



Council Agenda Report

From: Eric Lashley, City Librarian

Subject: Approval of the Amended and Restated Joint Powers Agreement and Bylaws of the Black Gold Cooperative Library System

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Date: October 1, 2024

Facts

1. The City is a member of the Black Gold Cooperative Library System (hereinafter referred to as the "Cooperative") along with the central coast cities of Carpinteria, Goleta, Lompoc, Santa Maria, and Santa Paula. Membership is governed by an agreed upon Joint Powers Agreement and set of Bylaws.
2. Founded in 1964, the Cooperative was formed for the purpose of increasing quality and quantity of library services through shared resources. Today, the Cooperative provides administrative services, delivery of materials to member libraries, a networked automation system including an online catalog with shared cataloging, telecommunications, public Internet, and access to downloadable services. In addition, the delivery service makes trips to main libraries and the Black Gold headquarters several days a week, transporting items borrowed by patrons of member libraries.
3. As a member, the City pays annual dues based on an agreed upon formula that takes into consideration population, circulation, networked devices, and e-content usage. These fees fund the Cooperative. The City of Paso Robles' contribution for FY 23-24 was \$96,230.
4. In 2022, Black Gold Cooperative Library System (Black Gold) began the process of reviewing the 1984 *Amended Joint Powers Agreement Creating as a Separate Legal Entity the Black Gold Cooperative Library System*. This is the governing document of Black Gold and had not been updated since it was amended in 1984.
5. Due to amendments to applicable laws found in the California Library Services Act (Education Code section 18700 et seq.) and the Joint Exercise of Powers Act (Government Code section 6500 et seq.) as well as other changes, the Members deemed it advisable to amend and restate the 1984 Agreement.
6. The attorneys for each of the Black Gold Members have all contributed to and reviewed the amended JPA and Bylaws. The documents are being submitted for acceptance and execution by the governing bodies of each Member.

Options

1. Take no action;
2. Approve resolution 24-XXX, authorizing the City Manager to execute the Amended and Restated Joint Powers Agreement and Bylaws of the Black Gold Cooperative Library System;
3. Provide alternative direction to staff.

Analysis and Conclusions

In 2022, Black Gold Cooperative Library System (Black Gold) began the process of reviewing the 1984 *Amended Joint Powers Agreement Creating as a Separate Legal Entity the Black Gold Cooperative Library System*. This is the governing document of Black Gold and had not been updated since it was amended in 1984. Due to amendments to applicable laws found in the California Library Services Act (Education Code section 18700 et seq.) and the Joint Exercise of Powers Act (Government Code section 6500 et seq.) as well as other changes, the Members deemed it advisable to amend and restate the 1984 Agreement.

The amendment placed particular emphasis on the responsibility for the Agency's debts when a member withdraws. The recommended changes aim to ensure that any agency leaving the cooperative is accountable for its share of debts and liabilities. This adjustment is designed to protect the interests of both the remaining members and the Agency itself, ensuring that the departure of one member does not disproportionately affect the financial well-being of the others.

Since the Bylaws are an integral part of the Joint Powers Agreement, this document was also reviewed and minor amendments made to this document as well—most significantly the voting rules for taking any action.

The attorneys for each of the Black Gold Members have all contributed to and reviewed the amended JPA and Bylaws. The documents are now being submitted for acceptance and execution by the governing bodies of each Member.

Fiscal Impact

There is no immediate fiscal impact associated with executing the Amended and Restated Joint Powers Agreement of the Black Gold Cooperative Library System. As a member, the City pays annual dues based on an agreed upon formula that takes into consideration population, circulation, networked devices, and e-content usage. The City of Paso Robles' contribution for FY 23-24 was \$96,230. In the future, should a Member choose to withdraw, executing the agreement would ensure that remaining Members are not held liable for the exiting member's debts.

CEQA

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section State CEQA Guidelines, §§ 15060, subd. (c)(2)-(3), 15378.

Recommendation (Option 2)

Approve resolution 24-XXX, authorizing the City Manager to execute the Amended and Restated Joint Powers Agreement and Bylaws of the Black Gold Cooperative Library System.

Attachments

1. Resolution 24-XXX Amended and Restated Joint Powers Agreement and Bylaws of the Black Gold Cooperative Library System
 - a. Exhibit A - **Amended and Restated Joint Powers Agreement and Bylaws of the Black Gold Cooperative Library**
2. 1984 Amended Joint Powers Agreement Creating as a Separate Legal Entity the Black Gold Cooperative Library System
3. 2018 Black Gold Cooperative Library System Bylaws