

21 West Nicolet Street
Banning, CA 92220
951.849.3192 tel.
951.849.6355 fax
www.banninglibrarydistrict.org

**BOARD OF TRUSTEES
DIRECTOR'S REPORT**

Meeting Date: October 9, 2019
By: Kevin Lee, District Director

Exhibit 11.4

TITLE:

Amendments to Policy No. 3070 Travel Reimbursement

DISCUSSION:

It is standard practice for organizations to use IRS mileage rate.

Policy No. 3070 does not address any reimbursement request forms. This policy, also, is not clear on reimbursement requests process. Auditor recommended that the Board consider updating the policy to address them.

RECOMMENDATION:

Review and approve amendments to Policy No. 3070 Travel Reimbursement.

BOARD ACTION

Motion: _____ Little___ Geronimo___ Ajigbotafe___ Cousar___ Lara___

Second: _____

Approved as
Recommended

Approved as
Amended

Other: _____

Passed, approved, and adopted on _____, 2019.

Alex Geronimo, Board Secretary

Banning Library District

POLICY MANUAL

POLICY TITLE: Travel Reimbursement

POLICY NUMBER: 3070

3070.1 Use of a personal vehicle for performing Library business will be reimbursed at the current rate allowable by ~~Riverside County~~ *Internal Revenue Service*. Drivers are expected to use the most direct route possible.

3070.2 *Written authorization by the District Director is required for staff use of personal vehicles.* Proof of adequate insurance covering collision, personal injury, and property damage will be required by the District of any employee using a personal vehicle in the performance of District work.

3070.3 Use of a personal vehicle is limited to 125 miles, one way, without specific authorization by the ~~Library~~ *District* Director or the Board of Trustees.

3070.4 ~~Authorization by the Library Director is required for staff use of personal vehicles.~~ *Reimbursement request form must be submitted to the District Director for approval prior to travel or expenses. All receipts are required and must be attached to said form prior to reimbursement.*

3070.5 Expenses for meals are reimbursable when they are part of the meeting, or when travel involves more than a four (4) hour absence from the office. Meal expenses are limited to a maximum of \$20 per meal, unless specific authorization otherwise is given by the ~~Library~~ *District* Director or the Board of Trustees.

3070.6 Under no circumstances are alcoholic beverages to be included in meal expense reimbursement requests.

3070.7 Travel for mileage expense up to 125 miles, one way, without an overnight stay, needs to be approved by the ~~Library~~ *District* Director or Board of Trustees in advance of the departure. Any travel in excess of 125 miles, or a trip requiring an overnight stay, will be approved by the Board of Trustees or the Trustee President.

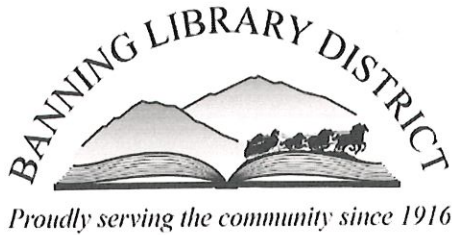
3070.8 Transportation to and from an airport may be by personal vehicle and may consist of two round-trips to deliver and pick up the traveler rather than incurring large parking fees.

3070.9 Whenever possible, airfare, hotel reservations and conference registrations will be arranged by the Administrative Office and will be paid directly by the District.

3070.10 Receipts are required for all expenses except for public transportation system fares and taxi expenses under \$10.00. Tips may not be reimbursed unless they are included in the receipt. Receipts for pre-paid items, like hotel rooms, must be submitted after the trip.

3070.11 Necessary Library business phone calls and one safe arrival call may be submitted for reimbursement.

3070.12 Excess baggage will be covered when needed to transport equipment for Library business. Necessary laundry and dry cleaning expenses can be authorized if a trip is in excess of seven days. Emergency needs will be covered when satisfactorily explained.



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**BOARD OF TRUSTEES
DIRECTOR'S REPORT**

Meeting Date: October 9, 2019
By: Kevin Lee, District Director

Exhibit 11.5

TITLE:

Deletion of Policy No. 4060 Reimbursement of Expenses

DISCUSSION:

Policy No. 4060 Reimbursement of Expenses does not explain what "legitimate expenses" are. It only makes a reference to read Policy No. 4190 Training, Education, and Conferences for more information.

Policy No. 4190 states that guidelines in Policy No. 3070 Travel Reimbursement, which outlines what is reimbursable, must be followed.

RECOMMENDATION:

Discuss and delete Policy No. 4060 Reimbursement of Expenses.

BOARD ACTION

Motion: _____ Little ___ Geronimo ___ Ajigbotafe ___ Cousar ___ Lara ___

Second: _____

- Approved as Recommended Approved as Amended Other: _____

Passed, approved, and adopted on _____, 2019.

Alex Geronimo, Board Secretary

Banning Library District

POLICY MANUAL

POLICY TITLE: _____ **Reimbursement of Expenses**

POLICY NUMBER: _____ **4060**

~~4060.1~~ Members of the Board of Trustees will be reimbursed for all legitimate expenses incurred in attending any meetings or in making any trips on official business of the Board when so authorized in accordance with Policy #4190. Reimbursement for the cost of the use of a Trustee's vehicle will be on the basis of total miles driven and at the rate specified by the Riverside County Guidelines in effect at the time of the vehicle usage.

Banning Library District

POLICY MANUAL

POLICY TITLE: Training, Education, and Conferences
POLICY NUMBER: 4190

4190.1 Members of the Board of Trustees are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation. Hence, there is no limit as to the number of Trustees attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District.

4190.2 It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses, participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District.

4190.2.1 All expenses for which reimbursement is requested by Trustees, or which are billed to the District by Trustees, must follow the guidelines set forth in Banning Library District Policy 3070.

4190.2.2 Attendance by Trustees at seminars, workshops, courses, professional organization meetings, and conferences will be approved by the President of the Board of Trustees prior to incurring any reimbursable costs.

4190.2.3 Expenses to the District for Board of Trustees' training, education and conferences should be kept to a minimum by:

4190.2.3.1 Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.

4190.2.3.2 Trustees traveling together whenever feasible and economically beneficial.

4190.2.3.3 Requesting reservations sufficiently in advance, when possible, to obtain discounted air fares and hotel rates.

4190.3 A Trustee will not attend a conference or training event for which there is an expense to the District, if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board. A Trustee will not attend a conference or training event when it is apparent that there is no significant benefit to the District.

4190.4 Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Trustees will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report will detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the Library Director's office to be available for the future use of other Trustees and staff.

4190.5 The Library Director shall forward any Library meetings, event information, conferences, or any upcoming training opportunities as appropriate on a regular basis.

Banning Library District

POLICY MANUAL

POLICY TITLE: Travel Reimbursement
POLICY NUMBER: 3070

3070.1 Use of a personal vehicle for performing Library business will be reimbursed at the current rate allowable by Riverside County. Drivers are expected to use the most direct route possible.

3070.2 Proof of adequate insurance covering collision, personal injury, and property damage will be required by the District of any employee using a personal vehicle in the performance of District work.

3070.3 Use of a personal vehicle is limited to 125 miles, one way, without specific authorization by the Library Director or the Board of Trustees.

3070.4 Authorization by the Library Director is required for staff use of personal vehicles.

3070.5 Expenses for meals are reimbursable when they are part of the meeting, or when travel involves more than a four (4) hour absence from the office. Meal expenses are limited to a maximum of \$20 per meal, unless specific authorization otherwise is given by the Library Director or the Board of Trustees.

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3070.7 Travel for mileage expense up to 125 miles, one way, without an overnight stay, needs to be approved by the Library Director or Board of Trustees in advance of the departure. Any travel in excess of 125 miles, or a trip requiring an overnight stay, will be approved by the Board of Trustees or the Trustee President.

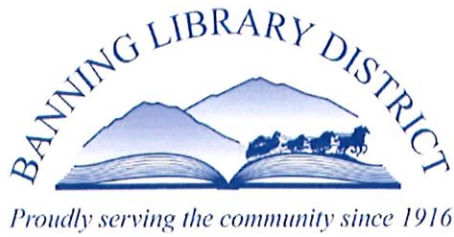
3070.8 Transportation to and from an airport may be by personal vehicle and may consist of two round-trips to deliver and pick up the traveler rather than incurring large parking fees.

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3070.10 Receipts are required for all expenses except for public transportation system fares and taxi expenses under \$10.00. Tips may not be reimbursed unless they are included in the receipt. Receipts for pre-paid items, like hotel rooms, must be submitted after the trip.

3070.11 Necessary Library business phone calls and one safe arrival call may be submitted for reimbursement.

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**BOARD OF TRUSTEES
DIRECTOR'S REPORT**

Meeting Date: October 9, 2019
By: Kevin Lee, District Director

Exhibit 11.6

TITLE:

Amendments to Policy No. 3091 Reserve Account Policy

DISCUSSION:

Current reserve policy does not address dollar amounts or what the reserve is to be used for.

The District should maintain minimum of six months of operating reserve for economic uncertainties (Government Code #53630).

Six months of operating reserve is \$473,760. The District may put more to maximize interest earnings.

RECOMMENDATION:

Review and approve amendments to Policy No. 3091 Reserve Account Policy.

BOARD ACTION

Motion: _____ Little___ Geronimo___ Ajigbotafe___ Cousar___ Lara___

Second: _____

Approved as
Recommended

Approved as
Amended

Other: _____

Passed, approved, and adopted on _____, 2019.

Alex Geronimo, Board Secretary

Banning Library District

POLICY MANUAL

POLICY TITLE: Reserve Account Policy
POLICY NUMBER: 3091

3091.1 The purpose of this policy is to establish and maintain a minimum of an unassigned fund balance.

3091.2 The minimum fund balance will be an amount of ~~not less than 25% (percent)~~ *six months* of the budgeted general fund expenditures and is determined as part of the annual budget preparation process (*Government Code #53646*).

3091.2.1 Six months of budgeted general fund expenditures for FY 2019-2020 is \$473,760

3091.2.2 Funds to be used for economic uncertainties.

3091.3 Capital Funds are designated funds for specific uses and are not to be co-mingled with the calculation (~~percentage~~) utilized above to determine the Reserve Account.

3091.4 ~~The District believes that~~ This reserve policy of funds is prudent should certain economic uncertainties occur including providing for the possible fluctuations in property tax revenues to which Districts are vulnerable.

3091.5 The Board of Trustees may from time-to-time review the minimum fund balance rule and may make adjustments to the percentage based upon such review.

3091.6 The Board of Trustees may assign or transfer funds from the Reserve Account deemed necessary which may include but not limited to the Balancing of the General Fund Budget, Capital Improvements, Land Purchases and other uses approved by the Board of Trustees.



GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57550] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 2. CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 55821] (Division 2 added by Stats. 1949, Ch. 81.)

PART 1. POWERS AND DUTIES COMMON TO CITIES, COUNTIES, AND OTHER AGENCIES [53000 - 54999.7] (Part 1 added by Stats. 1949, Ch. 81.)

CHAPTER 4. Financial Affairs [53600 - 53997] (Chapter 4 added by Stats. 1949, Ch. 81.)

ARTICLE 2. Deposit of Funds [53630 - 53686] (Article 2 added by Stats. 1949, Ch. 81.)

53646. (a) (1) In the case of county government, the treasurer may annually render to the board of supervisors and any oversight committee a statement of investment policy, which the board shall review and approve at a public meeting. Any change in the policy shall also be reviewed and approved by the board at a public meeting.

(2) In the case of any other local agency, the treasurer or chief fiscal officer of the local agency may annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting. Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.

(b) (1) The treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by the report. Except as provided in subdivisions (e) and (f), this report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report, and shall include the source of this same valuation.

(2) The quarterly report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance.

(3) The quarterly report shall include a statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

(4) In the quarterly report, a subsidiary ledger of investments may be used in accordance with accepted accounting practices.

(c) Pursuant to subdivision (b), the treasurer or chief fiscal officer shall report whatever additional information or data may be required by the legislative body of the local agency.

(d) The legislative body of a local agency may elect to require the report specified in subdivision (b) to be made on a monthly basis instead of quarterly.

(e) For local agency investments that have been placed in the Local Agency Investment Fund, created by Section 16429.1, in National Credit Union Share Insurance Fund-insured accounts in a credit union, in accounts insured or guaranteed pursuant to Section 14858 of the Financial Code, or in Federal Deposit Insurance Corporation-insured accounts in a bank or savings and loan association, in a county investment pool, or any combination of these, the treasurer or chief fiscal officer may supply to the governing body, chief executive officer, and the auditor of the local agency the most recent statement or statements received by the local agency from these institutions in lieu of the information required by paragraph (1) of subdivision (b) regarding investments in these institutions.

(f) The treasurer or chief fiscal officer shall not be required to render a quarterly report, as required by subdivision (b), to a legislative body or any oversight committee of a school district or county office of education for securities, investments, or moneys held by the school district or county office of education in individual accounts that are less than twenty-five thousand dollars (\$25,000).

(g) In recognition of the state and local interests served by the actions made optional in subdivisions (a) and (b), the Legislature encourages the local agency officials to continue taking the actions formerly mandated by this section. However, nothing in this subdivision may be construed to impose any liability on a local agency that does not continue to take the formerly mandated action.

(Amended by Stats. 2009, Ch. 332, Sec. 68.5. (SB 113) Effective January 1, 2010.)



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**BOARD OF TRUSTEES
DIRECTOR'S REPORT**

Meeting Date: October 9, 2019
By: Kevin Lee, District Director

Exhibit 11.7

TITLE:

Authorization to Execute Agreement with Liebert Cassidy Whitmore

DISCUSSION:

Liebert Cassidy Whitmore has practiced labor and employment law on behalf of public agencies throughout California since 1980. Jennifer Rosner and Joung Yim are experts in the field of employment law.

Liebert Cassidy Whitmore will provide consultations and legal services pertaining to employment relations matter as requested by District.

RECOMMENDATION:

Approve and authorize the Director to execute an agreement with Liebert Cassidy Whitmore.

BOARD ACTION

Motion: _____ Little ___ Geronimo ___ Ajigbotafe ___ Cousar ___ Lara ___

Second: _____

- Approved as Recommended Approved as Amended Other: _____

Passed, approved, and adopted on _____, 2019.

Alex Geronimo, Board Secretary

AGREEMENT FOR SPECIAL SERVICES

This Agreement is entered into between the law firm of LIEBERT CASSIDY WHITMORE, A Professional Corporation (“Attorney” or “LCW”), and BANNING LIBRARY DISTRICT (“District”).

1. Conditions

This Agreement will not take effect, and Attorney will have no obligation to provide services, until District returns a properly signed and executed copy of this Agreement.

2. Attorney’s Services

Attorney agrees to provide District with consulting, representational and legal services pertaining to employment relations matters, including litigation, representation in negotiations and in administrative and court proceedings, as requested by District or otherwise required by law.

3. Fees, Costs, Expenses

District agrees to pay Attorney the sums billed monthly for time spent by Attorney in providing the services, including reasonable travel time.

The current range of hourly rates for Attorney time is from Two Hundred Ten to Three Hundred Eighty Dollars (\$210.00 - \$380.00). See Schedule I for a full Fee Schedule. Attorney reviews its hourly rates on an annual basis and, if appropriate, adjusts them effective July 1. Attorney will provide the District with written notification of any adjustment in the range of rates. Attorney bills its time in minimum units of one-tenth of an hour.

For Litigation Matters

See Schedule II attached for a description of Attorney's Litigation and E-Discovery Management.

Other Expenses

District agrees to reimburse Attorney for necessary costs and expenses incurred by Attorney on behalf of District. Attorney bills photocopying charges at Fifteen Cents (\$0.15) per page. See Schedule I attached.

Payment by District against monthly billings is due upon receipt of statements, and is considered delinquent if payment is not received within thirty (30) days of the date of the invoice.

4. Professional Liability Insurance

The California Business & Professions Code requires us to inform you whether we maintain errors and omissions insurance coverage applicable to the services to be rendered to you. We hereby confirm that the firm does maintain such insurance coverage.

5. Arbitration of Professional Liability or Other Claims

Disputes. If a dispute between District and Attorney arises over fees charged for services, the controversy will be submitted to binding arbitration in accordance with the rules of the California State Bar Fee Arbitration Program, set forth in California Business and Professions Code, sections 6200 through 6206. The arbitrator or arbitration panel shall have the authority to award to the prevailing party attorneys' fees, costs and interest incurred. Any arbitration award may be served by mail upon either side and personal service shall not be required.

If a dispute arises between District and Attorney over any other aspect of the attorney-client relationship, including, without limitation, a claim for breach of professional duty, that dispute will also be resolved by arbitration. It is understood that any dispute as to any alleged breach of professional duty (that is, as to whether any legal services rendered under this agreement were allegedly unnecessary, unauthorized, omitted entirely, or were improperly, negligently or incompetently rendered) will be determined by submission to arbitration as provided by California law, and not by a lawsuit or resort to court process except as California law provides for judicial review of arbitration proceedings. **Both parties to this agreement, by entering into it, are giving up their constitutional right to have any such dispute decided in a court of law before a jury, and instead are accepting the use of arbitration.** Each party is to bear its own attorney's fees and costs.

6. File Retention

After our services conclude, Attorney will, upon District's request, deliver the file for the matter to District, along with any funds or property of District's in our possession. If District requests the file for the matter, Attorney will retain a copy of the file at the District's expense. If District does not request the file for this matter, we will retain it for a period of seven (7) years after this matter is closed. If District does not request delivery of the file for this matter before the end of the seven (7) year period, we will have no further obligation to retain the file and may, at our discretion, destroy it without further notice to District. At any point during the seven (7) year period, District may request delivery of the file.

7. **Assignment**

This Agreement is not assignable without the written consent of District.

8. **Independent Contractor**

It is understood and agreed that Attorney, while engaged in performing the terms of this Agreement, is an independent contractor and not an employee of District.

9. **Authority**

The signators to this Agreement represent that they hold the positions set forth below their signatures, and that they are authorized to execute this Agreement on behalf of their respective parties and to bind their respective parties hereto.

10. **Term**

This Agreement will become effective once the District is served with a complaint, and ongoing and may be modified by mutual agreement of the parties. This agreement shall be terminable by either party upon thirty (30) days written notice.

LIEBERT CASSIDY WHITMORE,
A Professional Corporation

BANNING LIBRARY DISTRICT

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

SCHEDULE I – FEES & COSTS

1. Hourly Rates (As of Agreement Effective Date)

Partners	\$380.00
Senior Counsel	\$325.00
Associates	\$210.00 - \$305.00
Labor Relations/HR Consultant	\$240.00
Paralegals	\$135.00
E- Discovery Specialists	\$135.00
Law Clerks	\$135.00 - \$175.00

2. COSTS

1. Photocopies	\$0.15 per copy
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SCHEDULE II

LCW LITIGATION and E-DISCOVERY MANAGEMENT

LCW is committed to using state-of-the-art technology to efficiently manage and harness electronically-stored information (“ESI”) in compliance with Federal and State law requirements. LCW partners with an outside managed services provider to provide Relativity, the industry leading e-discovery software, for this purpose. The cost for each matter will depend on the volume and format of the data. For non-complex data up to 50 gigabytes, LCW charges a monthly fee of \$375 on all active litigation matters for data management, including data validation and security, ingestion, de-duplication, culling and streamlining, and creation of Relativity fields for expedited review. For data of 50 gigabytes and over and for complex data requiring specialized services (e.g., payroll data, spreadsheets with underlying formulas, video, advanced searches, etc.), additional charges are incurred and are passed through to the client. For such charges, we will provide an itemized bill from our managed services provider and obtain client approval prior to incurring the charges.

Litigation Case Staffing

LCW has organized its litigation practice to meet the challenges of today’s complex litigation cases. We employ a dedicated Litigation Manager – a non-billing attorney litigator – whose responsibility is to monitor all litigation cases to ensure quality, efficiency, and adherence to client and firm litigation guidelines. Each litigation case is staffed with a Partner, an Associate (or Associates, as required and as approved by the Client), a Paralegal and an E-Discovery Specialist. Our E-Discovery Specialists have extensive experience in the efficient management of electronic data through every stage of the e-discovery life cycle, and they strategize with attorneys and clients on effective ESI protocols. This makes the document review process more efficient and enables our attorneys to target the most relevant data to meet litigation objectives. Working with our e-discovery managed services provider, we are able to provide state-of-the-art data processing and hosting services at below-market rates.