name assigned in the library building program. Show all columns; identify all functional areas including all non-assignable spaces.
5. **Furniture and Equipment Plan.** A furniture and equipment plan that identifies all furniture and equipment based on the library building program. The furniture and equipment plan shall be a computer-generated drawing, drawn to scale. Show all columns and coordinate with the floor plan. Show critical dimensions for the following: overall dimensions, dimensions between columns, dimensions for exiting and access compliance, and other dimensions that demonstrate the required quantity of furniture and equipment will fit into the proposed building, and allow for full code compliance and functioning of the facility.
6. **Assignable Square Footage Tabulation.** A tabulation of the assignable square footage for each area called for in the final library building program compared to the assignable square footage shown on the floor plan.
7. **Collection Tabulation.** A tabulation of the number of books, magazines, and audio-visual materials called for in the library building program compared to the number of books, magazines, and audio-visual materials that can be housed given the proposed furniture and equipment plan. The tabulation shall also provide the conversion factors utilized (books per double-faced unit, or books per linear foot).
8. **Technology Workstations Tabulation.** A tabulation of the number of technology workstations by area called for in the library building program compared to the number of technology workstations shown on the furniture and equipment plan.
9. **Readers' Seats Tabulation.** A tabulation of the number of readers' seats by area called for in the library building program compared to the number of readers' seats shown on the furniture and equipment plan.
10. **Exterior Elevations.** Elevations of all four sides of the building showing general locations of openings, roof lines and grade lines.
11. **Roof Plan.** A roof plan showing roofing material, roof slope and direction of slope; roof overhangs and major elements and their relationship to the exterior wall of the building.
12. **Building Sections.** Two sections through the building, one longitudinal and one latitudinal.
13. **Engineering Plans and Specifications.**
    - **A. Civil.** On-site and off-site utilities, fire protection, drainage, paving and grading.
    - **B. Structural.** Basic structural materials and systems, analyses, and development of design solutions.

C. **Mechanical.** Energy source, heating, ventilating, and air conditioning (HVAC), conservation, plumbing, fire protection and security systems.

D. **Electrical.** Power, data, communication, lighting, fire and security systems, and general space requirements.

E. **Landscape.** Conceptual design solutions for land forms, lawns and plantings based on program requirements, physical site characteristics, design, and environmental objectives.

14. **Outline Specifications.** Outline specifications describing the type and quality of building systems, basic components, and components unique to the project. Outline specifications for the engineering disciplines listed in (13) "Engineering Plans and Specifications" above shall be included.
15. **Preliminary Construction Cost Estimate.** A preliminary construction cost estimate consisting of a projected cost for the construction project based on the most recent schematic design studies, current and historic area, volume, or other unit costs. The estimate shall include an assemblies (or CSI format) estimate summary.

(i) Design Development Plans And Specifications Review. The grant recipient shall provide the following:

1. **Site Plan.** A site plan showing all buildings dimensioned from adjacent structures or other critical site features, datum elevations at all entries, street lines and grades, property lines, required setbacks, easements, parking, sidewalks, preliminary site and exterior building lighting scheme with identification of fixture types, and routing of sewer, water, gas and other utilities, and site detailing showing typical external elements.
2. **Floor Plans.** Floor plans showing complete functional layout, room designations, all major dimensions, all critical dimensions, and all columns.
3. **Exterior Elevations.** Elevations showing full-height facades, type and extent of exterior finishes, all openings including fenestration, and overall vertical building heights related to established building datum. Indicate treatment of visible mechanical equipment and abutting topography and grade relationship.
4. **Roof Plan.** A roof plan delineating roofing materials, direction and slope of roof; relationship of exterior wall to roof, overhangs and covered areas; mechanical equipment areas and screening; and location and major dimensions for major roof elements.
5. **Building Sections.** Two building sections (one longitudinal and one latitudinal) showing the overall building solution with typical wall construction, foundation, parapet design, insulation methods, window, mechanical penetrations impact, relationship of various levels, floor to ceiling heights, and ceiling height and bookstack height coordination anticipating code compliant fire sprinkler installation.
6. **Details.** Detail sheets showing key conditions, such as, window and frame types, frame and door types, typical wall types and non-typical design-related detailing.
7. **Interior Elevations.** Interior elevations showing typical and special spaces, and any built-in cabinetry or counter items. These drawings shall be of pre-final quality adequate to convey design intent. Basic dimensions shall be delineated, along with casework, counters, and other built-ins, with heights and depths shown.
8. **Reflected Ceiling Plan.** Reflected ceiling plan integrated to show structural, mechanical, and electrical impacts, including low voltage systems, e.g. security, audio-visual, and public address system speakers.
9. **Schedules.** Schedules are to be non-repetitive and comprehensive with keying to floor plans and elevations; pre-final interior finishes, frame and door, window and glazing, and preliminary hardware.
10. **Furniture, Furnishings, and Equipment Plan.** Furniture, furnishings, and equipment plan with any special interior design features. Preliminary documentation of materials, finishes and colors.
11. **Signage Schedule and Plan.** Signage schedule and plan indicating the size, type and nomenclature of all interior signs.

12. **Assignable Square Footage Comparison.** A tabulation of the assignable square footage for each area called for in the final library building program compared to the assignable square footage shown on the floor plan. Any changes from the accepted schematic plans shall be highlighted.
13. **Engineering Plans and Specifications.**
    - **A. Civil.** Grading, drainage, and preliminary details for on-site and off-site work.
    - **B. Structural.** Basic structural system and dimensions, structural and foundation design criteria, and preliminary sizing of major structural components.
    - **C. Mechanical.** Preliminary equipment and duct layout, approximate equipment sizes and capacities, required space for equipment, chases, and clearance coordination with structural, acoustical and energy conservation measuresand visual impacts.
    - **D. Plumbing.** Preliminary plumbing lines routing within the building, point of entry of water, gas, storm drains, and sewer to building and preliminary details.
    - **E. Electrical.** Electrical site plan. Preliminary lighting plan and fixture schedule, single line diagram, preliminary power, data, and communication plans, security and fire alarm plans, and low-voltage plans.
      - **(1)Lighting System Plan.** Lighting system plan overlaid on the furnishings, equipment, and signage plan. Show all sources of artificial illumination with a legend that indicates the type of light fixture.
      - **(2)Catalog "Cut" Sheets.** Catalog "cut" sheets for each lighting fixture showing the fixture configuration, type and lens. The cut sheets must be keyed to the legend on the plans for quick identification.
      - **(3)Electrical and Data Distribution Systems Plan.** Electrical and data distribution systems plan overlaid on the furnishings, equipment, and signage plan. Show all service panel boards, power outlets, telephone, data communication outlets, and audio-visual outlets with a legend that indicates the type of outlets. Also, include locations of book detection gates and security system components (surveillance cameras, motion and glass break detectors, magnetic door contacts, and card access system readers), and public address system speaker locations.
    - **F. Landscape.** Preliminary planting and irrigation plans with preliminary details.
14. **Draft Specifications.** Draft specifications including comprehensive, abbreviated descriptions of size, character, and quality of methods, materials, and systems. Coordinate specifications with the drawings. Use Construction Specifications Institute (CSI) format with applicable section numbers. Include all engineering specifications, and special or supplementary conditions specific to the project.
15. **Detailed Construction Cost Estimate.** A Detailed Construction Cost Estimate and Summary shall be prepared updating and refining the Preliminary Construction Cost Estimate of the project. The following shall be shown: (1) a breakdown for each major area of construction work in CSI format; (2) all estimates shall include individual item unit costs (materials, labor and equipment); quantities and total quantity costs; (3) sales tax; general contractor's construction indirects (general conditions, overhead and profit); subcontractor's mark-ups shall be listed separately; (4) the estimate shall separate the Project's building costs from site and utilities costs.

(j) Construction Documents and Specifications Review. The grant recipient shall provide the following:

1. **Complete Set of Construction Documents.** A complete set of construction documents including all drawings, and specifications, structural calculations, and energy load calculations in accordance with the Building Code; and contract language, along with all other documentation required as part of the bid package. All building systems must be delineated fully to illustrate their proposed scope and functions.
2. **Final Construction Cost Estimate.** A detailed Final Construction Cost Estimate and Summary shall be prepared in CSI format, updating and refining the Detailed Construction Cost Estimate, including: (1) individual line items, unit costs (materials, labor, and equipment); quantities and total quantity costs;

(2) sales tax; general contractor's construction indirects (general conditions, overhead and profit); subcontractor's mark-ups shall be listed separately, and (3) the estimate shall separate the Project's building costs from site and utilities costs.

(k) Final Review of Construction Documents. Once the State Librarian has accepted the construction documents and all of the local code compliance reviews have been completed, the grant recipient shall send to the State Library one final copy of stamped and signed plans and specifications, which will be used by contractors when providing their bids. All sheets of the plans shall be signed, as well as the specifications cover by the architect or appropriate engineer.

(l) Access Compliance. Grant recipient, upon receipt of DSA approval, shall provide documentation of DSA Access Compliance approval for the project to the State Librarian. (See Access Compliance by the Division of the State Architect authority as cited in Government Code Section 4450 et. seq., and the compliance procedures found in California Building Standards Code, Title 24, Code of Regulations, Part 1, Sections 5-101 et. seq.).

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989, 19993.

16-543. Bookstacks.

(a) Bookstack Installation Acceptance. No bookstacks may be installed, remodeled or moved until the State Librarian has reviewed and accepted in sequence the following:

1. **Specifications for the Bookstacks.** Specifications for the bookstacks, which implement the standards in Volume 2 of the California Building Code; and
2. **Local Review and Approval of Bookstack Installation.** The local review and approval of the bookstack contractor's calculations showing that the installation meets the specification.

(b) Requirement for Bookstacks Installed at a Later Date. The requirement in Section 16-543(a) applies to bookstacks to be installed, remodeled or moved in any project receiving Library Bond Act funds. It also applies both to bookstacks included in the local construction contract and to bookstacks contracted for separately from the local construction contract, but installed within one year of the completion of the local construction contract.

(c) Bookstack Installation Must Meet Specifications for 40 Years. The grant recipient or its successor in interest shall ensure that any bookstacks installed, moved or remodeled in any project during the 40 years following acceptance of the project by the local jurisdiction having title to the facility conform to the specifications for library bookstacks in the California Building Code.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989 and 19999(a).

16-544. Floor Loads.

(a) Standards for Floor Loads. Implement the Standards in Volume 2 of the California Building Standards Code.

(b) Floor Load for Adjacent Areas to Bookstacks. If any floor areas in a project are adjacent to bookstacks and the bookstacks may expand to these adjacent areas, even if not originally so intended, those areas shall conform to the same floor load standards as required for the bookstacks. (Refer to California Building Code, Volume 2).

Authority: Education Code Section 19992.
Reference: Education Code Section 19989.

16-545. Renovations.

(a) Public Library Renovation Requirements. Renovation of public library facilities shall conform to the *California Building Standards Code*, Title 24, California Code of Regulations requirements for renovation, except that:

1. **Renovation Projects - *California Historical Building Code*.** Renovation of facilities classified as qualified historical buildings or structures under Health and Safety Code Section 18955 shall meet the requirements of the *California Historical Building Code* (Part 8) instead of the requirements of the *California Building Standards Code*, Title 24, California Code of Regulations.
2. **Renovation Projects - *California Code for Building Conservation*.** Renovation projects that include unreinforced masonry shall conform to Part 10 of the *California Building Standards Code*, the *California Code for Building Conservation*.

Authority: Education Code Section 19992.
Reference: Education Code Section 19989.

16-546. State Librarian Acceptance of Addenda and Change Orders.

(a) Changes in Accepted Plans. Changes of the accepted plans or specifications shall be made by means of an addendum or change order sent to the address specified in Section 16-542(a).

(b) Addendum and Change Order Types Requiring State Librarian Review. A grant recipient shall submit to the State Librarian for review and acceptance addenda or change orders that would:

1. **Alter Use of Space.** Alter the proposed use of all or part of the library building;
2. **Change Square Footage of Space.** Change the square footage by 10 percent or more of a building space identified in the grant recipient's building program, and in the final construction documents accepted by the State Librarian;
3. **Decrease Library Components.** Decrease the number of collections, readers' seats, technology workstations, staff workstations and offices, meeting room seating by more than 10 percent;
4. **Change in Building Systems with Negative Impacts.** Change the lighting, power, or data distribution systems in a manner that negatively impacts the use of the building, furniture, and equipment by the public or staff;
5. **Modify Access Compliance.** Modify access compliance from what was approved by Division of State Architect's Access Compliance unit.

(c) Addendum and Change Order Requirements. Addenda and change orders shall state the reason for the change and the scope of work to be provided, and where necessary, supplementary drawings shall be furnished to clearly describe the change.

(d) Acceptance of Addenda or Change Orders. Upon receipt of any addenda or change orders requiring review in accordance with the preceding subsections, the State Librarian shall, within three working days of receipt, review and:

1. **Accept.** Accept the addendum or change order; or
2. **Return for Resubmission.** Return the addendum or change order, stating the reasons why it was not accepted, for revision or additional justification and resubmission.

(e) Addenda or Change Orders Issued as Submitted. If the State Librarian has not accepted or returned the addendum or change order within three working days, the addendum or change order may be issued as submitted.

(f) All Other Project Addenda and Change Orders. All addenda or change orders not covered by Section 16-546(b) shall be issued without the State Librarian's review and acceptance.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989, 19995, and 19997.

16-547. State Access to Construction and Records.
Access to Construction Site and Project Records. The grant recipient shall provide the State Librarian reasonable access to the construction site and to project records.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19992 and 19993.

Article 5.5. Fees.

16-550. Allowable Fees and Costs as Allowable Bond Act Costs.
Allowable Project Fees and Costs. Any fees or costs authorized in these regulations pursuant to the Library Bond Act, including work required to meet California Building Standards Code requirements, may be included as eligible Library Bond Act project costs.

Authority: Education Code Section 19992.
Reference: Education Code Sections 19989 and 19990.

(For Appendix State Library Plans Review Form – See Original Code.)

Title 24, California Code of Regulations, California Building Standards Code, California Building Code, Part 2, Chapter 4, Sec. 439.4

SECTION 439
PUBLIC LIBRARIES [SL AND SFM]

439.4 Automatic sprinkler and extinguishing systems. For public libraries constructed with funds awarded under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000:

1. **Fire sprinkler system requirement.** All libraries funded for new construction, including additions, shall have automatic fire sprinkler systems installed.
2. **Fire sprinkler system requirement for renovations of existing facilities.** If there is no automatic fire sprinkler system in the existing facility, grant recipients shall be required to install a fire sprinkler system throughout the existing facility.
3. **Fire sprinkler system types.** The grant recipient may choose, on approval by the local fire authority, from wet-pipe, dry-pipe or pre-action systems, utilizing listed standard, early suppression fast response (ESFR), or on/off type sprinkler heads.
4. **Book return rooms and slots.** Book return rooms with slots in exterior walls shall have an automatic sprinkler head and be of approved fire-resistive construction. Book return slots and book drops shall have an additional automatic sprinkler head when shielded from the room sprinkler head.
5. **System monitoring requirement.** All fire protection systems shall be monitored by a fire alarm supervising station in accordance with the National Fire Protection Association (NFPA) 72.
6. **Alternate fire-extinguishing systems for specialized areas.** When approved by the fire authority having jurisdiction, other types of approved automatic fire-extinguishing systems may be utilized as an alternate to sprinklers in the following areas: rare book rooms, central computer rooms and telecommunication rooms.
7. **Automatic sprinkler system plan requirement.** Fire sprinkler system drawings shall use the furniture plan as a background for coordination with furniture and book stack location and height.

Title 24, California Code of Regulations, California Building Standards Code, California Building Code, Part 2, Chapter 16, Sec. 1607

Chapter 16 – Structural Design

Table 1607.1 Minimum uniformly distributed live loads and minimum concentrated live loads.

Occupancy or use	Uniform (psf)	Concentrated (lbs.)
19. Libraries		
Corridors above first floor	80	1,000
Reading rooms	60	1,000
Stack rooms	150 [b,m]	1,000

[b] The loading applies to stack room floors that support nonmobile, double-faced library book stacks, subject to the following limitations:

1. The nominal bookstack unit height shall not exceed 90 inches;
2. The nominal shelf depth shall not exceed 12 inches for each face; and
3. Parallel rows of double-faced book stacks shall be separated by aisle not less that 36 inches wide.

[m] Live load reduction is not permitted unless specific exceptions of Section1607.10 apply.

1607.2 Loads not specified. For occupancies or uses not designated in Table 1607.1, the live load shall be determined in accordance with a method approved by the building official.

HISTORY NOTE APPENDIX FOR CHAPTER 16
Administrative Regulations for the State Librarian
Title 24, Part 1, California Code of Regulations)

The format of the history notes has been changed to be consistent with the other parts of the California Building Standards Code. The history notes for prior changes remain within the text of this code.

1. (SL 1/01) Part 1, Chapter 16, Article 5. Approved by the Building Standards Commission on November 28, 2001. Filed with the Secretary of State on December 4, 2001, effective January 3, 2002. Add Article 5 to Chapter 16 pertaining to the libraries funded pursuant to the Public Library Construction and Renovation Bond Act of 2000.

SPECIALIZED LIBRARIES
SUTRO LIBRARY
(Statutes 1915:822, Chapter 492)

Sec. 1. Acceptance of Sutro Library by State Library.
The action of the trustees of the State Library in accepting as a gift from the heirs of the late Adolph Sutro, on behalf of the State of California the collection of rare books and manuscripts gathered by the said Adolph Sutro is hereby approved and validated.

Sec. 2. Establishment of San Francisco branch.
The establishment by the trustees of the State Library of a branch of the State Library in the City and County of San Francisco, to be known as the "Sutro Library," in which branch the said collection of rare books and manuscripts shall, in accordance with the terms of the gift, be maintained is hereby approved and validated.

SERVICES FOR THE BLIND

TOLL-FREE TELEPHONE SERVICE FOR THE BLIND*
(Education Code Section 19325 supra; Code of California Regulations, Title 5, Section 20400)

Sec. 20400. 24-hour service.
State funds for toll-free telephone service for registered patrons of the federally designated regional libraries for the blind and physically handicapped shall be used as follows:
(1) The regional library shall make available toll-free telephone service 24 hours a day to registered patrons of the regional library.
(2) Patrons of a regional library shall not use the toll-free telephone service for ordinary requests. For example, the toll-free number shall not be used to submit requests from a new reading list.
(3) The regional library shall acquire a tape recorder to allow patrons to leave messages after normal working hours. Normal working hours are defined as 8 a.m. to 4 p.m., Monday through Friday.
(4) The regional library shall submit a claim for reimbursement of the billed costs of toll-free telephone service to the California State Library.

VISUALLY IMPAIRED VOTERS
(Elections Code Sections 2050-2053)

Sec. 2050. Citation of article.
This article shall be known, and may be cited, as the Visually Impaired Voter Assistance Act of 1989. ***

Sec. 2053. Establishment of advisory board.
(a)The Secretary of State shall establish a Visually Impaired Voter Assistance Advisory Board. This board shall consist of the Secretary of State or his or her designee and the following membership, appointed by the Secretary of State:
(1) A representative from the State Advisory Council on Libraries.

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* See Education Code Section 19325 above; California Code of Regulations, Title 5, Section 20400.

***

(b) The Board shall do all of the following:
***

(4) Promote the Secretary of State's toll-free voter registration telephone line for citizens needing voter registration information, including information for those who are visually handicapped, and the toll-free telephone service regarding the California State Library and regional library service for the visually impaired. ***

SOUTHERN CALIFORNIA REGIONAL LIBRARY FOR THE BLIND

(Statutes 1978:2765, Chapter 880)

Sec. 1. Purpose.
The sum of one hundred sixty-six thousand dollars ($166,000) is hereby appropriated from the General Fund in the State Treasury to the State Librarian to provide partial support for a Southern California Regional Library for the blind, physically handicapped and reading disabled as designated by the Library of Congress.

The amounts appropriated by this Act shall be used exclusively to provide regional library services for the blind, physically handicapped and reading disabled in Southern California. Such services must meet established standards set by the Library of Congress for regional libraries for the blind, physically handicapped and reading disabled and shall be reviewed regularly by the State Librarian.

Sec. 2. Budget.
It is the intent of the Legislature that the appropriation of funds provided for by this Act shall be based on actual operating costs of providing regional library service for the blind, physically handicapped and reading disabled in Southern California in accordance with national standards set for regional libraries by the Library of Congress and shall become a regular program item in the annual budget act. It is also the intent of the Legislature that funds be phased in over three fiscal years to provide full state support for the Southern California regional library for the blind, physically handicapped and reading disabled, as designated by the Library of Congress.

Sec. 3. Volunteers.
The Legislature acknowledges the value of volunteer services that have been provided in Southern California to the blind, physically handicapped, and reading disabled. It is the intent of the Legislature in enacting this measure that, to the maximum extent possible, these services should continue. The State Librarian shall monitor the level of volunteer services provided by the regional library to the blind, physically handicapped, and reading disabled, in Southern California and administer the program in a manner which will encourage a level of volunteer activity which at least equals that which existed prior to the enactment of this act.

DISTRIBUTION OF MATERIALS
LIBRARY DISTRIBUTION ACT

(Government Code, Title 2, Division 3, Part 5.5, Chapter 7, Article 6, Sections 14900-14912)

Sec. 14900. Policy.
It is the policy of the State of California to make freely available to its inhabitants all state publications by distribution to libraries throughout the state, subject to the assumption by such libraries of the responsibilities of keeping such documents readily accessible for use, and of rendering assistance in their use to qualified patrons without charge.

Sec. 14901. Number of copies to be printed.
To the end that the policy specified in Section 14900 may be effectively carried out, the State Printer shall print a sufficient number of copies of each state publication as determined by the State Librarian in accordance with Sections 14901, 14903, 14904, 14905.1, and 14907, not to exceed three hundred fifty (350), unless the Department of General Services with the advice of the State Librarian determines that a greater number is necessary in order to meet the requirements for deposit in a "library stockroom" (to be maintained by the State Printer for that purpose) for distribution to libraries as hereinafter provided, except that of legislative bills, daily journals, and daily or weekly histories, not more than one hundred fifty (150) copies shall be printed for such deposit and distribution, and of publications not printed by the State Printer, the department, commission or other agency concerned shall print one hundred (100) copies for such distribution. An additional two (2) copies of each state publication as selected by the State Archivist shall be printed and delivered to the State Archivist by the State Printer or the department, commission, or other agency concerned, and all remaining copies in excess of two (2) copies heretofore received shall be distributed to interested parties without charge or destroyed. The cost of printing, publishing, and distributing such copies shall be fixed and charged pursuant to Section 14866.

Sec. 14902. "State publication" and "publication" defined.
"State publication" or "publication" as herein employed is defined to include any document, compilation, journal, law, resolution, Blue Book, statute, code, register, pamphlet, list, book, report, memorandum, hearing, legislative bill, leaflet, order, regulation, directory, periodical or magazine issued by the state, the Legislature, constitutional officers, or any department, commission or other agency thereof or prepared for the state by private individual or organization and issued in print, and "print" is defined to include all forms of duplicating other than by the use of carbon paper. The publications of the University of California, however, and intraoffice or interoffice publications and forms shall not be included.

Sec. 14903. Distribution to State Library and University of California and California State University libraries.
As soon as practicable after deposit of the copies in the library stockroom, the State Printer shall forward of each publication other than the legislative bills, daily journals and daily or weekly histories, 50 copies to the State Library at Sacramento, 25 copies each to the University of California libraries at Berkeley and Los Angeles, and 50 copies to the California State University, to be allocated among the libraries thereof as directed by the Trustees of the California State University. Those copies in excess of the number required for the institutions themselves may be used for exchanges with other institutions or with agencies of other states and countries.

Sec. 14904. Distribution to other libraries.

The copies remaining in the library stockroom, including the legislative bills, daily journals, and daily or weekly histories, shall be distributed as soon as practicable by the State Printer first one copy each to the libraries which are on his mailing list as “complete depositories," second one copy each to the libraries which are on his mailing list as “selective depositories,” and third the balance to any libraries which may write for a copy or copies. Publications not printed by the State Printer shall be distributed by the issuing department, commission or other agency as soon as practicable after printing, first to all “complete depositories, ” and second to “selective depositories,” designated by the Department of General Services.

Sec. 14905. Designations as depository.
To be placed on the mailing list as a “complete depository” or as a “selective depository, ” a library must contract with the Department of General Services to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service without charge to qualified patrons in the use of the publications. A library designated as a “complete depository” shall be sent one copy of every state publication, while a library designated as a “selective depository” shall be sent one copy of each publication of the type or issuing agency it selects.

Sec. 14905.1. State Library exchange agreements.
The California State Library may enter into agreements with the appropriate state agencies of each of the 49 other states of the United States of America, to establish a program for the exchange of publications of legislative service agencies, other than publications of the Joint Legislative Audit Committee and of the Joint Legislative Budget Committee. The California legislative reports to be exchanged shall be selected by the State Librarian after consultation with, and subject to the approval of, the Joint Committee on Legislative Organization. The legislative research reports received from other states in exchange shall be made available by the California State Library to the California Legislature.

Prior to designation as an exchange agency, the state agency shall agree to provide adequate facilities for the storage and use of the publications, and must agree to render reasonable service in the use of the publications without charge to the legislature of that state and other qualified patrons.

The California State Library shall notify the appropriate state agency of each of the other states of the provisions of this section.

The additional number of copies of publications, not to exceed 100, needed to implement the program shall be printed or otherwise duplicated. The State Printer and the state legislative agencies upon notification of the need shall provide the designated number of publications.

Sec. 14906. Application for depository status.
Any municipal or county free library, any state college or state university library, the library of any incorporated college or university in this state, the library of any public community college in this state, and the State Library, may contract as above provided. Applications are to be considered in the order of their receipt by the Department of General Services.

Any municipal or county free library, any state college or state university library, the library of any incorporated college or university in this state, and the State Library, may contract as above provided. Applications are to be considered in the order of their receipt by the Department of General Services.

Sec. 14907. Application for contract by law libraries.

Upon application, county law libraries, the law libraries of any law school approved by the State Bar of California, the Supreme Court Library, the law libraries of the courts of appeal, and the law libraries of the Department of Justice and the law library of the Continuing Education of the Bar of the University of California Extension may contract as provided in Section 14905 to become a selective or complete depository library.

Sec. 14908. Law library exemption regarding proximity to another depository library.
Because of the specialized service rendered the citizens of this state through assistance in the administration of justice, proximity to another depository library shall be disregarded in the selection of a law library as a depository of legal materials.

Sec. 14909. Documents maintained by law library depositories.
Maintenance of basic general documents shall not be required of law library depositories, but basic legal documents shall be maintained by them. Such basic legal documents shall include legislative bills, legislative committee hearings and reports, legislative journals, statutes, administrative reports, California Administrative Code and Register, annual reports of state agencies and other legal materials published by the state, where obtainable through the agency preparing same.

Sec. 14910. List of state publications.
To facilitate the distribution of state publications, the State Library shall issue monthly or quarterly a complete list of state publications issued during the immediately preceding month or quarter, such lists to be cumulated and printed at the end of each calendar year. All state departments, commissions and other agencies shall, upon request, supply information to the State Library for the preparation of the monthly or quarterly lists and the annual cumulative lists.

Sec. 14912. Distribution of copies of statutes.
Notwithstanding any other provision of this article, the number of copies of statutes distributed to an authorized recipient shall not exceed the number requested by such recipient, or the number authorized by this article, whichever is the lesser.

NEWSPAPER DEPOSITORIES

(Education Code Division 1, Part 11, Chapter 11, Article 1, Sections 19900-19902)

ARTICLE 1. DEPOSIT OF NEWSPAPERS IN LIBRARIES

Sec. 19900. Authority of board of supervisors.
The board of supervisors of any county may authorize the county recorder to deposit with any free public library maintained at the county seat, or with the State Library, such newspaper files, or portions thereof, as may be in the custody of the recorder by virtue of Chapter 110 of the Statutes of 1862, relating to the purchase and preservation of newspapers, or by virtue of any other act.

Sec. 19901. Agreement for preservation of files.
Before making the deposit, the board of supervisors shall obtain from the board of trustees or authorities in charge of the free public library, or the State Librarian, as the case may be, an agreement that it will properly preserve and care for the newspaper files, and make them accessible to the public.

Sec. 19902. Deposit in State Library.
The board of supervisors of any county may authorize the boards of trustees or other authorities in charge of any free public library with which newspaper files have been deposited in accordance with Section 19900 to deposit the newspaper files with the State Library.

TEXTBOOKS

(Education Code Section 60510)

Sec. 60510. Surplus materials.
The State board, the governing board of a school district, or a county office of education may dispose of surplus or undistributed obsolete instructional materials in its possession that are usable for educational purposes in any of the following ways:

(a) By donation to any governing board, county free library or other state institution.
(b) By donation to a public agency or institution of any territory or possession of the United States, or the government of a country that formerly was a territory or possession of the United States.
(c) By donation to a nonprofit charitable organization.
(d) By donation to children or adults in the State of California, or foreign countries for the purpose of increasing the general literacy of the people.
(e) By sale.

CALIFORNIA CIVIL LIBERTIES PUBLIC EDUCATION ACT

(Education Code, Title 1, Division 1, Part 8.5, Chapters 1-2, Sections 13000-13030.)

CHAPTER 1. GENERAL

Sec. 13000. Short Title; purpose; legislative findings and declarations

(a) This part shall be known and may be cited as the California Civil Liberties Public Education Act. The purpose of the California Civil Liberties Public Education Act is to sponsor public education activities and development of educational materials to ensure that the events surrounding the exclusion, forced removal, and internment of civilians and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood.

(b) The Legislature finds and declares that the federal Commission on Wartime Relocation and Internment of Civilians (CWRIC) was established by Congress in 1980 to "review the facts and circumstances surrounding Executive Order 9066, issued in February 19, 1942, and the impact of such Executive Order on American citizens and permanent residents…and to recommend appropriate remedies." The CWRIC issued a report of its findings in 1983 with the reports "Personal Justice Denied" and "Personal Justice Denied-Part II, Recommendations." The reports were based on information gathered "through 20 days of hearings in cities across the country, particularly the West Coast, hearing testimony from more than 750 witnesses: evacuees, former government officials, public figures, interested citizens, and historians and other professionals who have studied the subjects of Commission inquiry."

(c) The lessons to be learned from the internment of Japanese-Americans during World War II are embodied in "Personal Justice Denied-Part II, Recommendations." The CWRIC concluded as follows: "In sum, Executive Order 9066 was not justified by military necessity, and the decisions that followed from it—exclusion, detention, the ending of detention and the ending of exclusion—were not founded upon military considerations. The broad historical causes that shaped these decisions were race prejudice, war hysteria, and a failure of political leadership. Widespread ignorance about Americans of Japanese descent contributed to a policy conceived in haste and executed in an atmosphere of fear and anger at Japan. A grave personal injustice was done to the American citizens and resident aliens of Japanese ancestry who, without individual review or any probative evidence against them were excluded, removed and detained by the United States during World War II."

(d) The Legislature further finds and declares that President Ronald Reagan signed into law the federal Civil Liberties Act of 1988 and declared during the signing ceremony that "This is a great day for America." In that act the Congress declared as follows:

"The Congress recognizes that, as described in the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent residents of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable loses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation."

CHAPTER 2. CALIFORNIA CIVIL LIBERTIES PUBLIC EDUCATION GRANT PROGRAM

Sec. 13015. Award of grants; selection criteria

(a) The State Librarian shall allocate grants pursuant to the program established by this part. The grants awarded under the program shall be awarded on a competitive basis.

(b) The State Librarian may contract with independent review panelists and establish an advisory panel to evaluate and make recommendations to the State Librarian based on grant applications.

(c) The State Librarian shall select as grant recipients applicants who meet all of the following criteria:

(1) Applicants demonstrate the capability to, administer and complete the proposed project within specified deadlines and within the specified budget.

(2) Applicants have the experience, knowledge, and qualifications to conduct quality educational activities regarding the exclusion and detention of Japanese-Americans during World War II.

(3) Projects link the Japanese-American exclusion and detention experience with the experiences of other populations so that the cause and circumstances of this and similar violations of civil rights or acts of injustice may be illuminated and understood.

(4) Projects are designed to maximize the long-term educational impact of this chapter.

(5) Projects build upon, contribute to, and expand upon, the existing body of educational and research materials on the exclusion and detention of Japanese-Americans during World War II.

(6) Projects include the variety of experiences regarding the exclusion and detention of Japanese-Americans and its impact before, during, and after, World War II including those Japanese-Americans who served in the military and those who were interned in Department of Justice camps.

(d) Applicants for grants pursuant to this section are encouraged to do each of the following:

(1) Involve former detainees, those excluded from the military area, and their descendants in the development and implementation of projects.

(2) Develop a strategy and plan for raising the level of awareness and understanding among the American public regarding the exclusion and detention of Japanese-Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood.

(3) Develop a strategy and plan for reaching the broad, multicultural population through project activities.

(4) Develop local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.

(5) Coordinate and collaborate with organizations and individuals engaging in similar educational, research and development endeavors to maximize the effect of grants.

(6) Utilize creative and innovative methods and approaches in the research, development, and implementation of their projects.

(7) Seek matching funds, in-kind contributions, or other sources of support to supplement their proposal.

(8) Use a variety of media, including new technology, and the arts to creatively and strategically appeal to a broad American public while enhancing and enriching community-based educational efforts.

(9) Include in the grant application scholarly inquiry related to the variety of experiences and impact of the exclusion and detention of persons of Japanese ancestry during World War II, as well as its relationship to the experience of other populations so that the causes, circumstances, lessons, and contemporary applications of this and similar events will be illuminated and understood.

(10) Add relevant materials to or catalogue relevant materials in libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

(e) The State Librarian may adopt other criteria as it deems appropriate for its review of grant proposals. In reviewing projects for funding, scoring shall be based on an evaluation of all application materials:

narratives, attachments, support letters, supplementary materials, and other materials that may be requested of applicants.

Sec. 13020. Prioritization of grant criteria

(a) In the review process, the State Librarian shall assign the following order of priority to the criteria set forth in subdivision (c) of Section 13015:
   (1) Criteria set forth in paragraphs (1) to (4), inclusive, shall be given highest priority.
   (2) Criteria set forth in paragraphs (5) to (6), inclusive, shall be given second priority.

(b) The State Librarian shall consider the overall breadth and variety of the field of applicants to determine the projects that would best fulfill its program and mission. Final grant awards may be for the full amount of the grant requests or for a portion of the grant request.

(c) Applicants for grants pursuant to this section may include any of the following:
   (1) Nonprofit organizations exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code.
   (2) Four-year colleges and universities.
   (3) Cultural institutions, arts organizations, and community organizations.
   (4) Individual artists, writers, journalists, scholars, and educators.
   (5) Units of government.
   (6) Consortia composed of any of the entities described in paragraphs (1) to (5), inclusive.

(d) Grants allocated pursuant to this section shall be provided for the general purpose of establishing a legacy of remembrance as part of a continuing process of recovery from World War II exclusion and detention and specifically to do one or both of the following:
   (1) Educate the public regarding the history and the lessons of the World War II exclusion, removal, and detention of persons of Japanese ancestry through the development, coordination, and distribution of new educational materials and the development of curriculum materials to complement and augment resources currently available on this subject matter.
   (2) Develop videos, plays, presentations, speaker bureaus, and exhibitions for presentation to elementary, secondary, and community college audiences.

Sec. 13025. Report to governor and legislature.

On or before January 1, 2001, the State Librarian shall report to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the types of grants awarded and the accomplishments of the program established pursuant to this part.

Sec. 13030. Appropriations.

(a) Funding for this program is subject to an appropriation for this purpose in the annual Budget Act or other act.

(b) Subject to an appropriation for this purpose in the annual Budget Act or other measure, the State Librarian shall review and identify programs with similar goals that may be combined with this project in the future.

(c) Subject to an appropriation in the annual Budget Act or other measure for this purpose, the State Librarian shall report to the Legislature by November 1, 2004, on the progress of the program and on the results of the review required by subdivision (b).

CALIFORNIA NATIVE AMERICAN PUBLIC EDUCATION GRANT PROGRAM
(Education Code Title 1, Division 1, Part 6, Chapter 8.7, Section 13040-13042)

Note:
Two uncodified sections of SB 41, Chapter 870, Statutes of 2001, are included to clarify the intent and meaning of Education Code Sections 13040-13042:

Sec 1. The Legislature hereby finds and declares all of the following:

(a) California's American Indians are the first peoples to have settled California, perhaps some 15,000 years before European colonization.

(b) California was a hospitable environment, and was home to approximately one-third of all American Indians prior to colonization. These peoples had developed widespread and unique cultures, including as many as 100 district languages.

(c) Colonization occurred by four distinct groups, Spanish, Russian, Mexican, and American. Each had its own distinct, yet significant, impact upon American Indians within California.

(d) The first people of California have a unique set of cultures that greatly enrich California and these have survived despite the many threats to them. There are 107 recognized Indian tribal governments in the State of California, the most of any state in the nation. California residents and pupils need to know more about the contemporary status of, and the social, governmental, and economic issues affecting California Native Americans.

(e) California Native American tribes differ from the Midwestern and Eastern Native American tribes in their original culture and language, their social evolution, and their current cultural practices. With a stronger educational foundation, Californians of the future will be better informed about the unique identities and cultural contributions of these tribes.

(f) Currently, the instructional resources available for use in the California public schools do not include accurate contemporary information concerning Native Americans in this state. Therefore, little can be taught that draws together the historic circumstances of California Native Americans with their lives and futures in today's California. Unfortunately, as a result, myths and faulty stereotypes may be perpetuated.

(g) Tribal sovereignty, the constitutional and legal right of tribes to govern themselves and tribal lands in accordance with federal law and under a unique nation-to-nation status, is rarely understood. However, these matters are important, as tribes have governmental powers, responsibilities, and authority in relationship to the state and local governments.

(h) Instructional materials that incorporate California Native American history, culture, sovereignty, and contemporary issues of modern Native Americans, and their relationship and place in California's diverse governmental, racial, and cultural communities will provide California's children a more complete education and academic preparation to interact in today's world.

(i) It is in the best interest of all the people, and of the future of this state, to ensure that each school district, charter school, county office of education, and California Native American education center have the opportunity to seek, learn, review, develop and share culturally accurate instructional materials.

(j) The highest quality instructional materials that include a discussion of the role of California Native Americans, in the history, culture, governance, and socioeconomic dynamics of the state should be available to all Californians.

Sec. 3.
The California State Librarian, with the cooperation of the University of California, shall develop the California's American Indian Nations Information Project within the California State Library. The State Library shall develop in-depth resources on California's federally recognized tribes and tribal peoples,

including, but not limited to, articles, photographs, sound recordings, and other materials, as well as related appropriate textual explanation and contextual information that will assist the tribes, the general public, and pupils to respectfully appreciate these materials and the rich cultures they represent. This shall include, but shall not be limited to, facilitating online access to the California Indian Library Collection or any other suitable materials, to the maximum extent practicable. The instructional resources developed pursuant to Part 8.7 (commencing with Section 13040) of the Education Code shall be included in the California's American Indian Nations Information Project. This section is binding upon the University of California only if consented to by resolution of the Regents of the University of California.

Sec. 13040. California Native American instructional resources.

(a) The State Librarian shall expend the funds allocated for the purposes of this part to develop, in consultation with the State Department of Education and the Curriculum Development and Supplemental Materials Commission related to history-social science curriculum framework and content standards, California Native American instructional resources for use in the public schools maintaining any combination of instructional settings from kindergarten to grade 12, inclusive.

(b) The State Librarian may award grants on a competitive basis or shall contract with instructional resource developers to prepare the instructional resources consistent with the state curriculum framework and content standards where the teaching of Native American history is identified, and shall consult with a broadly based group of experts to advise upon and review the instructional resources. The instructional resources shall be
subject to Section 13041 and all other relevant statutes governing the content of educational materials prior to distribution to the public schools.

(c) In carrying out subdivision (b), the State Librarian is encouraged to do or enable each of the following, to the extent possible:
   (1) Involve California Native Americans in the development of the instructional resources.
   (2) Consult with local and regional consortia of organizations and individuals engaged in similar educational, research, and development efforts.
   (3) Coordinate and collaborate with organizations and individuals engaging in similar educational, research, and development endeavors.
   (4) Utilize creative and innovative methods and approaches in research for, and development of, the instructional resources.
   (5) Seek matching funds, in-kind contributions, or other sources of support to supplement the funds provided in support of this part.
   (6) Propose the use of a variety of media, including new technology and the arts, to creatively and strategically appeal to pupils while enhancing and enriching community-based educational efforts.
   (7) Include scholarly inquiry related to the variety of experiences of California Native Americans.
   (8) Add relevant materials to, or catalogue relevant materials in, libraries and other repositories for the creation, publication, and distribution of bibliographies, curriculum guides, oral histories, and other resource directories and supporting the continued development of scholarly work on this subject by making a broad range of archival, library, and research materials more accessible to the American public.

Sec. 13041. Hearings; approval.

(a) The State Librarian shall submit to the Curriculum Development and Supplemental Materials Commission the instructional resources developed pursuant to Section 13040.

(b) The Curriculum Development and Supplemental Materials Commission shall hold a public hearing regarding the instructional resources and shall recommend them, along with any modifications that the commission determines to be appropriate, to the State Board of Education.

(c) (1) The State Board of Education shall hold a public hearing regarding the recommendation of the Curriculum Development and Supplemental Materials Commission pursuant to subdivision (b) and shall approve the instructional resources along with any modifications that the State Board of Education determines to be appropriate.

(2) The State Board of Education shall review the instructional resources approved pursuant to subdivision (c) in relation to the history-social science content standards adopted pursuant to Section 60605 and shall, at any subsequent revision, make adjustments, if any, to the content standards that it determines to be appropriate. The State Board of Education shall also ensure that the approved instructional resources are used as an advisory tool in developing the next revision of the history-social science curriculum framework and standards.

(d) Upon approval by the State Board of Education pursuant to subdivision (c), the instructional resources shall be made available to educators as efficiently and effectively as available funding will allow.

Sec. 13042. Report.

On or before January 1, 2003, the State Librarian shall report to the Governor and the appropriate fiscal and policy committees of each house of the Legislature on the use of funds provided for the purposes of this part.

COUNTY FREE LIBRARIES

(Education Code Title 1, Division 1, Part 11, Chapter 6, Articles 1-3, Sections 19100-19180)

ARTICLE 1. ESTABLISHMENT

Sec. 19100. Supervisors may establish and maintain.
The boards of supervisors of the several counties may establish and maintain, within their respective counties, county free libraries pursuant to this chapter.

Sec. 19101. Where library may be established.
The board of supervisors of any county may establish at the county seat or elsewhere in the county, a county free library for that part of the county lying outside of cities maintaining free public libraries, and outside of library districts maintaining district libraries, and for all such additional portions of the county as may elect to become a part of, or to participate in, the county free library system as provided in this chapter.

Sec. 19102. Publication of notice of contemplated action.
At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by it and published in the county, notice of the contemplated action, giving the date of the meeting at which the action is proposed to be taken.

Sec. 19103. Participation by existing libraries.
After the establishment of a county free library, the board of trustees, common council, or other legislative body of any city in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the board of supervisors that the city or library district desires to become a part of the county free library system. Thereafter the city or library district shall be a part of the system and its inhabitants shall be entitled to the benefits of the county free library, and the property within the city or library district shall be liable to taxes levied for county free library purposes.

Sec. 19104. Withdrawal of city or library district.
(a)The board of trustees, common council, or other legislative body of any city or the board of trustees of any library district may on or before January 1st of any year, notify the board of supervisors that the city or library district no longer desires to be a part of the county free library system. The notice shall be accompanied by a statement complying with the requirements of Chapter 8 (commencing with Section 54900) of Part 1 of Division 2 of Title 5 of the Government Code. The clerk of the board of supervisors shall file the statement with the county assessor and the State Board of Equalization. Thereafter the city or library district shall cease to participate in the benefits of the county free library, and the property situated in the city or library district shall not be liable to taxes for county free library purposes.
(b) If the board of trustees, common council or other legislative body of a city or the board of trustees of a library district intends to withdraw from the county free library system and operate the city's or the district's library or libraries with a private contractor that will employ library staff to achieve cost savings, the requirements of Section 19104.5 shall apply, unless the library or libraries are funded only by the proceeds of a special tax imposed by the city or library district pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

Sec. 19104.5.

(a) The board of trustees, common council or other legislative body of a city or the board of trustees of a library district in which a withdrawal from the county free library system becomes effective on or after

January 1, 2012, shall comply with all of the following requirements before entering into a contract to operate the city's or the district's library or libraries with a private contractor:

(1) At least once a week for four consecutive weeks before taking any action, the board of trustees, common council, or other legislative body of the city or the board of trustees of the library district shall publish, in a newspaper designated by it and circulated throughout the city or library district, notice of the contemplated action, giving the date and place of the meeting at which the contemplated action is proposed to be taken.

(2) The board of trustees, common council or other legislative body of a city or the board of trustees of a library district shall clearly demonstrate that the contract will result in actual overall cost savings to the city or library district for the duration of the entire contract as compared with the city's or library district's actual costs of providing the same services, provided that, in comparing costs, all of the following occur:

   (A) The city's or library district's additional cost of providing the same services as proposed by the contract shall be included. These additional costs shall include the salaries and benefits of additional staff that would be needed and the cost of additional space, equipment, and materials needed to perform the necessary functions of the library

   (B) The city's or library district's indirect overhead costs shall not be included unless those costs can be attributed solely to the function in question and would not exist if that function was not performed by the city or library district. For purposes of this subparagraph, "indirect overhead costs" means the pro rata share of existing administrative salaries and benefits, rent, equipment costs, utilities, and materials.

   (C) The cost of a contractor providing a service for any continuing city or library district costs that would be directly associated with the contracted function shall be included. Continuing city or library district costs shall include but not be limited to, costs for inspection, supervision, and monitoring.

(3) The contract shall not be approved solely on the basis that savings will result from lower contractor pay rates or benefits. Contracts shall be eligible for approval if the contractor's wages are at the industry's level and do not undercut city or library district pay rates.

(4) The contract shall not cause an existing city or library district employee to incur a loss of his or her employment or employment seniority, a reduction in wages, benefits, or hours, or an involuntary transfer to a new location requiring a change in residence.

(5) The contract shall be awarded through a publicized, competitive bidding process.

(6) The contract shall include specific provisions pertaining to the qualifications of the staff that will perform the work under the contract, as well as assurances that the contractor's hiring practices meet applicable nondiscrimination standards.

(7) The contract shall provide that it may be terminated at any time by the city or library district without penalty if there is a material breach of contract and notice is provided within 30 days of termination.

(8) If the contract is for library services in excess of one hundred thousand dollars ($100,000) annually, all of the following shall occur:

(A) The city or library district shall require the contractor to disclose all of the following information as part of its bid, application, or answer to a request for proposal:
(i)A description of all charges, claims, or complaints filed against the contractor with any federal, state, or local administrative agency during the prior 10 years.
(ii) A description of all civil complaints filed against the contractor in any state or federal court during the prior 10 years.
(iii) A description of all state or federal criminal complaints or indictments filed against the contractor, or any of its officers, directors, or managers, at any time.
(iv) A description of any debarments of the contractor by any public agency or licensing body at any time.

(B) The city or library district shall include in the contract specific, measurable performance standards and provisions for a performance audit by the city or library district, or an independent auditor approved by the city or library district, to determine whether the performance standards are being met and whether the contractor is in compliance with applicable laws and regulations. The city or library district shall not renew or extend the contract before receiving and considering the audit report.

(C) The contract shall include provisions for an audit by the city or library district, or an independent auditor approved by the city or library district, to determine whether and to what extent the anticipated cost savings have actually been realized. The city or library district shall not renew or extend the contract before receiving and considering the audit report.

(9) The term of the contract shall not be more than five years from the date on which the board of trustees, common council, or other legislative body of a city or the board of trustees of a library district approves the contract.

(b) This section does not preclude a city, library district, or local government from adopting more restrictive rules regarding the contracting of public services.

(c) This section shall not apply to contracts between a city or library district and an nonprofit organization if both of the following requirements are met:
(1) The nonprofit organization shall not be a parent or subsidiary of a for-profit entity.
(2) The contract shall prohibit the nonprofit organization from subcontracting the obligation to operate the library or libraries and to employ and supervise library staff.

(d) This section shall not apply to a library or libraries that are funded only by the proceeds of a special tax imposed by the city or library district pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

(e) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2019, deletes or extends that date.

Sec. 19105. Effective date of withdrawal.

If the notice is given after January 1st of any year, the property situated in the city or library district shall be liable to taxes for county free library purposes during the immediately succeeding year, and the notice shall not be effective until the next succeeding year, and library service shall be rendered in the city or library district during the year for which taxes are levied for library purposes in the city or library district.

Sec. 19106. Notice of joining in or withdrawal from county system.
Before any board of trustees, common council, or other legislative body of any city, or the board of trustees of any library district gives notice that the city or library district desires to become a part of the county free library system, or gives notice of withdrawal from the system, the board of trustees, common council, or other legislative body of the city or the board of trustees of the library district shall publish at least once a week for two successive weeks prior to the giving of either notice, in a newspaper designated by the board of trustees, common council, or other legislative body of the city or the board of library trustees of the library district, and circulating throughout the city or library district, notice of the contemplated action, giving the date and the place of the meeting at which the contemplated action is proposed to be taken.

Sec. 19107. Contracts with cities.
The board of supervisors of any county in which a county free library has been established may enter into contracts with any city maintaining a free public library, and any such city, through its board of trustees or other legislative body, may enter into contracts with the county to secure to the residents of the city the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of the city, or such privileges as are agreed upon in the contract, upon such consideration named in the contract as is agreed upon, to be paid into the county free library fund. Thereupon the residents of the city shall have the same privileges with regard to the county free library as the residents of the county outside of the city, or such privileges as are agreed upon by the contract.

Sec. 19108. Contracts with other counties.
The board of supervisors of any county in which a county free library has been established may enter into a contract with the board of supervisors of any other county to secure to the residents of the other county such privileges of the county free library as are agreed upon by the contract and upon such considerations as are agreed upon in the contract to be paid into the county free library fund. Thereupon the inhabitants of the other county shall have such privileges of the county free library as are agreed upon by the contract.

Sec. 19109. Library tax to carry out contract.
The board of supervisors of any county may enter into a contract with the board of supervisors of another county in which a county free library has been established, and may levy a library tax, for the purpose of carrying out the contract.

Sec. 19110. Appointment as county librarian for several counties.
The board of supervisors of any county may contract with the board of supervisors of any other county or two or more other counties to provide for the services of a single qualified librarian to serve simultaneously as the county librarian of each county.

Sec. 19111. Termination of contract upon the establishment of county library.
The making of the contract shall not bar the board of supervisors of the county during the continuance of the contract from establishing a county free library under the provisions of this chapter if none is already established. Upon the establishment of any county free library, the contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

Sec. 19112. Contract with city library as county library.
Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees or other authority in charge of the free public library of any city and the board of library trustees, or other authority in charge of the free public library, may make such a contract. The contract

may provide that the free public library of the city shall assume the functions of a county free library within the county with which the contract is made, including cities in the county. The board of supervisors may agree to pay annually into the library fund of the city such sum as may be agreed upon. Either party to the contract may terminate the contract by giving six months' notice of intention to do so.

Sec. 19113. Disestablishment of county library.
After a county free library has been established, it may be disestablished in the same manner as it was established. At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by them, and published in the county, notice of the contemplated action, giving therein the date of the meeting at which the contemplated action is proposed to be taken.

Sec. 19114. Service after annexation of territory by city.
Whenever any of the territory being served by a county free library is annexed to, or otherwise included within, any municipal corporation not served by the county free library, the board of supervisors of the county shall order the county free library to continue to serve the territory annexed to, or otherwise included within the municipality, until the end of the fiscal year or years for which a tax has been levied upon the property of the annexed territory for the support of the county free library.

Sec. 19115. Use of library by nonresidents.
The board of supervisors may establish a reasonable fee to be collected from persons who desire to participate in the services and benefits of the county free library and who are not residents of the territory in the county which is liable for taxes for county free library purposes. In establishing the fee, the board may also prescribe such regulations or limitations applicable to the use of the county free library by such persons as may reasonably be necessary.

Sec. 19116. Withdrawal of district.

(a)

(1) Sections 19104 and 19105 are not applicable to the withdrawal of a city or library district from the county free library system in Los Angeles County or Riverside County. The legislative body of a city or the board of trustees of a library district, whose jurisdiction is within the County of Los Angeles or the County of Riverside, may notify the board of supervisors for Los Angeles County or Riverside County, as appropriate, that the city or library district no longer desires to be a part of the county free library system. The notice shall state whether the city or library district intends to acquire property pursuant to subdivision (c). The board of supervisors shall transmit a copy of the notice to the Los Angeles County Assessor or Riverside County Assessor, as appropriate, the Los Angeles County Auditor or Riverside County Auditor, as appropriate, and the State Board of Equalization.

(2) The legislative body of a city or the board of trustees of a library district in which a withdrawal from the county free library system in Los Angeles County or Riverside County becomes effective on or after January 1, 2012, shall comply with the requirements of Section 19104.5 before entering into a contract to operate the city's or the district's library or libraries with a private contractor that will employ library staff to achieve cost savings, unless the library or libraries are funded only by the proceeds

of a special tax imposed by the city or library district pursuant to Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code.

(b) When a city or library district files a notice pursuant to subdivision (a), it shall remain a member of the county free library system until July 1 of the base year or the date on which property is transferred pursuant to subdivision (c), whichever is later. Upon ceasing to be a member of the county free library system, the city or library district shall not participate in any benefits of the county free library system, and shall assume the responsibility for the provision of library services within its jurisdiction. Unless otherwise agreed by July 1 of the base year in writing by the Board of Supervisors of Los Angeles County or the Board of Supervisors of Riverside County, as appropriate, and the withdrawing city or library district, an amount of property tax revenue equal to the property tax revenues allocated to the county free library pursuant to Article 2(commencing with Section 96) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code in the fiscal year before the base year and that were derived from property situated within the boundaries of the withdrawing entity shall be allocated to and used to maintain library services by the withdrawing entity in the base year and, adjusted forward, in each fiscal year thereafter at the same time allocations are made pursuant to Article 2 (commencing with Section 96) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code. This subdivision shall not apply to property tax revenues that have been pledged to repay bonded indebtedness of the county free library system.

(c) If there are one or more county library facilities within the territorial boundaries of the withdrawing entity at the time the withdrawing entity provides notice pursuant to subdivision (a), the withdrawing entity shall have the right to acquire any or all of those facilities from the county and the county shall, no later than July 1 of the base year, transfer to the withdrawing entity each facility to be acquired and the personal property therein related to the provision of library services. If the facility or personal property was purchased with bond proceeds or other forms of indebtedness, acquisition shall only take place if the withdrawing entity assumes any remaining indebtedness and in no way impairs the repayment thereof. If the withdrawing entity opts not to acquire any facilities or personal property, the county at its discretion may dispose of the facilities or personal property or convert the use of those facilities or personal property, including transferring collections and other personal property to other sites and converting facilities to other purposes. If the withdrawing entity opts to acquire any facilities or personal property, the acquisition prices shall be as follows unless otherwise provided for by statute or contract:

(1) Each county library facility which, for purposes of this section, shall include the real property upon which the facility is located and any fixtures therein and shall not include computer systems and software, shall be transferred for the lesser of:

(A) No cost, if the facility was donated to the county by the withdrawing entity.

(B) The price paid to the withdrawing entity by the county for the facility, if the county bought the facility from the withdrawing entity. However, if the county

constructed capital improvements to the facility after it was bought from the withdrawing entity, the county's total out-of-pocket costs for the capital improvement excluding any costs for routine repairs, restoration, or maintenance, shall be added to the price.

(C) The fair market value of the facility. However, if any portion of the facility was donated to the county by the withdrawing entity or if any moneys were donated by the withdrawing entity toward the county's construction or acquisition of the facility or any portion thereof, the value of the donation shall be subtracted from the fair market value.

(2) Any personal property within the facility related to the provision of library services, including books and resource materials, computer systems and software, furniture, and furnishings, shall be transferred for the lesser of:

(A) No cost, if the property was donated to the county by the withdrawing entity.

(B) The fair market value of the personal property. However, on or before the March 1 preceding the July 1 of the base year, the county librarian may designate collections of resource books and materials that are unique in, and integral to, the county free library system to be special collections. The special collections shall be acquired by the withdrawing entity only upon mutually agreeable terms and conditions.

(d) If a facility transferred pursuant to subdivision (c) serves residents of surrounding jurisdictions, the board of supervisors governing the county free library system may require, as a condition of transferring the facility, that the library services provided by the withdrawing entity to its residents also be available on the same basis to the residents of the surrounding jurisdictions. However, if the withdrawing entity contributes to the provision of library services from other city funds, or through taxes, assessments, or fees of its residents, the withdrawing entity may provide additional services to its residents. If the requirement to provide regional services is imposed and, unless otherwise agreed in writing by the county and the withdrawing entity by July 1 of the base year, an amount of property tax revenues equal to the property tax revenues derived from property situated in the surrounding jurisdictions that were, in the fiscal year before the base year, allocated to the county free library system pursuant to Article 2 (commencing with Section 96) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code shall be allocated to and used to maintain library services by the withdrawing entity in the base year and, adjusted forward, in each fiscal year thereafter at the same time other allocations are made pursuant to Article 2 (commencing with Section 96) of Chapter 6 of Part 0.5 of Division 1 of the Revenue and Taxation Code.

(e) For purposes of this section, the following terms are defined as follows:

(1) "Base year" means the fiscal year commencing on the July 1 following the December 2 following the date of the notice given pursuant to subdivision (a) of this section.

(2) "Fair market value" means:

(A) Any value agreed upon by the withdrawing entity and the county.

(B) If no agreement as to value is reached by the March 1 preceding the July 1 of the base year, the value assigned by an appraiser agreed upon by the withdrawing entity and the county.

(C) If no agreement as to the appointment of an appraiser is reached pursuant to subparagraph (B) by the April 1 preceding the July 1 of the base year, the value assigned by an appraiser agreed upon between the withdrawing entity's appraiser and the county's appraiser.

(D) If no agreement as to the appointment of an appraiser is reached pursuant to subparagraph (C) by the May 1 preceding the July 1 of the base year, the value assigned by a state-certified appraiser designated by the withdrawing entity. The designated appraiser shall provide the appraisal in writing to the county no later than the June 1 preceding the July 1 of the base year.

(E) The withdrawing entity shall reimburse the county for any appraisal costs the county incurs in determining the fair market value pursuant to this section.

(3) "Surrounding jurisdictions" means cities and library districts that are adjacent to the withdrawing entity and tax rate areas in unincorporated areas of the county that are wholly or partially within the withdrawing entity's sphere of influence, that are within the county free library system, and that have no facility within their territorial boundaries providing library services at the time the withdrawing entity provides notice pursuant to subdivision (a).

ARTICLE 2. COUNTY LIBRARIAN

Sec. 19140. Appointment of county librarian.
Upon the establishment of a county free library, the board of supervisors shall appoint a county librarian.

Sec. 19141. Civil service.
If any county adopts a civil service system or a limited civil service system for county officers and employees, the county librarian shall be entitled to the benefits of such civil service system.
This section does not limit any powers conferred on any county by charter.

Sec. 19142. Qualifications.
No person may be appointed to the office of county librarian on or after January 1, 1987, unless he or she possesses both of the following qualifications:
(a) Graduation from a graduate library school program accredited by the American Library Association.
(b) Demonstrated knowledge of principles and practices of public administration, including county government, and of the laws applicable to library service in this state.

Sec. 19143. Residence.
At the time of his or her appointment, the county librarian need not be a citizen of the State of California.

Sec. 19145. Oath and bond.

The county librarian shall, prior to entering upon his duties, file the usual oath, and he shall be required to file an official bond in an amount determined by the board of supervisors, unless he is covered by a master bond pursuant to Section 1481 of the Government Code.

Sec. 19146. Duties.
The county librarian shall, subject to the general rules adopted by the board of supervisors, build up and manage, according to accepted principles of library management, a library for the use of the people of the county, and shall determine what books and other library equipment shall be purchased.

Sec. 19147. Payment of salary.
The salary of the county librarians shall be paid by each of the counties in equal monthly installments, at the same time and in the same manner and out of the same fund as the salaries of other county officers are paid.

Sec. 19148. Payment of salary in county with more than 400,000 population.
The board of supervisors of a county over 400,000 population, as determined by the 1960 decennial census, maintaining a county free library may provide that the salary of the county librarian be paid from the same fund used for maintaining and operating the county free library.
Nothing in this section shall be construed as modifying the status of the county librarian as a county official pursuant to Section 24000 of the Government Code.

Sec. 19149. Traveling expenses.
The county librarian and his assistant shall be allowed actual and necessary traveling expenses incurred on the business of the office.

Sec. 19150. Qualifications for acting librarian.
Except when the county librarian is temporarily absent, no person shall serve in the position of county librarian under the title of acting county librarian, or assistant librarian in charge, or any other such title, unless the person meets the qualifications set forth in Section 19142.

In the event qualified candidates for the position of the county librarian cannot be found, the county supervisors shall secure a written permission from the State Librarian to appoint an unqualified person to the position. This written permission may be granted by the State Librarian for a period of time up to but not exceeding one year. The State Librarian may from time to time in his or her discretion renew the permit.

ARTICLE 3. GOVERNMENT

Sec. 19160. Powers and duties of board of supervisors.
The county free library is under the general supervision of the board of supervisors, which may:
(a) Make general rules and regulations regarding the policy of the county free library.
(b) Establish, upon the recommendation of the county librarian, branches and stations throughout the county and may locate the branches and stations in cities wherever deemed advisable.
(c) Determine the number and kind of employees of the library.

Sec. 19167. Supervision by State Librarian.
The county free libraries are under the general supervision of the State Librarian, who shall from time to time, either personally or by one of his or her assistants, visit the county free libraries and inquire into their condition.

The actual and necessary expenses of the visits shall be paid out of the moneys appropriated for the support of the California State Library.

Sec. 19168. Annual convention of county librarians.
The State Librarian shall annually call a convention of county librarians, to assemble at such time and place as he deems most convenient, for the discussion of questions pertaining to the supervision and administration of the county free libraries, the laws relating thereto, and such other subjects affecting the welfare and interest of the county free libraries as are properly brought before it. All county librarians shall attend and take part in the proceedings of the convention. The actual and necessary expenses of the county librarians attending the convention shall be paid out of the county free library fund.

Sec. 19169. Annual report.
The county librarian shall, on or before August 31st, in each year, report to the board of supervisors and to the State Librarian on the condition of the county free library, for the year ending June 30th preceding. The reports shall, in addition to other matters deemed expedient by the county librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several county librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Sec. 19171. Allocations of federal funds
The county board of supervisors of any county may in its discretion allocate and appropriate any funds received by the county under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the purpose of establishing, maintaining, and purchasing property for the county free library.

Sec. 19173. Creation of special taxing zones.
The board of supervisors may create special taxing zones within the territory of the county subject to taxation for county free library purposes for the purpose of levying special taxes within the zones when it is found by the board that the territory within the zones require special services or special facilities in addition to those provided generally by the county free library system and that the special tax levy is commensurate with the special benefits to be provided in the zones.

Taxes levied pursuant to this section, together with taxes levied pursuant to Section 19170, shall not exceed the higher of the limit provided by Section 19170 or the applicable provisions of Section 2263 of the Revenue and Taxation Code.

Sec. 19174. Receipt of gifts, bequests or devises.
The board of supervisors may receive, on behalf of the county, any gift, bequest, or devise for the county free library, or for any branch or subdivision of the library.

Sec. 19174.5. Funds used to support county free library.
Notwithstanding any other provision of law, funds from the county general fund may be used to support the county free library.

Sec. 19175. Property, collection of taxes, and funds.
The title to all property belonging to the county free library is vested in the county. All laws applicable to the collection of county taxes shall apply to the collection of the taxes provided in Section 19170. All moneys of the county free library, whether derived from taxation or otherwise, shall be in the custody of the county treasurer.

Sec. 19176. Claims against the county free library fund.
Each claim against the county free library fund shall be authorized and approved by the county librarian, or in his absence from the county by his assistant. It shall then be acted upon in the same manner as other claims against the county.

Sec. 19177. Contracts or agreements with county law libraries.
In any county of this state where a law library exists under the provisions of Chapter 5 (commencing with Section 6300) of Division 3 of the Business and Professions Code, the board of supervisors of the county may enter into contracts, or agreements with the board of law library trustees of the law library for the cooperation of the law library and the county free library, and, in that connection, may contract or agree with the board of law library trustees of the law library that the county librarian and other employees of the county free library perform the duties required to be done or performed by the officers and employees of the law library for a compensation to be named in the contract or agreement, and to be paid into the county free library fund.

Sec. 19178. School and teachers' libraries.
The board of supervisors may accept on behalf of the county free library, all books and other property of school libraries and of the teachers' library, and may manage and maintain them as a part of the county free library.

Sec. 19179. Application of chapter to prior county libraries and to contracts between counties and cities.
Any county library which was established and existed on April 26, 1911, under the provisions of an act entitled "An act to provide county library systems," approved April 12, 1909, is continued under the provisions of this chapter and shall be considered the same as if established under the provisions of this chapter. If a contract has been entered into between any county board of supervisors and any city pursuant to this article, the contract shall continue in force, and the provisions of Section 19112 shall be applicable thereto, until the establishment and equipment of a county free library under the provisions of this chapter, unless sooner terminated.

Sec. 19180. Financing of building when library does not serve entire county.
The board of supervisors of any county in which there has been established a county free library which does not serve the entire county may, on behalf of the county free library, construct, build, repair or refurnish buildings to be used for county free library purposes, payment for which may be made from the general fund of the county. If payment is made from the county's general fund, the county auditor shall each fiscal year thereafter transfer from the county free library fund to the county's general fund as a prior claim against the county free library fund for as many years as are determined by the board of supervisors but not to exceed 20, an equal annual installment in such amount that over the designated period of years the entire payment from the county's general fund will be completely repaid. Payment of the costs of the construction of a county free library building may also be made from the employees retirement fund of a retirement system established under the authority of the County Employees Retirement Law of 1937 as an investment of that fund and under the conditions specified in that law.

GOVERNMENT CODE PROVISIONS RELATING TO COUNTY FREE LIBRARIES

COUNTY SERVICE AREAS
Extended Library Facilities and Services

Sec. 25211. New county service area.

A new county service area may be formed pursuant to this article.

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OTHER PROVISIONS

Sec. 24000. County Officers.
The officers of a county are:

* * *

(r) A county librarian.

* * *

Sec. 25351. Alternative authority for county library facilities.
(a) The board may construct, expand, lease, build, rebuild, furnish, refurnish, or repair buildings for a hospital, almshouse, courthouse, jail, historical museum, aquarium, library, art gallery, art institute, exposition building for exhibiting and advertising farming, mining, manufacturing, livestock raising, and other resources of the county, stadium, coliseum, sports arena, or sports pavilion or other building for holding sports events, athletic contests, contests of skill, exhibition, spectacles and other public meetings, and such other public buildings as are necessary to carry out the work of the county government.

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Sec. 26150. Alternative authority for county library facilities.
County free libraries may be constructed, leased, built, rebuilt, furnished, refurnished, or repaired pursuant to the Education Code, or pursuant to this part; provided that, in counties wherein a union high school library district maintaining a district free public library was established prior to June 30, 1912, county free libraries shall be constructed, leased, built, rebuilt, furnished, refurnished or repaired pursuant to Section 27264 of the Education Code until such time as the union high school library district elects to become a part of the county free library system.

Sec. 26151. Service at county institutions.
The board of supervisors may provide library service at charitable, detention, and penal institutions of the county under its supervision and control, and may also provide to officers and employees of county departments such library service as is required in the performance of their duties. Such service shall be rendered through the county free library and the cost is a charge upon the county payable out of the general fund.

UNLAWFUL PRACTICE OF LAW

(Business and Professions Code, Division 3, Chapter 4, Article 7 Section 6125)

ARTICLE 7. STATE BAR

Sec. 6125. Librarians cannot give legal advice

No person shall practice law in California unless the person is an active member of the State Bar.

COUNTY LAW LIBRARIES

(Business and Professions Code, Division 3, Chapter 5, Articles 1-4, Sections 6300-6364)

ARTICLE 1. BOARDS OF LAW LIBRARY TRUSTEES

Sec. 6300. Establishment of board of trustees.

There is in each county of this State a board of law library trustees, which governs the law library established for the county under the provisions of this chapter.

Sec. 6301. Membership.

(a) Except as otherwise provided by statute, a board of law library trustees is constituted as follows:
   (1) In a county where there are no more than three judges of the superior court, each of those judges is ex officio a trustee. The judges may at their option select only one of their number to serve as a trustee, and in that event they shall appoint two additional trustees who are residents of the county or members of the State Bar.
   (2) In a county where there are more than three judges of the superior court, the judges of that court shall elect either four or five of their number to serve as trustees.
   (3) Any judge of the superior court who is an ex officio or elected member may, at the judge's option, designate a resident of the county or a member of the State Bar to act for the judge as trustee.
   (4) The chair of the board of supervisors is ex officio a trustee, but the board of supervisors at the request of the chair may appoint a member of the State Bar, any other member of the board of supervisors of the county, or a resident of the county to serve as trustee in place of the chair. The appointment of the person selected in place of the chair of the board of supervisors shall expire when a new chair of the board of supervisors is selected, and that appointment shall not be subject to the provisions of Section 6302.
   (5) The board of supervisors shall appoint as many additional trustees, who are members of the State Bar, as may be necessary to constitute a board of at least six and not more than seven members.

(b) No more than two law library trustees may be residents of the county who are not judges of the county, members of the State Bar, or members of the board of supervisors of the county.

Sec. 6301.1. Board of law library trustees for San Diego County.

Notwithstanding Section 6301, in San Diego County the board of law library trustees shall be constituted, as follows:

(a) Up to five judges of the superior court, to be elected by and from the superior court judges of the county. Each superior court judge so elected shall serve a three-year term. In order to maintain overlapping terms, those judges holding office as of the date of unification of the municipal and superior courts of San Diego County shall remain in office until the expiration of their original term.

(b) The board of supervisors shall appoint up to four attorneys resident in the county to the board of law library trustees, to serve overlapping three-year terms. In order to stagger the appointments, the board of supervisors shall, in January of 1997, appoint one attorney to a one-year term, one attorney to a two-year term, and one attorney to a three-year term; and as each term expires, the new appointee shall thereafter serve three-year terms. At least one attorney appointed pursuant to this subdivision shall be a member of the San Diego County Bar Association.
(c) In the event a trustee cannot serve a full term, the appointing authority for that individual shall appoint another qualified person to complete that term. Interim appointments may be made by the board of law library trustees in accordance with Section 6305.

Sec. 6301.5. Counties having no bar association.
In any county where there are not more than three judges of the superior court, the board of supervisors, with the concurrence of the majority of the incumbent judges of the superior court, may reduce the number of law library trustees to not less than three members.

Sec. 6302. Appointments by supervisor.
Appointments of trustees which are to be made by the board of supervisors of the county shall be made at the first meeting of the board of supervisors after the establishment of a law library in the county, the appointees to serve until the first meeting of the board of supervisors in the succeeding January. The board shall, at any such meeting in each succeeding January, appoint such trustees to serve for the term of one year.

Sec. 6302.5. Term of office in Los Angeles County.
(a) Notwithstanding any other provision of law, in Los Angeles County appointments made by judges of the superior court shall be for a term of four years, and appointments made by the board of supervisors of the county shall be for a term of two years.
(b) The terms of no more than three judge-appointed members shall expire in the same year.
(c) The term of one member appointed by the board of supervisors shall expire each year.

Sec. 6303. Compensation.
The office of trustee is honorary, without salary or other compensation.

Sec. 6304. Meetings and quorum.
Each board of law library trustees shall meet regularly each month on such day as it shall appoint, but if it appoint no day, it shall meet on the first Tuesday after the first Saturday of each month, and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. The president of the board may call a special meeting at any time for the transaction of necessary business. A majority of the members constitutes a quorum or business, and an affirmative vote of a majority of the members is required to exercise the powers of the board.

Sec. 6305. Removing members and filling vacancies.
A board of law library trustees may remove any trustee, except an ex officio trustee, who is absent from three consecutive meetings of the board, and may fill all vacancies that from any cause occur in the board.

Sec. 6306. President.
Each board shall appoint one of its number as president.

Sec. 6307. Secretary.

Each board shall elect a secretary, who shall keep a full statement and account of all property, money, receipts and expenditures, and shall keep a record and full minutes in writing, with the ayes and noes at length, of all proceedings of the board.
Under the secretary's hand, the proceedings may be verified by an official seal adopted and provided by the board for that purpose.

ARTICLE 2. LAW LIBRARY FUNDS

Sec. 6320. Law libraries trust fund.
All money collected for the law library in each county, must be deposited with the treasurer of the county, who must keep the same separate and apart in a trust fund or trust account, to be disbursed by the board of law library trustees. Money may be disbursed only as in this chapter provided, and only for the purposes herein authorized.

Whenever a law library and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this State, money so collected shall be paid into the hands of those, and in the manner, provided by such law.

Sec. 6321. Law library fee by party initiating action
(a) On and after January 1, 2006, as described in Section 68085.1 of the Government Code, the Administrative Office of the Courts shall make monthly distributions from superior court filing fees to the law library fund in each county in the amounts described in this section and Section 6322.1. From each first paper filing fee as provided under Section 70611, 70612, 70613, 70614, or 70670 of the Government Code, each first paper or petition filing fee in a probate matter as provided under Section 70650, 70651, 70652, 70653, 70654, 70655, 70656, or 70658 of the Government Code, Section 103470 of the Health and Safety Code, or Section 7660 of the Probate Code, each filing fee for a small claims or limited civil case appeal as provided under Section 116.760 of the Code of Civil Procedure or Section 70621 of the Government Code, and each vehicle forfeiture petition fees as provided under subdivision (e) of Section 14607.6 of the Vehicle Code, that is collected in each of the following counties, the amount indicated in this subdivision shall be paid to the law library fund in that county:

Jurisdiction	Amount
Alameda	$37.00
Alpine	4.00
Amador	20.00
Butte	35.00
Calaveras	32.00
Colusa	17.00
Contra Costa	35.00
Del Norte	20.00
El Dorado	29.00
Fresno	37.00
Glenn	20.00
Humboldt	40.00
Imperial	20.00
Inyo	29.00

Kern	27.00
Kings	29.00
Lake	23.00
Lassen	28.00
Los Angeles	24.00
Madera	32.00
Marin	32.00
Mariposa	27.00
Mendocino	35.00
Merced	29.00
Modoc	20.00
Mono	20.00
Monterey	31.00
Napa	23.00
Nevada	29.00
Orange	35.00
Placer	35.00
Plumas	23.00
Riverside	32.00
Sacramento	50.00
San Benito	26.00
San Bernardino	29.00
San Diego	38.00
San Francisco	42.00
San Joaquin	29.00
San Luis Obispo	34.00
San Mateo	38.50
Santa Barbara	41.00
Santa Clara	26.00
Santa Cruz	35.00
Shasta	26.00
Sierra	20.00
Siskiyou	26.00
Solano	29.00
Sonoma	35.00
Stanislaus	24.00
Sutter	7.00
Tehama	23.00
Trinity	20.00
Tulare	35.00
Tuolumne	20.00
Ventura	32.00
Yolo	35.00
Yuba	10.00

(b)If a board of supervisors in any county acted before January 1, 2006 to increase the law library fee

in that county effective January 1, 2006, the amount distributed to the law library fund in that county under subdivision (a) shall be increased by the amount that the board of supervisors acted to increase the fee, up to three dollars ($3). Notwithstanding subdivision (b) of Section 6322.1, as it read on January 1, 2005, the maximum increase permitted under this subdivision in Los Angeles County is three dollars ($3), rather than two dollars ($2).

(c) The amounts of twenty-three dollars ($23) for Inyo County, twenty-nine dollars ($29) for Mendocino County, twenty-three dollars ($23) for Plumas County, and twenty-three dollars ($23) for San Benito County listed in subdivision (a) shall apply to distributions made under subdivision (a) beginning January 1, 2006.

Sec. 6322. Fees payable by defendants on appearance.

(a) It is the intent of the Legislature that the change in the method of distributing funds to law libraries from fees collected by the superior courts under the Uniform Civil Fees and Standard Fee Schedule Act of 2005 will not result in undue financial hardship for any law library. On and after January 1, 2006, any law library that experiences undue financial hardship from the change in the method of distributing funding to law libraries may request a one-time advance from the Administrative Office of the Courts. The Administrative Office of the Courts shall provide the advance within 15 days after the request is received, but no earlier than February 1, 2006, if all of the following conditions are met:

(1) The law library board of trustees certifies that the law library is experiencing financial hardship caused by an increase in the time between collection of a fee by the court and the receipt of the money by the law library fund resulting from the implementation of the new distribution method for money received from superior court filing fees.

(2) The law library board of trustees certifies that the law library is operating under this chapter.

(3) The Administrative Office of the Courts receives the request on or before February 15, 2006.

(b) The amount of the advance shall be equal to one-twelfth of the law library's total receipts from superior court fees for the 2003-04 fiscal year.

(c) The funding for the advance shall be provided from amounts deposited into the bank account established by the Administrative Office of the Courts under subdivision (b) of Section 68085.1 of the Government **Code**. The advance shall be returned within 30 days if a law library ceases to operate or the responsibility for the law library is transferred from the law library board of trustees.

Sec. 6322.1. Increase of fees.

(a) Until the end of the moratorium described in Section 70601 of the Government Code, the board of supervisors of any county may increase, as provided in this section, the amount distributed to its county law library fund from the uniform filing fees listed in Section 6321 whenever it determines that the increase is necessary to defray the expenses of the law library.

Any increase in the amount distributed to the law library fund in any county under this subdivision shall not be effective until January 1 of the next year after the adoption by the board of supervisors of the increase. The amount of the increase in any calendar year shall be no greater than three dollars ($3) over the previous calendar year. A copy of the action of the board of supervisors that establishes the increase shall be provided to the Administrative Office of the Courts as soon as it becomes available but no later than December 15 of the year before the increased distribution goes into effect.

(b) Distribution changes after January 1, 2008, shall be determined by the process described in Section 70601 of the Government Code.

(c) (1) In an action or proceeding in which a claim for money damages falls within the monetary jurisdiction of the small claims court and is filed by an assignee who is prohibited from filing or maintaining a claim pursuant to Section 116.420 of the Code of Civil Procedure, the uniform filing fee shall be reduced by twenty-four dollars ($24) to one hundred eighty-one dollars ($181) if the complaint contains a declaration under penalty of perjury, executed by the party requesting the reduction in fees, that the case qualifies for the lower fee because the claim for money damages will not exceed the monetary jurisdiction of small claims court and is filed by an assignee of the claim.

(2) When the uniform filing fee is reduced as provided under this subdivision, the amount distributed from each uniform filing fee to the law library fund in the county shall be as follows:

Jurisdiction	Amount
Alameda	$12.00
Alpine	1.00
Amador	6.00
Butte	12.00
Calaveras	7.00
Colusa	12.00
Contra Costa	8.00
Del Norte	6.00
El Dorado	9.00
Fresno	9.00
Glenn	6.00
Humboldt	12.00
Imperial	12.00
Inyo	6.00
Kern	12.00
Kings	12.00

Lake	12.00
Lassen	12.00
Los Angeles	5.00
Madera	12.00
Marin	12.00
Mariposa	4.00
Mendocino	12.00
Merced	12.00
Modoc	6.00
Mono	6.00
Monterey	10.00
Napa	12.00
Nevada	7.00
Orange	8.00
Placer	7.00
Plumas	6.00
Riverside	12.00
Sacramento	8.50
San Benito	6.00
San Bernardino	12.00
San Diego	12.00
San Francisco	12.00
San Joaquin	10.00

San Luis Obispo	12.00
San Mateo	12.00
Santa Barbara	12.00
Santa Clara	8.00
Santa Cruz	12.00
Shasta	8.50
Sierra	9.00
Siskiyou	8.00
Solano	9.00
Sonoma	12.00
Stanislaus	6.50
Sutter	1.00
Tehama	9.00
Trinity	6.00
Tulare	12.00
Tuolumne	2.00
Ventura	12.00
Yolo	10.00
Yuba	7.00

The increases described in subdivision (a) do not apply to the law library distributions in this subdivision.

(3) Notwithstanding subdivision (d) of Section 68085.4 of the Government Code, when the uniform filing fee is reduced as provided in this subdivision, the amounts distributed to dispute resolution programs, the State Court Facilities Construction Fund, the Judges' Retirement Fund, children's waiting rooms, and the Equal Access Fund shall remain as provided under subdivisions (b) and (c) of Section 68085.4 of the Government Code and shall not be changed. Only the amounts distributed to the Trial Court Trust Fund, the law libraries and the Immediate and Critical Needs Account of the State Court Facilities Construction Fund shall be adjusted.

The amount distributed from each uniform filing fee under this section to the Immediate and Critical Needs Account of the State Court Facilities Construction Fund, established in Section 70371.5, shall be eleven dollars ($11). If the fee is further reduced below one hundred eighty-one dollars ($181), as with a partial waiver or partial payment, the proportional reductions described in subdivision (g) of Section 68085.1 of the Government Code shall apply.

(d) Distributions under this section to the law library fund in each county shall be used only for the purposes authorized by this chapter.

(e) As used in this section and Section 6321, "law library fund" includes a law library account described in the second paragraph of Section 6320.

(f) This section shall become operative on July 1, 2013.

Sec. 6324. Additional appropriations by supervisors.
The board of supervisors may appropriate from the county treasury for law library purposes such sums as may in their discretion appear proper. When so paid into the law library fund, those sums shall constitute a part of the fund and be used for the same purposes.

Sec. 6325. Trustees' authority to order payment.
The orders and demands of the trustees of the law library, when duly made and authenticated as hereinafter provided, shall be verified and audited by the auditing officer, and paid by the treasurer of the county out of the law library fund. Full entry and record shall be kept as in other cases.

Sec. 6326. Revolving fund.
A revolving fund of not more than fifty thousand dollars ($50,000) may be established from money in the law library fund, by resolution of the board of law library trustees, for expenditures of not exceeding ten thousand dollars ($10,000) each for purposes for which the law library fund may lawfully be expended. The board shall prescribe the procedure by which money may be drawn from the revolving fund, the records to be kept, and the manner in which reimbursements shall be made to the revolving fund by demand and order from the law library fund. All or any part of the money in the revolving fund may be deposited in a commercial account in a bank, subject to payments of not exceeding ten thousand dollars ($10,000) each by check on the signature of the secretary or any other person or persons designated by the board.

ARTICLE 3. DUTIES AND POWERS OF BOARDS

Sec. 6340. Establishment of library and provision of quarters.
Each board of law library trustees shall establish and maintain a law library at the county seat of the county in which it is appointed and may lease suitable quarters therefore or construct quarters pursuant to the provisions of this chapter, and may provide leased or constructed quarters with suitable furniture and utility services.

Sec. 6341. Branches.
Any board of law library trustees may establish and maintain a branch of the law library in any city in the county, other than the county seat, in which a session of the superior court is held. In any city constituting the county seat, any board of law library trustees may establish and maintain a branch of the law library at any location therein where four or more judges of the superior court are designated to hold sessions more than 10 miles distant from the principal office of the court. In any city and county any board of law library trustees may

establish and maintain branches of the law library. A branch is in all respects a part of the law library and is governed accordingly.

Sec. 6342. General authority of trustees.
A board of law library trustees may order the drawing and payment, upon properly authenticated vouchers, of money from out of the law library fund, for any liability or expenditure herein authorized, and generally do all that may be necessary to carry into effect the provisions of this chapter.

Sec. 6343. Rules and protection of property.
A board may make and enforce all rules, regulations, and by-laws necessary for the administration, government, and protection of the law library, and of all property belonging thereto, or that may be loaned, devised, bequeathed, or donated to it. A board may make expenditures for the suitable maintenance, repair, protection and insurance against loss of such property, both real and personal.

Sec. 6344. Books and other personal property.
A board may purchase books, journals, other publications, and other personal property. It may dispose of obsolete or duplicate books, and other unneeded or unusable property.

Sec. 6345. Appointment and removal of law library employees.
A board may appoint a law librarian and define the powers and prescribe the duties of any law library employees, determine the number, and elect all necessary subordinate law librarians and law library employees, and at its pleasure remove any law librarian or law library employees.

For the purpose of facilitating the recruitment of professional and technically trained persons to fill positions for which there is a shortage of qualified applicants, a board may authorize payment of all or a part of the reasonable travel expense of applicants who are called for interview and all or part of the reasonable travel and moving expense of persons who change their place of residence to accept employment with the law library.

Sec. 6346. Salaries and bond.
A board shall fix the salaries of the law librarian and law library employees, and may require a bond of any law librarian or law library employees, in such sum as it may fix. The premium on a bond given by an authorized surety company may be paid from the law library fund.

Sec. 6346.5. California Public Employees' Retirement System.
A board of law library trustees may contract with the California Public Employees' Retirement System, to make all or any of the employees of the law library members of the system.

Sec. 6346.6. County retirement system.
As an alternative to Section 6346.5, a board of law library trustees may, with the consent of the board of administration of the applicable retirement system, elect to make all or any of the officers or employees of the law library members of the retirement system which covers the officers and employees of the county in which the law library is established and to have the law library officers and employees deemed to be county employees for purposes of that retirement system. In the event of such an election, the employer contributions on behalf of the covered law library officers and employees shall be made from law library funds.

Sec. 6347. Contracts with related entities.

A board may contract with any other law library board, law library association, superior court, or legal-related entity, including a self-help group or other organization that provides a similar service, to provide public law library services as may best carry into effect the purposes of this chapter.

Sec. 6348. Construction of library building.
A board may expend surplus funds under its control, not necessary for use to maintain the law library, to acquire or lease real property and erect thereon a library building to house the law library. In the alternative, a board of law library trustees may appropriate from the surplus funds so much as in the discretion of the board may be necessary to obtain adequate quarters for the law library in any building hereafter erected by the board of supervisors of the county in which the law library is maintained. The moneys so appropriated shall not be more than the proportion of the total cost of the building which the space allotted to the law library bears to the total usable space in the building. The moneys so appropriated may be transferred to the board of supervisors of the county for use in erecting the building, or may be paid directly on contracts for the erection thereof made by the board of supervisors.

Sec. 6348.1. Sharing of county building, and dedication of site for law library building.
An appropriation to obtain quarters for the law library in a building to be erected by the board of supervisors of the county, may be made subject to such terms and conditions, including approval of plans and specifications, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors.

Where a board of law library trustees determines to erect a library building to house the law library, the State of California or the county or the city in which the building is to be located, may set apart and dedicate or lease land owned by any of them for the permanent use of the building and access thereto.

Sec. 6348.2. Loan to erect county law library building.
When a board of law library trustees in any county determines to erect a library building to house the law library, it may borrow money for that purpose and repay the loan from its future income. The board may borrow the money from any person, or private or public agency, or corporation, in an amount not exceeding half of the funds of the board allocated to the construction of the building, upon such terms as may be agreed upon by the board and the lender and approved by resolution of the board of supervisors of the county.

Sec. 6348.3. Other occupancies of law library facilities.
A library building erected to house the law library may include courtrooms with offices in connection therewith, offices for use of a county bar association, and an office for a notary public and public stenographer, which courtrooms and offices the board of law library trustees may lease, the income to be deposited in the law library fund.

Sec. 6348.4. Sale of surplus real property.
Real property acquired by a board may be sold with the proceeds to be deposited in the law library fund.

Sec. 6348.5. Investment of surplus funds.
A board of law library trustees may invest surplus funds in excess of one hundred thousand dollars ($100,000) or of the average annual expenditures of the library for the four fiscal years immediately preceding the investment, whichever is lesser, in the Local Agency Investment Fund pursuant to Article 11 (commencing with Section 16429.1) of Chapter 2 of Part 2 of Division 4 of Title 2 of the Government Code or bonds of the government of the United States or of this state. Bonds so purchased may be sold at any time in the discretion

of the board. In computing average annual expenditures for the purposes of this section, capital expenditures for the purchase of real property and construction of a library building shall not be included.

Sec. 6348.6. Contract with supervisors for construction.
A board of law library trustees may contract with the board of supervisors of the county upon such terms as may be mutually agreeable for the construction by the board of supervisors of a law library building or any part thereof or for quarters in a building to be erected by the board of supervisors. The agreement may be made subject to such terms and conditions including approval of plans and specifications, regarding the furnishing and equipping of the building or quarters, and regarding maintenance and use of the quarters, as may be mutually agreed upon by the board of law library trustees and the board of supervisors. The contact may provide that the board of law library trustees shall make payments to the board of supervisors out of future income in payment for constructing or furnishing or equipping the law library building or part thereof or those quarters in a building. Any contract executed by a board of law library trustees and a board of supervisors, which, if executed subsequent to the effective date of this section would be valid, is hereby ratified and validated.

Sec. 6348.7. Sharing facility with county under joint exercise of powers.
A board of law library trustees may enter into an agreement with a county for the joint exercise of powers pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code for the purpose of constructing a building or buildings to house the law library and court or county facilities, without limitation as to the number of courtrooms such building or buildings may contain, and may lease from any authority created pursuant to such agreement the space required for law library purposes.

Sec. 6349. Annual report.
Each board of law library trustees, on or before the 15th day of October of each year, shall make an annual report to the board of supervisors of the county in which the law library is maintained, for the preceding fiscal year ending on the 30th day of June. A copy of the report shall be filed with the auditor of the county.

The report shall give the condition of their trust, with full statements of all their property and money received, whence derived, how used and expended, the number of books, periodicals and other publications on hand, the number added by purchase, gift, or otherwise during the year, the number lost or missing, and such other information as might be of interest.

Sec. 6350. Financial report.
A financial report, showing all receipts and disbursements of money, shall be made by the secretary, duly verified by oath, at the same time that the report of the board is made.

ARTICLE 4. GENERAL PROVISIONS

Sec. 6360. Access to law libraries and loan of books.
A law library established under this chapter shall be free to the judiciary, to state and county officials, to members of the State Bar, and to all residents of the county, for the examination of books and other publications at the library or its branches.

The board of law library trustees may permit the removal of such books and other publications from the library and its branches as it considers proper, subject to such rules, and, in its discretion, the giving of such security, as

it may provide to ensure the safekeeping and prompt return thereof, but no security shall be required of members of the judiciary or county officials. The board may provide for the levying of fines and charges for violation of the rules, and may make charges to cover the cost of special services, such as the making of photo copies of pages of library books, and messenger service.

The board of law library trustees may require persons other than members of the judiciary, county officials, and members of the bar resident in the county, to pay such dues as the board may fix for the privilege of removing books and other publications from the library. With the approval of the board of supervisors, the board of law library trustees may charge individual members of the bar resident in the county fees for the removal of books and other publications from the library. These fees shall not exceed the cost of providing the service.

Sec. 6361. Supervisors' responsibility to provide quarters.
The board of supervisors of the county in which the law library is established shall provide sufficient quarters for the use of the library upon request of the board of law library trustees, except that the board of supervisors need not provide such quarters when the board of law library trustees determines it has sufficient funds, over and above those necessary for operation and maintenance expenses, to provide its own quarters. Such provision may include, with the room or rooms provided, suitable furniture, window shades, floor coverings, lighting, heat and telephone and janitor service.

Sec. 6362.5. State Librarian to inform about new materials.
The State Librarian shall periodically supply to each library established under the provisions of this chapter, and requesting the same, information regarding newly published materials to aid such libraries in their selection of new materials.

Sec. 6363. Existing law libraries.
Whenever a law library, and a board of trustees to govern the same, is in existence under the provisions of any law, other than the law superseded by this chapter, in any county, or city and county, in this State, this chapter shall not be considered a repeal of any legislation under which such library was established and is now governed, but shall be deemed to confer upon such library the benefits of Sections 6321, 6322, 6322.1, 6326, 6341, 6345, 6346, 6346.5, and 6347.

MUNICIPAL LIBRARIES

(Education Code, Title 1, Division 1, Part 11, Chapter 5, Articles 1–4, Sections 18900-18965)

ARTICLE 1. ESTABLISHMENT

Sec. 18900. Establishment by legislative body.
The common council, board of trustees, or other legislative body of any city in the state may, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article, shall, by ordinance, establish in and for the municipality a public library if there is none already established therein.

Sec. 18901. Petition of electors.
The request may be by a single petition, or by several petitions. The several petitions shall be substantially in the same form. The single petition, or several petitions in the aggregate, shall have, the signatures of the requisite number of electors.

ARTICLE 2. TRUSTEES

Sec. 18910. Appointment of board of trustees.
The public library shall be managed by a board of library trustees, consisting of five members, to be appointed by the mayor, president of the board of trustees, or other executive head of the municipality, with the consent of the legislative body of the municipality.

Sec. 18911. Term of office and compensation.
The trustees shall hold office for three years. The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter.

The legislative body of the municipality may, by ordinance, provide for the compensation of such trustees; provided that the respective compensation for such trustees shall not exceed fifty dollars ($50) per month.

Sec. 18912. Eligibility of men and women.
Men and women are equally eligible to appointment as trustees.

Sec. 18913. Vacancies.
Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made.

Sec. 18914. Monthly meetings.
Boards of library trustees shall meet at least once a month at such times and places as they may fix by resolution.

Sec. 18915. Special meetings.
Meetings of the board are governed by the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

Sec. 18916. Quorum.
A majority of the board shall constitute a quorum for the transaction of business.

Sec. 18917. President.
The board shall appoint one of its number president, who shall serve for one year and until his successor is appointed, and in his absence shall select a president pro tem.

Sec. 18918. Record of proceedings.
The board shall cause a proper record of its proceedings to be kept.

Sec. 18919. Rules, regulations and bylaws.
The board of library trustees may make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its management, and all property belonging thereto.

Sec. 18920. Administration of trusts and disposal of property.
The board of library trustees may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Sec. 18921. Officers and employees.[1]
The board of library trustees may prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library; determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices or positions at the pleasure of the board.

Sec. 18922. Purchase of personal property.
The board of library trustees may purchase necessary books, journals, publications, and other personal property.

Sec. 18923. Purchase of real property, and erection of rental and equipment of buildings or rooms.
The board of library trustees may purchase real property, and erect or rent and equip, such buildings or rooms, as may be necessary, when in its judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for the library.

Sec. 18924. State publications.
The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Sec. 18925. Interlibrary and non-resident loans.
The board of library trustees may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the board may prescribe.

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[1]See City of Ukiah v. Board of Trustees (1961) 195 Cal.App.2d 344, 15 Cal.Rptr. 811.

Sec. 18926. Incidental powers of board.
The board of library trustees may do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 18927. Annual report.
The board of library trustees, or if there is no board of trustees, then the administrative head of the library shall, on or before August 31st, in each year, report to the legislative body of the municipality and to the State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the board of trustees or administrative head of the library, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several boards of trustees or administrative heads of the library instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

ARTICLE 3. SUPPORT OF LIBRARIES

Sec. 18951. Disposition of gifts and bequests.
All money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and shall be applied to the purposes authorized in this chapter.

Sec. 18952. Gifts and bequests that may not be paid into library fund.
If payment into the treasury is inconsistent with the conditions or terms of any gift, devise, or bequest, the board shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Sec. 18953. Payments from the library fund.
Payments from the fund shall be made upon warrants issued after due audit by, and an order from, the library trustees. The warrants shall be signed by the president and secretary of the board of library trustees. The treasurer of the municipality shall pay such warrants without any further order or warrant from any other authority.

ARTICLE 4. GOVERNMENT

Sec. 18960. Library free to inhabitants and taxpayers, unless in violation of rules.
Every library established pursuant to this chapter shall be forever free to the inhabitants and nonresident taxpayers of the municipality, subject always to such rules, regulations, and bylaws as may be made by boards of library trustees. Any person who violates any rule, regulations, or bylaw may be fined or excluded from the privileges of the library.

Sec. 18961. Contracts with neighboring municipalities or county.
The board of library trustees and the legislative body of any neighboring municipality or the board of supervisors of the county in which the public library is situated, may contract for lending the books of the library to residents of the county or neighboring municipality, upon a reasonable compensation to be paid by the county or neighboring municipality.

Sec. 18962. Title to property.

The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or otherwise designated, vests in the municipality in which the library is situated, and in the name of the municipal corporation may be sued for and defended by action at law or otherwise.

Sec. 18963. Prior municipal libraries and charter city libraries.
Any municipal library which was established and existed on June 11, 1909, under the provisions of an act entitled "An act to establish free public libraries and reading rooms," approved April 26, 1880, is continued under the provisions of this chapter and shall be considered the same as if established under the provisions of this chapter. This chapter has no application to any library established or governed by a city charter, and any city charter is in no manner affected by this chapter.

Sec. 18964. Disestablishment of library.
Any ordinance establishing a library adopted pursuant to this chapter shall be repealed by the body which adopted it upon being requested to do so by 51 percent of the electors of the municipal corporation, as shown by the great register. Upon the repeal of the ordinance the library is disestablished in the municipal corporation.

Sec. 18965. Consolidation of two or more libraries.
Whenever the governing bodies of two or more cities or counties consolidate their existing public library services, as a joint exercise of powers under Chapter 5 (commencing with Section 6500), Division 7, Title 1 of the Government Code, and the ownership or management of the cities' and counties' library facilities and other library assets are turned over to a newly formed joint agency, any boards of public library trustees existing prior to the consolidation, may be dissolved by ordinance.

GOVERNMENT CODE PROVISIONS RELATING TO MUNICIPAL LIBRARIES

PARK AND PLAYGROUND ACT OF 1909
(Government Code, Title 4 Division 3, Part 2, Chapter 7, Sections 3800-38011)

Sec. 38000. Citation.
This chapter may be cited as the Park and Playground Act of 1909.

Sec. 38001. Construction.
This chapter shall be liberally construed to promote its objects.

Sec. 38002. "Improvement" defined.
As used in this chapter, "improvement" includes a public park, urban open-space lands, playground, or library.

Sec. 38010. Condemnation.
When the public interest or convenience requires, the legislative body may acquire by condemnation land situated in the city for improvements.

Sec. 38011. Incorporation of other improvement statutes.
The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 may be used by a city for any improvement.

MISCELLANEOUS GOVERNMENT CODE PROVISIONS

Sec. 39732. Alternative authority to acquire, construct, and maintain municipal library facilities.
The legislative body may:

(a) Acquire, own, construct, maintain, and operate bus lines, street railways, steam railways spur tracks, telephone and telegraph lines, gas and other works for light, power, and heat, public libraries, museums, gymnasiums, parks, and baths.

* * *

LIBRARY DISTRICTS

(Education Code Title 1, Division 1, Part 11, Chapter 8, Articles 1- 6, Sections 19400-19532)

ARTICLE 1. FORMATION, ANNEXATION, DISSOLUTION

Sec. 19400. Organization and powers.
A library district may be organized, as provided in this chapter. The library district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and may exercise the powers granted or necessarily implied pursuant to this chapter.

Sec. 19401. Territory.
The library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and the territory of no city is divided.

Sec. 19402. Petition for formation.
Whenever the formation of a library district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which is located the largest proportionate value of the lands within the proposed district as shown by the last equalized county assessment roll. The petition shall specify whether the proposed library district shall be governed by a three-member board of library trustees or by a five-member board of library trustees. The board of supervisors to whom the petition is presented is designated in this chapter as the supervising board of supervisors.

Sec. 19403. Petition: signatures.
The petition shall be signed by registered voters residing within the proposed library district equal in number to at least 5 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected.

Sec. 19404. Petition: filing and hearing.
The proceedings for the filing and hearing of the petition are governed and controlled by the provisions of Sections 58032, 58033, 58034, 58060, and 58061 of the Government Code.

Sec. 19405. Petition: final hearing.
The proceedings for final hearing of the petition and the formation of the district are governed and controlled by the provisions of Article 4 (commencing with Section 58090), Article 5 (commencing with Section 58130), and Article 7 (commencing with Section 58200) of Chapter 1 of Title 6 of the Government Code.

Sec. 19406. Protests.
On the filing of written protests by registered voters residing in the proposed district equal in number to at least 50 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected, the proceeding for the formation of the district shall be terminated as provided in Sections 58103 and 58104 of the Government Code.

Sec. 19407. Districts in more than one county.
No library district including territory in more than one county shall be organized under this chapter without the concurrent consent by resolution of each board of supervisors involved, as well as the consent of the governing body of each city to be included.

ARTICLE 2. TRUSTEES

Sec. 19420. Appointment and number.
Within 30 days after the filing with the clerk of the board of supervisors or county board of supervisors of the resolution declaring the organization of the district, the supervising board of supervisors shall appoint the required number of library trustees from the district at large.

Sec. 19421. Name of board of trustees.
The governing board of the district shall be called "the Board of Library Trustees of _____ Library District" (inserting the name of the particular district).

Sec. 19422. Terms of office.
The trustee shall hold office for the term of four years beginning on the last Friday in November next succeeding their appointment or election.

Sec. 19423. Terms for members of first board.
The first board of library trustees appointed or elected in a district shall at their first meeting so classify themselves by lot that their terms shall expire:

(a) For three-member boards, one on the last Friday in November of the first odd-numbered calendar year next succeeding his or her appointment or election, and two on the last Friday in November of the second succeeding odd-numbered calendar year.
(b) For five-member boards, two on the last Friday in November of the first odd-numbered calendar year next succeeding his or her appointment or election, and three on the last Friday in November of the second succeeding odd-numbered calendar year.

Sec. 19424. Board officers.
At its first meeting called after the original appointment of the board, and annually thereafter at its first meeting called after the last Friday in November in odd-numbered years, the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Sec. 19425. Minutes, notification to State Librarian.
The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees of the library district, it shall immediately cause to be made out and filed with the State Librarian a certificate showing that the library district has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Sec. 19426. Vacancies.
A vacancy in the board of library trustees shall be filled for the unexpired term by appointment of the supervising board of supervisors.

Sec. 19427. Holding office until successor is qualified.
Each library trustee shall hold office until his successor is elected and qualified.

Sec. 19428. Regular meeting.
The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

Sec. 19429. Special meetings.
Special meetings may be called at any time, as follows:
(a) A special meeting of a three-member board of library trustees may be called by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.
(b) A special meeting of a five-member board of library trustees may be called by three trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Sec. 19430. Quorum.
(a) For three-member boards, two members constitute a quorum for the transaction of business.
(b) For five-member boards, three members constitute a quorum for the transaction of business.

Sec. 19431. Increase in number of trustees from three to five.
A proposal to increase the number of seats on the board of library trustees from three to five may be initiated in either of the following alternative ways:
(a) By a petition signed by registered voters residing within the library district equal in number to at least 5 percent of the total number of votes cast in the library district at the last preceding general state election at which a Governor was elected, and filed with the supervising board of supervisors of the library district.
(b) By a resolution adopted by the board of trustees and filed with the supervising board of supervisors.

Sec. 19432. Public hearing on increased number of trustees from three to five.
(a) The supervising board of supervisors, at its option, may conduct a public hearing on a petition or resolution filed pursuant to Section 19431. Notice of the hearing shall be published pursuant to Sections 6060 and 6061. At the hearing, any interested person shall be given an opportunity to present his or her views on the proposal. At the conclusion of the hearing, the supervising board of supervisors may increase the board of library trustees to a five member board.
(b) If the board of library trustees is increased from three to five members, the supervising board of supervisors shall appoint the two additional trustees from the district at large, and the trustees shall classify themselves by lot so that their terms shall expire as provided in subdivision (b) of Section 19423.

ARTICLE 3. POWERS

Sec. 19460. Rules, regulations, and bylaws.
The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the district.

Sec. 19460.5. Destruction of records.
A district may destroy a record pursuant to Chapter 7 (commencing with Section 60200) of Division 1 of Title 6 of the Government Code.

Sec. 19461. Administration of trust and property.
The board of library trustees shall administer any trust declared or created for the library, and received by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Sec. 19462. Officers and employees.
The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

Sec. 19463. Purchase of personal property.
The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

Sec. 19464. Purchase or other acquisition of real property.
The board of library trustees shall purchase real property, and erect or rent and equip, such buildings or rooms, as in its judgment are necessary properly to carry out the provisions of this chapter.

Sec. 19465. State publications.
The board of library trustees shall require the Secretary of State and other state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Sec. 19466. Interlibrary and non-resident loans.
The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents of the district to borrow books upon such conditions as the board may prescribe.

Sec. 19467. General authority of board.
The board of library trustees shall borrow money, give security therefor, purchase on contract, and do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 19468. Annual report to State Librarian.
The board of library trustees shall file, through the librarian, on or before the last day of August of each year, a report with the State Librarian at Sacramento giving the condition of its library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Sec. 19469. Public hours.
The board of library trustees shall designate the hours during which the library shall be open for the use of the public.

Sec. 19470. Annual estimate of costs.
Annually, at least 15 days before the first day of the month in which county taxes are levied, the board of library trustees of each library district shall furnish to the board of supervisors of the county in which the district or any part thereof is situated, an estimate in writing of the amount of money necessary for all purposes required under this chapter during the next ensuing fiscal year.

Sec. 19473. Library district fund.
The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All money collected shall be paid into the county treasury to the credit of the

particular library district fund and shall be paid out on the order of the district board, signed by the president and secretary.

Sec. 19475. Deposit of money to credit of library fund.
All money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district, subject only to the order of the library trustees of the district.

Sec. 19476. Safety, preservation, and application of fund not payable into treasury.
If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Sec. 19477. Warrants.
Upon the receipt by the county auditor of an order of the library trustees of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order.

Sec. 19478. Nonpayment for want of funds.
When any warrant is presented to the treasurer for payment and it is not paid for want of funds, the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto, and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for the payment. The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

Sec. 19479. Library free to inhabitants; violation of rules, regulations and bylaws.
Every library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violation of any rule, regulation, or bylaw a person may be fined or excluded from the privileges of the library.

Sec. 19480. Title of property.
The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is or is to be situated.

Sec. 19481. Name of district.
Every library district shall be designated by the name and style of _____ Library District (using the name of the district) of _____ County (using the name of the county or counties in which the district is situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A number shall not be used as a part of the designation of any library district.

Sec. 19482. Contracts with other libraries.
The board of library trustees and the boards of trustees of neighboring library districts, or the governing bodies of neighboring cities, or boards of supervisors of counties in which public libraries are situated, may contract to lend the books of libraries created under this chapter to residents of the counties, neighboring cities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring cities, or library districts.

Sec. 19483. Property liable to taxation for county free library.
Anything in Sections 19100 to 19179, inclusive, to the contrary, notwithstanding, the property in any library district created under this chapter subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created. This section shall not apply to any adjustments in property tax allocations made pursuant to Section 19116.

ARTICLE 4. CLAIMS

Sec. 19500. Claims for money or damages.
All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

ARTICLE 5. BIENNIAL ELECTION OF TRUSTEES

Sec. 19510. Biennial election of trustees.
An election shall be held biennially in each library district for the election of one or more library trustees who shall hold office for four years beginning on the last Friday in November next succeeding his election. This election shall be held in the district on the same day as the school district election as specified in Section 5000 in the odd-numbered years. Trustees shall be nominated in the manner prescribed in Section 5012.

Sec. 19511. Qualifications of electors.
To be qualified to vote at any library district election a person shall be registered to vote in the library district, at least 29 days before the election.

Sec. 19514. Appointment to vacancies by Board of Supervisors.
If pursuant to Section 5327 a district election is not held, the board of supervisors of the county in which the district, or the largest part thereof in area, is situated shall at its next regular meeting appoint to the positions of trustee those persons nominated, and such persons shall qualify, take office, and serve exactly as if elected at a general district election. If no person has been nominated, the board of supervisors shall appoint any qualified voter of the district to the position.

Sec. 19515. Conduct of elections.
Except as otherwise provided in this article, Chapter 3 (commencing with Section 5300) of Part 4 of this division shall govern and control the conduct of elections pursuant to this chapter.

ARTICLE 6. BONDS

Sec. 19520. Petition and purposes.
The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall, upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district, the proposition of whether the bonds of the district will be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.
(b) Procuring plans and specifications and erecting a suitable building.
(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the public library.
(d) Any or all of the purposes of this chapter.
(e) Liquidating any indebtedness incurred for the purposes.
(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Sec. 19521. Election.
The bond election shall be called and conducted and the results thereof canvassed, returned, and declared in the manner provided in Chapter 3 (commencing with Section 5300) of Part 4 of this division.

Sec. 19522. Revolution for election.
The board of trustees shall set forth in the resolution calling for a bond election the amount and denomination of the bonds, the rate of interest, and the number of years that all or any part of the bonds are to run.

Sec. 19524. Required majority.
If it appears that two-thirds of the votes cast at the election were cast in favor of issuing the bonds, the board shall enter the fact upon its minutes and shall certify all the proceedings to the supervising board of supervisors. Thereupon the board of supervisors shall issue the bonds of the district, in the number and amount provided in the proceedings, and the district shall be named on the bonds. The bonds shall be paid out of the building fund of the district.

The money for the redemption of the bonds and the payment of interest thereon shall be raised by taxation upon the taxable property in the district.

Sec. 19525. Limitation on total amount issued.
The total amount of bonds issued shall not exceed 5 percent of the assessed value of the property of the district, prior to the 1980-81 fiscal year and shall not exceed 1.25 percent of the assessed value of the district beginning after the 1981-82 fiscal year, as shown by the last equalized assessment roll of the county or counties in which the district is situated.

Sec. 19526. Form and term.
The supervising board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

Sec. 19527. Interest, price and use of proceeds.
The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library money is drawn out.

Sec. 19528. Tax levy for debt service.
The board of supervisors of each county in which any part of the district is situated, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the

equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds are to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Sec. 19529. Deposit an use of debt service levy.
All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefore. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Sec. 19530. Petition for cancellation of unsold bonds.
Whenever any bonds issued under this article remain unsold for the period of six months after having been offered for sale in the manner prescribed by the supervising board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the supervising board of supervisors to cause the unsold bonds to be withdrawn from the market and canceled.

Sec. 19531. Notice of hearing on petition.
Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervising board of supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published as provided in this chapter.

Sec. 19532. Hearing and order for cancellation.
At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervising board of supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

SCHOOL LIBRARIES

(Education Code, Title 1, Division 1, Part 11, Chapter 2, Articles 1-8, Sections 18100-18203)

ARTICLE 1. ESTABLISHMENT

Sec. 18100. School library services required.
The governing board of each school district shall provide school library services for the pupils and teachers of the districts by establishing and maintaining school libraries or by contractual arrangements with another public agency.

Sec. 18101. Standards.
The State Board of Education shall adopt standards, rules and regulations for school library services.

Sec. 18102. Establishment and maintenance.
Libraries may be established and maintained under the control of the governing board of any school district.

Sec. 18103. Libraries open to teachers and pupils.
The libraries shall be open to the use of the teachers and the pupils of the school district during the schoolday. In addition, the libraries may be open at other hours, including evenings and Saturdays, as the governing board may determine. Libraries open to serve students during evening and Saturday hours shall be under the supervision of certificated personnel. Certificated personnel employed to perform full-time services in an elementary, junior high, or high school during the regular schoolday, may supervise, but shall not without their consent be required to supervise, a school library on evenings or Saturdays. If a person agrees to supervise the school library during Saturday or evening hours, he or she shall be compensated in the amounts determined by the governing board of the district as indicated on the salary schedule.

Sec. 18104. Joint use library facility; Livermore Valley Joint Unified School District.
(a) It is in the interest of the state to authorize the Livermore Valley Joint Unified School District to enter into a joint-use arrangement with another public entity for operation of a joint-use library facility located on land, in close proximity to a schoolsite, owned by the school district or by another public agency.
(b) Notwithstanding any other provision of law to the contrary, the Livermore Valley Joint Unified School District may enter into a contract with the county, the city, or other appropriate entity having responsibility for the provision of public library services, in which the district is located for the purpose of operating a joint-use library facility at a schoolsite owned by the district or at a site, within one mile of the schoolsite, owned by the school district, the county, the city, or other appropriate entity having responsibility for the provision of public library services in that area.
(c) The Livermore Valley Joint Unified School District may apply for the lease-purchase of a project that includes a library facility, funded entirely with local funds, which facility, if constructed, would be of sufficient size to accommodate the requirements of a joint-use library for which the district has entered into a contract, pursuant to subdivision (b).
(d) The contract specified in subdivision (b) shall contain at least all of the following:
    (1) Agreement that the county, the city, or other appropriate entity shall deposit with the school district an amount equal to the total cost of any space in the proposed library facility that is beyond the needs of the district, prior to the signing of the construction contract for the project. The deposit shall not be refundable, except to the extent that it may prove subsequently to be in excess of the actual total cost of the space that is beyond the needs of the district.

(2) Agreement between the district and the county, the city, or other appropriate entity regarding staffing, maintenance, materials acquisition, and other matters related to the administration and operating costs of the joint-use facility. The agreement shall provide that the school district shall not be responsible for any costs that are not related to the school use of the joint-use facility.
(3) Agreement between the district and the county, the city, or other appropriate entity regarding the procedure for amendment or termination of the contract, including the disposition of materials housed in the joint-use facility should termination of the contract occur.

(e) A joint-use facility constructed pursuant to this section shall comply with all requirements applicable to school facilities.

ARTICLE 2. BOOKS

Sec. 18110. Adoption of book lists and other library materials.
County boards of education may adopt lists of books and other library materials for districts not employing a superintendent of schools or a librarian for full time. The lists may be distributed to all school districts in a county for use in the selection of books and other library materials.

Sec. 18111. Exclusion of books by governing board.
The governing board of any school district may exclude from schools and school libraries all books, publications, or papers of a sectarian, partisan, or denominational character.

ARTICLE 3. MANAGEMENT

Sec. 18120. Appointment and qualifications of district librarian.
The governing board of a school district maintaining its own library or libraries may appoint a librarian or librarians to staff the libraries provided they qualify as librarians pursuant to Section 44868.

Sec. 18121. Rules and regulations.
The governing board of a school district is accountable for the proper care and preservation of the school libraries of the district, and may make all necessary rules and regulations not provided for by the State Board of Education, or the Superintendent of Public Instruction and not inconsistent therewith.

Sec. 18122. Annual report by governing board to Department of Education.
The governing board of a school district shall, on or before August 31st, in each year, report to the State Department of Education on the condition of school libraries, for the year ending June 30th preceding. The report shall, in addition to other matters deemed expedient by the governing board or the librarians, contain the statistical and other information as is deemed desirable by the State Department of Education. For this purpose the State Department of Education may send to the several districts under its supervision, instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

ARTICLE 4. AFFILIATION WITH COUNTY AND CITY LIBRARIES

Sec. 18130. Contract with county library.

Whenever the county in which a district is situated maintains a county library, the governing board of any school district or community college district may agree with the proper authorities of the county to contract for the provision of school library services by the county library. Either the governing board of the school district or community college district or the governing body of the county library may initiate proceedings for the provision of library services for the schools of the district. Such agreements shall be reviewed annually by contracting parties.

Sec. 18131. Purchase of books by school districts.
Notwithstanding any other section of this article to the contrary, school districts may purchase textbooks, reference books, periodicals, and other publications approved by any board authorized to adopt these materials in addition to those furnished by the county library.

Sec. 18132. Use of transferred funds.
All funds transferred to a county library pursuant to this article shall be used by the county library only for: (a) the acquisition of books and other materials as are adopted by the body authorized to adopt courses of study for the school districts which have entered into an agreement for the provision of school library services by the county library, and (b) the care and distribution of the books and other materials to schools which are eligible to receive school library services from the county library.

Sec. 18133. Disposal of books and materials.
The county librarian may (a) at his discretion dispose of books and other materials no longer fit for service, and (b) with the approval of the county board of education dispose of any books or other materials no longer needed by the course of study.

Sec. 18134. Agreement with city.
In any city conducting a public library owned and managed by the city, the governing board of any school district may enter into an arrangement with the governing body of the public library of the city similar to the arrangement authorized by this article between the governing boards of any school district and the county library.

Sec. 18135. Transfer of fund.
Whenever an agreement is made that school library services will be provided by a city, or county library, the county, or city and county, or city superintendent of schools may draw a warrant for the whole amount stipulated in the agreement, payable to the proper authorities of the library, upon the filing with him of a copy of the resolution of the governing board of the district embodying the agreement made with the library. The copy shall be duly certified as correct by the clerk of the district or other proper officer.

Sec. 18136. High school district agreement with county for use of county free library.
The governing board of any high school district lying wholly or partly within a county maintaining a county free library may enter into a contract or agreement with the board of supervisors of the county by which the high school district may secure the advantages of the county free library upon such terms and conditions as are fixed in the contract or agreement.

Sec. 18137. Care of property.
Whenever the governing board of a school district enters into an agreement with a county or city library for school library services the district shall provide for the care and custody of and assume responsibility for the

books and other property delivered to it subject to the rules and regulations of the county or city library and the terms of the agreement.

Sec. 18138. Termination of affiliation.
With the consent of the county superintendent of schools the governing board of the school district may agree with the proper authorities of the county or city to terminate the affiliation of the district with the county or city library. Either the governing board of the school district or the governing body of the county library may initiate termination proceedings. The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for either of the following:

(a) The complete withdrawal of affiliation effective on the first day of July next succeeding.
(b) A gradual withdrawal over a period of not to exceed three years beginning on the first day of July next succeeding the termination of proceedings.

The governing board of the school district shall enter into a written agreement with the proper authorities of the city or county providing for the terms of the gradual withdrawal, including the period to be covered, not to exceed three years, the amount of payment for each year, and the amount of service to be rendered.

Unless otherwise provided in the withdrawal agreement, the books purchased by a district during the period of the withdrawal become the property of the district.

All books purchased by a district shall be approved by the body authorized to adopt courses of study for the school district of the county.

Sec. 18139. Proceedings for termination of library services.
With the consent of the county board of education, in those counties in which the county superintendent of schools performs library services for the school library of any district, the governing board of the school district may agree with the proper authorities of the county to terminate the affiliation of the district with the county superintendent of schools with respect to library services. The proceedings shall be terminated prior to the first day of February of the school year in which begun and may provide for either of the following:

(a) The complete withdrawal of affiliation effective on the first day of July next succeeding.
(b) A gradual withdrawal over a period of not to exceed five years beginning on the first day of July next succeeding the termination of proceedings.

The county board of education shall adopt rules and regulations governing a gradual withdrawal, including the period to be covered, not to exceed five years, the amount of payment for each year, and the amount of service to be rendered. The terms of the gradual withdrawal shall comply with the rules and regulations.

ARTICLE 5. USE OF LIBRARY FUND

Sec. 18170. Expenditure of library fund.
The governing board of any school district shall expend the library fund, together with the money that is added thereto by donation, in the purchase of school apparatus and books for a school library, including books for supplementary work.

Sec. 18171. Itemized bill required.
No warrant shall be drawn by the superintendent of schools upon the order of any governing board of any school district against the library fund of any district unless the order is accompanied by an itemized bill, showing the books and apparatus, and the price of each in payment of which the order is drawn, and unless the books and apparatus, except in the case of library books and apparatus purchased by a district employing a district superintendent of schools or a school librarian for full time, have been adopted by the county, city, or city and county board of education.

Sec. 18172. Approval required prior to purchase.
All orders of the governing board of any school district for books or apparatus shall in every case be submitted to the superintendent of schools of the county, city, or city and county, respectively, for his or her approval, before the books or apparatus shall be purchased.

ARTICLE 8. CALIFORNIA CLASSROOM LIBRARY MATERIALS ACT OF 1999

Sec. 18202. Business organizations and opportunities for kids fund.
(a) A fund is hereby established in the State Treasury to be known as the Business Organizations and Opportunities for Kids Fund. Moneys donated by private entities for the purchase of classroom reading materials pursuant to this article shall be deposited into this fund. These donations shall be tax exempt and treated as a charitable contribution to the extent allowed under both federal and state law.
(b) All moneys in the Business Organizations and Opportunities for Kids Fund are available for expenditure only upon an appropriation in the annual Budget Act or other act. The fund shall be administered by the State Librarian in consultation with the Superintendent of Public Instruction. The allocation and expenditure of money in the fund shall be consistent with Section 18203.

SCHOOL DISTRICTS PUBLIC LIBRARIES

(Education Code, Title 1, Division 1, Part 11, Chapter 3, Articles 1-16, Sections 18300-18571**)**

ARTICLE 1. DEFINITIONS

Sec. 18300. "Trustees" and "library trustees" defined.
"Trustees," or "library trustees" as used in this chapter mean the regularly elected union high school trustees who reside within the library district.

Sec. 18301. "Library," "library district," and "library districts" defined.
"Library," "library district," or "library districts" as used in this chapter mean "union high school library district."

ARTICLE 2. UNIFIED SCHOOL DISTRICTS

Sec. 18310. Formation.
For the purposes of this chapter a unified school district has all of the powers and duties of a union high school district. A library district may be formed upon the application of 50 or more taxpayers and residents of any unified district, and after an election, in the manner prescribed by this chapter for the formation of a library district upon the application of taxpayers and residents of a union high school district. If the requisite number of votes cast at the election are in favor of a unified school district library district the board of supervisors shall by resolution establish the library district and place the district in the control of the governing board of the unified school district.

Sec. 18311. "Union high school district" and "union high school" defined.
As used in this chapter the words "union high school district" mean union high school district or unified school district and the words "union high school" mean union high school or unified school district. Whenever the provisions of this chapter are being exercised by, or are being made applicable in, a unified school district, the words "union high school district" and "union high school" shall be deemed to mean unified school district.

Sec. 18312. Unified school district library district.
If there are formed substantially within the territory of a union high school library district two or more unified school districts, the library district shall become a unified school district library district which shall be governed by the governing board of the unified school district whose territory includes the largest portion of the territory of the library district.

ARTICLE 3. ESTABLISHMENT

Sec. 18320. Authority to establish library.
Any union high school district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter.

Sec. 18321. Title to property.
The title to all property acquired for the purposes of the library, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which the library is, or is to be, situated.

Sec. 18322. Library free to inhabitants; violation of rules, regulations and bylaws.
Every union high school library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For violations of any rule, regulations, or bylaw a person may be fined or excluded from the privileges of the library.

ARTICLE 4. DISTRICT FORMATION

Sec. 18330. Petition and election.
Upon the application by petition of 50 or more taxpayers and residents of any union high school district to the board of supervisors in the county in which the union high school district is located, for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall conduct the election.

Sec. 18333. Report of election.
The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For Union High School Library District." The voter shall write or print after the words on his ballot the word "Yes" or the word "No."

Sec. 18335. Report of election.
The election officers shall report the result of the election to the board of supervisors within five days subsequent to the holding thereof.

Sec. 18336. Establishment of district.
If two-thirds of the votes cast at the election are in favor of a union high school library district, the board of supervisors shall, by resolution, establish the library district, and place the district in the control of the governing board of the union high school district.

Sec. 18337. Adverse vote.
If more than one-third of the votes cast in the election is against a library district, the board of supervisors shall, by order, so declare and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Sec. 18338. Validation in the minutes of the board of supervisors.
The fact of the presentation of the petition and the order establishing the library district shall be entered on the minutes of the board of supervisors, and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article, and of the existence and validity of the district.

Sec. 18339. Name of district.
Every library district shall be designated by the name and style of "____ Library District (using the name of the district) of ____ County (using the name of the county in which the district is situated)." The governing board

of library trustees may select a name which sufficiently distinguishes the library district from an existing school district. A number shall not be used as a part of the designation of any library district.

Sec. 18340. Powers of governing board.
In the name of the library district, the governing board may sue and be sued, and may hold and convey property for the use and benefit of the district.

Sec. 18341. Term of trustees.
The trustees in whose control the library district has been placed shall severally hold office during the term for which they have been elected as trustees of the union high school district.

Sec. 18342. Blanchard/Santa Paula district; governing board; terms; revenues.
Text of section 18342 not reprinted here.

Sec. 18343. Banning Unified School District Library District
Text of section 18343 not reprinted here.

ARTICLE 5. DISSOLUTION OF DISTRICTS

Sec. 18370. Election regarding dissolution.
The district may at any time be dissolved if two-thirds of the votes cast at an election called by the library trustees upon the question of dissolution are in favor of the dissolution.

Sec. 18371. Election procedure.
The election shall be called and conducted in the same manner as other elections of the district.

Sec. 18372. Disposition of property of dissolved district.
Upon dissolution, the property of the district shall vest in any union high school district in which the library is situated.

Sec. 18373. Tax levy for bonded indebtedness of dissolved district.
If at the time of the election to dissolve the district, there is any outstanding bonded indebtedness of the district, the vote to dissolve the district shall dissolve it for all purposes excepting only the levy and collection of taxes for the payment of the indebtedness. From the time the district is dissolved until the bonded indebtedness, with the interest thereon, is fully paid, satisfied, and discharged, the board of supervisors is ex officio the library board of the district. The board shall levy such taxes and perform such other acts as are necessary in order to raise money for the payment of the indebtedness and the interest thereon.

ARTICLE 6. MEETINGS OF BOARDS OF TRUSTEES

Sec. 18380. Regular meetings.
A board of library trustees shall meet at least quarterly, at the time and place that it may fix by resolution.

Sec. 18381. Special meetings.
Special meetings may be called at any time by two trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Sec. 18382. Quorum.
Three members constitute a quorum for the transaction of business.

Sec. 18383. Organizational meetings and terms of officers.
The board shall hold an annual organizational meeting. In a year in which a regular election for board members is conducted, the meeting shall be held on a day within a 15-day period that commences with the date upon which a board member elected at that election takes office. Organizational meetings in years in which no such regular election for board members is conducted shall be held during the same 15-day period on the calendar. At each of such meetings, the board shall elect one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Sec. 18384. Minutes.
The board shall cause a proper record of its proceedings to be kept.

Sec. 18385. Notification of establishment.

At the first meeting of the board of trustees of any library district formed under this chapter it shall immediately cause to be made out and filed with the State Librarian a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

ARTICLE 7. POWERS OF BOARDS OF TRUSTEES

Sec. 18400. Rules and regulations.
The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to the library.

Sec. 18401. Administration of trusts and gifts, and disposal of property.
The board of library trustees shall administer any trust declared or created for the library and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Sec. 18402. Officers and employees.
The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the boards.

Sec. 18403. Purchase of books and other personal property.
The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

Sec. 18404. Purchase of real property and provision of facilities.
The board of library trustees shall purchase such real property, and erect or rent and equip such buildings or rooms, as in its judgment are necessary to properly carry out the provisions of this chapter.

Sec. 18405. State publications.
The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Sec. 18406. Interlibrary and non-resident loans.
The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries, and shall allow nonresidents to borrow books upon such conditions as it may prescribe.

Sec. 18407. Additional powers of board.
The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 18408. Annual report.
The board of library trustees shall file through the librarian on or before the last day in August of each year, a report with the State Librarian at Sacramento, giving the condition of its library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed

expedient by the board of trustees or the district librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Sec. 18409. Designation of hours.
The board of library trustees shall designate the hours during which the library will be open for the use of the public.

Sec. 18410. Standard for hours.
All public libraries established under this chapter shall be open for the use of the public at all reasonable times.

Sec. 18411. Contracts with other libraries.
Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties, neighboring municipalities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

ARTICLE 8. LIBRARY COMMISSION

Sec. 18440. Appointments.
A board of library trustees may appoint, by resolution or other order entered in the minutes of the board of library trustees, a library commission consisting of five members to manage and operate the library or libraries of the district. Before any board of library trustees appoints a library commission as provided herein, the board of library trustees shall hold at least one public hearing on the matter of the creation of a library commission; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

Sec. 18441. Terms of members.
The members of the library commission shall hold office for three years from the first day of July next succeeding their appointment and until their successors are appointed and qualified, and shall serve without compensation.

Sec. 18442. Terms of initial commission members.
The members of the first commission appointed shall be so classified by the board of library trustees at the time of their appointment that the term of office of one of the members shall expire on the first day of July one year after the first day of July next succeeding his appointment, two at the end of one additional year thereafter, and two at the end of two additional years thereafter.

Sec. 18443. Vacancies.
Vacancies shall be filled by the board of library trustees by appointment for the unexpired term.

Sec. 18444. Officers and meetings.

Within 30 days after the members of the commission are first appointed, and whenever vacancies in an office occur and are filled, the commission shall meet and organize as a commission, electing a president and a secretary from their number, after which they may transact business. The commission shall meet at a time and place that the commission determines by resolution. Regular and special meetings shall be called and conducted as prescribed in Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code.

Sec. 18445. Quorum.
A majority of the commission shall constitute a quorum for the transaction of business.

Sec. 18446. Valid actions.
The commission shall act only by resolution or motion. A majority vote of the members of the commission is required on each action taken, and the vote thereon shall be recorded.

Sec. 18447. Minutes.
The commission shall cause a proper record of its proceedings to be kept and maintained.

Sec. 18448. Personal expenses.
Members of the commission may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the commission.

Sec. 18449. Powers and duties.
The commission shall do and perform any and all powers and duties authorized or required of the board of library trustees in Article 7 (commencing with Section 18400) of this chapter with the exception of Section 18411, provided that the consent of the board of library trustees shall be necessary before the commission may dispose of property pursuant to Section 18401 and before the purchase, erection, rental, and equipment of buildings or rooms pursuant to Section 18404.

Sec. 18450. Authority to approve expenditures.
Upon the receipt by the county auditor of an order of the library commission of the district, he shall issue his warrant upon the county treasurer for the amount stated in the order if sufficient funds be on deposit in the account of the district with the county treasurer.

Sec. 18451. Annual budget.
Annually, and on or before the first day of June of each and every year, the commission shall submit or cause to be submitted to the board of library trustees its proposed budget for the operating and maintaining of the library or libraries of the district for the ensuing fiscal year. The proposed budget shall include an estimate of the cost of any or all of the following:
(a) Leasing of temporary quarters;
(b) Purchasing of suitable real property;
(c) Procuring plans and specifications, and erecting a suitable building or buildings;
(d) Furnishing and equipping the library building, and fencing and ornamenting the grounds for the accommodation of the public library.

Sec. 18452. Dissolution of commission.
The board of library trustees may dissolve the library commission created under the provisions of this article effective as of the 30th day of June next succeeding. Before taking action to dissolve a library commission, the

board of library trustees shall hold at least one public hearing on the matter; notice of such hearing shall be given by publication pursuant to Section 6066 of the Government Code, in a newspaper designated by the board of library trustees and circulated throughout the district, and by posting of the notice in three public places in the district at least 15 days prior to the date of the public hearing.

ARTICLE 9. ESTIMATES OF FUNDS NEEDED

Sec. 18480. Annual estimate of costs.
In any library district formed under this chapter which maintains a public library, or which has petitioned for and has been granted permission to establish, and intends to maintain, a public library in accordance with this chapter, the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following:
(a) Leasing temporary quarters.
(b) Purchasing a suitable lot.
(c) Procuring plans and specifications and erecting a suitable building.
(d) Furnishing and equipping the building, and fencing and ornamenting the grounds for the accommodation of the public library.
(e) Conducting and maintaining the library for the ensuing fiscal year.

ARTICLE 10. TAX LEVY

Sec. 18493. Disposal of taxes and gifts.
The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise for the purposes of the library, shall be paid into the county treasury to the credit of the library fund of the district in which the tax was collected, subject only to the order of the library trustees of the district.

Sec. 18494. Gifts and bequests that may not be paid into library fund.
If the payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

ARTICLE 11. CLAIMS

Sec. 18500. Applicable statutes.
All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

ARTICLE 12. ELECTION FOR ISSUANCE OF BONDS

Sec. 18510. Calling election for bonds and allowable purposes.

The board of trustees of any union high school library district may, when in its judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the proposition of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following purposes:

(a) The purchase of suitable lots.
(b) Procuring plans and specifications and erecting a suitable building.
(c) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the union high school library.
(d) Any or all of the purposes of this chapter.
(e) Liquidating any indebtedness incurred for the purposes.
(f) Refunding any outstanding valid indebtedness evidenced by bonds or warrants of the district.

Sec. 18511. Additional costs included.

In determining the amount of bonds to be issued and sold, the board of trustees may include:

(a) Legal or other fees incidental to or connected with the authorization, issuance and sale of the bonds.
(b) The costs of printing the bonds and other costs and expenses incidental to or connected with the authorization, issuance and sale of the bonds.

If such a determination is made, the proceeds of the sale of the bonds may be used to pay such costs and fees.

Sec. 18513. Voting procedure.

Voting shall be by ballot, without reference to the general election law in regard to form of ballot or manner of voting, except that the words to appear on the ballot shall be “Bonds—Yes” and “Bonds—No.” Persons voting at the bond election shall put a cross (+) upon their ballot with pencil or ink, after the words “Bonds—Yes” or Bonds—No,” as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit it in the ballot box, and the judges shall enter the elector's name on the poll list.

Sec. 18515. Favorable vote.

If it appears that two-thirds of the votes cast at the election are in favor of issuing the bonds, the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors of the county all the proceedings had in the premises.

Sec. 18518. Basis for invalidation of election.

No error, irregularity, or omission which does not affect the substantial rights of the taxpayers within the district or the electors voting at any election at which bonds of any district are authorized to be issued shall invalidate the election or any bonds authorized by such election.

ARTICLE 13. ISSUANCE AND SALE OF BONDS

Sec. 18530. Issuance of bonds.

After the provisions of Sections 18510 to 18515, inclusive, have been complied with, the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming it, and the money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and the payment of the interest thereon.

Sec. 18531. Maximum amount of bonds.

The total amount of bonds issued, shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Sec. 18532. Maximum interest.
The bonds shall not bear a rate of interest greater than 8 percent, payable annually or semiannually.

Sec. 18533. Form of bonds and interest coupons.
The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto.

Sec. 18534. Payment of principal.
The board of supervisors by an order entered upon its minutes shall fix the time when the whole or any part of the principal of the bonds will be payable, which shall not be more than 40 years from the date thereof.

Sec. 18534.3. Division into two or more series.
The board of supervisors may divide the principal amount of any issue into two or more series and fix different dates for the bonds of each series. The bonds of one series may be made payable at different times from those of any other series.

Sec. 18534.5. Early redemption.
The board of supervisors may provide for redemption of bonds before maturity at prices determined by it. A bond shall not be subject to call or redemption prior to maturity unless it contains a recital to that effect.

Sec. 18535. Bond sale.
The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than 95 percent of par.

Sec. 18536. Proceeds of bond sale.
The proceeds of the sale of the bonds shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library money is drawn out.

ARTICLE. 14. CANCELLATION OF BONDS

Sec. 18550. Petition for cancellation of unsold bonds.
Whenever any bonds issued under the provisions of this chapter remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

Sec. 18551. Notice of hearing on petition.
Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall not be more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for 10 days prior to the day of hearing in a newspaper published in the library district, if there is one, and if there is no

newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

Sec. 18552. Hearing and order for cancellation.
At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the petition, and if they deem it for the best interests of the library district named in the petition that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled.

Sec. 18553. Result of cancellation.
Thereupon the bonds and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

ARTICLE 14.5. SALE OF UNSOLD BONDS

Sec. 18555. Issuance of unsold bonds.
When the board of trustees of the library district determines that the purpose and object of the bonds has been accomplished, it may request the board of supervisors to cause any unsold bonds to be issued and sold and the proceeds thereof used for any or all of the purposes set forth in Section 18510.

Sec. 18556. Notice of hearing.
Upon receiving the request, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the request, which shall not be more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the request in general terms, to be published for 10 days prior to the day of hearing in a newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

Sec. 18557. Hearing and order on request.
At the time and place designated in the notice for hearing the request, or at any subsequent time to which the hearing may be postponed, the supervisors shall hear any reasons that may be submitted for or against the granting of the request. If, before the conclusion of the hearing, a petition signed by registered voters within the district equal to not less than 10 percent of the vote cast within the boundaries of the district for all candidates for governor at the last gubernatorial election requesting an election is not filed, the board of supervisors may, if they determine it to be for the best interests of the library district, grant the request. In such event, they shall make and enter an order in the minutes of their proceedings that the unsold bonds shall be sold and the proceeds used for the purposes specified in the request.

Sec. 18558. Required referendum.
In the event a petition, as set forth in Section 18557, is filed, the board of supervisors shall not grant the request without first submitting the question to the voters in the same manner and with the same effect as provided for a referendum by the electors of a district pursuant to Section 9340 of the Elections Code.

ARTICLE 15. TAX FOR INTEREST AND REDEMPTION OF BONDS

Sec. 18560. Tax levy.
The board of supervisors, at the time of making a levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds.

Sec. 18561. Amount of tax.
The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and, during the balance of the term, high enough to pay the annual interest, and to pay annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Sec. 18562. Disposal of levy.
All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and be used for the payment of principal and interest on the bonds, and for no other purpose.

ARTICLE 16. PAYMENT OF INTEREST AND BONDS

Sec. 18570. Payment of principal and interest.
The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor.
Sec. 18571. Disposal of paid bonds.
The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

LIBRARY DISTRICTS & MUSEUMS IN UNINCORPORATED AREAS

(Education Code, Title 1, Division 1, Part 11, Chapter 9, Articles 1-5, Sections 19600-19734)

ARTICLE 1. FORMATION

Sec. 19600. Establishment.
Any unincorporated town or village of this state may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter. Any unincorporated town or village of this state may also establish, equip, and maintain a public museum in accordance with this chapter.

Sec. 19601. Petition and election for formation of a district.
Upon the application, by petition, of 50 or more taxpayers and residents of any unincorporated town or village to the board of supervisors in the county in which the town or village is located, for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall conduct the election.

Sec. 19603. Notice to local agency formation commission.
Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

Sec. 19604. Written arguments for and against district formation.
The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

Sec. 19605. Selection of arguments.
If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:
(a) The board of supervisors or any member or members of the board authorized by the board.
(b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

Sec. 19608. Conduct of election.
The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, “For library district,” and the voter shall write or print after the words on his ballot the word “Yes,” or the word “No.”

Sec. 19610. Report of election results.
The election officers shall report the result of the election to the board of supervisors within five days after the election.

Sec. 19611. Establishment of district and appointment of library trustees.
If a majority of the votes at the election is in favor of a library district, the board of supervisors shall by resolution, establish the library district, and shall appoint five trustees, who shall be qualified electors and residents within the limits of the district, to be known as a board of library trustees of the town or village for which they are appointed.

Sec. 19612. Filling of vacancies.
Vacancies shall be filled by the board of supervisors by appointment for the unexpired term.

Sec. 19613. Unfavorable vote.
If a majority of the votes cast is against a library district, the board of supervisors shall, by order, so declare, and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Sec. 19614. Entries in minutes of board of supervisors.
The fact of the presentation of the petition, and the order establishing the library district and making the appointment of the five library trustees, shall be entered in the minutes of the board of supervisors and shall be conclusive evidence of the due presentation of a proper petition, and that each of the petitioners was, at the time of signature and presentation of the petition, a taxpayer and resident of the proposed district, and of the fact and regularity of all prior proceedings of every kind and nature provided for by this article and of the existence and validity of the district.

ARTICLE 2. POWERS

Sec. 19640. Monthly meeting of board of library trustees.
The board of library trustees shall meet at least once a month, at such time and place as it may fix by resolution.

Sec. 19641. Special meetings.
Special meetings may be called at any time by three trustees, by written notices served upon each member at least 12 hours before the time specified for the meeting.

Sec. 19642. Quorum.
Three members constitute a quorum for the transaction of business.

Sec. 19643. Organization of board.
At its first meeting held after the general district election the board shall organize by electing one of its number president, and another one of its number secretary. They shall serve as such for one year or until their successors are elected and qualified.

Sec. 19644. Minutes and filing of certificate of establishment.
The board shall cause a proper record of its proceedings to be kept, and at the first meeting of the board of trustees, it shall immediately cause to be made out and filed with the State Librarian a certificate showing that the library has been established, with the date thereof, the names of the trustees, and the officers of the board chosen for the current fiscal year.

Sec. 19645. Rules, regulations and bylaws.
The board of library trustees shall make and enforce all rules, regulations, and bylaws necessary for the administration, government, and protection of the library under its management, and all property belonging to it.

Sec. 19646. Administration of trusts and disposal of property.
The board of library trustees shall administer any trust declared or created for the library, and receive by gift, devise, or bequest, and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

Sec. 19647. Officers and employees.
The board of library trustees shall prescribe the duties and powers of the librarian, secretary, and other officers and employees of the library, determine the number of and appoint all officers and employees, and fix their compensation. The officers and employees shall hold their offices and positions at the pleasure of the board.

Sec. 19648. Purchase of personal property.
The board of library trustees shall purchase necessary books, journals, publications, and other personal property.

Sec. 19649. Provision of facilities and equipment.
The board of library trustees shall also purchase such real property, and erect or rent and equip, such building or rooms, as in its judgment is necessary to properly carry out the provisions of this chapter.

Sec. 19650. State publications.
The board of library trustees may request the appropriate state officials to furnish the library with copies of any and all reports, laws, and other publications of the state not otherwise disposed of by law.

Sec. 19651. Interlibrary and nonresident loans.
The board of library trustees shall borrow books from, lend books to, and exchange books with other libraries. It shall allow nonresidents to borrow books upon such conditions as it may prescribe.

Sec. 19652. Incidental powers of board.
The board of library trustees shall do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 19653. Annual report to State Librarian.
The board of library trustees shall file, through the librarian, on or before the last day in the month of August of each year, a report with the State Librarian at Sacramento giving the condition of the library and the number of volumes contained therein on the 30th day of June preceding. The report shall, in addition to other matters deemed expedient by the board of trustees or the librarian, contain such statistical and other information as is deemed desirable by the State Librarian. For this purpose the State Librarian may send to the several district librarians instructions or question blanks so as to obtain the material for a comparative study of library conditions in the state.

Sec. 19654. Hours opened to public.

The board of library trustees shall designate the hours during which the library is open for the use of the public. All public libraries established under this chapter shall be open for the use of the public during every day in the year except on such legal holidays as may be determined by the board of library trustees.

Sec. 19655. Annual estimate of costs.
In any library district formed under the provisions of this chapter, which maintains a public library, or which has petitioned for and been granted permission to establish, and intends to maintain a public library in accordance with this chapter, the board of library trustees shall furnish to the board of supervisors of the county in which the library district is situated, each and every year, on or before the first day of September, an estimate of the cost of any or all of the following:
(a) Leasing temporary quarters.
(b) Purchasing a suitable lot.
(c) Procuring plans and specifications and erecting a suitable building.
(d) Furnishing and equipping the building and fencing and ornamenting the grounds, for the accommodation of the public library.
(e) Conducting and maintaining the library for the ensuing fiscal year.

Sec. 19656. Bond elections.
The board of library trustees may, when in its judgment it is deemed advisable, and upon the petition of 50 or more taxpayers residing within the library district shall, call an election and submit to the electors of the library district the question of whether the bonds of the library district shall be issued and sold for any or all the purposes of this chapter.

Sec. 19658. Dispositions of revenues, gifts, bequests, etc.
The revenue derived from the tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be paid into the county treasury, to the credit of the library fund of the district in which the tax is collected, subject only to the order of the library trustees of the district.
If payment into the treasury is inconsistent with the terms or conditions of any gift, devise, or bequest, the board of library trustees shall provide for the safety and preservation of the fund, and the application thereof to the use of the library, in accordance with the terms and conditions of the gift, devise, or bequest.

Sec. 19659. Authority to order issuance of warrants.
Upon the receipt by the county auditor of an order of the library trustees of the district he shall issue his warrant upon the county treasurer for the amount stated in the order.

Sec. 19660. Nonpayment for want of funds.
When any warrant is presented to the treasurer for payment and it is not paid for want of funds the treasurer shall endorse thereon "not paid for want of funds" with the date of presentation and sign his name thereto and from that time the warrant bears interest at the rate of 6 percent per annum until it is paid or until funds are available for its payment and the county treasurer gives notice to the warrant holder that funds are available for payment. The giving of the notice is deemed complete upon deposit thereof in the United States mail in a sealed envelope addressed to the warrant holder at his address given by him at the time of presentation of the warrant to the treasurer, with postage thereon fully prepaid and registered.

Sec. 19661. Library free to inhabitants and taxpayers unless in violation of rules.
Every library established under this chapter shall be forever free to the inhabitants and nonresident taxpayers of the library district, subject always to such rules, regulations, and bylaws as may be made by the board of library trustees. For any violation of the rules, regulations, or bylaws a person may be fined or excluded from the privileges of the library.

Sec. 19662. Contracts with other libraries.
Boards of library trustees and the boards of trustees of neighboring library districts, or the legislative bodies of neighboring municipalities, or boards of supervisors of the counties in which public libraries are situated, may contract to lend the books of the libraries to residents of the counties or neighboring municipalities, or library districts, upon a reasonable compensation to be paid by the counties, neighboring municipalities, or library districts.

Sec. 19663. Title to property.
The title to all property acquired for the purposes of the libraries, when not inconsistent with the terms of its acquisition, or not otherwise designated, vests in the district in which libraries are, or are to be situated.

Sec. 19664. Designation of district.
Every library district shall be designated by the name and style of _____ Library District (using the name of the district), of _____ County (using the name of the county in which the district is

situated). In that name the trustees may sue and be sued, and may hold and convey property for the use and benefit of the district. A number shall not be used as a part of the designation of any library district.

ARTICLE 2.5. MUSEUMS

Sec. 19670. Establishment of museum in library district.
The board of library trustees may vote to establish a public museum in the library district and to constitute the board of library trustees as the board of museum trustees for the purposes of managing such museum in accordance with the provisions of this chapter.
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ARTICLE 3. CLAIMS

Sec. 19690. Claims for money or damages.
All claims for money or damages against the district are governed by Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code except as provided therein, or by other statutes or regulations expressly applicable thereto.

ARTICLE 4. BIENNIAL ELECTION OF TRUSTEES

Sec. 19700. Conduct of elections and terms of trustees.
(a) Except as otherwise provided in this article, the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10 of the Elections Code) shall govern and control the conduct of elections pursuant to this chapter. Elections shall be held biennially in the district on the same day as the school district election as specified in Section 5000 in the odd-numbered years.
(b) The trustees shall hold office for the term of four years beginning on the first Friday in December next succeeding their appointment or election.
(c) The members of the first board of library trustees appointed or elected in a district shall, at their first meeting, so classify themselves by lot that their terms shall expire: two on the first Friday in December of the first odd-numbered calendar year next succeeding their appointment or election, and three on the first Friday in December of the second succeeding odd-numbered calendar year.

Sec. 19701. Number of trustees.
The number of library trustees for any library district established under the provisions of this chapter is five.

Sec. 19702. Eligibility to vote.
Every person who is registered to vote in the library district where the election is held at least 29 days before the election, may vote at the election.

ARTICLE 5. BONDS

Sec. 19720. Authority to call election; purpose of bonds.
The board of trustees of any library district may, when in their judgment it is deemed advisable, and shall upon a petition of 50 or more taxpayers and residents of the library district, call an election and submit to the electors of the district the question of whether the bonds of the district shall be issued and sold for the purpose of raising money for any or all of the following:

(a) The purchase of suitable lots.
(b) Procuring plans and specifications and erecting a suitable building.
(c) Furnishing and equipping the building, and fencing and ornamenting the grounds, for the accommodation of the public library.
(d) Any or all of the purposes of this chapter.
(e) Liquidating any indebtedness incurred for the purposes.
(f) Refunding any outstanding valid indebtedness, evidenced by bonds or warrants of the district.

Sec. 19721. Notice of election.
The election shall be called by posting notices, signed by the board, in three of the most public places in the district, for not less than 20 days before the election, and by publishing the notice not less than once a week for three successive weeks in a newspaper published in the district if there is one, or if there is none, in a newspaper published in the county.

Sec. 19722. Contents of notice.
The notice shall contain:
(a) Time and place of holding the election.
(b) The names of inspectors and judges to conduct the election.
(c) The hours during the day in which the polls will be open.
(d) The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding 40, the whole or any part of the bonds are to be run.

Sec. 19723. Conduct of election.
The election shall be conducted in accordance with the provisions relating to the election of trustees, insofar as they are applicable to the election for bonds.

Sec. 19724. Method of voting.
Voting shall be by ballot, without reference to the general election law in regard to form of ballot, or manner of voting, except that the words to appear on the ballot shall be, “Bonds—Yes,” and “Bonds—No.” Persons voting at the bond election shall put a cross (+) upon their ballots, with pencil or ink, after the words, “Bonds—Yes” or “Bonds—No” as the case may be, to indicate whether they have voted for or against the issuance of the bonds. The ballot shall be handed by the elector voting to the inspector, who shall then, in his presence, deposit the ballot in the ballot box, and the judges shall enter the elector's name on poll list.

Sec. 19725. Favorable vote.
On the seventh day after the election, at 8 o'clock p.m., the returns having been made to the board of trustees, the board shall meet and canvass the returns, and if it appears that more than one-half of the votes cast at the election are in favor of issuing the bonds, then the board shall cause an entry of the fact to be made upon its minutes and shall certify to the board of supervisors, all the proceedings had in the premises. Thereupon the board of supervisors shall issue the bonds of the district, to the number and amount provided in the proceedings, payable out of the building fund of the district, naming the district.

Sec. 19726. Source of bond redemption and interest.
The money shall be raised by taxation upon the taxable property in the district, for the redemption of the bonds and the payment of the interest thereon.

Sec. 19727. Limitation on total amount of bonds issued.

The total amount of bonds issued shall not exceed 5 percent of the taxable property of the district, as shown by the last equalized assessment book of the county.

Sec. 19728. Form of bonds and payment of principal.
The board of supervisors by an order entered upon its minutes shall prescribe the form of the bonds and of the interest coupons attached thereto, and shall fix the time when the whole or any part of the principal of the bonds shall be payable, which shall not be more than 40 years from the date thereof.

Sec. 19729. Interest, sale price, and proceed.
The bonds shall not bear a greater amount of interest than 6 percent, to be payable annually or semiannually. The bonds shall be sold in the manner prescribed by the board of supervisors, but for not less than par, and the proceeds of the sale thereof shall be deposited in the county treasury to the credit of the building fund of the library district, and shall be drawn out for the purposes for which the bonds were issued as other library moneys are drawn out.

Sec. 19730. Amount of tax levy for debt service.
The board of supervisors, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Sec. 19731. Deposit and use of bond levy.
All money levied, when collected, shall be paid into the county treasury to the credit of the library district, and shall be used for the payment of principal and interest on the bonds, and for no other purpose. The principal and interest on the bonds shall be paid by the county treasurer, upon the warrant of the county auditor, out of the fund provided therefor. The county auditor shall cancel and file with the county treasurer the bonds and coupons as rapidly as they are paid.

Sec. 19732. Petition for cancellation of unsold bonds.
Whenever any bonds issued under this article remain unsold for the period of six months after having been offered for sale in the manner prescribed by the board of supervisors, the board of trustees of the library district for or on account of which the bonds were issued, or of any library district composed wholly or partly of territory which, at the time of holding the election authorizing the issuance of the bonds, was embraced within the district for or on account of which the bonds were issued, may petition the board of supervisors to cause the unsold bonds to be withdrawn from market and canceled.

Sec. 19733. Notice of hearing on bond cancellation petition.
Upon receiving the petition, signed by a majority of the members of the board of trustees, the supervisors shall fix a time for hearing the petition, which shall be not more than 30 days thereafter, and shall cause a notice, stating the time and place of hearing, and the object of the petition in general terms, to be published for 10 days prior to the day of hearing, in some newspaper published in the library district, if there is one, and if there is no newspaper published in the library district, then in a newspaper published at the county seat of the county in which the library district or part thereof is situated.

Sec. 19734. Hearing and order for cancellation.
At the time and place designated in the notice for hearing the petition, or at any subsequent time to which the hearing is postponed, the supervisors shall hear any reasons that are submitted for or against the granting of the petition, and if they deem it for the best interests of the library district that the unsold bonds be canceled, they shall make and enter an order in the minutes of their proceedings that the unsold bonds be canceled. Thereupon the bonds, and the vote by which they were authorized to be issued, shall cease to be of any validity whatever.

JOINT EXERCISE OF POWERS

(Government Code Title 1, Division 7, Chapter 5, Section 6500-6513)

ARTICLE 1. JOINT POWERS AGREEMENTS

Sec. 6500. "Public agency" defined.
As used in this article, "public agency" includes, but is not limited to, the federal government or any federal department or agency, this state, another state or any state department or agency, a county, county board of education, county superintendent of schools, city, public corporation, public district, regional transportation commission of this state or another state, a federally recognized Indian tribe or any joint powers authority formed pursuant to this article by any of these agencies.

Sec. 6500.1. This chapter shall be known and may be cited as the Joint Exercise of Powers Act.

Sec. 6501. Approval of agreements involving state agencies.
This article does not authorize any state officer, board, commission, department, or other state agency or institution to make any agreement without the approval of the Department of General Services or the Director of General Services if such approval is required by law.

Sec. 6502. Authority to agree to joint exercise of powers.
If authorized by their legislative or other governing bodies, two or more public agencies by agreement may jointly exercise any power common to the contracting parties, even though one or more of the contracting agencies may be located outside this state.
It shall not be necessary that any power common to the contracting parties be exercisable by each such contracting party with respect to the geographical area in which such power is to be jointly exercised.***

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Sec. 6503. Contents of agreement.
The agreements shall state the purpose of the agreement or the power to be exercised. They shall provide for the method by which the purpose will be accomplished or the manner in which the power will be exercised.

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Sec. 6503.5. Notice and filing of agreement.
Whenever a joint powers agreement provides for the creation of an agency or entity that is separate from the parties to the agreement and is responsible for the administration of the agreement, such agency or entity shall, within 30 days after the effective date of the agreement or amendment thereto, cause a notice of the agreement or amendment to be prepared and filed with the office of the Secretary of State. The agency or entity shall furnish an additional copy of the notice of the agreement or amendment to the Secretary of State, who shall forward the copy to the Controller. The notice shall contain:
(a) The name of each public agency that is a party to the agreement.
(b) The date that the agreement became effective.
(c) A statement of the purpose of the agreement or the power to be exercised.
(d) A description of the amendment or amendments made to the agreement, if any.
Notwithstanding any other provision of this chapter, any agency or entity administering a joint powers agreement or amendment to such an agreement, which agreement or amendment becomes effective on or after the effective date of this section, which fails to file the notice required by this section within 30 days after the

effective date of the agreement or amendment, shall not thereafter, and until such filings are completed, issue any bonds or incur indebtedness of any kind.

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Sec. 6503.7. Notice of agreements prior to 1973. * * *

Sec. 6504. Contributions and payments.

The parties to the agreement may provide that (a) contributions from the treasuries may be made for the purpose set forth in the agreement, (b) payments of public funds may be made to defray the cost of such purpose, (c) advances of public funds may be made for the purpose set forth in the agreement, such advances to be repaid as provided in said agreement, or (d) personnel, equipment or property of one or more of the parties to the agreement may be used in lieu of other contributions or advances. The funds may be paid to and disbursed by the agency or entity agreed upon, which may include a nonprofit corporation designated by the agreement to administer or execute the agreement for the parties to the agreement.

Sec. 6505. Accountability and audit.

(a) The agreement shall provide for strict accountability of all funds and report of all receipts and disbursements.

(b) In addition, and provided a separate agency or entity is created, the public officer performing the functions of auditor or controller as determined pursuant to Section 6505.5, shall either make or contract with a certified public accountant or public accountant to make an annual audit of the accounts and records of every agency or entity, except that the officer need not make or contract for the audit in any case where an annual audit of the accounts and records of the agency or entity by a certified public accountant or public accountant is otherwise made by any agency of the state or the United States only as to those accounts and records which are directly subject to such a federal or state audit. In each case the minimum requirements of the audit shall be those prescribed by the Controller for special districts under Section 26909 and shall conform to generally accepted auditing standards.

(c) When an audit of an account and records is made by a certified public accountant or public accountant, a report thereof shall be filed as public records with each of the contracting parties to the agreement and also with the county auditor of the county where the home office of the joint powers authority is located and shall be sent to any public agency or person in California that submits a written request to the joint powers authority. The report shall be filed within 12 months of the end of the fiscal year or years under examination.

(d) When a nonprofit corporation is designated by the agreement to administer or execute the agreement and no public officer is required to perform the functions of auditor or controller as determined pursuant to Section 6505.5, an audit of the accounts and records of the agreement shall be made at least once each year by a certified public accountant or public accountant, and a report thereof shall be filed as a public record with each of the contracting parties to the agreement and with the county auditor of the county where the home office of the joint powers authority is located, and shall be sent to any public agency or person in California that submits a written request to the joint powers authority. These reports shall be filed within 12 months after the end of the fiscal year or years under examination.

(e) Any costs of the audit, including contracts with, or employment of certified public accountants or public accountants, in making an audit pursuant to this section shall be borne by the agency or entity and shall be a charge against any unencumbered funds of the agency or entity available for the purpose.

(f) All agencies or entities may, by unanimous request of the governing body thereof, replace the annual special audit with an audit covering a two-year period.

(g) Notwithstanding the foregoing provisions of this section to the contrary, agencies or entities shall be exempt from the requirement of an annual audit if the financial statements are audited by the State Controller to satisfy federal audit requirements.

Sec. 6505.1. Bonding of custodian of property.
The contracting parties to an agreement made pursuant to this chapter shall designate the public office or officers or person or persons who have charge of, handle, or have access to any property of the agency or entity and shall require such public officer or officers or person or persons to file an official bond in an amount to be fixed by the contracting parties.

Sec. 6505.5. Treasurer for separate agency.
If a separate agency or entity is created by the agreement, the agreement shall designate the treasurer of one of the contracting parties, or in lieu thereof, the county treasurer of a county in which one of the contracting parties is situated, or a certified public accountant to be the depositary and have custody of all the money of the agency or entity, from whatever source.
The treasurer or certified public accountant so designated shall do all of the following:
(a) Receive and receipt for all money of the agency or entity and place it in the treasury of the treasurer so designated to the credit of the agency or entity.
(b) Be responsible, upon his or her official bond, for the safekeeping and disbursement of all agency or entity money so held by him or her.
(c) Pay, when due, out of money of the agency or entity held him or her, all sums payable on outstanding bonds and coupons of the agency or entity.
(d) Pay any other sums due from the agency or entity from agency or entity money, or any portion thereof, only upon warrants of the public officer performing the functions of auditor or controller who has been designated by the agreement.
(e) Verify and report in writing on the first day of July, October, January, and April of each year to the agency or entity and to the contracting parties to the agreement the amount of money he or she holds for the agency or entity, the amount of receipts since his or her last report, and the amount paid out since his or her last report.
The officer performing the functions of auditor or controller shall be of the same public agency as the treasurer designated depositary pursuant to this section. However, where a certified public accountant has been designated as treasurer of the entity, the auditor of one of the contracting parties or of a county in which one of the contracting parties is located shall be designated as auditor of the entity. The auditor shall draw warrants to pay demands against the agency or entity when the demands have been approved by any person authorized to so approve in the agreement creating the agency or entity.

The governing body of the same public entity as the treasurer and auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the treasurer and auditor. However, where a certified public accountant has been designated as treasurer, the governing body of the same public entity as the auditor specified pursuant to this section shall determine charges to be made against the agency or entity for the services of the auditor.

Sec. 6505.6. Agency officer or employee as treasurer or auditor.
In lieu of the designation of a treasurer and auditor as set forth in Section 6505.5, the agency or entity may appoint one of its officers or employees to either or both of such positions. Such offices may be held by separate officers or employees or combined and held by one officer or employee. Such person or persons shall

comply with the duties and responsibilities of the office or offices as set forth in subdivisions (a) to (d), inclusive, of Section 6505.5.

In the event the agency or entity designates its officers or employees to fill the functions of treasurer or auditor, or both, pursuant to this section, such officers or employees shall cause an independent audit to be made by a certified public accountant, or public accountant, in compliance with Section 6505.

Sec. 6506. Authority to administer agreement and provide services.
The agency or entity provided by the agreement to administer or execute the agreement may be one or more of the parties to the agreement or a commission or board constituted pursuant to the agreement or a person, firm or corporation, including a nonprofit corporation, designated in the agreement. One or more of the parties may agree to provide all or a portion of the services to the other parties in the manner provided in the agreement. The parties may provide for the mutual exchange of services without payment of any consideration other than such services.

Sec. 6507. Agency as separate public entity.
For the purposes of this article, the agency is a public entity separate from the parties to the agreement.

Sec. 6508. Powers.
The agency shall possess the common power specified in the agreement and may exercise it in the manner or according to the method provided in the agreement. If the agency is not one or more of the parties to the agreement but is a public entity, commission or board constituted pursuant to the agreement and such agency is authorized, in its own name, to do any or all of the following: to make and enter contracts, or to employ agents and employees, or to acquire, construct, manage, maintain or operate any building, works or improvements, or to acquire, hold or dispose of property or to incur debts, liabilities or obligations, said agency shall have the power to sue and be sued in its own name.* * *

The governing body of any agency having the power to sue or be sued in its own name, created by an agreement entered into after the amendment to this section at the 1969 Regular Session of the Legislature, between parties composed exclusively of parties which are cities, counties, or public districts of this state, irrespective of whether all such parties fall within the same category, may as provided in such agreement, and in any ratio provided in the agreement, be composed exclusively of officials elected to one or more of the governing bodies of the parties to such agreement. Any existing agreement composed of parties which are cities, counties or public districts which creates a governing board of any agency having the power to sue or be sued may, at the option of the parties to the agreement, be amended to provide that the governing body of the created agency shall be composed exclusively of officials elected to one or more of the governing boards of the parties to such agreement in any ratio agreed to by the parties to the agreement. The governing body so created shall be empowered to delegate its functions to an advisory body or administrative entity for the purposes of program development, policy formulation, or program implementation, provided, however, that any annual budget of the agency to which the delegation is made must be approved by the governing body of the Joint Powers Agency.

In the event that such agency enters into further contracts, leases or other transactions with one or more of the parties to such agreement, an official elected to the governing body of such party may also act in the capacity of a member of the governing body of such agency.

Sec. 6508.1. Obligation of parties for debts and liabilities of agency.

If the agency is not one or more of the parties to the agreement but is a public entity, commission, or board constituted pursuant to the agreement, the debts, liabilities, and obligations of the agency shall be debts, liabilities, and obligations of the parties to the agreement, unless the agreement specifies otherwise.

A party to the agreement may separately contract for, or assume responsibility for, specific debts, liabilities, or obligations of the agency.

Sec. 6509. Restrictions on exercise of powers.
Such power is subject to the restrictions upon the manner of exercising the power of one of the contracting parties, which party shall be designated by the agreement.

Sec. 6509.5. Investments.
Any separate agency or entity created pursuant to this chapter shall have the power to invest any money in the treasury pursuant to Section 6505.5 that is not required for the immediate necessities of the agency or entity, as the agency or entity determines is advisable, in the same manner and upon the same conditions as local agencies pursuant to Section 53601 of the Government Code.

If a nonprofit corporation is designated by the agreement to administer or execute the agreement for the parties to the agreement, it shall invest any moneys held for disbursement on behalf of the parties in the same manner and upon the same conditions as local agencies pursuant to Section 53601.

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Sec. 6509.7.
(a) Notwithstanding any other provision of law, two or more public agencies that have the authority to invest funds in their treasuries may, by agreement, jointly exercise that common power. Funds invested pursuant to an agreement entered into under this section may be invested as authorized by subdivision (o) of Section 53601. A joint powers authority formed pursuant to this section may issue shares of beneficial interest to participating public agencies.

Each share shall represent an equal proportionate interest in the underlying pool of securities owned by the joint powers authority. To be eligible under this section, the joint powers authority issuing the shares of beneficial interest shall have retained an investment adviser that meets all of the following criteria:

(1) The adviser is registered or exempt from registration with the Securities and Exchange Commission.
(2) The adviser has not less than five years of experience investing in the securities and obligations authorized in subdivisions (a) to (n), inclusive, of Section 53601.
(3) The adviser has assets under management in excess of five hundred million dollars ($500,000,000).

(b) As used in this section, "public agency" includes a nonprofit corporation whose membership is confined to public agencies or public officials, in addition to those agencies listed in Section 6500.

Sec. 6510. Duration of agreement.
The agreement may be continued for a definite term or until rescinded or terminated. The agreement may provide for the method by which it may be rescinded or terminated by any party.

Sec. 6511. Disposition of property.

The agreement shall provide for the disposition, division, or distribution of any property acquired as the result of the joint exercise of powers.

Sec. 6512. Return of surplus moneys.
The agreement shall provide that after the completion of its purpose, any surplus money on hand shall be returned in proportion to the contributions made.

* * *

Sec. 6512.2. Pooling self-insurance claims.
If the purpose set forth in the agreement is to pool the self-insurance claims of two or more local public entities, the agreement may provide that termination by any party to the agreement shall not be construed as a completion of the purpose of the agreement and shall not require the repayment or return to the parties of all or any part of any contributions, payments, or advances made by the parties until the agreement is rescinded or terminated as to all parties. If the purpose set forth in the agreement is to pool the self-insurance claims of two or more local public entities, it shall not be considered an agreement for the purposes of Section 895.2, provided that the agency responsible for carrying out the agreement is a member of the pool and the pool purchases insurance or reinsurance to cover the activities of that agency in carrying out the purposes of the agreement. The agreement may provide that after the completion of its purpose, any surplus money remaining in the pool shall be returned in proportion to the contributions made and the claims or losses paid.

Sec. 6513. Privileges, immunities and benefits in extraterritorial performance of duties.
All of the privileges and immunities from liability, exemptions from laws, ordinances and rules, all pension, relief, disability, workmen's compensation, and other benefits which apply to the activity of officers, agents or employees of any such public agency when performing their respective functions within the territorial limits of their respective public agencies, shall apply to them to the same degree and extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this article.

* * *

ARTICLE 2. POWER TO ISSUE REVENUE BONDS

*** * ***

Sec. 6546. Projects for which bonds may be issued.
In addition to other powers, any agency, commission, or board provided for by a joint powers agreement pursuant to Article 1 (commencing with Section 6500) may issue revenue bonds pursuant to this article to pay the cost and expenses of acquiring or constructing a project for any or all of the following purposes.

* * *

(p) Public libraries.

* * *

CITIZENS COMPLAINT ACT OF 1997

(Government Code, Title 2, Division 1, Part 1, Chapter 5.1, Section 8330-8332)

Sec. 8330. Citizens Complaint Act; Public Library Internet Access and Availability.
This chapter shall be known and may be cited as the Citizen Complaint Act of 1997. All state agencies that have Internet websites shall implement this act in a manner that is consistent with the statewide strategy for electronic commerce as established by the Department of Information Technology.

Sec. 8331. Website requirement for complaints or comments about state agencies.
(a) State agencies shall make available on the Internet, on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99, a plain-language form through which individuals can register complaints or comments relating to the performance of that agency. The agency shall provide instructions on filing the complaint electronically, or on the manner in which to complete and mail the complaint form to the state agency, or both, consistent with whichever method the agency establishes for the filing of complaints.
(b) Any printed complaint form used by a state agency as part of the process of receiving a complaint against any licensed individual or corporation subject to regulation by that agency shall be made available by the agency on the Internet on or after July 1, 2001, unless otherwise authorized by the Department of Information Technology pursuant to Executive Order D-3-99. The agency shall provide instructions on filing the complaint electronically, or on the manner in which to complete and mail the complaint form to the state agency, or both, consistent with whichever method the agency establishes for the filing of complaints.
(c) State agencies making a complaint form available on the Internet shall, to the extent feasible:
  (1) Advise individuals calling the state agency to lodge a complaint of both of the following:
    (A) The availability of the complaint form on the Internet.
    (B) That many public libraries provide Internet access.
  (2) Include on the Internet the location at which this information may be accessed in the telephone directory in order that citizens will be aware that they may contact the state agency via the Internet or by telephone.
(d) Public libraries, to the extent permitted through donations and other means, may do each of the following:
  (1) Provide Internet access to their patrons.
  (2) Advertise that they provide Internet access.
(e) Notwithstanding subdivision (a) of Section 11000, state agency as used in this section includes the California State University.

Sec. 8332. Legislative intent regarding exemption from chapter.
It is the intent of the Legislature that this chapter shall not apply to the Reporting of Improper Governmental Activities Act (Article 3 (commencing with Section 8547) of Chapter 6.5) or the procedures established to investigate citizens' complaints against peace officers as required by Section 832.5 of the Penal Code.

MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982
(Government Code, Title 5, Division 2, Part 1, Chapter 2.5, Sections 53311-53317)

Sec. 53311.5. Purpose.
This chapter provides an alternative method of financing certain public capital facilities and services, especially in developing areas and areas undergoing rehabilitation. The provisions of this chapter shall not affect or limit any other provisions of law authorizing or providing for the furnishing of governmental facilities or services or the raising of revenue for these purposes. A local government may use the provisions of this chapter instead of any other method of financing part or all of the cost of providing the authorized kinds of capital facilities and services.

* * *

Sec. 53313. Services permitted.
A community facilities district may be established under this chapter to finance any one or more of the following types of services within an area:

(a) Police protection services, including, but not limited to, criminal justice services. However, criminal justice services shall be limited to providing services for jails, detention facilities, and juvenile halls.
(b) Fire protection and suppression services, and ambulance and paramedic services.
(c) Recreation program services, library services, maintenance services for elementary and secondary schoolsites and structures, and the operation and maintenance of museums and cultural facilities. A special tax may be levied for any of the services specified in this subdivision only upon approval of the registered voters as specified in subdivision (b) of Section 53326. An election to enact a special tax for recreation program services, library services, and the operation and maintenance of museums and cultural facilities may be conducted pursuant to subdivision (c) of Section 53326.
(d) Maintenance and lighting of parks, parkways, streets, roads, and open space.
(e) Flood and storm protection services, including, but not limited to, the operation and maintenance of storm drainage systems, plowing and removal of snow, and sandstorm protection systems.
(f) Services with respect to removal or remedial action for the cleanup of any hazardous substance released or threatened to be released into the environment. As used in this subdivision, the terms "remedial action" and "removal" shall have the meanings set forth in Sections 25322 and 25323, respectively, of the Health and Safety Code, and the term "hazardous substance" shall have the meaning set forth in Section 25281 of the Health and Safety Code. Community facilities districts shall provide the State Department of Health Services and local health and building departments with notification of any cleanup activity pursuant to this subdivision at least 30 days prior to commencement of the activity.
(g) Maintenance and operation of any real property or other tangible property with an estimated useful life of five or more years that is owned by the local agency or by another local agency pursuant to an agreement entered into under section 53316.2.

A community facilities district tax approved by vote of the landowners of the district may only finance the

services authorized in this section to the extent that they are in addition to those provided in the territory of the district before the district was created. The additional services shall not supplant services already available within that territory when the district was created.

Bonds shall not be issued pursuant to this chapter to fund any of the services specified in this section, although bonds may be issued to fund capital facilities to be used in providing these services.

Sec. 53313.5. Types of facilities.
A community facilities district may also finance the purchase, construction, expansion, improvement, or rehabilitation of any real or other tangible property with an estimated useful life of five years or longer or may finance planning and design work that is directly related to the purchase, construction, expansion, or rehabilitation of any real or tangible property. The facilities need not be physically located within the district. A district may not lease out facilities that it has financed except pursuant to a lease agreement or annexation agreement entered into prior to January 1, 1988. A district may only finance the purchase of facilities whose construction has been completed, as determined by the legislative body, before the resolution of formation to establish the district is adopted pursuant to Section 53325.1, except that a district may finance the purchase of facilities completed after the adoption of the resolution of formation if the facility was constructed as if it had been constructed under the direction and supervision, or under the authority of, the local agency that will own or operate the facility. For example, a community facilities district may finance facilities, including, but not limited to, the following:

* * *

(c)Libraries.

* * *

Sec. 53316.2. (

(a) A community facilities district may finance facilities to be owned or operated by a public agency other than the agency that created the district, or services to be provided by a public agency other than the agency that created the district, or any combination, only pursuant to a joint community facilities agreement or a joint exercise of powers agreement adopted pursuant to this section. A joint community facilities agreement or a joint exercise of powers agreement with a state or federal agency shall not be required if the local agency that created the district is the agency that would, in the absence of the district, enter into an agreement with the state or federal agency for the provision of the facilities or services, or if the local agency that created the district enters into a joint agreement with the public agency that would, in the absence of the district, enter into an agreement with the state or federal agency for the provision of the facilities or services.

(b) At any time prior to the adoption of the resolution of formation creating a community facilities district or a resolution of change to alter a district, or a resolution or resolutions authorizing issuance of bonds pursuant to Section 53356, the legislative bodies of two or more local agencies may enter into a joint community facilities agreement pursuant to this section and Sections 53316.4 and 53316.6 or into a joint exercise of powers agreement pursuant to the Joint Exercise of Powers Act (Chapter 5 (commencing with Section 6500) of Division 7 of Title 1) to exercise any power authorized by this chapter with respect to the community facilities district being created or changed if the legislative body of each entity adopts a resolution declaring that the joint agreement would be beneficial to the residents of that entity. This subdivision shall not be construed to limit the ability of a joint powers authority created pursuant to the joint exercise of powers act to exercise the powers authorized by the joint exercise of powers act.

(c) Notwithstanding the Joint Exercise of Powers Act, a contracting party may use the proceeds of any special tax or charge levied pursuant to this chapter or, in the case of facilities, of any bonds or other indebtedness issued pursuant to this chapter to provide facilities or services which that contracting party is otherwise authorized by law to provide, even though another contracting party does not have the power to provide those facilities or services.

(d) Notwithstanding subdivision (b), nothing in this section shall prevent entry into or amendment of a joint community facilities agreement or a joint exercise of powers agreement at any time, if the new agreement or amendment is necessary, as determined by the legislative body, for either of the following reasons:

(1) To allow an orderly transition of governmental facilities and finances in the case of any change in governmental organization approved pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Division 3 (commencing with Section 56000) of Title 5) or other law governing the reorganization of any agency that is a party to the agreement.

(2) To allow participation in the agreement by a state or federal agency, including, but not limited to, the California Department of Transportation. Participation in an agreement by a state or federal agency is purely optional.

(e) Notwithstanding any other provision of this chapter, no local agency that is party to a joint exercise of powers agreement or joint community facilities agreement shall have primary responsibility for formation of a district, or for an extension of authorized facilities and services or a change in special taxes pursuant to Article 3 (commencing with Section 53330), unless that local agency is one or more of the following:

(1) A city, a county, or a city and county.

(2) An agency created pursuant to a joint powers agreement that is separate from the parties to the agreement, is responsible for the administration of the agreement, and is subject to the notification requirement of Section 6503.5.

(3) An agency that is reasonably expected to have responsibility for providing facilities or services to be financed by a larger share of the proceeds of special taxes and bonds of the district or districts created or changed pursuant to the joint exercise of powers agreement or the joint community facilities agreement than any other local agency.

Sec. 53317. Definitions.

Unless the context otherwise requires, the definitions contained in this article shall govern the construction of this chapter.

* * *

(j) "Services" means the provision of categories of services identified in Sectin 53313. "Services" includes the performance by employees of functions, operations, maintenance, and repair activities. "Services" does not include activities or facilities identified in Section 53313.5. "Maintenance" shall include replacement, and the creation and funding of a reserve fund to pay for a replacement.

* * *

NONPROFIT PUBLIC BENEFIT CORPORATION LAW

(Corporation Code, Title 1, Division 2, Part 2, Sections 5110 et seq.)

Sec. 5110. Short Title

This part shall be known and may be cited as the Nonprofit Public Benefit Corporation Law.

* * *

ALLOCATION OF PROPERTY TAX REVENUES

(Revenue and Taxation Code Section 95, Section 96.18, Section 97.37, and Section 99)

Sec. 95. Definitions.

For purposes of this chapter:

(a) "Local agency" means a city, county, and special district.

* * *

(e) "Jurisdictional change" includes any change of organization, as defined in Section 56021 of the Government Code and a reorganization, as defined in Section 56073 of the Government Code. "Jurisdictional change" also includes any change in the boundary of those special districts that are not under the jurisdiction of a local agency formation commission.

"Jurisdictional change" also includes a functional consolidation where two or more local agencies, except two or more counties, exchange or otherwise reassign functions and any change in the boundaries of a school district or community college district or county superintendent of schools.

* * *

(m) "Special district" means any agency of the state for the local performance of governmental or proprietary functions within limited boundaries. *** However, any special district authorized to levy a property tax by the statute under which the district was formed shall be considered a special district. Additionally, a county free library established pursuant to Article 1 (commencing with Section 19100) of Chapter 6 of Part 11 of Division 1 of Title 1 of the Education Code, and for which a property tax was levied in the 1977-78 fiscal year, shall be considered a special district.[2]

* * *

Sec. 96.18. Property tax revenue allocation: County of San Diego: County free library.

(a) (1) Notwithstanding any other provision of this chapter, the Auditor for the County of San Diego shall, in allocating ad valorem property tax revenues in accordance with subdivision (a) of Section 96.1 in each of the 1999-2000, 2000-01, and 2001-02 fiscal years, do both of the following:

(A) Decrease the total amount of ad valorem property tax revenue otherwise deemed allocated to the County of San Diego in the prior fiscal year by an amount, not to exceed three million dollars ($3,000,000), as specified in an ordinance or resolution as described in subdivision (b).

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[2]For purposes of Section 95(m), County Free Libraries are included because of former Education Code Section 19170. Also included are Library Districts (Education Code Sections 19471-2); Unified School District Public Library Districts (Education Code Section 18490); and Library Districts in Unincorporated Town and Villages (Education Code Section 19657).

(B) Increase the total amount of ad valorem property tax revenue otherwise deemed allocated to the county free library in the prior fiscal year by an amount equal to the amount of the decrease required by subparagraph (A).

(2) Notwithstanding any other provision of this chapter, in each of the 1999-2000, 2000-01, and 2001-02 fiscal years only, the auditor shall allocate the "annual tax increment" pursuant to Section 96.5 in those amounts that would be so allocated if no reduction or increase had been required in any fiscal year pursuant to paragraph (1). In the 2002-03 fiscal year and each fiscal year thereafter, the auditor shall allocate the "annual tax increment" pursuant to Section 96.5 in those amounts that fully reflect any increase or decrease required in any fiscal year by paragraph (1).

(b) Subdivision (a) shall not become operative unless the Board of Supervisors for the County of San Diego adopts, with the approval of a majority of its entire membership, an ordinance or resolution declaring that the subdivision is operative. Any ordinance or resolution that is adopted pursuant to the preceding sentence shall do both of the following:

(1) Specify either the amount that is to be reallocated in accordance with paragraph (1) of subdivision (a) in each fiscal year described in that subdivision, or a procedure for determining that reallocation amount for each of those same fiscal years.

(2) Prohibit the total of the amounts reallocated in accordance with paragraph (1) of subdivision (a) from exceeding nine million dollars ($9,000,000).

Sec. 97.37. Property tax allocated to county free libraries and special districts.

(a) Notwithstanding any other provision of this chapter, for the 1994-95 fiscal year and each fiscal year thereafter, the amount of property tax revenue deemed allocated in the prior fiscal year to a county free library system, or a library established as an independent special district, shall not be reduced for purposes of increasing the amount of property tax revenue to be allocated to another jurisdiction. This section does not apply to any adjustments in property tax allocations made pursuant to Section 19116 of the Education Code.

(b) (1) This section shall not be construed to preclude allocations of ad valorem property tax revenue to a county's Educational Revenue Augmentation Fund, rather than to a county free library system or a library established as an independent special district, that are required by the application to a library system or library district, as so described, of Sections 97.2 and 97.3. The Legislature finds and declares that this paragraph does not constitute a change in, but is declaratory of, existing law.

(2) This section does not apply to any adjustments in property tax allocations made pursuant to Section 19116 of the Education Code.

(c) (1) Notwithstanding any other provision of this chapter, for those county free library systems from which the auditor had not shifted ad valorem property tax revenue to an Education Revenue Augmentation Fund as of January 1, 1996, all of the following shall apply:

(A) No allocation of ad valorem property tax revenue to a county's Educational Revenue Augmentation fund shall be required from a county free library system that did not levy a property tax rate separate from the property tax rate of the county for the 1975-76, 1976-77, and 1977-78 fiscal years, was not entitled to an allocation of property tax revenue for the 1978-79 and 1979-80 fiscal years, and did not receive state assistance payments pursuant to Section 16260, 26912, or 26912.1 of the Government Code.

(B) No allocation of ad valorem property tax revenue to a county's Educational Revenue Augmentation Fund shall be required from a county free library system that, for the 1977-78 fiscal year, was organized as a joint powers agency pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1 of the Government Code.

(C) A county free library system established pursuant to Article 1 (commencing with Section 19100) of Chapter 6 of Part 11 of Division 1 of Title 1 of the Education Code, for which a separate property tax rate was levied in the 1977-78 fiscal year, shall be considered a special district. However, any county free library system that was not actually allocated property tax revenues pursuant to this chapter for the 1992-93 fiscal year and any portion of the 1993-94 fiscal year shall not be considered a special district for any purpose in the 1992-93 fiscal year and that portion of the 1993-94 fiscal year for which those revenues were not allocated.

(2) The Legislature finds and declares that this subdivision does not constitute a change in, but is declaratory of, existing law.

REVENUE AND TAXATION CODE
(Sections 99-99.2)

Sec. 99. ERAF Allocation adjustment for new city, district, reorganization; Notice.

(a) For the purposes of the computations required by this chapter:

(1) In the case of a jurisdictional change, other than a city incorporation or a formation of a district as defined in Section 2215, the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 96.1, or the annual tax increment determined pursuant to Section 96.5, for local agencies whose service area or service responsibility would be altered by the jurisdictional change, as determined pursuant to subdivision (b) or (c).

(2) In the case of a city incorporation, the auditor shall assign the allocation of property tax revenues determined pursuant to Section 56810 of the Government Code and the adjustments in tax revenues that may occur pursuant to Section 56815 of the Government Code to the newly formed city or district and shall make the adjustment as determined by Section 56810 in the allocation of property tax revenue determined pursuant to Section 96 or 96.1 for each local agency whose service area or service responsibilities would be altered by the incorporation.

(3) In the case of a formation of a district as defined in Section 2215, the auditor shall assign the allocation of property tax revenues determined pursuant to Section 56810 of the Government Code to the district and shall make the adjustment as determined by Section 56810 in the allocation of property tax revenue determined pursuant to Section 96 or 96.1 for each local agency whose service area or service responsibilities would be altered by the formation.

(b) Upon the filing of an application or a resolution pursuant to the Cortese-Knox Local Government Reorganization Act of 1985 (Division 3 (commencing with Section 56000) of Title 5 of the Government Code), but prior to the issuance of a certificate of filing, the executive officer shall give notice of the filing to the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. This notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change.

(1) (A) The county assessor shall provide to the county auditor, within 30 days of the notice of filing, a report which identifies the assessed valuations for the territory subject to the jurisdictional change and the tax rate area or areas in which the territory exists.

(B) The auditor shall estimate the amount of property tax revenue generated within the territory that is the subject of the jurisdictional change during the current fiscal year.

(2) The auditor shall estimate what proportion of the property tax revenue determined pursuant to paragraph (1) is attributable to each local agency pursuant to Sections 96.1 and 96.5.

(3) Within 45 days of notice of the filing of an application or resolution, the auditor shall notify the governing body of each local agency whose service area or service responsibility will be altered by the jurisdictional change of the amount of, and allocation factors with respect to, property tax revenue estimated pursuant to paragraph (2) that is subject to a negotiated exchange.

(4) Upon receipt of the estimates pursuant to paragraph (3) the local agencies shall commence negotiations to determine the amount of property tax revenues to be exchanged between and among the local agencies. Except as otherwise provided, this negotiation period shall not exceed 60 days. If a local agency involved in these negotiations notifies the other local agencies, the county auditor, and the local agency formation commission in writing of its desire to extend the negotiating period, the negotiating period shall be 90 days.

The exchange may be limited to an exchange of property tax revenues from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose

service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years.

(5) In the event that a jurisdictional change would affect the service area or service responsibility of one or more special districts, the board of supervisors of the county or counties in which the districts are located shall, on behalf of the district or districts, negotiate any exchange of property tax revenues. Prior to entering into negotiation on behalf of a district for the exchange of property tax revenue, the board shall consult with the affected district. The consultation shall include, at a minimum, notification to each member and executive officer of the district board of the pending consultation and provision of adequate opportunity to comment on the negotiation.

(6) Notwithstanding any other provision of law, the executive officer shall not issue a certificate of filing pursuant to Section 56658 of the Government Code until the local agencies included in the property tax revenue exchange negotiation, within the negotiation period, present resolutions adopted by each such county and city whereby each county and city agrees to accept the exchange of property tax revenues.

(7) In the event that the commission modifies the proposal or its resolution of determination, any local agency whose service area or service responsibility would be altered by the proposed jurisdictional change may request, and the executive officer shall grant, 30 days for the affected agencies, pursuant to paragraph (4) to renegotiate an exchange of property tax revenues. Notwithstanding the time period specified in paragraph (4), if the resolutions required pursuant to paragraph (6) are not presented to the executive officer within the 30-day period, all proceedings of the jurisdictional change shall automatically be terminated.

(8) In the case of a jurisdictional change that consists of a city's qualified annexation of unincorporated territory, an exchange of property tax revenues between the city and the county shall be determined in accordance with subdivision (e) if that exchange of revenues is not otherwise determined pursuant to either of the following:

(A) Negotiations completed within the applicable period or periods as prescribed by this subdivision.

(B) A master property tax exchange agreement among those local agencies, as described in subdivision (d).

For purposes of this paragraph, a qualified annexation of unincorporated territory means an annexation, as so described, for which proceedings before the relevant local agency formation commission are initiated, as provided in Section 56651 of the Government Code, on or after January 1, 1998, and on or before January 1, 2005.

(9) No later than the date on which the certificate of completion of the jurisdictional change is recorded with the county recorder, the executive officer shall notify the auditor or auditors of the exchange of property tax revenues and the auditor or auditors shall make the appropriate adjustments as provided in subdivision (a).

(c) Whenever a jurisdictional change is not required to be reviewed and approved by a local agency formation commission, the local agencies whose service area or service responsibilities would be altered by the proposed change, shall give notice to the State Board of Equalization and the assessor and auditor of each county within which the territory subject to the jurisdictional change is located. This notice shall specify each local agency whose service area or responsibility will be altered by the jurisdictional change and request the auditor and assessor to make the determinations required pursuant to paragraphs (1) and (2) of subdivision (b). Upon notification by the auditor of the amount of, and allocation factors with respect to, property tax subject to exchange, the local agencies, pursuant to the provisions of paragraphs (4) and (6) of subdivision (b), shall determine the amount of property tax revenues to be exchanged between and among

the local agencies. Notwithstanding any other provision of law, no such jurisdictional change shall become effective until each county and city included in these negotiations agrees, by resolution, to accept the negotiated exchange of property tax revenues. The exchange may be limited to an exchange of property tax revenue from the annual tax increment generated in the area subject to the jurisdictional change and attributable to the local agencies whose service area or service responsibilities will be altered by the proposed jurisdictional change. The final exchange resolution shall specify how the annual tax increment shall be allocated in future years. Upon the adoption of the resolutions required pursuant to this section, the adopting agencies shall notify the auditor who shall make the appropriate adjustments as provided in subdivision (a). Adjustments in property tax allocations made as the result of a city or library district withdrawing from a county free library system pursuant to Section 19116 of the Education Code shall be made pursuant to Section 19116 of the Education Code, and this subdivision shall not apply.

(d) With respect to adjustments in the allocation of property taxes pursuant to this section, a county and any local agency or agencies within the county may develop and adopt a master property tax transfer agreement. The agreement may be revised from time to time by the parties subject to the agreement.

(e) (1) An exchange of property tax revenues that is required by paragraph (8) of subdivision (b) to be determined pursuant to this subdivision shall be determined in accordance with all of the following:

(A) The city and the county shall mutually select a third-party consultant to perform a comprehensive, independent fiscal analysis, funded in equal portions by the city and the county, that specifies estimates of all tax revenues that will be derived from the annexed territory and the costs of city and county services with respect to the annexed territory. The analysis shall be completed within a period not to exceed 30 days, and shall be based upon the general plan or adopted plans and policies of the annexing city and the intended uses for the annexed territory. If, upon the completion of the analysis period, no exchange of property tax revenues is agreed upon by the city and the county, subparagraph (B) shall apply.

(B) The city and the county shall mutually select a mediator, funded in equal portions by those agencies, to perform mediation for a period not to exceed 30 days. If, upon the completion of the mediation period, no exchange of property tax revenues is agreed upon by the city and the county, subparagraph (C) shall apply.

(C) The city and the county shall mutually select an arbitrator, funded in equal portions by those agencies, to conduct an advisory arbitration with the city and the county for a period not to exceed 30 days. At the conclusion of this arbitration period, the city and the county shall each present to the arbitrator its last and best offer with respect to the exchange of property tax revenues. The arbitrator shall select one of the offers and recommend that offer to the governing bodies of the city and the county. If the governing body of the city or the county rejects the recommended offer, it shall do so during a public hearing, and shall, at the conclusion of that hearing, make written findings of fact as to why the recommended offer was not accepted.

(2) Proceedings under this subdivision shall be concluded no more than 150 days after the auditor provides the notification pursuant to paragraph (3) of subdivision (b), unless one of the periods specified in this subdivision is extended by the mutual agreement of the city and the county. Notwithstanding any other provision of law, except for those conditions that are necessary to implement an exchange of property tax revenues determined pursuant to this subdivision, the local agency formation commission shall not impose any fiscal conditions upon a city's qualified annexation of unincorporated territory that is subject to this subdivision.

(f) Except as otherwise provided in subdivision (g), for the purpose of determining the amount of property tax to be allocated in the 1979-80 fiscal year and each fiscal year thereafter for those local agencies that were affected by a jurisdictional change which was filed with the State Board of Equalization after January 1, 1978, but on or before January 1, 1979. The local agencies shall determine by resolution the amount of

property tax revenues to be exchanged between and among the affected agencies and notify the auditor of the determination.

(g) For the purpose of determining the amount of property tax to be allocated in the 1979-80 fiscal year and each fiscal year thereafter, for a city incorporation that was filed pursuant to Sections 54900 to 54904 after January 1, 1978, but on or before January 1, 1979, the amount of property tax revenue considered to have been received by the jurisdiction for the 1978-79 fiscal year shall be equal to two-thirds of the amount of property tax revenue projected in the final local agency formation commission staff report pertaining to the incorporation multiplied by the proportion that the total amount of property tax revenue received by all jurisdictions within the county for the 1978-79 fiscal year bears to the total amount of property tax revenue received by all jurisdictions within the county for the 1977-78 fiscal year. Except, however, in the event that the final commission report did not specify the amount of property tax revenue projected for that incorporation, the commission shall by October 10 determine pursuant to Section 54790.3 of the Government Code the amount of property tax to be transferred to the city.

The provisions of this subdivision shall also apply to the allocation of property taxes for the 1980-81 fiscal year and each fiscal year thereafter for incorporations approved by the voters in June 1979.

(h) For the purpose of the computations made pursuant to this section, in the case of a district formation that was filed pursuant to Sections 54900 to 54904, inclusive, of the Government Code after January 1, 1978, but before January 1, 1979, the amount of property tax to be allocated to the district for the 1979-80 fiscal year and each fiscal year thereafter shall be determined pursuant to Section 54790.3 of the Government Code.

(i) For the purposes of the computations required by this chapter, in the case of a jurisdictional change, other than a change requiring an adjustment by the auditor pursuant to subdivision (a), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96 or 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for each local school district, community college district, or county superintendent of schools whose service area or service responsibility would be altered by the jurisdictional change, as determined as follows:

(1) The governing body of each district, county superintendent of schools, or county whose service areas or service responsibilities would be altered by the change shall determine the amount of property tax revenues to be exchanged between and among the affected jurisdictions. This determination shall be adopted by each affected jurisdiction by resolution. For the purpose of negotiation, the county auditor shall furnish the parties and the county board of education with an estimate of the property tax revenue subject to negotiation.

(2) In the event that the affected jurisdictions are unable to agree, within 60 days after the effective date of the jurisdictional change, and if all the jurisdictions are wholly within one county, the county board of education shall, by resolution, determine the amount of property tax revenue to be exchanged. If the jurisdictions are in more than one county, the State Board of Education shall, by resolution, within 60 days after the effective date of the jurisdictional change, determine the amount of property tax to be exchanged.

(3) Upon adoption of any resolution pursuant to this subdivision, the adopting jurisdictions or State Board of Education shall notify the county auditor who shall make the appropriate adjustments as provided in subdivision (a).

(j) For purposes of subdivision (i), the annexation by a community college district of territory within a county not previously served by a community college district is an alteration of service area. The community college district and the county shall negotiate the amount, if any, of property tax revenues to be exchanged. In these negotiations, there shall be taken into consideration the amount of revenue received from the

timber yield tax and forest reserve receipts by the community college district in the area not previously served. In no event shall the property tax revenue to be exchanged exceed the amount of property tax revenue collected prior to the annexation for the purposes of paying tuition expenses of residents enrolled in the community college district, adjusted each year by the percentage change in population and the percentage change in the cost of living, or per capita personal income, whichever is lower, less the amount of revenue received by the community college district in the annexed area from the timber yield tax and forest reserve receipts.

(k) At any time after a jurisdictional change is effective, any of the local agencies party to the agreement to exchange property tax revenue may renegotiate the agreement with respect to the current fiscal year or subsequent fiscal years, subject to approval by all local agencies affected by the renegotiation.

Sec. 99.01. (a) For the purposes of Section 99, in the case of a jurisdictional change that will result in a special district providing one or more services to an area where those services have not been previously provided by any local agency, the following shall apply:

(1) The special district referred to in this subdivision and each local agency that receives an apportionment of property tax revenue from the area shall be considered local agencies whose service area or service responsibility will be altered by the jurisdictional change.

(2) The exchange of property tax among those local agencies shall be limited to property tax revenue from the annual tax increment generated in the area subject to the jurisdictional change and attributable to those local agencies.

(3) Notwithstanding the provisions of paragraph (5) of subdivision (b) of Section 99, any special district affected by the jurisdictional change may negotiate on its own behalf, if it so chooses.

(4) If a special district involved in the negotiation (other than the district which will provide one or more services to the area where those services have not been previously provided) fails to adopt a resolution providing for the exchange of property tax revenue, the board of supervisors of the county in the area subject to the jurisdictional change is located shall determine the exchange of property tax revenue for that special district.

(b) The provisions of subdivisions (a), (b), (c), (d), and (j) of Section 99 not in conflict with this section shall apply. The jurisdictional changes described in subdivisions (e), (f), (g), (h), and (i) of Section 99 shall not be affected by the provisions of this section.

Sec. 99.02. (a) For the purposes of the computations required by this chapter for the 1985-86 fiscal year and fiscal years thereafter, in the case of any transfer of property tax revenues between local agencies that is adopted and approved in conformity with subdivisions (b) and (c), the auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for those local agencies whose allocation would be altered by the transfer.

(b) Commencing with the 1985-86 fiscal year, any local agency may, by the adoption of a resolution of its governing body or governing board, determine to transfer any portion of its property tax revenues that is allocable to one or more tax rate areas within the local agency to one or more other local agencies having the same tax rate area or tax rate areas. Upon the local agency's adoption of the resolution, the local agency shall notify the board of supervisors of the county or the city council of the city within which the transfer of property tax revenues is proposed.

(c) If the board of supervisors or the city council concurs with the proposed transfer of property tax revenue, the board or council shall, by resolution, notify the county auditor of the approved transfer.

(d) Upon receipt of notification from the board of supervisors or the city council, the county auditor shall make the necessary adjustments specified in subdivision (a).

(e) Prior to the adoption or approval by any local agency of a transfer of property tax revenues pursuant to this section, each local agency that will be affected by the proposed transfer shall hold a public hearing to consider the effect of the proposed transfer on fees, charges, assessments, taxes, or other revenues. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within each affected local agency.

(f) No local agency shall transfer property tax revenue pursuant to this section unless each of the following conditions exists:

(1) The transferring agency determines that revenues are available for this purpose.

(2) The transfer will not result in any increase in the ratio between the amount of revenues of the transferring agency that are generated by regulatory licenses, use charges, user fees, or assessments and the amount of revenues of the transferring agency used to finance services provided by the transferring agency.

(3) The transfer will not impair the ability of the transferring agency to provide existing services.

(4) The transfer will not result in a reduction of property tax revenues to school entities.

Sec. 99.03. (a) For the purposes of Section 99, in the case of a jurisdictional change that results in a qualifying city, as defined in Section 98, providing its own fire protection services in accordance with Section 25643 of the Government Code in lieu of the county providing those services, the negotiated exchange of property tax revenues between the county and the qualifying city pursuant to subdivision (c) of Section 99 as a result of that jurisdictional change may also provide for a negotiated adjustment in the amount of property tax revenue distributed by the auditor to the qualifying city in accordance with Section 98. The negotiated adjustment may be made in any amount that does not exceed the amount of property tax revenue exchanged between the county and the qualifying city.

(b) This section applies only to exchanges of property tax revenue affecting the County of Riverside and qualifying cities within that county.

Sec. 99.1. (a) For the purposes of the computations required by this chapter for the 1986-87 fiscal year and fiscal years thereafter, in the case of any transfer of property tax revenues between local agencies that is adopted and approved in conformity with subdivisions (b) and (c), the county auditor shall adjust the allocation of property tax revenue determined pursuant to Section 96.1 or its predecessor section, or the annual tax increment determined pursuant to Section 96.5 or its predecessor section, for those local agencies
whose allocation would be altered by the transfer.

(b) Commencing with the 1986-87 fiscal year or any fiscal year thereafter, a local agency may, by the adoption of a resolution of its governing board, determine to exchange any portion of its property tax Revenues that is allocable to one or more tax rate areas, with one or more other local agencies having the same tax rate area or tax rate areas. Upon the adoption of the resolution, the governing board of the local agency shall notify the board of supervisors of the affected county.

If the transfer of property tax revenues will alter the property tax revenue allocation of a city, the governing board of the local agency shall, upon adoption of the resolution, also notify the affected city.

(c) If the board of supervisors of the affected county concurs with the proposed exchange of property tax revenues, it shall, by resolution, approve the exchange and notify the county auditor. If the property tax allocation of a city would be affected by the exchange, the board shall not notify the county auditor pursuant to this subdivision until the city council of the affected city has, by resolution, approved the proposed exchange of property tax revenues.

(d) Upon receipt of notification from the board of supervisors pursuant to subdivision (c), the county auditor shall make the necessary adjustments specified in subdivision (a).
(e) Prior to the adoption by the governing board of a local agency of a resolution pursuant to subdivision (b), the local agency shall hold a public hearing to consider the effect of the proposed transfer. Notice of the hearing shall be published pursuant to Section 6061 of the Government Code in one or more newspapers of general circulation within the local agency.
(f) No local agency shall reallocate property tax revenue pursuant to this section unless the transfer will not result in any increase in the ratio between the amount of revenues of the transferring agency that are generated by regulatory licenses, use charges, user fees, or assessments and the amount of revenues of the transferring agency used to finance services provided by it.
(g) This section applies only to exchanges affecting the Ventura Regional Sanitation District located within the County of Ventura.

Sec. 99.2. No amendment made by any chapter of the Statutes of 1980, or any year thereafter, to Section 99 of the Revenue and Taxation Code shall be construed, except as expressly provided therein, to apply to a jurisdictional change initiated, pursuant to the applicable provisions of law governing those jurisdictional changes, prior to the effective date of the amendment. The provisions of Section 99 of the Revenue and Taxation Code in effect at the time the jurisdictional change is initiated shall govern the procedures for, and exchange of, property tax revenues between local agencies whose service area or service responsibility would be altered by that jurisdictional change, provided that there shall be no duty to impound any property tax revenues.

PROPERTY TAX EXEMPTION FOR LIBRARIES

(Constitution Article XIII, Section 3; Revenue and Taxation Code Section 202.2)

Sec. 3. Exemptions.
The following are exempt from property taxation:

* * *

(b) Property owned by a local government, except as otherwise provided in Section 11(a).

* * *

(d) Property used for libraries and museums that are free and open to the public and property used exclusively for public schools, community colleges, state colleges, and state universities.

* * *

Sec. 202.2. Leased property.
Any reduction in property taxes on leased property used for libraries and museums that are free and open to the public * * * shall inure to the benefit of the lessee institution.* * *

MISCELLANEOUS SALES TAX EXEMPTIONS

(Revenue and Taxation Code, Division 2, Part 1, Chapter 4.)

Sec. 6006. Video rentals exempted.
"Sale" means and includes:

* * *

(7) Paragraph (1) and (5) and Section 6094.1 shall not apply to rentals or leases of video cassettes, video tapes, and video discs for private use under which the lessee or renter does not obtain or acquire the right to license, broadcast, exhibit, or reproduce the video cassette, video tape, or video disc.

Sec. 6359.45. Library coin-operated vending machines and photocopiers.

(a) Any vending machine operator which is a nonprofit, charitable, or educational organization is a consumer of, and shall not be considered a retailer of, tangible personal property which sells at retail for fifteen cents ($0.15) or less and which is actually sold through a vending machine.

(b) Any library district, municipal library, or county library and any vendor making sales pursuant to a contract with a library district, municipal library, or county library is a consumer of, and shall not be considered a retailer of, photocopies which it sells at retail and which are actually sold through a coin-operated copy machine located at a library facility.

Sec. 6370. Friends of the Library and similar organizations.

(a) This section applies to each of the following:

* * *

(3) Nonprofit associations commonly called The Friends of the Library, and equivalent organizations performing auxiliary services to any library district, municipal library, or county library in the state, which are authorized to operate within the library by the governing authority of the library.

(b) An organization described in subdivision (a) is a consumer of, and shall not be considered a retailer within the provisions of this part with respect to, tangible personal property which it sells, if the profits are used exclusively in furtherance of the purposes of the organizations.

* * *

Sec. 7286.59. County Transactions and Use Tax for Library Programs.

(a) In addition to the tax levied pursuant to Part 1.5 (commencing with Section 7200), and any other tax authorized by this part, a board of supervisors of a county may impose a transactions and use tax in lieu of, and not in addition to, a tax imposed under Section 7285.5 for the purposes described in paragraph (4), by the adoption of an ordinance in accordance with this part if each of the following conditions are met:
   (1) The ordinance imposing the tax is submitted to and approved by the voters of the county by a two-thirds vote of those voters voting on the ordinance in accordance with Article 3.7 (commencing with Section 53720) of Chapter 4 of Part 1 of Division 2 of Title 5 of the Government Code.
   (2) The ordinance includes an expenditure plan describing the specific purposes for which the revenues from the tax may be expended.
   (3) The tax is imposed at a rate of 0.125 or 0.25 percent for a period not to exceed 16 years.
   (4) The revenues collected from the tax are used only for funding public library construction, acquisition, programs, and operations within the county. These revenues shall be used only to supplement existing expenditures for public libraries and shall not be used to supplant existing funding for the support of public libraries.
   (5) The transactions and use tax conforms to Part 1.6 (commencing with Section 7251).

(b) "Public library" means a library, or two or more libraries that are operated as a single entity by one or more public jurisdictions, that serve the general public and are required to report appropriations to the State Librarian under the provisions of Section 18023 of the Education Code.

(c) The board of supervisors may impose a transactions and use tax in any succeeding period not to exceed 16 years per period if all of the conditions specified in subdivision (a) are met for that succeeding period.

SPECIAL TAXES

(Constitution Article XIII A, Section 4; Government Code, Title 5,
Division 2, Part 1, Chapter 4, Section 53717 et seq.)

Sec. 4. Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district.

ARTICLE 36.6. PUBLIC LIBRARY SPECIAL TAXES

Sec. 53717. Authority to levy Tax.

(a) Pursuant to Section 4 of Article XIII A of the California Constitution and Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1, and consistent with Article 3.7 (commencing with Section 53720), any city, county, city or county, or library district may impose special taxes for the purpose of providing public library facilities and services as described in Chapter 1.5 (commencing with Section 18010) of Part 11 of the Education Code.

(b) As used in this section, "special taxes" means special taxes that apply uniformly to all taxpayers or all real property within the city, county, city and county, or library district.

Sec. 53717.2. Tax is not an assessment.

A tax imposed pursuant to this article is a special tax and not a special assessment, and there is no requirement that the tax be apportioned on the basis of benefit to any property. However, a special tax levied pursuant to this article may be on or based on benefit received by parcels of real property, the cost of making facilities or authorized services available to each parcel, or other reasonable basis as determined by the city, county, city or county, or library district. A special tax apportioned on any of these bases shall not be construed to be on or based upon the ownership of real property.

Sec. 53717.4. Exception.
This article does not apply to any special tax or other charge imposed under Chapter 2.5 (commencing with Section 53311).

Sec. 53717.6. Exception.
This article does not apply to any special tax imposed prior to the effective date of this article.

NOMINATIONS BY GOVERNOR

(Government Code Title 1, Division 1, Part 4, Chapter 2, Article 2, Section 1322)

Sec. 1322. Appointments subject to confirmation by Senate.
In addition to any other statutory provisions requiring confirmation by the Senate of officers appointed by the Governor, the appointments by the Governor of the following officers and the appointments by him or her to the listed boards and commissions are subject to confirmation by the Senate:

***

(13) State Librarian.

****

OFFENSES AGAINST LIBRARIES

(Education Code Title 1, Division 1, Part 11, Chapter 11, Article 2,
Sections 19910-19911; Penal Code Section 490.5 and 11413.)

Sec. 19910. Malicious damage.
Any person who maliciously cuts, tears, defaces, breaks, or injures any book, map, chart, picture, engraving, statue, coin, model, apparatus, or other work of literature, art, mechanics, or object of curiosity, deposited in any public library, gallery, museum, collection, fair, or exhibition, is guilty of a misdemeanor.

The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

Sec. 19911. Willful detention of property.
Any person who willfully detains any book, newspaper, magazine, pamphlet, manuscript, or other property belonging to any public or incorporated library, reading room, museum, or other educational institution, for 30 days after notice in writing to return the article or property, given after the expiration of the time for which by the rules of the institution the article or property may be kept, is guilty of a misdemeanor.
The parent or guardian of a minor who willfully and maliciously commits any act within the scope of this section shall be liable for all damages so caused by the minor.

Penal Code Section 490.5, 602.1 and 11413

Sec. 490.5. Petty theft; detention of suspect by library employee.

(a) Upon a first conviction for petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, a person shall be punished by a mandatory fine of not less than fifty dollars ($50) and not more than one thousand dollars ($1,000) for each such violation; and may also be punished by imprisonment in the county jail, not exceeding six months, or both such fine and imprisonment.

(b) When an unemancipated minor's willful conduct would constitute petty theft involving merchandise taken from a merchant's premises or a book or other library materials taken from a library facility, any merchant or library facility who has been injured by that conduct may bring a civil action against the parent or legal guardian having control and custody of the minor. For the purposes of those actions the misconduct of the unemancipated minor shall be imputed to the parent or legal guardian having control and custody of the minor. The parent or legal guardian having control or custody of an unemancipated minor whose conduct violates this subdivision shall be jointly and severally liable with the minor to a merchant or to a library facility for damages of not less than fifty dollars ($50) nor more than five hundred dollars ($500), plus costs. In addition to the foregoing damages, the parent or legal guardian shall be jointly and severally liable with the minor to the merchant for the retail value of the merchandise if it is not recovered in a merchantable condition, or to a library facility for the fair market value of its book or other library materials. Recovery of these damages may be had in addition to, and is not limited by, any other provision of law which limits the liability of a parent or legal guardian for the tortious conduct of a minor. An action for recovery of damages, pursuant to this subdivision, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of that court, or in any other appropriate court; however, total damages, including the value of the merchandise or book or other library materials, shall not exceed five hundred dollars ($500) for each action brought under this section.

The provisions of this subdivision are in addition to other civil remedies and do not limit merchants or other persons to elect to pursue other civil remedies, except that the provisions of Section 1714.1 of the Civil Code shall not apply herein.

(c) When an adult or emancipated minor has unlawfully taken merchandise from a merchant's premises, or a book or other library materials from a library facility, the adult or emancipated minor shall be liable to the merchant or library facility for damages of not less than fifty dollars ($50) nor more than five hundred dollars ($500), plus costs. In addition to the foregoing damages, the adult or emancipated minor shall be liable to the merchant for the retail value of the merchandise if it is not recovered in merchantable condition, or to a library facility for the fair market value of its book or other library materials. An action for recovery of damages, pursuant to this subdivision, may be brought in small claims court if the total damages do not exceed the jurisdictional limit of such court, or in any other appropriate court. The provisions of this subdivision are in addition to other civil remedies and do not limit merchants or other persons to elect to pursue other civil remedies.

(d) In lieu of the fines prescribed by subdivision (a), any person may be required to perform public services designated by the court, provided that in no event shall any such person be required to perform less than the number of hours of such public service necessary to satisfy the fine assessed by the court as provided by subdivision (a) at the minimum wage prevailing in the state at the time of sentencing.

(e) All fines collected under this section shall be collected and distributed in accordance with Sections 1463 and 1463.1 of the Penal Code; provided, however, that a county may, by a majority vote of the

members of its board of supervisors, allocate any amount up to, but not exceeding 50 percent of such fines to the county superintendent of schools for allocation to local school districts. The fines allocated shall be administered by the county superintendent of schools to finance public school programs, which provide counseling or other educational services designed to discourage shoplifting, theft, and burglary. Subject to rules and regulations as may be adopted by the Superintendent of Public Instruction, each county superintendent of schools shall allocate such funds to school districts within the county which submit project applications designed to further the educational purposes of this section. The costs of administration of this section by each county superintendent of schools shall be paid from the funds allocated to the county superintendent of schools.

(f) (1) A merchant may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the merchant has probable cause to believe the person to be detained is attempting to unlawfully take or has unlawfully taken merchandise from the merchant's premises.

A theater owner may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the theater owner has probable cause to believe the person to be detained is attempting to operate a video recording device within the premises of a motion picture theater without the authority of the owner of the theater.

A person employed by a library facility may detain a person for a reasonable time for the purpose of conducting an investigation in a reasonable manner whenever the person employed by a library facility has probable cause to believe the person to be detained is attempting to unlawfully remove or has unlawfully removed books or library materials from the premises of the library facility.

(2) In making the detention a merchant, theater owner, or a person employed by a library facility may use a reasonable amount of nondeadly force necessary to protect himself or herself and to prevent escape of the person detained or the loss of tangible or intangible property.

(3) During the period of detention any items which a merchant or theater owner, or any items which a person employed by a library facility has probable cause to believe are unlawfully taken from the premises of the merchant or library facility, or recorded on theater premises, and which are in plain view may be examined by the merchant, theater owner, or person employed by a library facility for the purposes of ascertaining the ownership thereof.

(4) A merchant, theater owner, a person employed by a library facility, or an agent thereof, having probable cause to believe the person detained was attempting to unlawfully take or has taken any item from the premises, or was attempting to operate a video recording device within the premises of a motion picture theater without the authority of the owner of the theater, may request the person detained to voluntarily surrender the item or recording. Should the person detained refuse to surrender the recording or item of which there is probable cause to believe has been recorded on or unlawfully taken from the premises, or attempted to be recorded or unlawfully taken from the premises, a limited and reasonable search may be conducted by those authorized to make the detention in order to recover the item. Only packages, shopping bags, handbags or other property in the immediate possession of the person detained, but not including any clothing worn by the person, may be searched pursuant to this subdivision. Upon surrender or discovery of the item, the person detained may also be requested, but may not be required, to provide adequate proof of his or her true identity.

(5) If any person admitted to a theater in which a motion picture is to be or is being exhibited, refuses or fails to give or surrender possession or to cease operation of any video recording device that the person has brought into or attempts to bring into that theater, then a theater owner shall have the right to refuse admission to that person or request that the person leave the premises and shall thereupon offer to refund and, unless that offer is refused, refund to that person the price paid by that person for admission to that theater. If the person thereafter refuses to leave the theater or cease operation of the video

recording device, then the person shall be deemed to be intentionally interfering with and obstructing those attempting to carry on a lawful business within the meaning of Section 602.1.

(6) A peace officer who accepts custody of a person arrested for an offense contained in this section may, subsequent to the arrest, search the person arrested and his or her immediate possessions for any item or items alleged to have been taken.

(7) In any civil action brought by any person resulting from a detention or arrest by a merchant, it shall be a defense to such action that the merchant detaining or arresting such person had probable cause to believe that the person had stolen or attempted to steal merchandise and that the merchant acted reasonably under all the circumstances.

In any civil action brought by any person resulting from a detention or arrest by a theater owner or person employed by a library facility, it shall be a defense to that action that the theater owner or person employed by a library facility detaining or arresting that person had probable cause to believe that the person was attempting to operate a video recording device within the premises of a motion picture theater without the authority of the owner of the theater or had stolen or attempted to steal books or library materials and that the person employed by a library facility acted reasonably under all the circumstances.

(g) As used in this section:

(1) "Merchandise" means any personal property, capable of manual delivery, displayed, held or offered for retail sale by a merchant.

(2) "Merchant" means an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any premises used for the retail purchase or sale of any personal property capable of manual delivery.

(3) "Theater owner" means an owner or operator, and the agent, employee, consignee, lessee, or officer of an owner or operator, of any premises used for the exhibition or performance of motion pictures to the general public.

(4) The terms "book or other library materials" include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual material in any format, magnetic or other tape, electronic data-processing record, artifact, or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, on loan to, or otherwise in the custody of a library facility.

(5) The term "library facility" includes any public library; any library of an educational, historical or eleemosynary institution, organization or society; any museum; any repository of public records.

(h) Any library facility shall post at its entrance and exit a conspicuous sign to read as follows:
"IN ORDER TO PREVENT THE THEFT OF BOOKS AND LIBRARY MATERIALS STATE LAW AUTHORIZES THE DETENTION FOR A REASONABLE PERIOD OF ANY PERSON USING THESE FACILITIES SUSPECTED OF COMMITTING >LIBRARY THEFT= (PENAL CODE SECTION 490.5)."

Sec. 602.1. Interfering with, obstructing or intimidating a public agency.

(a) Any person who intentionally interferes with any lawful business or occupation carried on by the owner or agent of a business establishment open to the public, by obstructing or intimidating those attempting carry on business, or their customers, and who refuses to leave the premises of the business establishment after being requested to leave by the owner or the owner's agent, or by a peace officer acting at the request of the owner or owner's agent, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars ($400), or by both that imprisonment and fine.

(b) Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency, and who refuses to leave the premises of the public agency after being requested to leave by the office manager or a supervisor of the public agency, or by a peace officer acting at the request of the office manager or supervisor of the public agency, is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars ($400), or by both that imprisonment and fine.

(c) This section shall not apply to any of the following persons:

(1) Any person engaged in lawful labor union activities that are permitted to be carried out on the property by state or federal law.

(2) Any person on the premises who is engaging in activities protected by the California Constitution or the United States Constitution.

(d) Nothing in this section shall be deemed to supersede the application of any other law.

Sec. 11413. Terrorizing by arson or use of explosive device at specified places.

(a) Any person who explodes, ignites, or attempts to explode or ignite any destructive device or any explosive, or who commits arson, in or about any of the places listed in subdivision (b), for the purpose of terrorizing another or in reckless disregard of terrorizing another is guilty of a felony, and shall be punished by imprisonment in the state prison for three, five, or seven years, and a fine not exceeding ten thousand dollars ($10,000).

(b) Subdivision (a) applies to the following places:

(5) Any bookstore or public or private library.

(c) ***

(d) As used in this section, “terrorizing” means to cause a person of ordinary emotions and sensibilities to fear for personal safety.

(e) Nothing in this section shall be construed to prohibit the prosecution of any person pursuant to Section 12303.3 or any other provision of law in lieu of prosecution pursuant to this section.

PUBLIC RECORDS ACT (Protection of Library Records)
(Government Code Title 1, Division 7, Chapter 3.5)

Sec. 6254. Library records exempt from disclosure requirements.
Except as provided in Sections 6254.7 and 6254.13, nothing in this chapter shall be construed to require disclosure of records that are any of the following:

***

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or exhibition purposes. The exemption in this subdivision shall not apply to records of fines imposed on the borrowers.

***

This section shall not prevent any agency from opening its records concerning the administration of the agency to public inspection, unless disclosure is otherwise prohibited by law.

This section shall not prevent any health facility from disclosing to a certified bargaining agent relevant financing information pursuant to Section 8 of the National Labor Relations Act (29 U.S.C. Sec. 158).

Sec. 6254.19
Nothing in this chapter shall be construed to require the disclosure of an information security record of a public agency, if, on the facts of the particular case, disclosure of that record would reveal vulnerabilities to, or otherwise increase the potential for an attack on, an information technology system of a public agency. Nothing in this section shall be construed to limit public disclosure of records stored within an information technology system of a public agency that are not otherwise exempt from disclosure pursuant to this chapter or any other provision of law.

The Legislature finds and declares that this act imposes a limitation on the public's right of access to writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following finding to demonstrate the interest protected by this limitation and the need for protecting that interest: The Legislature finds and declares that in order to protect the integrity of public agency information systems, it is necessary to limit the public's access to the information security records of a public agency.

Sec. 6254.20.
Nothing in this chapter shall be construed to require the disclosure of records that relate to electronically collected personal information, as defined by Section 11015.5, received, collected, or compiled by a state agency.

Sec. 6254.21. Elected, appointed officials information.
(a) No state or local agency shall post the home address or telephone number of any elected or appointed official on the Internet without first obtaining the written permission of that individual.
(b) No person shall knowingly post the home address or telephone number of any elected or appointed official, or of the official's residing spouse or child on the Internet knowing that person is an elected or appointed

official and intending to cause imminent great bodily harm that is likely to occur or threatening to cause imminent great bodily harm to that individual. A violation of this subdivision is a misdemeanor. A violation of this subdivision that leads to the bodily injury of the official, or his or her residing spouse or child, is a misdemeanor or a felony.

(c) For purposes of this section "elected or appointed official" includes, but is not limited to, all of the following:
   (1) State constitutional officers.
   (2) Members of the Legislature.
   (3) Judges and court commissioners.
   (4) District attorneys.
   (5) Public defenders.
   (6) Members of a city council.
   (7) Members of a board of supervisors.
   (8) Appointees of the Governor.
   (9) Appointees of the Legislature.
   (10) Mayors.
   (11) City attorneys.
   (12) Police chiefs and sheriffs.
   (13) A public safety official as defined in Section 6254.24

(d) Nothing in this section is intended to preclude punishment instead under Sections 69, 76, or 422 of the Penal Code, or any other provision of law.

Sec. 6254.5. Disclosure as waiver of exemption.

Notwithstanding any other provisions of the law, whenever a state or local agency discloses a public record which is otherwise exempt from this chapter, to any member of the public, this disclosure shall constitute a waiver of the exemptions specified in Sections 6254, 6254.7, or other similar provisions of law. For purposes of this section, "agency" includes a member, agent, officer, or employee of the agency acting within the scope of his or her membership, agency, office, or employment.

This section, however, shall not apply to disclosures:

(a) Made pursuant to the Information Practices Act (commencing with Section 1798 of the Civil Code) or discovery proceedings.

(b) Made through other legal proceedings or as otherwise required by law.

(c) Within the scope of disclosure of a statute which limits disclosure of specified writings to certain purposes.

(d) Not required by law, and prohibited by formal action of an elected legislative body of the local agency which retains the writings.

(e) Made to any governmental agency which agrees to treat the disclosed material as confidential. Only persons authorized in writing by the person in charge of the agency shall be permitted to obtain the information. Any information obtained by the agency shall only be used for purposes which are consistent with existing law.

(f) Of records relating to a financial institution or an affiliate thereof, if the disclosures are made to the financial institution or affiliate by a state agency responsible for the regulation or supervision of the financial institution or affiliate.

(g) Of records relating to any person that is subject to the jurisdiction of the Department of Corporations, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to, an officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Corporations.

(h) Made by the Commissioner of Financial Institutions under Sections 1909, 8009, and 18396 of the Financial Code.
(i) Of records relating to any person that is subject to the jurisdiction of the Department of Managed Health Care, if the disclosures are made to the person that is the subject of the records for the purpose of corrective action by that person, or if a corporation, to any officer, director, or other key personnel of the corporation for the purpose of corrective action, or to any other person to the extent necessary to obtain information from that person for the purpose of an investigation by the Department of Managed Health Care.

Sec. 6255. Basis for withholding records from inspection.
(a) The agency shall justify withholding any record by demonstrating that the record in question is exempt under express provisions of this chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.
(d) A response to a written request for inspection or copies of public records that includes a determination that the request is denied, in whole or in part, shall be in writing.

* * *

Sec. 6267. Registration and circulation records of libraries supported by public funds.
All patron use records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed by a public agency, or private actor that maintains or stores patron use records on behalf of a public agency, to any person, local agency, or state agency except as follows:
(a) By a person acting within the scope of his or her duties within the administration of the library.
(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.
(c) By order of the appropriate superior court.
As used in this section, the term "patron use records" includes the following:
(1) Any written or electronic record, that is used to identify the patron, including, but not limited to, a patron's name, address, telephone number, or e-mail address, that a library patron provides in order to become eligible to borrow or use books and other materials.
(2) Any written record or electronic transaction that identifies a patron's borrowing information or use of library information resources, including, but not limited to, database search records, borrowing records, class records, and any other personally identifiable uses of library resources information requests, or inquiries.
This section shall not apply to statistical reports of patron use nor to records of fines collected by the library.

RALPH M. BROWN ACT

(Government Code Title 5, Division 2, Part 1, Chapter 9, Sections 54950-54962)

Sec. 54950. Public policy.
In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.

The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

Sec. 54950.5. Title.
This chapter shall be known as the Ralph M. Brown Act.

Sec. 54951. "Local agency" defined.
As used in this chapter, "local agency" means a county, city, whether general law or chartered, city and county, town, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public agency.

Sec. 54952. "Legislative body" defined.
As used in this chapter, "legislative body" means:

(a) The governing body of a local agency or any other local body created by state or federal statute.

(b) A commission, committee, board, or other body of a local agency, whether permanent or temporary, decisionmaking or advisory, created by charter, ordinance, resolution, or formal action of a legislative body. However, advisory committees, composed solely of the members of the legislative body that are less than a quorum of the legislative body are not legislative bodies, except that standing committees of a legislative body, irrespective of their composition, which have a continuing subject matter jurisdiction, or a meeting schedule fixed by charter, ordinance, resolution, or formal action of a legislative body are legislative bodies for purposes of this chapter.

(c) (1) A board, commission, committee, or other multimember body that governs a private corporation, limited liability company, or other entity that either:

(A) Is created by the elected legislative body in order to exercise authority that may lawfully be delegated by the elected governing body to a private corporation, limited liability company, or other entity.

(B) Receives funds from a local agency and the membership of whose governing body includes a member of the legislative body of the local agency appointed to that governing body as a full voting member by the legislative body of the local agency.

(2) Notwithstanding subparagraph (B) of paragraph (1), no board, commission, committee, or other multi member body that governs a private corporation, limited liability company, or other entity that receives funds from a local agency and, as of February 9, 1996, has a member of the legislative body of the local agency as a full voting member of the governing body of that private corporation, limited liability company or other entity shall be relieved from the public meeting requirements of this chapter by virtue of a change in status of the full voting member to a nonvoting member.

(d) The lessee of any hospital the whole or part of which is first leased pursuant to subdivision (p) of Section 32121 of the Health and Safety Code after January 1, 1994, where the lessee exercises any material authority of

a legislative body of a local agency delegated to it by that legislative body whether the lessee is organized and operated by the local agency or by a delegated authority.

Sec. 54952.1. Conduct and treatment of electee.
Any person elected to serve as a member of a legislative body who has not yet assumed the duties of office shall conform his or her conduct to the requirements of this chapter and shall be treated for purposes of enforcement of this chapter as if he or she has already assumed office.

Sec. 54952.2. Multimember body with delegated authority.

(a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b)
  (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.
  (2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:
  (1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).
  (2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.
  (3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.
  (4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.
(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

Sec. 54952.3. Simultaneous or serial order meetings authorized; Requirements; Compensation or stipend

(a) A legislative body that has convened a meeting and whose membership constitutes a quorum of any other legislative body may convene a meeting of that other legislative body, simultaneously or in serial order, only if a clerk or a member of the convened legislative body verbally announces, prior to convening any simultaneous or serial order meeting of that subsequent legislative body, the amount of compensation or stipend, if any, that each member will be entitled to receive as a result of convening the simultaneous or serial meeting of the subsequent legislative body and identifies that the compensation or stipend shall be provided as a result of convening a meeting for which each member is entitled to collect compensation or a stipend. However, the clerk or member of the legislative body shall not be required to announce the amount of compensation if the amount of compensation is prescribed in statute and no additional compensation has been authorized by a local agency.

(b) For purposes of this section, compensation and stipend shall not include amounts reimbursed for actual and necessary expenses incurred by a member in the performance of the member's official duties, including, but not limited to, reimbursement of expenses relating to travel, meals, and lodging.

Sec. 54952.6. "Action taken" defined.

As used in this chapter, "action taken" means a collective decision made by a majority of the members of a legislative body, a collective commitment or promise by a majority of the members of a legislative body to make a positive or a negative decision, or an actual vote by a majority of the members of a legislative body when sitting as a body or entity, upon a motion, proposal, resolution, order or ordinance.

Sec. 54952.7. Copy of Act to member of legislative body.

A legislative body of a local agency may require that a copy of this chapter be given to each member of the legislative body and any person elected to serve as a member of the legislative body who has not assumed the duties of office. An elected legislative body of a local agency may require that a copy of this chapter be given to each member of each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body.

Sec. 54953. Meetings to be open and public.

(a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, "teleconference" means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

Sec. 54953.1. Grand jury testimony.

The provisions of this chapter shall not be construed to prohibit the members of the legislative body of a local agency from giving testimony in private before a grand jury, either as individuals or as a body.

Sec. 54953.2. Meetings to conform to Americans with Disabilities Act.

All meetings of a legislative body of a local agency that are open and public shall meet the protections and prohibitions contained in Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

Sec. 54953.3. Registration of attendance.

A member of the public shall not be required, as a condition to attendance at a meeting of a legislative body of a local agency, to register his or her name, to provide other information, to complete a questionnaire, or otherwise to fulfill any condition precedent to his or her attendance.

If an attendance list, register, questionnaire, or other similar document is posted at or near the entrance to the room where the meeting is to be held, or is circulated to the persons present during the meeting, it shall state clearly that the signing, registering, or completion of the document is voluntary, and that all persons may attend the meeting regardless of whether a person signs, registers, or completes the document.

Sec. 54953.5. Tape recording of proceedings.

(a) Any person attending an open and public meeting of a legislative body of a local agency shall have the right to record the proceedings with an audio or video tape recorder or a still or motion picture camera in the absence of a reasonable finding by the legislative body of the local agency that the recording cannot continue without noise, illumination, or obstruction of view that constitutes, or would constitute, a persistent disruption of the proceedings.

(b) Any tape or film record of an open and public meeting made for whatever purpose by or at the direction of the local agency shall be subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), but, notwithstanding Section 34090, may be erased or destroyed 30 days after the taping or recording. Any inspection of a video or tape recording shall be provided without charge on a video or tape player made available by the local agency.

Sec. 54953.6. Restrictions on broadcasts of proceedings.
No legislative body of a local agency shall prohibit or otherwise restrict the broadcast of its open and public meetings in the absence of a reasonable finding that the broadcast cannot be accomplished without noise, illumination, or obstruction of view that would constitute a persistent disruption of the proceedings.

Sec. 54953.7. Access beyond requirements of Act.
Notwithstanding any other provision of law, legislative bodies of local agencies may impose requirements upon themselves which allow greater access to their meetings than prescribed by the minimal standards set forth in this chapter. In addition thereto, an elected legislative body of a local agency may impose such requirements on those appointed legislative bodies of the local agency of which all or a majority of the members are appointed by or under the authority of the elected legislative body.

Sec. 54954. Time and place for regular meetings.
(a) Each legislative body of a local agency, except for advisory committees or standing committees, shall provide, by ordinance, resolution, bylaws, or by whatever other rule is required for the conduct of business by that body, the time and place for holding regular meetings. Meetings of advisory committees or standing committees, for which an agenda is posted at least 72 hours in advance of the meeting pursuant to subdivision (a) of Section 54954.2, shall be considered for purposes of this chapter as regular meetings of the legislative body.
(b) Regular and special meetings of the legislative body shall be held within the boundaries of the territory over which the local agency exercises jurisdiction, except to do any of the following:
  (1) Comply with state or federal law or court order, or attend a judicial or administrative proceeding to which the local agency is a party.
  (2) Inspect real or personal property which cannot be conveniently brought within the boundaries of the territory over which the local agency exercises jurisdiction provided that the topic of the meeting is limited to items directly related to the real or personal property.
  (3) Participate in meetings or discussions of multiagency significance that are outside the boundaries of a local agency's jurisdiction. However, any meeting or discussion held pursuant to this subdivision shall take place within the jurisdiction of one of the participating local agencies and be noticed by all participating agencies as provided for in this chapter.
  (4) Meet in the closest meeting facility if the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction, or at the principal office of the local agency if that office is located outside the territory over which the agency exercises jurisdiction.
  (5) Meet outside their immediate jurisdiction with elected or appointed officials of the United States or the State of California when a local meeting would be impractical, solely to discuss a legislative or regulatory issue affecting the local agency and over which the federal or state officials have jurisdiction.
  (6) Meet outside their immediate jurisdiction if the meeting takes place in or nearby a facility owned by the agency, provided that the topic of the meeting is limited to items directly related to the facility.
  (7) Visit the office of the local agency's legal counsel for a closed session on pending litigation held pursuant to Section 54956.9, when to do so would reduce legal fees or costs.

(c) Meetings of the governing board of a school district shall be held within the district except under the circumstances enumerated in subdivision (b), or to do any of the following:
(1) Attend a conference on nonadversarial collective bargaining techniques.
(2) Interview members of the public residing in another district with reference to the trustees' potential employment of the superintendent of that district.
(3) Interview a potential employee from another district.

(d) Meetings of a joint powers authority shall occur within the territory of at least one of its member agencies, or as provided in subdivision (b). However, a joint powers authority which has members throughout the state may meet at any facility in the state which complies with the requirements of Section 54961.

(e) If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings shall be held for the duration of the emergency at the place designated by the presiding officer of the legislative body or his or her designee in a notice to the local media that have requested notice pursuant to Section 54956, by the most rapid means of communication available at the time.

Sec. 54954.1. Request for notice; Renewal; Fee

Any person may request that a copy of the agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. If requested, the agenda and documents in the agenda packet shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Upon receipt of the written request, the legislative body or its designee shall cause the requested materials to be mailed at the time the agenda is posted pursuant to Section 54954.2 and 54956 or upon distribution to all, or a majority of all, of the members of a legislative body, whichever occurs first. Any request for mailed copies of agendas or agenda packets shall be valid for the calendar year in which it is filed, and must be renewed following January 1 of each year. The legislative body may establish a fee for mailing the agenda or agenda packet, which fee shall not exceed the cost of providing the service. Failure of the requesting person to receive the agenda or agenda packet pursuant to this section shall not constitute grounds for invalidation of the actions of the legislative body taken at the meeting for which the agenda or agenda packet was not received.

Sec. 54954.2. Posting of agenda; items not on agenda.

(a)

(1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

(2) No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their

own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda.

(b) Notwithstanding subdivision (a), the legislative body may take action on items of business not appearing on the posted agenda under any of the conditions stated below. Prior to discussing any item pursuant to this subdivision, the legislative body shall publicly identify the item.

(1) Upon a determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

(2) Upon a determination by a two-thirds vote of the members of the legislative body present at the meeting, or, if less than two-thirds of the members are present, a unanimous vote of those members present, that there is a need to take immediate action and that the need for action came to the attention of the local agency subsequent to the agenda being posted as specified in subdivision (a).

(3) The item was posted pursuant to subdivision (a) for a prior meeting of the legislative body occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

(c) This section is necessary to implement and reasonably within the scope of paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

(d) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

(1) A legislative body as that term is defined by subdivision (a) of Section 54952.

(2) A legislative body as that term is defined by subdivision (b) of Section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

Sec. 54954.3. Address by the public at regular meetings.

(a) Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2. However, the agenda need not provide an opportunity for members of the public to address the legislative body on any item that has already been considered by a committee, composed exclusively of members of the legislative body, at a public meeting wherein all interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the legislative body. Every notice for a special meeting shall provide an opportunity for members of the public to directly address the legislative body concerning any item that has been described in the notice for the meeting before or during consideration of that item.

(b) The legislative body of a local agency may adopt reasonable regulations to ensure that the intent of subdivision (a) is carried out, including, but not limited to, regulations limiting the total amount of time allocated for public testimony on particular issues and for each individual speaker.

(c) The legislative body of a local agency shall not prohibit public criticism of the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

Sec. 54954.4. Legislative findings and declarations relating to reimbursements; Legislative intent; Review of claims

(a) The Legislature hereby finds and declares that Section 12 of Chapter 641 of the Statutes of 1986, authorizing reimbursement to local agencies and school districts for costs mandated by the state pursuant to that act, shall be interpreted strictly. The intent of the Legislature is to provide reimbursement for only those costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986.

(b) In this regard, the Legislature directs all state employees and officials involved in reviewing or authorizing claims for reimbursement, or otherwise participating in the reimbursement process, to rigorously review each claim and authorize only those claims, or parts thereof, which represent costs which are clearly and unequivocally incurred as the direct and necessary result of compliance with Chapter 641 of the Statutes of 1986 and for which complete documentation exists. For purposes of Section 54954.2, costs eligible for reimbursement shall only include the actual cost to post a single agenda for any one meeting.

(c) The Legislature hereby finds and declares that complete, faithful, and uninterrupted compliance with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) is a matter of overriding public importance. Unless specifically stated, no future Budget Act, or related budget enactments, shall, in any manner, be interpreted to suspend, eliminate, or otherwise modify the legal obligation and duty of local agencies to fully comply with Chapter 641 of the Statutes of 1986 in a complete, faithful, and uninterrupted manner.

Sec. 54954.5. Description of closed session items.

For purposes of describing closed session items pursuant to Section 54954.2, the agenda may describe closed sessions as provided below. No legislative body or elected official shall be in violation of Section 54954.2 or 54956 if the closed session items were described in substantial compliance with this section. Substantial compliance is satisfied by including the information provided below, irrespective of its format.

(a) With respect to a closed session held pursuant to Section 54956.7:

LICENSE/PERMIT DETERMINATION

Applicant(s): (Specify number of applicants)

(b) With respect to every item of business to be discussed in closed session pursuant to Section 54956.8:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Property: (Specify street address, or if no street address, the parcel number or other unique reference, of the real property under negotiation)

Agency Negotiator: (Specify names of negotiators attending the closed session) (If circumstances necessitate the absence of a specified negotiator, an agent or designee may participate in place of the absent negotiator so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Negotiation parties: (Specify name of party (not agent))

Under negotiation: (Specify whether instruction to negotiator will concern price, terms of payment or both)

(c) With respect to every item of business to be discussed in closed session pursuant to Section 54956.9:

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION

(Paragraph 1 of subdivision (d) of Section 54956.9)

Name of case: (Specify by reference to claimant's name, names of parties, case or claim numbers)

Or

Case name unspecified: (Specify whether disclosure would jeopardize service of process or existing settlement negotiations)

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) or (3) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(In addition to the information noticed above, the agency may be required to provide additional information on the agenda or in an oral statement prior to the closed session pursuant to paragraphs (2) to (5), inclusive, of subdivision € of Section 54956.9.)

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: (Specify number of potential cases)

(d) With respect to every item of business to be discusses in closed session pursuant to Section 54956.95:

LIABILITY CLAIMS

Claimant: (Specify name unless unspecified pursuant to Section 54961)

Agency claimed against: (Specify name)

(e) With respect to every item of business to be discussed in closed session pursuant to Section 54957:

THREAT TO PUBLIC SERVICES OR FACILITIES

Consultation with: (Specify name of law enforcement agency and title of officer, or name of applicable agency representative and title)

PUBLIC EMPLOYEE APPOINTMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYMENT

Title: (Specify description of position to be filled)

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: (Specify position title of employee being reviewed)

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE

(No additional information is required in connection with a closed session to consider discipline, dismissal, or release of a public employee. Discipline includes potential reduction of compensation.)

(f) With respect to every item of business to be discussed in closed session pursuant to Section 54957.6:

CONFERENCE WTH LABOR NEGOTIATORS

Agency designated representatives: (Specify names of designated representatives attending the closed session) (If circumstances necessitate the absence or a specified designated representative, an agent or designee may participate in place of the absent representative so long as the name of the agent or designee is announced at an open session held prior to the closed session.)

Employee organization: (Specify name of organization representing employee or employees in question)

Or

Unrepresented Employee: (Specify the position title of unrepresented employee who is the subject of the negotiations)

(g) With respect to closed sessions called pursuant to Section 54957.8:

CASE REVIEW PLANNING

(No additional information is required in connection with a closed session to consider case review or planning.)

(h) With respect to every item of business to be discussed in closed session pursuant to Sections 1461, 32106, and 32155 if the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code:

REPORT INVOLVING TRADE SECRET
Discussion will concern: (Specify whether discussion will concern proposed new service, program, or facility)
Estimated date of public disclosure: (Specify month and year)
HEARINGS
Subject matter: (Specify whether testimony/deliberation will concern staff privileges, report of medical audit committee, or report of quality assurance committee)

(i) With respect to every item of business to be discussed in closed session pursuant to Section 54956.86:
CHARGE OR COMPLAINT INVOLVING INFORMATION PROTECTED BY FEDERAL LAW
(No additional information is required in connection with a closed session to discuss a charge or complaint pursuant to Section 54956.86.)

(j) With respect to every item of business to be discussed in closed session pursuant to Section 54956.96:
CONFERENCE INVOLVING A JOINT POWERS AGENCY (Specify by name)
Discussion will concern: (Specify closed session description used by the joint powers agency)
Name of local agency representative on joint powers agency board: (Specify name)
(Additional information listing the names of agencies or titles of representatives attending the closed session as consultants or other representatives.)

(k) With respect to every item of business to be discussed in closed session pursuant to Section 54956.75:
AUDIT BY CALIFORNIA STATE AUDITOR'S OFFICE

Sec. 54954.6. Public meeting on general tax or assessment; Notice.

(a) (1) Before adopting any new or increased general tax or any new or increased assessment, the legislative body of a local agency shall conduct at least one public meeting at which local officials shall allow public testimony regarding the proposed new or increased general tax or new or increased assessment in addition to the noticed public hearing at which the legislative body proposes to enact or increase the general tax or assessment.

For purposes of this section, the term "new or increased assessment" does not include any of the following:

(A) A fee that does not exceed the reasonable cost of providing the services, facilities or regulatory activity for which the fee is charged.

(B) A service charge, rate, or charge, unless a special district's principal act requires the service charge, rate, or charge to conform to the requirements of this section.

(C) An ongoing annual assessment if it is imposed at the same or lower amount as any previous year.

(D) An assessment that does not exceed an assessment formula or range of assessments previously specified in the notice given to the public pursuant to subparagraph (G) of paragraph (2) of subdivision (c) and that was previously adopted by the agency or approved by the voters in the area where the assessment is imposed.

(E) Standby or immediate availability charges.

(2) The legislative body shall provide at least 45 days' public notice of the public hearing at which the legislative body proposes to enact or increase the general tax or assessment. The legislative body shall provide notice for the public meeting at the same time and in the same document as the notice for the public hearing, but the meeting shall occur prior to the hearing.

(b) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with

respect to a proposal for a new or increased general tax shall be accomplished by placing a display of advertisement of at least one-eighth page in a newspaper of general circulation for three weeks pursuant to Section 6063 and by a first-class mailing to those interested parties who have filed a written request with the local agency for mailed notice of public meetings or hearings on new or increased general taxes. The public meeting pursuant to subdivision (as) shall take place no earlier than 10 days after the first publication of the joint notice pursuant to his subdivision. This public hearing shall take place no earlier than seven days after the public meeting pursuant to this subdivision. Notwithstanding paragraph (2) of subdivision (a), the joint notice need not include notice of the public meeting after the meeting has taken place. The public hearing pursuant to subdivision (a) shall take place no earlier than 45 days after the first publication of the joint notice pursuant to this subdivision. Any written request for mailed notices shall be effective for one year from the date on which it is filed unless a renewal request is filed. Renewal requests for mailed notices shall be filed on or before April 1 of each year. The legislative body may establish a reasonable annual charge for sending notices on the estimated cost of providing the service.

(2) The notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) The amount or rate of the tax. If the tax is proposed to be increased from any previous year, the joint notice shall separately state both the existing tax rate and the proposed tax rate increase.

(B) The activity to be taxed.

(C) The estimated amount of revenue to be raised by the tax annually.

(D) The method and frequency for collecting the tax.

(E) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(F) The telephone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the tax.

(c) (1) The joint notice of both the public meeting and the public hearing required by subdivision (a) with respect to a proposal for a new or increased assessment on real property or businesses shall be accomplished through a mailing, postage prepaid, in the United States mail and shall be deemed given when so deposited. The public meeting pursuant to subdivision (a) shall take place no earlier than 10 days after the joint mailing pursuant to this subdivision. The public hearing shall take place no earlier than seven days after the public meeting pursuant to his subdivision. The envelope or the cover of the mailing shall include the name of the local agency and the return address of the sender. This mailed notice shall be in at least 10-point type and shall be given to all property owners or business owners proposed to be subject to the new or increased assessment by a mailing by name to those persons whose names and addresses appear on the last equalized county assessment roll, the State Board of Equalization assessment roll, or the local agency's records pertaining to business ownership, as the case may be.

(2) The joint notice required by paragraph (1) of this subdivision shall include, but not be limited to, the following:

(A) In the case of an assessment proposed to be levied on property, the estimated amount of the assessment per parcel. In the case of an assessment proposed to be levied on businesses, the proposed method and basis of levying the assessment in sufficient detail to allow each business owner to calculate the amount of assessment to be levied against each business. If the assessment is proposed to be increased from any previous year, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase.

(B) A general description of the purpose or improvements that the assessments will fund.

(C) The address to which property owners may mail a protest against the assessment.

(D) The telephone number and address of an individual, office or organization that interested

persons may contact to receive additional information about the assessment.

(E) A statement that a majority protest will cause the assessment to be abandoned if the assessment act used to levy the assessment so provides. Notice shall also state the percentage of protests required to trigger an election, if applicable.

(F) The dates, times, and locations of the public meeting and hearing described in subdivision (a).

(G) A proposed assessment formula or range as described in subparagraph (D) of paragraph (1) of subdivision (a) if applicable and that is noticed pursuant to this section.

(3) Notwithstanding paragraph (1), in the case of an assessment that is proposed exclusively for operation and maintenance expenses imposed throughout the entire local agency, or exclusively for operation and maintenance assessments proposed to be levied on 50,000 parcels or more, notice may be provided pursuant to this subdivision or pursuant to paragraph (1) of subdivision (b) and shall include the estimated amount of the assessment of various types, amounts or uses of property and the information required by subparagraphs (B) to (G), inclusive, of paragraph (@) of subdivision (c).

(4) Notwithstanding paragraph (1), in the case of an assessment proposed to be levied pursuant to Part 2 (commencing with Section 22500) of Division 2 of the Streets and Highways Code by a regional park district, regional park and open-space district, or regional open-space district formed pursuant to Article 3 (commencing with Section 5500) of Chapter 3 of Division 5 of, or pursuant to Division 26 (commencing with Section 35100) of, the Public Resources Code, Notice may be provided pursuant to paragraph (1) of subdivision (b).

(d) The notice requirements imposed by this section shall be construed as additional to, and not to supersede, existing provisions of law, and shall be applied concurrently with the existing provisions so as not to delay or prolong the governmental decisionmaking process.

(e) This section shall not apply to any new or increased general tax or any new or increased assessment that requires an election of either of the following:

(1) The property owners subject to assessment.

(2) The voters within the local agency imposing the tax or assessment.

(f) Nothing in this section shall prohibit a local agency from holding a consolidated meeting or hearing at which the legislative body discusses multiple tax or assessment proposals.

(g) The local agency may recover the reasonable costs of public meetings, public hearings, and notice required by this section from the proceeds of the tax or assessment. The costs recovered for these purposes, whether recovered pursuant to this subdivision or any other provision of law, shall not exceed the reasonable costs of the public meetings, public hearings, and notice.

(h) Any new or increased assessment that is subject to the notice and hearing provisions of Article XIII C or XIII D of the California Constitution is not subject to the notice and hearing requirements of this section.

Sec. 54955. Adjournment of meetings.

The legislative body of a local agency may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting the clerk or secretary of the legislative body may declare the meeting adjourned to a stated time and place and he shall cause a written notice of the adjournment to be given in the same manner as provided in Section 54956 for special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which

the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings by ordinance, resolution, bylaw, or other rule.

Sec. 54955.1. Continuance of hearing.
Any hearing being held, or noticed or ordered to be held, by a legislative body of a local agency at any meeting may by order or notice of continuance be continued or recontinued to any subsequent meeting of the legislative body in the same manner and to the same extent set forth in Section 54955 for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.

Sec. 54956. Special meetings; Notice.

(a) A special meeting may be called at any time by the presiding officer of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering written notice to each member of the legislative body and to each local newspaper of general circulation and radio or television station requesting notice in writing and posting a notice on the local agency's Internet Web site, if the local agency has one. The notice shall be delivered personally or by any other means and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

   The call and notice shall be posed at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

(b) Notwithstanding any other law, a legislative body shall not call a special meeting regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits, of a local agency executive, as defined in subdivision (d) of Section 3511.1. However, this subdivision does not apply to a local agency calling a special meeting to discuss the local agency's budget.

(c) For purposes of subdivision (a), the requirement that the agenda be posted on the local agency's Internet Web site, if the local agency has one, shall only apply to a legislative body that meets either of the following standards:

   (1) A legislative body as that term is defined by subdivision (a) of Section 54952.

   (2) A legislative body as that term is defined by subdivision (b) of section 54952, if the members of the legislative body are compensated for their appearance, and if one or more of the members of the legislative body are also members of a legislative body as that term is defined by subdivision (a) of Section 54952.

Sec. 54956.5. Emergency meetings.

(a) For purposes of this section, "emergency situation" means both of the following:

(1) An emergency, which shall be defined as a work stoppage, crippling activity, or other activity that severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body.
(2) A dire emergency, which shall be defined as a crippling disaster, mass destruction, terrorist act, or threatened terrorist activity that poses peril so immediate and significant that requiring a legislative body to provide one-hour notice before holding an emergency meeting under this section may endanger the public health, safety, or both, as determined by a majority of the members of the legislative body.

(b) (1) Subject to paragraph (2), in the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 or both of the notice and posting requirements.
(2) Each local newspaper of general circulation and radio or television station that has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting, or, in the case of a dire emergency, at or near the time that the presiding officer or designee notifies the members of the legislative body of the emergency meeting. This notice shall be given by telephone and all telephone numbers provided in the most recent request of a newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the fact of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

(c) During a meeting held pursuant to this section, the legislative body may meet in closed session pursuant to Section 54957 if agreed to by a two-thirds vote of the members of the legislative body present, or, if less than two-thirds of the members are present, by a unanimous vote of the members present.

(d) All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

(e) The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the rollcall vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

Sec. 54956.6. Fees to comply with Brown Act.

No fees may be charged by the legislative body of a local agency for carrying out any provision of this chapter, except as specifically authorized by this chapter.

Sec. 54956.75.

(a) Nothing contained in this chapter shall be construed to prevent the legislative body of a local agency that has received a confidential final draft audit report from the Bureau of State Audits from holding closed sessions to discuss its response to that report.

(b) After the public release of an audit report by the Bureau of State Audits, if a legislative body of a local agency meets to discuss the audit report, it shall do so in an open session unless exempted from that requirement by some other provision of law.

Sec. 54956.8. Closed sessions with real property negotiator.

Notwithstanding any other provision of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local

agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its negotiators, the real property or real properties which the negotiations may concern, and the person or persons with whom its negotiators may negotiate.

For purposes of this section, negotiators may be members of the legislative body of the local agency.

For purposes of this section, "lease" includes renewal or renegotiation of a lease.

Nothing in this section shall preclude a local agency from holding a closed session for discussions regarding eminent domain proceedings pursuant to Section 54956.9.

Sec. 54956.81.
Notwithstanding any other provision of this chapter, a legislative body of a local agency that invests pension funds may hold a closed session to consider the purchase or sale of particular, specific pension fund investments. All investment transaction decisions made during the closed session shall be made by roll call vote entered into the minutes of the closed session as provided in subdivision (a) of Section 54957.2.

Sec. 54956.87.
(a) Notwithstanding any other provision of this chapter, the records of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors, whether paper records, records maintained in the management information system, or records in any other form, that relate to provider rate or payment determinations, allocation or distribution methodologies for provider payments, formulas or calculations for these payments, and contract negotiations with providers of health care for alternative rates are exempt from disclosure for a period of three years after the contract is fully executed. The transmission of the records, or the information contained therein in an alternative form, to the board of supervisors shall not constitute a waiver of exemption from disclosure, and the records and information once transmitted to the board of supervisors shall be subject to this same exemption.
(b) Notwithstanding any other provision of law, the governing board of a health plan that is licensed pursuant to the Knox-Keene Health Care Service Plan Act of 1975 (Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code) and that is governed by a county board of supervisors may order that a meeting held solely for the purpose of discussion or taking action on health plan trade secrets, as defined in subdivision (f), shall be held in closed session. The requirements of making a public report of action taken in closed session, and the vote or abstention of every member present, may be limited to a brief general description without the information constituting the trade secret.
(c) Notwithstanding any other provision of law, the governing board of a health plan may meet in closed session to consider and take action on matters pertaining to contracts and contract negotiations by the health plan with providers of health care services concerning all matters related to rates of payment. The governing board may delete the portion or portions containing trade secrets from any documents that were finally approved in the closed session held pursuant to subdivision (b) that are provided to persons who have made the timely or standing request.
(d) Nothing in this section shall be construed as preventing the governing board from meeting in closed session as otherwise provided by law.

(e) The provisions of this section shall not prevent access to any records by the Joint Legislative Audit Committee in the exercise of its powers pursuant to Article 1 (commencing with Section 10500) of Chapter 4 of Part 2 of Division 2 of Title 2. The provisions of this section also shall not prevent access to any records by the Department of Corporations in the exercise of its powers pursuant to Article 1 (commencing with Section 1340) of Chapter 2.2 of Division 2 of the Health and Safety Code.

(f) For purposes of this section, "health plan trade secret" means a trade secret, as defined in subdivision (d) of Section 3426.1 of the Civil Code, that also meets both of the following criteria:

(1) The secrecy of the information is necessary for the health plan to initiate a new service, program, marketing strategy, business plan, or technology, or to add a benefit or product.

(2) Premature disclosure of the trade secret would create a substantial probability of depriving the health plan of a substantial economic benefit or opportunity.

Sec. 54956.9. Closed sessions regarding pending litigation; Lawyer-client privilege.

(a) Nothing in this chapter shall be construed to prevent a legislative body of a local agency, based on advice of its legal counsel, from holding a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the local agency in the litigation.

(b) For purposes of this chapter, all expressions of the lawyer-client privilege other than those provided in this section are hereby abrogated. This section is the exclusive expression of the lawyer-client privilege for purposes of conducting closed-session meetings pursuant to this chapter.

(c) For purposes of this section, "litigation" includes any adjudicatory proceeding, including eminent domain, before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator.

(d) For purposes of this section, litigation shall be considered pending when any of the following circumstances exist:

(1) Litigation, to which the local agency is a party, has been initiated formally.

(2) A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

(3) Based on existing facts and circumstances, the legislative body of the local agency is meeting only to decide whether a closed session is authorized pursuant to paragraph (2).

(4) Based on existing facts and circumstances, the legislative body of the local agency has decided to initiate or is deciding whether to initiate litigation.

(e) For purposes of paragraphs (2) and (3) of subdivision (d), "existing facts and circumstances" shall consist only of one of the following:

(1) Facts and circumstances that might result in litigation against the local agency but which the local agency believes are not yet known to a potential plaintiff or plaintiffs, which facts and circumstances need not be disclosed.

(2) Facts and circumstances, including, but not limited to, an accident, disaster, incident, or transactional occurrence that might result in litigation against the agency and that are known to a potential plaintiff or plaintiffs, which facts or circumstances shall be publicly stated on the agenda or announced.

(3) The receipt of a claim pursuant to the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code) or some other written communication from a potential plaintiff threatening litigation, which claim or communication shall be available for public inspection pursuant to Section 54957.5.

(4) A statement made by a person in an open and public meeting threatening litigation on a specific matter within the responsibility of the legislative body.

(5) A statement threatening litigation made by a person outside an open and public meeting on a specific matter within the responsibility of the legislative body so long as the official or employee of the local agency receiving knowledge of the threat makes a contemporaneous or other record of the statement prior to the meeting, which record shall be available for public inspection pursuant to Section 54957.5. The records so created need not identify the alleged victim of unlawful or tortious sexual conduct or anyone making the threat on their behalf, or identify a public employee who is the alleged perpetrator of any unlawful or tortious conduct upon which a threat of litigation is based, unless the identity of the person has been publicly disclosed.

(f) Nothing in this section shall require disclosure of written communications that are privileged and not subject to disclosure pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

(g) Prior to holding a closed session pursuant to this section, the legislative body of the local agency shall state on the agenda or publicly announce the paragraph of subdivision (d) that authorizes the closed session. If the session is closed pursuant to paragraph (1) of subdivision (d), the body shall state the title of or otherwise specifically identify the litigation to be discussed, unless the body states that to do so would jeopardize the agency's ability to effectuate service of process upon one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(h) A local agency shall be considered to be a "party" or to have a "significant exposure to litigation" if an officer or employee of the local agency is a party or has significant exposure to litigation concerning prior or prospective activities or alleged activities during the course and scope of that office or employment, including litigation in which it is an issue whether an activity is outside the course and scope of the office or employment.

Sec. 54956.95. Closed sessions regarding liability.

(a) Nothing in this chapter shall be construed to prevent a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, for purposes of insurance pooling, or a local agency member of the joint powers agency, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the joint powers agency or a local agency member of the joint powers agency.

(b) Nothing in this chapter shall be construed to prevent the Local Agency Self-Insurance Authority formed pursuant to Chapter 5.5 (commencing with Section 6599.01) of Division 7 of Title 1, or a local agency member of the authority, from holding a closed session to discuss a claim for the payment of tort liability losses, public liability losses, or workers' compensation liability incurred by the authority or a local agency member of the authority.

(c) Nothing in this section shall be construed to affect Section 54956.9 with respect to any other local agency.

Sec. 54956.96. Disclosure of specified information in closed session of joint powers agency; Authorization of designated alternate to attend closed session; Closed session of legislative body of local agency member

(a) Nothing in this chapter shall be construed to prevent the legislative body of a joint powers agency formed pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1, from adopting a policy or a bylaw or including in its joint powers agreement provisions that authorize either or both of the following:

(1) All information received by the legislative body of the local agency member in a closed session related to the information presented to the joint powers agency in closed session shall be confidential. However, a member of the legislative body of a member local agency may disclose information obtained in a closed session that has direct financial or liability implications for that local agency to the following individuals:

(A) Legal counsel of that member local agency for purposes of obtaining advice on whether the matter has direct financial or liability implications for that member local agency.

(B) Other members of the legislative body of the local agency present in a closed session of that member local agency.

(2) Any designated alternate member of the legislative body of the joint powers agency who is also a member of the legislative body of a local agency member and who is attending a properly noticed meeting of the joint powers agency in lieu of a local agency member's regularly appointed member to attend closed sessions of the joint powers agency.

If the legislative body of a joint powers agency adopts a policy or a bylaw or includes provisions in its joint powers agreement pursuant to subdivision (a), then the legislative body of the local agency member, upon the advice of its legal counsel, may conduct a closed session in order to receive, discuss, and take action concerning information obtained in a closed session of the joint powers agency pursuant to paragraph (1) of subdivision (a).

Sec. 54957. Closed session regarding public security, personnel or national security.

a) This chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions with the Governor, Attorney General, district attorney, agency counsel, sheriff, or chief of police, or their respective deputies, or a security consultant or a security operations manager, on matters posing a threat to the security of public buildings, a threat to the security of essential public services, including water, drinking water, wastewater treatment, natural gas service, and electric service, or a threat to the public's right of access to public services or public facilities.

b) (1) Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session.

(2) As a condition to holding a closed session on specific complaints or charges brought against an

employee by another person or employee, the employee shall be given written notice of his or her right to have the complaints or charges heard in an open session rather than a closed session, which notice shall be delivered to the employee personally or by mail at least 24 hours before the time for holding the session. If notice is not given, any disciplinary or other action taken by the legislative body against the employee based on the specific complaints or charges in the closed session shall be null and void.

(3) The legislative body also may exclude from the public or closed meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the legislative body.

(4) For the purposes of this subdivision, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee but shall not include any elected official, member of a legislative body or other independent contractors. This subdivision shall not limit local officials' ability to hold closed session meetings pursuant to Sections 1461, 32106, and 32155 of the Health and Safety Code or Sections 37606 and 37624.3 of the Government Code. Closed sessions held pursuant to this subdivision shall not include discussion or action on proposed compensation except for a reduction of compensation that results from the imposition of discipline.

Sec. 54957.1. Public report of employment decisions.

(a) The legislative body of any local agency shall publicly report any action taken in closed session and the vote or abstention on that action of every member present, as follows:

(1) Approval of an agreement concluding real estate negotiations pursuant to Section 54956.8 shall be reported after the agreement is final, as follows:

(A) If its own approval renders the agreement final, the body shall report that approval and the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with the other party to the negotiations, the local agency shall disclose the fact of that approval and the substance of the agreement upon inquiry by any person, as soon as the other party or its agent has informed the local agency of its approval.

(2) Approval given to its legal counsel to defend, or seek or refrain from seeking appellate review or relief, or to enter as an amicus curiae in any form of litigation as the result of a consultation under Section 54956.9 shall be reported in open session at the public meeting during which the closed session is held. The report shall identify, if known, the adverse party or parties and the substance of the litigation. In the case of approval given to initiate or intervene in an action, the announcement need not identify the action, the defendants, or other particulars, but shall specify that the direction to initiate or intervene in an action has been given and that the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

(3) Approval given to its legal counsel of a settlement of pending litigation, as defined in Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding shall be reported after the settlement is final, as follows:

(A) If the legislative body accepts a settlement offer signed by the opposing party, the body shall report its acceptance and identify the substance of the agreement in open session at the public meeting during which the closed session is held.

(B) If final approval rests with some other party to the litigation or with the court, then as soon as the settlement becomes final, and upon inquiry by any person, the local agency shall disclose the fact of that approval, and identify the substance of the agreement.

(4) Disposition reached as to claims discussed in closed session pursuant to Section 54956.95 shall be reported as soon as reached in a manner that identifies the name of the claimant, the name of the local

agency claimed against, the substance of the claim, and any monetary amount approved for payment and agreed upon by the claimant.

(5) Action taken to appoint, employ, dismiss, accept the resignation of, or otherwise affect the employment status of a public employee in closed session pursuant to Section 54957 shall be reported at the public meeting during which the closed session is held. Any report required by this paragraph shall identify the title of the position. The general requirement of this paragraph notwithstanding, the report of a dismissal or of the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

(6) Approval of an agreement concluding labor negotiations with represented employees pursuant to Section 54957.6 shall be reported after the agreement is final and has been accepted or ratified by the other party. The report shall identify the item approved and the other party or parties to the negotiation.

(b) Reports that are required to be made pursuant to this section may be made orally or in writing. The legislative body shall provide to any person who has submitted a written request to the legislative body within 24 hours of the posting of the agenda, or to any person who has made a standing request for all documentation as part of a request for notice of meetings pursuant to Section 54954.1 or 54956, if the requester is present at the time the closed session ends, copies of any contracts, settlement agreements, or other documents that were finally approved or adopted in the closed session. If the action taken results in one or more substantive amendments to the related documents requiring retyping, the documents need not be released until the retyping is completed during normal business hours, provided that the presiding officer of the legislative body or his or her designee orally summarizes the substance of the amendments for the benefit of the document requester or any other person present and requesting the information.

(c) The documentation referred to in subdivision (b) shall be available to any person on the next business day following the meeting in which the action referred to is taken or, in the case of substantial amendments, when any necessary retyping is complete.

(d) Nothing in this section shall be construed to require that the legislative body approve actions not otherwise subject to legislative body approval.

(e) No action for injury to a reputational, liberty, or other personal interest may be commenced by or on behalf of any employee or former employee with respect to whom a disclosure is made by a legislative body in an effort to comply with this section.

(f) This section is necessary to implement, and reasonably within the scope of, paragraph (1) of subdivision (b) of Section 3 of Article I of the California Constitution.

Sec. 54957.2. Minutes of closed sessions.

(a) The legislative body of a local agency may, by ordinance or resolution, designate a clerk or other officer or employee of the local agency who shall then attend each closed session of the legislative body and keep and enter in a minute book a record of topics discussed and decisions made at the meeting. The minute book made pursuant to this section is not a public record subject to inspection pursuant to the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be kept confidential. The minute book shall be available only to members of the legislative body or, if a violation of this chapter is alleged to have occurred at a closed session, to a court of general jurisdiction wherein the local agency lies. Such minute book may, but need not, consist of a recording of the closed session.

(b) An elected legislative body of a local agency may require that each legislative body all or a majority of whose members are appointed by or under the authority of the elected legislative body keep a minute book as prescribed under subdivision (a).

Sec. 54957.5. Agenda and other writings as public record.

(a) Notwithstanding Section 6255 or any other law, agendas of public meetings and any other writings, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1), and shall be made available upon request without delay. However, this section shall not include any writing exempt from public disclosure under Section 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, 6254.22, OR 6254.26.

(b) (1) If a writing that is a public record under subdivision (a), and that relates to an agenda item for an open session of a regular meeting of the legislative body of a local agency, is distributed less than 72 hours prior to that meeting, the writing shall be made available for public inspection pursuant to paragraph (2) at the time the writing is distributed to all, or a majority of all, of the members of the body.

(2) A local agency shall make any writing described in paragraph (1) available for public inspection at a public office or location that the agency shall designate for this purpose. Each local agency shall list the address of this office or location on the agendas for all meetings of the legislative body of that agency. The local agency also may post the writing on the local agency's Internet Web site in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting.

(3) This subdivision shall become operative on July 1, 2008.

(c) Writings that are public records under subdivision (a) and that are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the local agency or a member of its legislative body, or after the meeting if prepared by some other person. These writings shall be made available in appropriate alternative formats upon request by a person with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(d) This chapter shall not be construed to prevent the legislative body of a local agency from charging a fee or deposit for a copy of a public record pursuant to Section 6253, except that a surcharge shall not be imposed on persons with disabilities in violation of Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof.

(e) This section shall not be construed to limit or delay the public's right to inspect or obtain a copy of any record required to be disclosed under the requirements of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1). This chapter shall not be construed to require a legislative body of a local agency to place any paid advertisement or any other paid notice in any publication.

Sec. 54957.6. Closed sessions regarding labor negotiations.

(a) Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.

However, prior to the closed session, the legislative body of the local agency shall hold an open and public session in which it identifies its designated representatives.

Closed sessions of a legislative body of a local agency, as permitted in this section, shall be for the purpose of reviewing its position and instructing the local agency's designated representatives.

Closed sessions, as permitted in this section, may take place prior to and during consultations and discussions with representatives of employee organizations and unrepresented employees.

Closed sessions with the local agency's designated representative regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits may include discussion of an agency's available funds and funding priorities, but only insofar as these discussions relate to providing instructions to the local agency's designated representative.

Closed sessions held pursuant to this section shall not include final action on the proposed compensation of one or more unrepresented employees.

For the purposes enumerated in this section, a legislative body of a local agency may also meet with a state conciliator who has intervened in the proceedings.

(b) For the purposes of this section, the term "employee" shall include an officer or an independent contractor who functions as an officer or an employee, but shall not include any elected official, member of a legislative body, or other independent contractors.

Sec. 54957.7. Statement of reasons for closed session.

(a) Prior to holding any closed session, the legislative body of the local agency shall disclose, in an open meeting, the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda. In the closed session, the legislative body may consider only those matters covered in its statement. Nothing in this section shall require or authorize a disclosure of information prohibited by state or federal law.

(b) After any closed session, the legislative body shall reconvene into open session prior to adjournment and shall make any disclosures required by Section 54957.1 of action taken in the closed session.

(c) The announcements required to be made in open session pursuant to this section may be made at the location announced in the agenda for the closed session, as long as the public is allowed to be present at that location for the purpose of hearing the announcements.

Sec. 54957.9. Clearing of room where meeting willfully interrupted.

In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

Sec. 54957.10. Closed sessions regarding application for early withdrawal of deferred compensation plan funds.
Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions to discuss a local agency employee's application for early withdrawal of funds in a deferred compensation plan when the application is based on financial hardship arising from an unforeseeable emergency due to illness, accident, casualty, or other extraordinary event, as specified in the deferred compensation plan.

Sec. 54958. Applicability of Brown Act.
The provisions of this chapter shall apply to the legislative body of every local agency notwithstanding the conflicting provisions of any other state law.

Sec. 54959. Misdemeanor.
Each member of a legislative body who attends a meeting of that legislative body where action is taken in violation of any provision of this chapter, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this chapter, is guilty of a misdemeanor.

Sec. 54960. Proceeding to prevent violation of chapter; Recording closed sessions; Procedure for discovery of audio recordings

(a) The district attorney or any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping or preventing violations or threatened violations of this chapter by members of the legislative body of a local agency or to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body, or to determine the applicability of this chapter to past actions of the legislative body, subject to Section 54960.2, or to determine whether any rule or action by the legislative body to penalize or otherwise discourage the expression of one or more of its members is valid or invalid under the laws of this state or of the United States, or to compel the legislative body to audio record its closed sessions as hereinafter provided.

(b) The court in its discretion may, upon a judgment of a violation of Section 54956.7, 54956.8, 54956.9, 54956.95, 54957, or 54957.6, order the legislative body to audio record its closed sessions and preserve the audio recordings for the period and under the terms of security and confidentiality the court deems appropriate.

(c) **(1)** Each recording so kept shall be immediately labeled with the date of the closed session recorded and the title of the clerk or other officer who shall be custodian of the recording.

(2) The audio recordings shall be subject to the following discovery procedures:

(A) In any case in which discovery or disclosure of the audio recording is sought by either the district attorney or the plaintiff in a civil action pursuant to Section 54959, 54960, or 54960.1 alleging that a violation of this chapter has occurred in a closed session that has been recorded pursuant to this section, the party seeking discovery or disclosure shall file a written notice of motion with the appropriate court with notice to the governmental agency that has custody and control of the audio recording. The notice shall be given pursuant to subdivision (b) of Section 1005 of the Code of Civil Procedure.

(B) The notice shall include, in addition to the items required by Section 1010 of the Code of Civil Procedure, all of the following:

(i) Identification of the proceeding in which discovery or disclosure is sought, the party seeking discovery or disclosure, the date and time of the meeting recorded, and the

governmental agency that has custody and control of the recording.

(ii) An affidavit that contains specific facts indicating that a violation of the act occurred in the closed session.

(3) If the court, following a review of the motion, finds that there is good cause to believe that a violation has occurred, the court may review, in camera, the recording of that portion of the closed session alleged to have violated the act.

(4) If, following the in camera review, the court concludes that disclosure of a portion of the recording would be likely to materially assist in the resolution of the litigation alleging violation of this chapter, the court shall, in its discretion, make a certified transcript of the portion of the recording a public exhibit in the proceeding.

(5) This section shall not permit discovery of communications that are protected by the attorney-client privilege.

Sec. 54960.1. Determination of validity of action.

(a) The district attorney or any interested person may commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that an action taken by a legislative body of a local agency in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956 or 54956.5 is null and void under this section. Nothing in this chapter shall be construed to prevent a legislative body from curing or correcting an action challenged pursuant to this section.

(b) Prior to any action being commenced pursuant to subdivision (a), the district attorney or interested person shall make a demand of the legislative body to cure or correct the action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5. The demand shall be in writing and clearly describe the challenged action of the legislative body and nature of the alleged violation.

(c) (1) The written demand shall be made within 90 days from the date the action was taken unless the action was taken in an open session but in violation of Section 54954.2, in which case the written demand shall be made within 30 days from the date the action was taken.

(2) Within 30 days of receipt of the demand, the legislative body shall cure or correct the challenged action and inform the demanding party in writing of its actions to cure or correct or inform the demanding party in writing of its decision not to cure or correct the challenged action.

(3) If the legislative body takes no action within the 30-day period, the inaction shall be deemed a decision not to cure or correct the challenged action, and the 15-day period to commence the action described in subdivision (a) shall commence to run the day after the 30-day period to cure or correct expires.

(4) Within 15 days of receipt of the written notice of the legislative body's decision to cure or correct, or not to cure or correct, or within 15 days of the expiration of the 30-day period to cure or correct, whichever is earlier, the demanding party shall be required to commence the action pursuant to subdivision (a) or thereafter be barred from commencing the action.

(d) An action taken that is alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 shall not be determined to be null and void if any of the following conditions exist:

(1) The action taken was in substantial compliance with Sections 54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5.

(2) The action taken was in connection with the sale or issuance of notes, bonds, or other evidences of indebtedness or any contract, instrument, or agreement thereto.

(3) The action taken gave rise to a contractual obligation, including a contract let by competitive bid other than compensation for services in the form of salary or fees for professional services, upon which a party has, in good faith and without notice of a challenge to the validity of the action, detrimentally relied.

(4) The action taken was in connection with the collection of any tax.

(5) Any person, city, city and county, county, district, or any agency or subdivision of the state alleging noncompliance with subdivision (a) of Section 54954.2, Section 54956, or Section 54956.5, because of any defect, error, irregularity, or omission in the notice given pursuant to those provisions, had actual notice of the item of business at least 72 hours prior to the meeting at which the action was taken, if the meeting was noticed pursuant to Section 54954.2, or 24 hours prior to the meeting at which the action was taken if the meeting was noticed pursuant to Section 54956, or prior to the meeting at which the action was taken if the meeting is held pursuant to Section 54956.5.

(e) During any action seeking a judicial determination pursuant to subdivision (a) if the court determines, pursuant to a showing by the legislative body that an action alleged to have been taken in violation of Section 54953, 54954.2, 54954.5, 54954.6, 54956, or 54956.5 has been cured or corrected by a subsequent action of the legislative body, the action filed pursuant to subdivision (a) shall be dismissed with prejudice.

(f) The fact that a legislative body takes a subsequent action to cure or correct an action taken pursuant to this section shall not be construed or admissible as evidence of a violation of this chapter.

Sec. 54960.2. Proceeding to determine the applicability of chapter to past actions of legislative body; Conditions; Cease and desist letter

(a) The district attorney or any interested person may file an action to determine the applicability of this chapter to past actions of the legislative body pursuant to subdivision (a) of Section 54960 only if all of the following conditions are met:

(1) The district attorney or interested person alleging a violation of this chapter first submits a cease and desist letter by postal mail or facsimile transmission to the clerk or secretary of the legislative body being accused of the violation, as designated in the statement pertaining to that public agency on file pursuant to Section 53051, or if the agency does not have a statement on file designating a clerk or a secretary, to the chief executive officer of that agency, clearly describing the past action of the legislative body and nature of the alleged violation.

(2) The cease and desist letter required under paragraph (1) is submitted to the legislative body within nine months of the alleged violation.

(3) The time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b) has expired and the legislative body has not provided an unconditional commitment pursuant to subdivision (c).

(4) Within 60 days of receipt of the legislative body's response to the cease and desist letter, other than an unconditional commitment pursuant to subdivision (c), or within 60 days of the expiration of the time during which the legislative body may respond to the cease and desist letter pursuant to subdivision (b), whichever is earlier, the party submitting the cease and desist letter shall commence the action pursuant to subdivision (a) of Section 54960 or thereafter be barred from commencing the action.

(b) The legislative body may respond to a cease and desist letter submitted pursuant to subdivision (a) within 30 days of receiving the letter. This subdivision shall not be construed to prevent the legislative body from providing an unconditional commitment pursuant to subdivision (c) at any time after the 30-day period has expired, except that in that event the court shall award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to this section, in accordance with Section 54960.5.

(c)

(1) If the legislative body elects to respond to the cease and desist letter with an unconditional commitment to cease, desist from, and not repeat the past action that is alleged to violate this chapter, that response shall be in substantially the following form:

To _____:

The name of legislative body] has received your cease and desist letter dated date] alleging that the following described past action of the legislative body violates the Ralph M. Brown Act:

Describe alleged past action, as set forth in the cease and desist letter submitted pursuant to subdivision (a)]

In order to avoid unnecessary litigation and without admitting any violation of the Ralph M. Brown Act, the name of legislative body] hereby unconditionally commits that it will cease, desist from, and not repeat the challenged past action as described above.

The name of legislative body] may rescind this commitment only by a majority vote of its membership taken in open session at a regular meeting and noticed on its posted agenda as "Rescission of Brown Act Commitment." You will be provided with written notice, sent by any means or media you provide in response to this message, to whatever address or addresses you specify, of any intention to consider rescinding this commitment at least 30 days before any such regular meeting. In the event that this commitment is rescinded, you will have the right to commence legal action pursuant to subdivision (a) of Section 54960 of the Government Code. That notice will be delivered to you by the same means as this commitment, or may be mailed to an address that you have designated in writing.

Very truly yours,

_____

Chairperson or acting chairperson of the legislative body]

(2) An unconditional commitment pursuant to this subdivision shall be approved by the legislative body in open session at a regular or special meeting as a separate item of business, and not on its consent agenda.

(3) An action shall not be commenced to determine the applicability of this chapter to any past action of the legislative body for which the legislative body has provided an unconditional commitment pursuant to this subdivision. During any action seeking a judicial determination regarding the applicability of this chapter to any past action of the legislative body pursuant to subdivision (a), if the court determines that the legislative body has provided an unconditional commitment pursuant to this subdivision, the action shall be dismissed with prejudice. Nothing in this subdivision shall be construed to modify or limit the existing ability of the district attorney or any interested person to commence an action to determine the applicability of this chapter to ongoing actions or threatened future actions of the legislative body

(4) Except as provided in subdivision (d), the fact that a legislative body provides an unconditional commitment shall not be construed or admissible as evidence of a violation of this chapter.

(d) If the legislative body provides an unconditional commitment as set forth in subdivision (c), the legislative body shall not thereafter take or engage in the challenged action described in the cease and desist letter, except as provided in subdivision (e). Violation of this subdivision shall constitute an independent violation of this chapter, without regard to whether the challenged action would otherwise violate this chapter. An action alleging past violation or threatened future violation of this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

(e) The legislative body may resolve to rescind an unconditional commitment made pursuant to subdivision (c) by a majority vote of its membership taken in open session at a regular meeting as a separate item of business not on its consent agenda, and noticed on its posted agenda as "Rescission of Brown Act Commitment," provided that not less than 30 days prior to such regular meeting, the legislative body provides written notice of its intent to consider the rescission to each person to whom the unconditional commitment was made, and to the district attorney. Upon rescission, the district attorney or any interested person may commence an action pursuant to subdivision (a) of Section 54960. An action under this subdivision may be brought pursuant to subdivision (a) of Section 54960, without regard to the procedural requirements of this section.

Sec. 54960.5. Costs and attorney fees

A court may award court costs and reasonable attorney fees to the plaintiff in an action brought pursuant to Section 54960, 54960.1, or 54960.2 where it is found that a legislative body of the local agency has violated this chapter. Additionally, when an action brought pursuant to Section 54960.2 is dismissed with prejudice because a legislative body has provided an unconditional commitment pursuant to paragraph (1) of subdivision (c) of that section at any time after the 30-day period for making such a commitment has expired, the court shall award court costs and reasonable attorney fees to the plaintiff if the filing of that action caused the legislative body to issue the unconditional commitment. The costs and fees shall be paid by the local agency and shall not become a personal liability of any public officer or employee of the local agency.

A court may award court costs and reasonable attorney fees to a defendant in any action brought pursuant to Section 54960 or 54960.1 where the defendant has prevailed in a final determination of such action and the court finds that the action was clearly frivolous and totally lacking in merit.

Sec. 54961. Meeting place with discriminatory admission policies.

(a) No legislative body of a local agency shall conduct any meeting in any facility that prohibits the admittance of any person, or persons, on the basis of race, religious creed, color, national origin, ancestry, or sex, or which is inaccessible to disabled persons, or where members of the public may not be present without making a payment or purchase. This section shall apply to every local agency as defined in Section 54951.

(b) No notice, agenda, announcement, or report required under this chapter need identify any victim or alleged victim of tortious sexual conduct or child abuse unless the identity of the person has been publicly disclosed.

Sec. 54962. Prohibition against closed sessions except as expressly authorized.

Except as expressly authorized by this chapter, or by Sections 1461, 1462, 32106, and 32155 of the Health and Safety Code, or by Sections 37606, 37606.1, and 37624.3 of the Government Code as they apply to hospitals, or

by any provision of the Education Code pertaining to school districts and community college districts, no closed session may be held by any legislative body of any local agency.

NON-DISCRIMINATION FOR STATE-ASSISTED PROGRAMS

(Government Code Title 2, Division 3, Part 1, Chapter 1, Article 9.5, Section 11135)

Sec. 11135. Prohibited discrimination

(a) No person in the State of California shall, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination under, any program or activity that is conducted, operated, or administered by the state or by any state agency, is funded directly by the state, or receives any financial assistance from the state. Notwithstanding Section 11000, this section applies to the California State University.

(b) With respect to discrimination on the basis of disability, programs and activities subject to subdivision (a) shall meet the protections and prohibitions contained in Section 202 of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof, except that if the laws of this state prescribe stronger protections and prohibitions, the programs and activities subject to subdivision (a) shall be subject to the stronger protections and prohibitions.

(c)

(1) As used in this section, "disability" means any mental or physical disability, as defined in Section 12926.

(2) The Legislature finds and declares that the amendments made to this act are declarative of existing law. The Legislature further finds and declares that in enacting Senate Bill 105 of the 2001-02 Regular Session (Chapter 1102 of the Statutes of 2002), it was the intention of the Legislature to apply subdivision (d) to the California State University in the same manner that subdivisions (a), (b), and (c) already applied to the California State University, notwithstanding Section 11000. In clarifying that the California State University is subject to paragraph (2) of subdivision (d), it is not the intention of the Legislature to increase the cost of developing or procuring electronic and information technology. The California State University shall, however, in determining the cost of developing or procuring electronic or information technology, consider whether technology that meets the standards applicable pursuant to paragraph (2) of subdivision (d) will reduce the long-term cost incurred by the California State University in providing access or accommodations to future users of this technology who are persons with disabilities, as required by existing law, including this section, Title II of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 and following), and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794).

(d)

(1) The Legislature finds and declares that the ability to utilize electronic or information technology is often an essential function for successful employment in the current work world.

(2) In order to improve accessibility of existing technology, and therefore increase the successful employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard-of-hearing persons, state governmental entities, in developing, procuring, maintaining, or using electronic or information technology, either indirectly or through the use of state funds by other entities, shall comply with the accessibility requirements of Section 508 of the federal

Rehabilitation Act of 1973, as amended (29 U.S.C. Sec. 794d), and regulations implementing that act as set forth in Part 1194 of Title 36 of the Federal Code of Regulations.

(3) Any entity that contracts with a state or local entity subject to this section for the provision of electronic or information technology or for the provision of related services shall agree to respond to, and resolve any complaint regarding accessibility of its products or services that is brought to the attention of the entity.

(e) As used in this section, "sex" and "sexual orientation" have the same meanings as those terms are defined in subdivisions (q) and (r) of Section 12926.

(f) As used in this section, "race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, or disability" includes a perception that a person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(g) As used in this section, "genetic information" has the same definition as in paragraph (2) of subdivision (e) of Section 51 of the Civil Code.

OATH OF ALLEGIANCE BY PUBLIC EMPLOYEES AS DISASTER WORKERS

(Government Code Title 1, Division 4, Chapter 8, Sections 3100-3108)

Sec. 3100. Public employees as disaster service workers.

It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be disaster service workers subject to such disaster service activities as may be assigned to them by their superior or by law.

Sec. 3101. Definitions.

For the purpose of this chapter the term “disaster service worker” includes all public employees and all volunteers in any disaster council or emergency organization accredited by the Office of Emergency Services. The term “public employees” includes all persons employed by the state or any county, city, city and county, state agency or public district, excluding aliens legally employed.

Sec. 3102. Required oath or affirmation.

(a) All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter.

(b) In the case of intermittent, temporary, emergency or successive employments, then in the discretion of the employing agency, an oath taken and subscribed as required by this chapter shall be effective for the purposes of this chapter for all successive periods of employment which commence within one calendar year from the date of that subscription.

(c) Notwithstanding subdivision (b), the oath taken and subscribed by a person who is a member of an emergency organization sanctioned by a state agency or an accredited disaster council, whose members are duly enrolled or registered with the Office of Emergency Services, or any accredited disaster council of any political subdivision, shall be effective for the period the person remains a member with that organization.

Sec. 3108. Subscribing to the oath or affirmation.
Every person who, while taking and subscribing to the oath or affirmation required by this chapter, states as true any material matter which he or she knows to be false, is guilty of perjury, and is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.

COUNTY HISTORICAL RECORDS COMMISSIONS

(Government Code Title 3, Division 2, Part 2, Chappter 16, Section 26490, and Government Code Tiel 2, Division 3, Part 2, Chapter 3, Article 4, Section12232)

Sec. 26490. County historical records commission.
The board of supervisors may designate an existing county historical commission or county museum commission to foster and promote the preservation of historical records. An existing commission to be so designated may include in its membership the county clerk or his designate, the county librarian or his designate, and the county museum director (if one exists) or his designate. If no such commission has been designated, the board of supervisors may appoint a historical records commission to foster and promote the preservation of historical records. The commission shall be composed of the county clerk or his designate, the county librarian or his designate, the county museum director (if one exists) or his designate, and two or three additional members for a total of five members.

Sec. 12232. Coordination of activities of county historical records commissions.
The Secretary of State shall utilize the California State Library to advise, encourage, and coordinate the activities of the county historical records commissions, either designated or appointed by the county boards of supervisors pursuant to Section 26490. The chairman or his or her designee of each county historical records commission may attend an annual meeting with the California State Library, at state expense, to receive advice in the preservation of local government archives and public library collections of historical materials.

LEASE-PURCHASE OF JOINT SCHOOL PUBLIC LIBRARY FACILITIES

(Education Code Title 1, Division 1, Part 10, Chapter 12, Article 3, Section 17050)

Sec. 17050. Authorization to school district.
(a) A district may enter into a contract with the county, or other appropriate entity having responsibility for the provision of public library services, in which the district is located for the purpose of operating a joint-use library facility at a schoolsite owned by the district.
(b) The district may apply for the lease-purchase of a project which includes a library facility, pursuant to Section 17017, which facility, if constructed, would be of sufficient size to accommodate the requirements of a joint-use library for which the district has entered into a contract, pursuant to subdivision (a).
(c) Should the board receive an application for a project which includes space for a joint-use library, the board shall evaluate the application disregarding any space in the proposed library facility which is beyond the needs of the district, provided the application contains a copy of the contract specified in subdivision (a), and provided that the contract contains at least the following:
    (1) Agreement that the county or other appropriate entity shall deposit in the county school lease-purchase fund, created pursuant to Section 17034, an amount equal to the total cost of any space in the proposed library facility which is beyond the needs of the district, prior to the signing of the construction contract

for the project. The deposit shall not be refundable, except to the extent that it may prove subsequently to be in excess of the actual total cost of the space which is beyond the needs of the district.

(2) Agreement between the district and the county or other appropriate entity regarding staffing, maintenance, materials acquisition, and other matters related to the administration and operating costs of the joint-use facility.

(3) Agreement between the district and the county or other appropriate entity regarding the procedure for amendment or termination of the contract, including the disposition of materials housed in the joint-use facility should termination of the contract occur.

(d) Any space in a joint-use library which is beyond the needs of the district shall not be included by the board in any calculations made for any other purposes provided for in this article for the period of time that the contract for that joint-use facility remains in effect. Should the contract be terminated, the board shall include the additional space in any calculations made after the termination for any other purposes provided for in this article.

CALIFORNIA COURT DECISIONS/ATTORNEY GENERAL OPINIONS

Appropriations--Beyond amount raised by library tax. (*City of Glendale v. Haak* (1944) 62 Cal.App.2d 426 [144 Pac.2d 866].)

Books--Duplicate--Supreme Court Library not authorized to dispose of State Library books. (Cal. Atty. Gen. Opin., No. 3621, June 10, 1918.)

Books--Index of free material. (Cal. Atty. Gen. Opin., N.S. 3751, Sept. 3, 1941.)

Books--Periodicals--Subscriptions. (Cal. Atty. Gen. Opin., No 5375, Aug. 13, 1925.)

Books--Purchase or destruction--Function of certified county Librarian. (42 Ops.Cal.Atty.Gen. 18, 63-113.)

Books--Sectarian and denominational. (*Evans v. Selma Union High School District* (1924) 193 Cal. 54 [222 Pac. 801] 31 A.L.R. 1121, 35 Ops.Cal.Atty.Gen. 68, 59-296.)

Buildings--Construction by city, least to county--Constitutional debt limitation not violated. (*City of Montclair v. Donaldson* (1962) 205 Cal.App.2d 201 [22 Cal.Rptr. 842].)

Buildings--County Free Library building owned and maintained by city. (Cal. Atty. Gen. Opin., N.S. 3768, Sept. 8, 1941.)

Buildings--Erection--Control by city. (*Board of Library Trustees of City of Hanford v. Board of Trustees of City of Hanford* (1906) 2 Cal.App. 760 [84 Pac. 227].)

Buildings--Erection--In public park. (*Spires v. City of Los Angeles* (1906) 150 Cal.64 [87 Pac. 1026].)

Buildings--Libraries not monuments. (*Fancher v. Fancher* (1909) 156 Cal. 13 [103 Pac. 206], 23 L.R.A.n.s., 944.)

Charters--When governing. (*People ex rel Willis v. Howard* (1892) 94 Cal. 73 [29 Pac. 485].)

Claims--Bills for books are not. (*Trustees State Library v. Kenfield* (1880) 55 Cal. 488)

Claims--Itemizing. (*Kelso v. Teale* (1895) 106 Cal. 477[39 Pac. 948].)

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County Free Libraries--Authority of supervisors--Discretion of county librarian. (Cal. Atty. Gen Opin., No. 2189, Nov. 27, 1911.)

County Free Libraries--Branch librarians--Appointment. (Cal. Atty. Gen. Opin, No. 5412, Aug. 29, 1925.)

County Free Libraries--Branches--Furniture may be provided by cities. (Cal. Atty. Gen. Opin., N.S. 1116, July 27, 1938.)

County Free Libraries--City Library assuming functions of, under contract with the county. (Cal. Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

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County Free Libraries--Establishment--Referendum includes library district electors. (28 Ops.Cal.Atty.Gen. 100, 56-190.)

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County Free Libraries--Funds--County school money may be set aside for. (Cal. Atty. Gen. Opin. No. 3533, Dec. 31, 1917.)

County Free Libraries--Funds--Expenditures. (Cal. Atty. Gen. Opin., No. 2189, Nov. 27, 1911.)

County Free Libraries--Funds--Transfer from county fund. (Cal. Atty. Gen. Opin., No. 5557, March 6, 1926.)

County Free Libraries--Librarian an officer and not an employee. (Cal. Atty. Gen. Opin, No. 4604, April 6, 1923.)

County Free Libraries--Librarian--Acting--Retains status as assistant. (Cal. Atty. Gen. Opin., N.S. 407, June 25, 1937.)

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Funds--Embezzlement of warrants by librarian. *(Robertson v. Library Trustees* (1902) 136 Cal. 403 [69 Pac. 88].)

Funds--Expenditures--County Free Library. (Cal. Atty. Gen. Opin., No. 2189, Nov. 27, 1911.)

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Funds--School district libraries--Amount to be apportioned. (Cal. Atty. Gen. Opin., No. 3533, Dec. 31, 1917.)

Funds--School district libraries--City library branches. (Cal. Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

Funds--School district libraries--Purchase of county library service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

Funds--School district libraries--Use of by County Free Library. (Cal. Atty. Gen. Opin., No. 6755, July 2, 1929.)

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Funds--Withdrawal from treasury. (*Trustees State Library v. Kenfield* (1880) 55 Cal. 488.)

Furniture--City may provide for use in County Free Library branch. (Cal. Atty. Gen. Opin., N.S. 1116, July 27, 1938.)

Gifts--To State Library, Blind Department. (2 Ops Cal. Atty. Gen. 203, N.S. 5090, 1943.)

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Periodicals--Subscriptions--Payment in advance approved. (Cal. Atty. Gen. Opin., No. 5375, Aug. 13, 1925.)

Quarters--Mandate to compel supervisors to provide--Law Library . (*Board of Law Library Trustees of Orange County v. Board of Supervisors of Orange County* (1893) 99 Cal. 571 [34 Pac. 244].)

Rent--@Carnegie@ city library--Space occupied by county free library. (4 Ops.Cal.Atty.Gen. 343 N.S. 5712.)

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Sales and use tax--books and periodicals--Law Libraries subject to tax. *(People v. County of Imperial* (1946) 76 Cal.App.2d 572 [173 Pac.2d 352]; Cal. Atty. Gen. Opin., N.S. 2425; March 27, 1940; 16 Ops.Cal.Atty.Gen. 15, No. 50-27.)

School district libraries--Fines--Trustees may assess fines against pupils for failure to return books, but power may not be delegated and cannot be made a function of a school student body organization. (25 Ops.Cal.Atty.Gen. 304, 55-22.)

School district libraries--Funds--Amount to be apportioned. (Cal. Atty. Gen. Opin. No. 3533, Dec. 31, 1917.)

School district libraries--Funds--Bond funds for equipment includes purchase of library books both as part of original collection and to supplement collection. (42 Ops.Cal.Atty.Gen. 37, 63-97.)

School district libraries--Funds--City library branch. (Cal.Atty. Gen. Opin., No. 4591, Dec. 5, 1922.)

School district libraries--Funds--Purchase of county library service. (Cal. Atty. Gen. Opin., No. 2860, March 16, 1915.)

School district libraries--Funds--Report on books purchased after money turned over to county library fund. (Cal. Atty. Gen. Opin., No. 8022, April 1, 1932; id. No. 8091, May 28, 1932.)

School district libraries--Funds--Use of by county free library. (Cal. Atty. Gen. Opin., No. 6755, July 2, 1929.)

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State Library--Trustees--Eligibility for office of. (*People ex rel Simmons v. Sanderson* (1866) 30 Cal. 160.)

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Tax levy--County Free Library--Exemption from. (*Redman v. Warden* (1928) 92 Cal.App. 636, 268 Pac. 686; *Redman v. Weisenheimer* (1929) 102 Cal.App. 488 [283 Pac. 363].)

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Trustees--Control over erection of building. (*Board of Library Trustees of City of Hanford v. Board of Trustees of City of Hanford* (1906) 2 Cal.App. 760 [84 Pac. 227].)

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