



SANTA CRUZ
COUNTY
GRAND JURY

Santa Cruz Grand Jury <grandjury@scgrandjury.org>

Library JPA response to Grand Jury Report

'Mali LaGoe' via Santa Cruz Grand Jury <grandjury@scgrandjury.org> Mon, Aug 22, 2022 at 8:39 AM
Reply-To: Mali LaGoe <mlagoe@scottsvally.gov>
To: "Syda.Cogliati@santacruzcourt.org" <Syda.Cogliati@santacruzcourt.org>, "grandjury@scgrandjury.org" <grandjury@scgrandjury.org>

Judge Cogliati and Santa Cruz Grand Jury,

Attached you will find the response from the Santa Cruz Library Joint Powers Authority Board of Directors regarding the Grand Jury Report titled "How a Community Center Became a Library." The response was approved at our regular public meeting on August 4th, 2022.

Thank you for your service to the Santa Cruz County community. Please let me know if you have any questions.

Best,

Mali LaGoe | City Manager/ Chair, Santa Cruz Library JPA Board of Directors

City of Scotts Valley, CA

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[Book 30 minutes with Mali](#)





**The 2021–2022 Santa Cruz County Civil Grand Jury
Requires the**

**Santa Cruz Public Libraries Joint Powers Authority
to Respond by September 20, 2022
to the Findings and Recommendations listed below
which were assigned to them in the report titled**

How a Community Center Became a “Library”

The Transformational Power of Measure S Funds

Responses are **required** from elected officials, elected agency or department heads, and governing boards, councils, and committees which are investigated by the Grand Jury. You are required to respond by the California Penal Code [\(PC\) §933\(c\)](#).

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. ***For the Findings, mark one of the following responses with an “X” and provide the required additional information:***
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

 2. ***For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:***
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

 3. ***Please confirm the date on which you approved the assigned responses:***

We approved these responses in a regular public meeting as shown in our minutes dated August 4, 2022.

 4. ***When your responses are complete, please email your completed Response Packet as a PDF file attachment to both***

The Honorable Judge Syda Cogliati Syda.Cogliati@santacruzcourt.org and
The Santa Cruz County Grand Jury grandjury@scgrandjury.org.
- If you have questions about this response form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.***

FINDINGS

- F1. The plain language of Measure S required use of Measure S funds for the modernization, upgrade, and repair of the existing local library branches—not community centers.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

As described in Exhibit A of Resolution No. 2016-001 for the Santa Cruz Libraries Facilities Financing Authority (LFFA) Community Facilities District (CFD) No. 2016-1, the types of public facilities to be financed included but weren't limited to library facilities in Aptos, Boulder Creek, Branciforte, Capitola, Downtown Santa Cruz, Felton, Garfield Park, La Selva Beach, Live Oak and Scotts Valley, but excluded library facilities in the City of Watsonville. Pursuant to Exhibit A, Measure S allowed for existing or new library facilities in these locations and supported various improvements and needs. This included any of the following: new construction, building renovations and service model upgrades needed to provide service desks, an area for displaying materials, separate areas for teens and children, flexible spaces and/or meeting rooms and study rooms, places to display art, new flooring, paint, shelving, furniture and technology, power/data to support library technology, and other upgrades. This is consistent with Measure S, which explicitly stated that the funds are to be used, among other things, to "construct/expand facilities where necessary."

F2. The Santa Cruz Public Libraries website states that Measure S funds would be used to address the “most urgent needs” identified in the Facilities Master Plan, which stated no new library branches were needed and focused only on the needs of the existing ten library branches—likely misleading voters.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Santa Cruz Public Libraries (SCPL) website provides general information on the facilities master planning process conducted in 2013. This eventually led to the development of the LFFA and related CFD No. 2016-1, which placed Measure S on the ballot in 2016. The Facilities Master Plan (FMP) was conducted prior to Measure S and covered needs at the time. The FMP was not part of the Measure S ballot measure language and voter materials. However, as stated on pages 3 and 4, the FMP identified the need to upgrade, renovate or replace the Downtown Branch Library. The FMP also identified the need to create program space for the Live Oak Branch Library. Since program space could not be accommodated at the Live Oak Branch Library, it was done at the Live Oak Library Annex. The new facility is explicitly authorized under the plain language of Measure S.

F3. Voter materials disclosed how Measure S funds would be divided among the Santa Cruz Public Libraries' Member Agencies, but did not disclose the allocation of \$5 million to a Live Oak Library Annex within the Live Oak Community Center—likely misleading voters.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Measure S funds are not limited to existing branches, and the division of Measure S funds was identified in the LFFA's Joint Powers Agreement (JPA). This information was not required as part of voter materials. Member agencies were given an allocation of funds in the JPA, and their governing bodies could determine how those funds were spent. The JPA provided member agencies the flexibility to determine how their allocations would be used on existing or new facilities in their jurisdictions.

F5. The Annex is an expansion of the Live Oak Community Center and not an expansion of the Live Oak Branch Library.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

As identified in the FMP and stated previously, there wasn't adequate program space at the Live Oak Branch Library, and the Live Oak Library Annex (Annex) provides that space. The Annex is an expansion of library facilities in the Live Oak community. It establishes a learning center with meeting/study room space that complements the existing Live Oak Branch Library and provides additional opportunities for library-related activities and services that the existing Live Oak Branch Library could not accommodate. SCPL can provide digital literacy classes, job training, coding, and other programs for youth and adults that are not possible in the existing Live Oak Branch Library due to size and noise constraints.

F6. The County's decision to use Measure S funds for the Live Oak Library Annex in the Live Oak Community Center will impact the Santa Cruz Public Libraries operating budget.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

Establishing the Annex with Measure S funds will not adversely impact SCPL's operating budget. As part of future budgets, the Library Joint Powers Authority Board will consider offering programs and services at the Annex that would have been provided at the Live Oak Branch Library if there were space to accommodate them. SCPL is also exploring establishing a small free library of materials and resources at the Annex that will also not have an adverse impact on the operating budget. Library patrons will be able to use the Annex for program and meeting or study space.

RECOMMENDATIONS

- R1. By December 31, 2022, the Santa Cruz County Board of Supervisors should reassess its decision to use Measure S funds to improve the Live Oak Community Center and either reimburse the Library Facilities Financing Authority or commit additional funds to establish the Annex as a library resource consistent with other SCPL branches. (F1, F4, F5, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

The use of Measure S funds on the Annex is appropriate. It is not necessary to reimburse the LFFA or commit additional funds to establish the Annex. In addition, as previously stated, no adverse impact on SCPL's operating budget is anticipated. The Measure S ballot language as well as Exhibit A of the ballot measure specifically allow for the expansion and construction of library facilities, including Live Oak, in order to provide flexible spaces, such as meeting and study rooms, and expand access to library technology.

R2. In the case of any future ballot measures, the Santa Cruz Public Libraries should inform voters of prior commitments of ballot funds, such as the County Board of Supervisors' commitment of Measure S funds to Live Oak. (F2, F3, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

First, Government Code Section 50075.1 sets forth requirements for identifying “specific purposes” for any local special tax measure that is subject to voter approval. Section 50075.1, subdivision (a) requires that the ballot measure include “[a] statement indicating the specific purpose of the special tax[.]” while subdivision (b) requires “that the proceeds be applied only to the specific purposes identified pursuant to subdivision (a).”

The Measure S ballot language met this requirement because it did inform voters that monies generated through the measure would go to Live Oak, including to “support growing use by children, senior, veterans, and others; expand access to modern technology, and construct/expand facilities where necessary.”

Secondly, the law does not require a public agency to identify how each dollar generated by a specific tax measure will be spent. In fact, courts have consistently held that “the rule is that public bodies may submit bond propositions in broad and general terms.” (*Monette-Shaw v. San Francisco Bd. of Supervisors* (2006) 139 Cal.App.4th 1210, 1221 [finding that a measure for “the acquisition, improvement, construction and/or reconstruction” of a specific hospital did not limit the County to building a new hospital at a different location].) Under the plain language of the ballot measure and the related resolutions, it is reasonable to expect the voters had no interest in micromanaging the SCPL or exactly which projects should be undertaken.

As previously noted, the ballot materials also described how the funds would be distributed to specific member agencies. Details on how each member agency planned to specifically use Measure S funds is neither required by law nor practical. While this report focuses on Live Oak, note that the ballot language did not include how funds would be spent in other County areas (Felton, Aptos, Boulder Creek, etc.), nor was it required to do so.

R3. In the case of any future ballot measures, the Santa Cruz Public Libraries should inform voters of the impact of facility expansion on its future operating budgets. (F6)

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HAS BEEN IMPLEMENTED – summarize what has been done

—

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

—

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

As noted above, State law does not require ballot measures issued for a specific purpose (i.e., construction, repairs, expansion of library facilities) to include projected impacts on various budgets in the future. It is also reasonable that voters would be aware that the construction of new facilities may require additional costs to staff and maintain those facilities. Accordingly, the purpose of Measure S was to finance construction, repairs, and expansion of library facilities.

It is unclear how the construction of the Annex impacts SCPL's operating budget, and even if the Board authorizes future expenditures on services at the Annex those impacts would not be any more than other infrastructure upgrades or expansions to other library facilities would. For example, the Grand Jury Report points to SCPL's responsibility for "replacing lost or damaged equipment in the Annex" as evidence that Annex will have an outsized impact on the SCPL operating budget. This concern is misplaced as it relates to the Annex and could be applied to any library improvements funded through Measure S. Funds spent to upgrade any equipment or facilities, as well as the costs to replace or repair them, are a natural and necessary portion of any library budget, regardless of location.