



STAFF REPORT

TOWN COUNCIL MEETING OF NOVEMBER 29, 2016

To: Town Council

From: Town Manager
Town Attorney

Subject: Second reading and adoption of ordinance notifying Placer County that the Town of Loomis is withdrawing from the County library system and establishing a municipal library, and direction to the Town Manager to take certain actions in furtherance thereof.

Date: November 21, 2016

RECOMMENDATION:

1. Hear staff presentation for action to be taken at the November 29, 2016 adjourned meeting, hold discussion and hear public testimony.
2. Adopt Ordinance on withdrawing from the Placer County Library System and establishing a municipal library.
3. Provide direction to the Town Manager on future actions related to withdrawal and establishment of a municipal library.

DISCUSSION:

Earlier this year, Placer County officially closed the Loomis branch of the Placer County library system. At the June 14, 2016 Town Council meeting, the Council took action to place a ¼ cent transaction and use tax measure on the November 8, 2016 ballot (Measure F). Although Measure F is a general tax measure, a companion advisory measure (Measure G) asks the residents of Loomis if the Council revenue generated from Measure F should be used to predominantly to support the continued operation of the Loomis library. Council also approved a lease of the library building between the Town and Placer County.

At the time this report was prepared, the outcome of Measures F and G was unknown. However, it was necessary for Council to introduce the ordinance and conduct the first reading in order to complete the actions necessary for the Town to effectuate its withdrawal from the County library system by January 1, 2017.

As noted in the agenda report for the Council's June 14 actions, the following actions must be taken to withdraw from the Placer County library system and to establish a municipal library:

- Withdraw from County Free Library System:

- Two week published notice of date and time when Council will consider withdrawal.¹
- Approve ordinance withdrawing.² Ordinance requires two readings five days apart, and 30 days to be effective.
- Notify Board of Supervisors of withdrawal from County system.³ Notice must be accompanied by a statement of boundaries on State Board of Equalization form, and must include certified copy of the ordinance.⁴

The notice requirements have been met with publication of a notice in both the Auburn Journal and the Loomis News. The notice appeared the Auburn Journal on November 15 and 22 and in the Loomis News on November 17 and 24.

Attached is the Ordinance that was introduced on November 8, 2016 which, if adopted, will effectuate the Town's withdrawal from the Placer Council Library System and establish a municipal library for the Town of Loomis. The Ordinance also authorizes and directs the Town Manager to take any actions needed, such as gathering the information necessary to provide notification to the Board of Supervisors of the Town Council's actions.

Tonight's action is the second of two meetings needed to adopt the proposed Ordinance. Under state law, an ordinance cannot be adopted within five days of its introduction, and adoption must occur at a regular or adjourned regular meeting.

Future actions that will be required, if Council approves the Ordinance, include:

- Appoint Library Board. Appointed by Mayor "with the consent" of the Town Council.⁵ **Timing not specified in statutes.**
- Negotiate property tax allocation.⁶

Staff will seek direction from Council on these future actions, and will be prepared to discuss options at the November 29 adjourned regular meeting.

CEQA:

The proposed actions are exempt from CEQA, for the reasons stated in the Ordinance.

FINANCIAL IMPLICATIONS:

As noted in the staff report for the introduction of the ordinance, the only financial implications associated with adoption of this ordinance are the fees to post the notices in the Auburn Journal and the Loomis News. There are State Board of Equalization filing fees estimated to be about \$1,500.

Attachments:

Attachment A: Ordinance

¹ Ed Code §19106

² Ed Code §18900

³ Ed Code §19104(a)

⁴ Ed Code §19104; Govt Code §§54900, 54901

⁵ Ed Code §18910

⁶ Rev and Tax Code §§99(a)(1), 95(a) and (m)

TOWN OF LOOMIS

ORDINANCE NO. 267

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOOMIS WITHDRAWING FROM THE PLACER COUNTY LIBRARY SYSTEM AND ESTABLISHING A MUNICIPAL LIBRARY

WHEREAS, the Loomis branch of the Placer County Library system has been operated and maintained for the use, benefit, and enjoyment of all residents of the Town, and the Loomis Library is a critical asset to the community by providing books and reading rooms, as well as gathering spaces that foster community and civic engagement for Town residents; and

WHEREAS, the Board of Supervisors of the County of Placer closed the Loomis Library in July 30, 2016; and

WHEREAS, on November 8, 2016, the voters of the Town of Loomis approved Measure F, a one-quarter cent general transaction and use tax measure that will provide a source of funding that can be used to support the continued operation of the Loomis Library; and

WHEREAS, it is in the public interest that residents of the Town be able to utilize and enjoy the benefits of a public library located within the Town of Loomis; and

WHEREAS, California law permits the Town to withdraw from the Placer County Library System and to establish a municipal library.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOOMIS HEREBY ORDAINS AS FOLLOWS:

Section 1. Authority. The Town Council adopts this ordinance pursuant to the authority granted to it under Education Code Section 18900 *et seq.*

Section 2. Withdrawal from Placer County Free Library System. In accordance with Education Code Section 19106, the Town of Loomis no longer desires to be a part of the Placer County Free Library System (the "County Library System"), effective December 31, 2016. The Town Manager is hereby authorized and directed to do all things and take all actions necessary in order to effectuate the Town's withdrawal from the County Library System. Toward this end, the Town Manager is authorized and directed to provide notification to the Placer County Board of Supervisors and other County officials of the Town's withdrawal from the County Library System, in the manner required by law.

Section 3. Establishment of the Loomis Municipal Library. Effective January 1, 2017, there is hereby established in and for the Town of Loomis a municipal library, to be operated by the Town of Loomis in accordance with the provisions of Chapter 5 of Part 11 of Division 1 of Title 1 of the California Education Code, and such other provisions of law as may be applicable. The Town Manager is hereby authorized and directed to do all things and take all actions necessary in order to effectuate the establishment of the Loomis Municipal Library.

Section 4. CEQA. The Town Council hereby finds that this Ordinance and the actions directed herein are not subject to review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060, subdivision (c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061, subdivision (b)(3) (there is no possibility the activity in question may have a significant effect on the environment).

Section 5. Effective Date and Publication. This Ordinance shall take effect thirty (30) days after its adoption. The Town Clerk shall cause this Ordinance to be published in the Loomis News and to be posted at three (3) locations within fifteen (15) days after its passage; shall certify to the adoption and posting of this Ordinance; and shall cause this Ordinance and its certification to be entered in the Book of Ordinances of the Town of Loomis.

The foregoing Ordinance was introduced at a regular meeting of the Council of the Town of Loomis held on the 8th of November, 2016, and was **ADOPTED AND ORDERED** published and posted at a regular meeting of the Council held on the 29th day of November, 2016, by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

By: _____
Brian Baker, Mayor

ATTEST:

By: _____
Crickett Strock, Town Clerk