

LAFCO

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To: Olin Woods, Chair and Members of the
Yolo Local Agency Formation Commission

From: Elisa Carvalho, Assistant Executive Officer

Date: May 10, 2010

Subject: Legal Opinion Regarding the Yolo County Library Status, Organization, and
Boundaries

Recommended Action

Receive legal opinion provided by Commission Counsel Robyn Drivon regarding the Yolo County Library's status, organization, and boundaries.

Reason for Recommended Action

There have been ongoing questions regarding the Yolo County Library resulting from potential changes to the Woodland Public Library. A written statement of legal opinion will help clarify existing questions and provide a common basis for understanding.

Background

Approximately one year ago, the Woodland Public Library Director notified LAFCO staff that the Library Board of Trustees were exploring new organization options for the Public Library. Potential options included formation of an independent public library district or annexation to the Yolo County Library. LAFCO provided a memo to the City and County Libraries and staff outlining LAFCO requirements and considerations for both of these scenarios.

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May 10, 2010

The Yolo County Library covers the entire County with the exception of the City of Woodland. In a presentation to the Woodland Library Trustees, library staff concluded that annexation to the Yolo County Library would probably not be feasible because the County Library would then cover the entire County and, as a result, library funding would automatically revert to the County's general fund. This reasoning stemmed from a 31-year old County Counsel memo. In attempting to research this claim, the County Library's status as a special district under LAFCO was also called into question.

Considering the interest in these questions and potential to affect multiple jurisdictions, LAFCO staff requested a legal opinion from Commission Counsel on the matter. The intent was to resolve these questions for all those involved. In this opinion, Commission Counsel determines that the Yolo County Library, which was formed as a County Free Library, is not a special district under LAFCO purview. LAFCO will no longer have to conduct a sphere of influence for the County Library and would not be involved in any annexation efforts of the City Library to the County Library. If the City decides to annex to the County Library, library funding would not automatically revert to the County's general fund. Additionally, a merger could occur organizationally (through annexation) or through contract.

Despite the fact that LAFCO does not oversee the County Library or any mergers between the County and City Libraries, Yolo LAFCO is the determining authority in the formation of an independent library district. Yolo LAFCO staff will continue to make themselves available for questions regarding the formation of an independent library district.

Attachments:

Attachment A: Yolo Commission Counsel Opinion Regarding the Yolo County Free Library



County of Yolo

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ROBYN TRUITT DRIVON
COUNTY COUNSEL

April 27, 2010

Elisa Carvalho, Assistant Executive Officer
Yolo County Local Agency Formation Commission
625 Court Street, Suite 107
Woodland, CA 95695

RE: Yolo County Free Library

Dear Ms. Carvalho:

You have requested an opinion regarding the "status, organization and boundaries" of the Yolo County Library. I am aware that this request comes during a review by the City of Woodland of organizational options for city library.

- History:

The City of Woodland Public Library was built in 1905. The Yolo County Board of Supervisors entered in to an agreement with the Woodland Library to assume the functions of the County Library in 1910.

By Resolution No. 162, dated July 6, 1914, of the Board of Trustees of the City of Woodland recites that there was an Andrew Carnegie grant in 1903 for the preexisting Library Building and describes the Carnegie Corporation offer to extend the Library Building "so as to provide for Yolo County" upon the condition that Yolo County pledge to "carrying on the library work in said building and on a site provided." The resolution also cites the County resolution of July 6, 1914, pledging \$1,200 "for the carrying on the library work in said building," and resolves that the donation by the Carnegie Corporation to Woodland and Yolo County be accepted on behalf of the City of Woodland and "that the Board of Library Trustees are hereby authorized and empowered to erect the said extension upon the aforesaid present Library site, and as an extension to the present Library Building, and upon the terms and under the conditions proposed in the offer of the said Carnegie Corporation."

The contract for Woodland to operate the County library was terminated in 1915 and replaced by agreements to co-locate library services which lasted through July of 1979.

The County of Yolo established a County Free Library in October of 1915, Yolo County Ordinance 2-5.401, as authorized by Education Code §27151 [now §19100].

Since 1915, the Woodland City Library and the Yolo County Library have been independent and distinctly separate legal entities. However, the City of Woodland and County of Yolo mutually agreed to co-located services from 1915 through 1979 in that the Woodland City Library also housed a County Library Wing, as granted by the Carnegie Corporation. This changed on October 1, 1979, in the aftermath of Proposition 13, with Agreement No. 79-408 which rescinded prior agreements and called for the County to vacate the Woodland Branch Library Building within five years of Agreement 79-408.

- What is the County Library? As established in 1915, the Yolo County Library is a County Free Library. The Yolo County Library system is not a "Library District" pursuant to Education Code §19600, et seq., or as defined by LAFCO.
- Is there a mechanism that allows for the City and County to jointly provide library services? There are several: Education Code §19103 authorizes a city or district library to participate in a county system; and Education Code §19107 allows for a city library to contract with a county system. These two options were addressed in a March 13, 1979, memorandum when then County Counsel Charles R. Mack recommended that,

the Board of Supervisors declare clearly its intention to act under the Joint Exercise of Powers Act and Education Code Section 19107 and to disclaim acting under Education Code Section 19103. The former section specifically authorizes agreements between a county and a city; whereas, the latter section permits a city to become a part of the county system. The parties intentionally desire to avoid the latter section because of adverse consequences relating to allocation of revenue sharing and property tax revenues to the city and securing to the county a substitute for property taxes the county could have levied inside the city under Section 19103 before Proposition 13. The Board's intention in this regard should be included in its action [~~in the enclosed agreement~~].

The Yolo County Board of Supervisors subsequently enacted policies dedicating a portion of property tax revenues to the Yolo County Library. This pre-Proposition 13 funding source has been re-affirmed by subsequent actions of the Yolo County Board of Supervisors. Library funding continues to be an ongoing commitment by the County of Yolo.

- Is annexation possible?

This question assumes the Yolo County Library is a "district" which it is not. The County of Yolo, County Free Library is neither a "special district" nor a "library district." The library is statutorily authorized as a County Free Library. The Library department is like other County departments and therefore is not a separate legal entity. As the Library is not separate and apart from the County itself, it has no independent powers of taxation or annexation. However, participation in the county system, pursuant to Education §19103, is authorized.

Woodland City staff materials state that County annexation of the City Library is "not possible [because] County will lose special district status and revert of general fund library." This is not accurate.

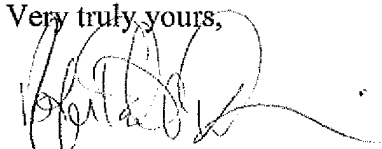
- You asked

- 1.) Whether the Library is a 'district' or 'system?' As stated above it is a County Free Library system, not a district;
- 2.) Is the Library under LAFCO jurisdiction? No. City reorganizational options may include a City Library District, but there is no current district subject to LAFCO jurisdiction; and
- 3.) Whether extending the boundaries of a county free library district or system countywide automatically results in the loss of a dedicated property tax allocation and automatic conversion to a general fund County department? The City of Woodland and the County of Yolo have independently maintained their respective libraries and the funding sources for those libraries since the turn of the last century. There is statutory authority, namely Education Code §19107, for cities and counties to enter in to contracts in order to secure for their respective residents the privileges of library services. These contracts are agreements entered in to by the parties and contemplate an exchange of services for payment. There is nothing in the statute which mandates the source of payment. The contracting payor would elect its available revenue or in-kind service as payment per agreement of the parties. No, there would not be an automatic loss of a dedicated property tax allocation or automatic conversion.

Could the County Library system be expanded to include the City of Woodland, i.e. contiguous with the County borders? Yes. Education Code §19103 authorizes a city or district library to participate in a county system; and Education Code §19107 allows for a city library to contract with a county system.

Should you need additional information, please feel free to contact me.

Very truly yours,



Robyn Truitt Drivon
Commission Counsel