



21 W. Nicolet St.
Banning, CA 92220
(951) 849-3192 (tel.)
(951) 849-6355 (fax)
www.banninglibrarydistrict.org

STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.3
Title: Amendments to Policy No. 5150 Illness and Injury Prevention Program

RECOMMENDATION:

That the Board **approve and adopt** amendments to Policy No. 5150 Illness and Injury Prevention Program

BACKGROUND/INFORMATION:

The current policy does not include any guidance on Pre-designation of Personal Physician. The proposed Section 5150.2.2 explains how Pre-designation of Personal Physician work.

Sections 5150.3.1 to 5150.3.3 may be removed. Koff and Associates does not believe the District needs to establish a formal Worker' Compensation claims process since: 1) the carrier's claims adjuster will provide all the relevant guidance needed; 2) since the District has a comprehensive Illness and Injury Prevention Program; and 3) since the District has had minimal, if any, claims filed against it in its history.

Documentation of Activities on the draft document explains emergency and non-emergency care procedures, along with what the District staff needs to do in regard to Workers Compensation claims.

Section 5150.8 Code of Safe Practices can be a policy of its own.

Banning Library District

POLICY MANUAL

POLICY TITLE: **Illness and Injury Prevention Program**

POLICY NUMBER: **5150**

5150.1 Program Goal Outline

The goal of Banning Library District is to provide safe and healthful working conditions for all of its employees. Therefore, the District will maintain a safety and health program conforming to the best practices of agencies of this type. The District's safety and health program will include:

5150.1.1 Providing mechanical and physical safeguards to the maximum extent possible.

5150.1.2 Conducting a program of safety and health inspections to find and eliminate unsafe working conditions or practices, to control health hazards, and to comply fully with the safety and health standards and law for every job.

5150.1.3 Training all employees in good safety and health practices.

5150.1.4 Providing necessary personal protective equipment, and instructions for use and care.

5150.1.5 Developing and enforcing safety and health rules and requiring that employees cooperate with these rules as a condition of employment.

5150.1.6 Investigating promptly and thoroughly, every accident to determine its cause and correct the problem so it will not happen again.

5150.2 Program Responsibility

Although the District recognizes that the responsibility for safety and health is shared, the ~~Library~~ District Director *and/or designee* will be responsible and have full authority for implementing this policy and the District's Injury and Illness Prevention Program.

~~**5150.2.1** The District accepts responsibility for leadership of the safety and health program, for its effectiveness and improvements, and for providing the safeguards required to ensure safe conditions.~~

~~**5150.2.2** Supervisory personnel are responsible for developing proper attitudes toward safety and health in themselves and in those they supervise, and for ensuring that all~~

~~operations are performed with the utmost regard for the safety and health of all personnel involved, including themselves.~~

5150.2.3 1 No employee will be required to work at a job he/she knows is not safe or healthful. Employees are responsible for wholehearted, genuine operation of all aspects of the safety and health program - including compliance with all rules and regulations - and for continuously practicing safety while performing their duties. Any employee found not practicing safety while performing their duties will be subject to appropriate discipline.

5150.2.2 Pre-Designation of Personal Physician. In the event an employee sustains an injury or illness related to his or her employment, he or she may be treated for such injury or illness by their personal medical doctor (M.D.), Doctor of Osteopathic Medicine (D.O.) or medical group if:

- *On the date of the work injury the employee has health care coverage for injuries or illness that are not work related;*
- *The doctor is the employee's regular physician, who shall be either a physician who has limited his or her practice of medicine to general practice or who is a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner, and has previously directed the employee's medical treatment, and retains the employee's medical records;*
- *The employee's "personal physician" may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates an integrated multispecialty medical group providing comprehensive medical services predominately for nonoccupational illness and injuries;*
- *Prior to the injury the employee's doctor agrees to treat the employee for work injuries or illnesses;*
- *Prior to the injury the employee provides the District with the following in writing: (1) notice that the employee wants their personal doctor to treat them for a work-related injury or illness, and (2) the employee's personal doctor's name and business address.*
- *Each new District employee will be provided with a Pre-Designation of Personal Physician form upon hire, and each employee may complete and submit the form at their own discretion.*

5150.3 Injury and Illness Records

The District's record keeping system for its Injury and Illness Prevention Program will conform to Cal/OSHA standards. Records will be used to measure and evaluate the success of said program.

~~**5150.3.1** A report will be obtained on every injury or illness requiring medical treatment (Cal/OSHA Form 301 "Injury and Illness Incident Report").~~

~~5150.3.2~~ Each injury or illness will be recorded on the "Cal/OSHA Log of Work-Related Injuries and Illnesses," Cal/OSHA Form 300, according to its instructions.

~~5150.3.3~~ Annually, Cal/OSHA Form 300A "Summary of Work-Related Injuries and Illnesses" will be prepared and posted no later than February 1 in a place easily observable by employees. Said form will remain posted until March 1.

~~5150.3.4~~ All records specified in this section will be maintained in the District's files for a minimum of five years after their preparation.

5150.4 Documentation of Activities.

Records will be maintained of steps taken to establish and maintain the District's Injury and Illness Prevention Program. They will include:

~~5150.4.1~~ Records of scheduled and periodic inspections as required by Cal/OSHA [*California Code of Regulations, Title 8, Chapter 4*] to identify unsafe conditions and work practices. The documentation must include the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and the action taken to correct the unsafe conditions and work practices. The records are to be maintained for at least three (3) years.

~~5150.4.2~~ Documentation of safety and health training required by Cal/OSHA [*California Code of Regulations, Title 8, Chapter 4*] for each employee. The documentation must specifically include employee name or other identifier, training dates, type(s) of training and the name of the training provider. These records must also be kept for at least three years.

5150.4.1 If an employee injury requires emergency care, the injured employee should be taken to the nearest emergency room. The District has an arrangement with a local hospital for treatment of work-related injuries.

5150.4.2 If the injury or illness does not require emergency care, the injured employee should be advised to seek treatment from their personal physician, provided they have a completed Pre-Designation of Personal Physician form on file in their personnel folder; if not, they should be advised to seek treatment at a medical clinic through the insurance carrier's Medical Provider Network (MPN) or other local medical facility as arranged by the District.

5150.4.3 District staff will need to advise the District's workers' compensation insurance carrier regarding the claim within one (1) business day. From that point, the carrier will assign a claims adjuster who will provide the necessary forms to the injured worker, maintain contact with the injured worker, schedule medical visits, and ensure payment of mandated benefits. The claims adjuster will guide the District through the workers' compensation claims process.

5150.5 Program Communication System.

Readily understandable communication will be maintained with all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the District of hazards at the worksite without fear of reprisal. Communications with employees will include meetings, training programs, posted written information, and a system of anonymous notification by employees about hazards.

~~5150.5.1~~ Written communications to employees will be in a language they can understand. If an employee cannot read in any language, said communication will be made orally in a language he/she can readily understand.

~~5150.5.2~~ The District's Code of Safe Practices, (section 3010.8 below), will be posted at a conspicuous location for all employees, and will be provided to each supervisory employee who will keep it readily available.

~~5150.5.3~~ Periodic meetings of supervisory employees will be held under the direction of the Library Director for the discussion of safety problems and accidents that have occurred. Documentation of these meetings will be maintained for three years.

~~5150.5.4~~ General employee meetings will be conducted at which safety is freely and openly discussed by those present. Such meetings should be regular, scheduled, and announced to all employees so that maximum employee attendance can be achieved. Documentation of these meeting will be maintained for three years. Discussions at these meetings should concentrate on:

~~5150.5.4.1~~ Occupational accident and injury history within the District, with possible comparisons to other similar agencies.

~~5150.5.4.2~~ Feedback from employees.

~~5150.5.4.3~~ Guest speakers from the District's workers' compensation insurance carrier or other agencies concerned with safety.

~~3010.5.4.4~~ Brief audio-visual materials that relate to the District's operations.

~~5150.5.5-1~~ Training programs will be conducted when new equipment, machinery or tools are purchased. Employees will be instructed in the safe operation of said equipment, machinery or tools. Documentation of training programs will be maintained for three years. *The employee's length of employment plus seven (7) years.*

~~5150.5.5.1~~ New employees will be trained by their supervisor in the safe operation of the equipment, machinery and tools with which they will be working prior to being allowed to work independently. Documentation of new employee training will be maintained for three years.

~~5150.5.6~~ Posters and bulletins relating to and encouraging safe and healthy practices will be posted on a rotational basis at a conspicuous location.

~~5150.5.7~~ News articles and publications devoted to safety will be distributed to employees. This policy will also be distributed to all employees upon its adoption, to all new employees at the time of their hiring, and when changes are adopted.

~~5150.5.8~~ A safety suggestion box will be maintained where employees, anonymously if desired, can communicate their concerns to the District's Library Director.

5150.6 Hazard Assessment and Control.

Periodic safety inspections will be conducted to identify existing hazards in the workplace, or conditions, equipment and procedures that could be potentially hazardous. The inspections will be conducted by personnel who, through experience or training, are able to identify actual and potential hazards and who understand safe work practices.

~~5150.6.1~~ Safety inspectors will observe if safe work practices are being followed and will ensure that unsafe conditions or procedures are identified and corrected properly.

~~5150.6.2~~ Safety inspections will be conducted at least annually. The frequency of the inspections will depend on the operations involved, the magnitude of the hazards, the proficiency of employees, changes in equipment or work processes, and the history of workplace injuries and illnesses.

~~5150.6.3~~ A written assessment will be prepared after said inspections which will document identified hazards and prescribe procedures for the elimination of same, and measures that can be taken to prevent their recurrence.

5150.6.4 The *Library District* Director will review written inspection reports and/or assessments and will assist in prioritizing actions and verify completion of previous corrective actions. He/she will also review the overall inspection program to determine trends.

5150.7 Accident Investigation.

All accidents will be thoroughly and properly investigated by the *Department Library* Manager or *District* Director, with the primary focus of understanding why the accident or near-miss occurred and what actions can be taken to preclude recurrence. A written report of said investigation will be prepared which adequately identifies the cause(s) of the accident or near-miss occurrence.

~~5150.7.1~~ The investigation must obtain all the facts surrounding the occurrence: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near-miss; were they properly trained; were proper operating procedures established for the task involved; were procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected.

~~5150.7.2~~ The accident investigator must determine which aspects of the operation or process require additional attention (what type of constructive action can eliminate the cause(s) of the accident or near-miss).

~~5150.7.3~~ Actions already taken to reduce or eliminate the risks being investigated should be noted, along with those remaining to be addressed.

~~5150.7.4~~ Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation should be identified.

~~5150.7.5~~ Corrective action should be identified in terms of not only how it will prevent a recurrence of the accident or near-miss, but also how it will improve the overall operation. The solution should be a means of achieving not only accident control, but also total operation control.

~~5150.8~~ Code of Safe Practices.

~~5150.8.1~~ All employees will follow these safe practices rules, render every possible aid to safe operations, and report all unsafe conditions or practices to their Supervisor, the Librarian in Charge or Library Director.

~~5150.8.2~~ Supervising employees will insist on employees observing and obeying every rule, regulation, and order as is necessary to the safe conduct of the work, and will take such action as necessary to obtain observance.

~~5150.8.3~~ Anyone known to be under the influence of drugs or intoxicating substances will not be allowed on the job while in that condition, and will be subject to the discipline specified in section 5200.

~~5150.8.4~~ Horseplay, scuffling, and other acts which tend to have an adverse influence on the safety or well-being of the employees will be prohibited.

~~5150.8.5~~ Work will be well planned and supervised to prevent injuries in the handling of materials and in working together with equipment.

~~5150.8.6~~ No one will knowingly be permitted or required to work while the employee's ability or alertness is so impaired by fatigue, illness, or other causes that it might unnecessarily expose the employee or others to injury.

~~5150.8.7~~ Employees will be instructed to ensure that all protective devices are in proper places and adjusted, and will report deficiencies promptly to the Supervisor, the Librarian in Charge or the Library Director.

~~5150.8.8~~ Workers will not handle or tamper with any electrical equipment, machinery, or air or water lines in a manner not within the scope of their duties.

~~5150.8.9~~ All injuries will be reported promptly to the Supervisor or Librarian in Charge so that arrangements can be made for medical or first aid treatment.

~~5150.8.10~~ When lifting heavy objects, the large muscles of the leg instead of the smaller muscles of the back will be used.

- ~~5150.8.11~~ Employees will wash their hands thoroughly after using the restroom, smoking, eating and other times as necessary.
- ~~5150.8.12~~ Work will be so arranged that employees are able to face a ladder and use both hands while climbing.
- ~~5150.8.13~~ All tools and equipment will be maintained in good condition.
- ~~5150.8.14~~ Damaged tools or equipment will be removed from service and tagged "DEFECTIVE."
- ~~5150.8.15~~ Only appropriate tools will be used for the job.
- ~~5150.8.16~~ Only authorized persons will operate machinery or equipment.
- ~~5150.8.17~~ Loose or frayed clothing, or long hair, dangling ties, finger rings, etc., will not be worn around moving machinery or other sources of entanglement.

~~EDITOR'S NOTE:~~

~~An Injury and Illness Prevention Program, which will conform to the requirements of SB 198 and the Standards promulgated in response thereto by the California Occupational Safety and Health Standards Board, will require more than just the implementation of a policy similar to the foregoing sample. Full compliance will require an in-depth and individualized assessment of an agency's current workplace conditions, practices and problems. Said assessment must be documented and include a safety and health survey, workplace assessment, evaluation of assessment information, development of an action plan, implementation of said plan, and ongoing maintenance of the program. C.S.D.A. encourages its members to take full advantage of Cal/OSHA's Consultation Service. In addition to suggesting both governmental and private sources for information, Cal/OSHA has a publication entitled, "Guide to Developing Your Workplace Injury & Illness Prevention Program With Checklists for Self-Inspection." This document and other information can be obtained from the Cal/OSHA Consultation Service Offices listed below.~~

~~SAN BERNARDINO
464 W. 4th Street, Ste. 339
San Bernardino, CA 92401
(909) 383-4567~~

~~SACRAMENTO
2424 Arden Way, Suite 485
Sacramento, CA 95825
(916) 263-5765
1-800-963-9424~~

~~U.S. Department of Labor
Occupational Safety & Health Administration
200 Constitution Avenue
Washington, D.C. 20210
1-800-321-OSHA (6742)~~



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STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.4
Title: Amendments to Policy No. 5230 Unlawful Harassment

RECOMMENDATION:

That the Board **adopt and approve** amendments to Policy No. 5230 Unlawful Harassment

BACKGROUND/INFORMATION:

The current policy does not include complete California protected classes. An update on Section 5230.1.1 is needed to include all protected classes.

Government Code Section 12923(b) states that "(b) A single incident of harassing conduct is sufficient to create a triable issue regarding the existence of a hostile work environment if the harassing conduct has unreasonably interfered with the plaintiff's work performance or created an intimidating, hostile, or offensive working environment." Proposed Section 5230.2 revision reflects that GC.

An investigation needs to be conducted when there is any harassment complaint. Proposed Section 5230.8.1.3 allows the investigation to be conducted by the District Director, along with General Counsel, any outside investigators, or other District staff to determine whether he alleged conduct occurred.

Banning Library District

POLICY MANUAL

POLICY TITLE: Unlawful Harassment
POLICY NUMBER: 5230

5230.1 Banning Library District is committed to providing a work environment that is free of *from* unlawful harassment.

5230.1.1 The Library's policy prohibits *unlawful harassment, which includes sexual harassment, harassment based on gender harassment, gender identity, gender expression, sexual orientation, AIDS/HIV status, genetic information, military or veteran status, political affiliations, status as a victim of domestic violence, assault, or stalking, pregnancy childbirth, and harassment based on pregnancy, childbirth, or related medical conditions, race, religious creed religion, color, national origin or ancestry, physical or mental disability (whether perceived or actual), medical condition, marital status, age, or any other basis protected by federal, state, or local law, or ordinance, or regulation.*

~~**5230.1.2** All such harassment is unlawful. It is intended that any change or modification to existing law will become part of Banning Library District's policy.~~

5230.2 ~~In keeping with its anti-harassment principle,~~ Banning Library District strictly prohibits an employee from engaging in any such harassment, including but not limited to ethnic slurs, racial epithets, derogatory jokes, physical intimidation, threats of violence or bodily harm and sexual harassment. *A single act can violate this policy and provide grounds for disciplinary action up to and including termination from employment.*

5230.3 Banning Library District's anti-harassment policy applies to all persons involved in the operation of Banning Library District, including *employees, Board Members/Alternates, consultants and volunteers working on Banning Library District-related projects,* and prohibits unlawful harassment by any employee of Banning Library District.

5230.4 Prohibited unlawful harassment *may include, but is not limited to, the following behavior: because of sex (sexual harassment, gender harassment and harassment due to pregnancy, childbirth or related medical condition), race, religion, color, national origin or ancestry, physical or mental disability, medical condition, marital status, age, sexual orientation or any other protected basis protected by federal, state or local law, ordinance or regulation includes, but is not limited to, the following behavior:*

- 5230.4.1** Verbal conduct such as derogatory comments; epithets; slurs; sexual innuendos; jokes or comments that makes another employee uncomfortable; slurs or unwanted sexual advances, invitations, or comments.
- 5230.4.2** Visual conduct such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, gestures, or *e-mails*, or other electronic transmissions.
- 5230.4.3** Physical conduct such as assault, unwanted touching, blocking normal movement, or interfering with work because of sex, race or any other protected basis.
- 5230.4.4** Threats and demands to submit to sexual requests as a condition of continued employment, or to avoid some other loss, and offers of employment benefits in return for sexual favors.
- 5230.4.5** Retaliation for having reported or threatened to report harassment.
- 5230.5** An employee who believes that they have been unlawfully harassed *is encouraged to*, ~~will~~ provide a complaint to the ~~Library~~ District Director or his/her designee, as soon as possible after the incident.
- 5230.5.1** The employee's complaint should include details of the incident or incidents, names of individuals involved, and names of any witnesses. *Complaints submitted in writing are preferred, however the employee may instead provide a complaint verbally which shall be documented by the District Director or his/her designee.*
- 5230.5.3** The ~~Library~~ District Director or his/her designee will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations including reporting the incident to the appropriate authorities *if necessary*. Confidentiality will be maintained to the fullest extent possible under the circumstances.
- 5230.6** Effective remedial action will be taken in accordance with the circumstances involved if *the* ~~Banning Library~~ District Director determines that unlawful harassment has occurred.
- 5230.6.1** Any employee determined by the Library to be responsible for unlawful harassment will be subject to appropriate disciplinary action up to and including termination.
- 5230.6.2** ~~Whatever~~ Any action *which* is taken against the harasser will be made known to the employee who filed the complaint.
- 5230.6.3** The District will take appropriate action to remedy any loss to the employee resulting from harassment.

5230.6.4 The District will not retaliate against the employee for filing a complaint and will not tolerate or permit retaliation by management, employees, or coworkers.

5230.6.5 Disciplinary action may also be taken against any supervisor or manager who condones or ignores unlawful harassment or otherwise fails to take appropriate action to enforce this unlawful harassment policy.

5230.7 Banning Library District encourages all employees to report any incidents of harassment forbidden by this policy immediately so that complaints can be quickly and fairly resolved.

5230.7.1 The employee should also be aware that the Federal Equal Employment Opportunity Commission and the California Department of Fair Employment and Housing may investigate and prosecute complaints of prohibited harassment in employment. If an employee thinks that he/she has been harassed or retaliated against for resisting or complaining, the employee may file a complaint with the appropriate agency.

5230.8 Complaint Procedure

5230.8.1 An employee who believes that they have been unlawfully harassed *is encouraged to will* report the incident immediately and according to the following procedure so that the complaint can be resolved quickly and fairly.

5230.8.1.1 Whenever possible, the employee should confront the harasser and tell the person to stop. If the employee does not feel comfortable doing this, ~~follow step 2 immediately~~ *the employee is encouraged to follow the next steps as soon as possible.*

5230.8.1.2 The employee *is encouraged to should* notify the ~~Library District~~ Director as soon as possible after the incident, giving dates and time of the incident(s) *as well as.* ~~Include~~ details on the incident(s), names of individuals involved, and the names of any witnesses.

5230.8.1.3 *The District Director will conduct or direct an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred. During the investigation, the District Director, together with the District General Counsel, any outside investigator, or other District staff, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.*

5230.8.1.4 *Upon conclusion of an investigation, the District Director will determine if a violation of this policy occurred and appropriate action will be taken.*

5230.8.1.3 Employees who have any questions regarding Banning Library District's policy against unlawful harassment or the procedure for filing complaints, should contact ~~their Immediate Supervisor and/or the Library District Director~~ or his/her designee.

~~5230.9~~ See also Policy #5320, "Grievance Procedure."



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STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.5
Title: Amendments to Policy No. 5350 Letters of Recommendations

RECOMMENDATION:

That the Board **approve and adopt** amendments to Policy No. 5350 Letters of Recommendations

BACKGROUND/INFORMATION:

Under the current policy, the District can write letters of recommendation for only district employees. Prior employees may want letters recommendation. The revised policy change is to reflect that.

Banning Library District

POLICY MANUAL

POLICY TITLE: Letters of Recommendation
POLICY NUMBER: 5350

5350.1 The Board of Trustees recognizes that Banning Library District faces exposure to significant liability through the provision of letters of recommendation by District employees. The Board finds that it is, therefore, in the best interests of the District to ensure that letters of recommendation issued by individuals in their capacity as District employees, or which could be reasonably interpreted as written in the individual's capacity as a District employee, be accurate and conform to all requirements of law.

5350.1.1 The ~~Library District~~ Director or designee will process all requests for references, letters of recommendation, or information about the reasons for separation regarding all district employees, *including prior employees*, other than himself/herself. The ~~Library District~~ Director ~~or his/her designee~~ must approve all letters of recommendation to be issued on behalf of the District for current or former employees.

5350.1.2 ~~At his/her discretion, the Library District~~ Director or his/her designee may refuse to give a recommendation. Any recommendation he/she gives will provide a careful, truthful, and complete account of the employee's job performance and qualifications.



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STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.6
Title: Discussion/Action: Elimination of Library Late Fees

RECOMMENDATION:

That the Board **approve** Elimination of Library Late fees for all past and current patrons

BACKGROUND/INFORMATION:

Many public libraries are starting to eliminate library late fees. The elimination of library fees is to remove economic barrier that may play a role in the access of library materials and services. Children, for example, should enjoy library materials without worrying about late fees.

The list includes some libraries that eliminated late fees:

- Pasadena City Library
- Altadena Library District
- Los Angeles City Library
- Palm Springs Public Library
- Placentia Library District
- Rancho Mirage City Library
- San Jose Public Library*
- Mountain View Library
- Contra Costa County Library
- San Mateo County Libraries
- Alameda County Library

*No late fees for children

The District, however, will still implement fines for lost or damaged items. If an item is not returned within 45 days, it will be marked as a "lost" item.

FISCAL IMPACT:

For FY 2019-2020 the Library's late fee revenue was \$5,319. Last FY, 410 books were not returned, with average book costing about \$27. This is equivalent to lost in the amount of \$11,070. With elimination of library fees patrons may start returning books to the District.



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STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.7
Title: Authorize the District Director to enter into an Agreement with a carpet company in the amount not to exceed \$16,788.00

RECOMMENDATION:

Authorize the District Director to enter into an Agreement with a carpet company in the amount not to exceed \$16,788.00.

BACKGROUND/INFORMATION:

The Library will be replacing old carpet in the Children's Room and Teen Area, as part of the renovation project. As shown in the PowerPoint at the Yamada presentation, the new carpet tiles will be green and gray/brown.

The Library got three bids from different carpet installing companies. Under Fiscal Impact, the three companies' cost are shown. Review attached files for details.

The carpet tile supplier needs eight (8) weeks of advance time in order to make sure the carpet titles are in stock—the Library needs to order the carpet titles soon to meet that requirement.

FISCAL IMPACT:

Option 1: Floor Tech America will charge \$13,945 to install carpet tiles for both Teen Area and Children's Room.

Option 2: Mike's Custom Flooring will charge \$14,856.41 to install carpet tiles for both Teen Area and Children's Room.

Option 3: B.R. and Co. will charge \$16,788.00 to install carpet tiles for both Teen Area and Children's Room.

CONCLUSION:

After reviewing the three bids, Floor Tech America is the best option for the District. The Board, however, may choose and approve any installer.



125 Mercury Circle, Pomona, CA 91768 T, 909-598-6328 F. 909-598-6125

State License #853634 DIR #1000001941

PROPOSAL #
5281

8(a) Women Owned
SBA #1550220
SCMBDC: Cert. #8308
WMBE #10110146

PROPOSAL & CONTRACT

DATE 9/16/2020

Customer Name and Address:
 Banning Library District
 Kevin Lee
 21 W Nicolet St.
 Banning, CA 92220

Project and Location:
 Banning Library Carpet Install
 21 W Nicolet St.
 Banning, CA 92220

Scope of Work	Total
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STANDARD EXCLUSIONS:

- Remove and replace furniture/bookshelving.
- Major floor prep (areas exceeding 1/4" in a 10' radius, excessive scraping, leveling, grinding, etc.)
- Protection of floor covering after installation unless otherwise noted.

This quote excludes moisture vapor barrier over concrete, but if required an alternate price will be provided.

Total	\$13,945.00
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Thank you for the opportunity to quote this project.

Any alteration or deviation from the above specifications involving extra cost of materials or labor will only be executed upon written orders for same and will become an extra charge over the sum mentioned in this contract. All agreements must be in writing. This contract is valid for 90 days

ACCEPTANCE OF PROPOSAL: Floor Tech America, Inc. is hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which undersigned agrees to pay the amount mentioned in said proposal and according to the terms thereof.

Accepted by: _____ Date: _____



125 Mercury Circle, Pomona, CA 91768 T, 909-598-6328 F. 909-598-6125

PROPOSAL #
5281

State License #853634 DIR #1000001941

8(a) Women Owned
SBA #1550220
SCMBDC: Cert. #8308
WMBE #10110146

PROPOSAL & CONTRACT

DATE 9/16/2020

Customer Name and Address: Banning Library District Kevin Lee 21 W Nicolet St. Banning, CA 92220

Project and Location: Banning Library Carpet Install 21 W Nicolet St. Banning, CA 92220

Scope of Work	Total
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Please accept our proposal to install new carpet tile at Banning Library District, measurements based off job walk done by FTA on 09/15/2020:

- Demo existing sheet carpet and dispose of properly, in two areas ONLY at this time.
- Standard floor preparation to accept new Carpet Tile. (Standard floor preparation includes minor scraping, sanding, filling of control joints, and fine broom sweeping.)
- *PRODUCTS LISTED MAY HAVE A 2-4 WEEK LEAD TIME, IF NOT IN-STOCK:*
- Supply and install Patcraft "Cube & Colour I0426" 24" carpet tile (color: Cinnamon 00500).
- Supply and install Patcraft "Cube & Colour I0426" 24" carpet tile (color: Pear 00300).
- Supply and install Patcraft "Walk Right In II I0304" 24" carpet tile (color: Charcoal 00590) at one double entry door.
- Supply and install Burke "Coved" 4" rubber wall base (color: TBD).

Supply and install flooring transitions, as needed.
This quote is based on current prevailing wage rates and requirements.
This quote is based on NORMAL working hours; Monday - Friday 6AM – 6PM.

13,945.00

Total

Thank you for the opportunity to quote this project.

ACCEPTANCE OF PROPOSAL: Floor Tech America, Inc. is hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which undersigned agrees to pay the amount mentioned in said proposal and according to the terms thereof.

Accepted by: _____ Date: _____



1351 Park Ave. Suite 102, Redlands CA 92373
 Office (909) 335-0400
 Contractor's License # 426696
 DIR # 1000017563

Flooring Bid

Project Name Banning City Library - Children Area	Date 8/5/2020	Project No. 1774
Address 21 W Nicolet St, Banning, CA 92220		
Customer Name/Bidders Scott Stern - Patcraft	Contact Number	
Email Address scott.stern@patcraft.com	Sales Person Michael Lujan	(909) 294-0990

Mfr	Product/Service Description	Color	Code	Qty.	Unit	Price
Patcraft	Cube & Color "24x24"	TBD		207	SY	\$9,520.68
Patcraft	Walk Right In	TBD		6	SY	\$303.71
Roppe	4" Rubber Base	TBD		202	LF	\$504.52
	Demo & Disposal			1,806	SF	\$903.00
	California Carpet Stewardship Program			197	SY	\$68.95

Base Bid Total \$11,300.85

Alternate add to Base Bid

#1	Wagner RH Moisture Testing	2 Ea	\$105.00	\$189.63
#2	Furniture Moving	6 HR	\$55.00	\$330.00

Job Scope: Demo existing floor and base. Prep subfloor for proper installation.

Special Instructions: Need to check for Asbestos. Furniture Moving as an Alternate.

Est. Timeline: 3
(days)

Demo: Broadloom over concrete

Furniture: Excluded

Install

Directions: Glue down Carpet tile

Attic Stock: Excluded

Occupied: None Called Out

Work Hours: Regular Work Hours

Plan(s): Yes/None Available

Specs: Yes/None Available

Addenda: None Acknowledged

Est. Start Date: TBD

Notes*:

Exclusions: *Moisture Testing & Remediation, Night & Weekend Hours, Furniture Moving, Excessive Floor Prep, Floor Protection, Floor Cleaning & Maintenance, Attic Stock*

Precautionary Notes: *Ex: Although Dynamic® is a high-moisture tolerant adhesive, it does not form a moisture vapor barrier and will not protect flooring from moisture damage.*

Field verification required before demo & install, footages may result in unit price increase

Thank you,

Michael Lujan

Mike's Custom Flooring, Inc.

Bid Valid for 30 days.

Terms & Conditions

We cannot be held responsible for unknown circumstances. We make every effort to include every item we can foresee. For example, it is impossible to know if and how much leveling of a sub-floor may be required before the existing floor is removed. If leveling is required, an additional charge may apply. Other such circumstances arise from time to time.

PAYMENT & BALANCE DUE

A minimum 50% deposit is required to schedule any work.

Remaining balance is due immediately upon completion of the job.

Mike's Custom Flooring offers the following credit terms: All accounts are due within 30 days of billing date. All past due accounts are subject a finance charge of 1.5% interest per month past due. Payments may be made via Cash, or Check made out to Mike's Custom Flooring. Debit and Credit payment are subject to a 3% fee.

*For payment arrangements, please contact **Eric Esparza** at (909) 335-0400 or by email at **Eric@mikescustomflooringinc.com**.*

I have read and agree to these terms...

Property Owner : _____

Signature: _____

Date: _____



1351 Park Ave. Suite 102, Redlands CA 92373
Office (909) 335-0400
Contractor's License # 426696
DIR # 1000017563

Flooring Bid

Project Name Banning City Library - Teen Room (includes closet)	Date 9/4/2020	Project No. 1921
Address 21 W Nicolet St, Banning, CA 92220		
Customer Name/Bidders Kevin Lee	Contact Number	
Email Address kevin@banninglibrarydistrict.org	Sales Person Michael Lujan (909) 294-0990	

Mfr	Product/Service Description	Color	Code	Qty.	Unit	Price
Patcraft	Cube & Color "24x24"	TBD		65	SY	\$2,884.02
Roppe	4" Rubber Base	TBD		150	LF	\$374.64
	Demo & Disposal			549	SF	\$274.50
	California Carpet Stewardship Program			64	SY	\$22.40

Base Bid Total \$3,555.56

<i>Alternate add to Base Bid</i>		Unit Cost	Total
#1	Wagner RH Moisture Testing	1 Ea \$105.00	\$105.00
#2	Furniture Moving	2 HR \$55.00	\$110.00

Job Scope: Demo existing floor and base. Prep subfloor for proper installation in TEEN ROOM.

Special Instructions: Need to check for Asbestos. Furniture Moving as an Alternate.

Est. Timeline: 1
(days)

Demo: Broadloom over concrete

Furniture: Excluded

Install

Directions: Glue down Carpet tile

Attic Stock: Excluded

Occupied: None Called Out

Work Hours: Regular Work Hours

Est. Start Date: TBD

Notes*:

Exclusions: *Moisture Testing & Remediation, Night & Weekend Hours, Furniture Moving, Excessive Floor Prep, Floor Protection, Floor Cleaning & Maintenance, Attic Stock, Water Drinking Area, Break Room*

Precautionary Notes: *Field verification required before demo & install, footages may result in unit price increase*

Thank you,

Michael Lujan

Mike's Custom Flooring, Inc.

Bid Valid for 30 days.

Terms & Conditions

We cannot be held responsible for unknown circumstances. We make every effort to include every item we can foresee. For example, it is impossible to know if and how much leveling of a sub-floor may be required before the existing floor is removed. If leveling is required, an additional charge may apply. Other such circumstances arise from time to time.

PAYMENT & BALANCE DUE

A minimum 50% deposit is required to schedule any work.

Remaining balance is due immediately upon completion of the job.

Mike's Custom Flooring offers the following credit terms: All accounts are due within 30 days of billing date. All past due accounts are subject a finance charge of 1.5% interest per month past due. Payments may be made via Cash, or Check made out to Mike's Custom Flooring. Debit and Credit payment are subject to a 3% fee.

For payment arrangements, please contact Eric Esparza at (909) 335-0400 or by email at Eric@mikescustomflooringinc.com.

I have read and agree to these terms...

Property Owner : _____

Signature: _____

Date: _____



Prime Contract 1

B.R. & Co.

B.R. & Co.
2247 Lindsay Way
Glendora, California 91740
Phone: (626) 963-4880
Fax: (626) 963-4848

Project: 20-1099 - BL BANNING LIBRARY
21 WEST NICOLET ST
BANNING, California

BL BANNING LIBRARY Prime Contract

PROPOSED TOTAL:	\$16,788.00		
OWNER/CLIENT:	Banning Library 21 west nicole street banning,	CONTRACTOR:	B.R. & Co. 2247 Lindsay Way Glendora, California 91740
ARCHITECT/ENGINEER:		DATE CREATED:	09/17/ 2020
CONTRACT STATUS:	Out For Bid	CREATED BY:	Ron Moore (B.R. & Co.)
EXECUTED:	No	DEFAULT RETAINAGE:	
START DATE:		ESTIMATED COMPLETION DATE:	

DESCRIPTION:
New carpet tile childrens area and teen area (per attached plan)

INCLUSIONS:
Scope of work:
Remove existing carpet
standard floor preparation
Furnish and install Patcraft I0426 Cube and Colour Carpet tile with johnsonite 4" topset base
Remove all debris from site
RH slab moisture testing is included

EXCLUSIONS:
Furniture moving
major floor preparation
moisture mitigation

TERMS & CONDITIONS:

By signing the Authorization below, customer agrees to pay the above referenced project cost for the project & scope of work referenced herein. Any alteration or deviation from the above specifications involving extra cost, will be executed only upon written orders, and will become an extra charge over the above estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. The contractor will supply Workman's Compensation and General Liability Insurance as required by customer. Proposal is valid for (60) days from proposal date.

ATTACHMENTS:
[banning library.pdf](#)

#	COST CODE	DESCRIPTION	TYPE	AMOUNT
1	09-420 - Tile Carpeting		Professional Services	\$ 16,788.00
			Grand Total:	\$16,788.00



B.R. & Co.

Prime Contract 1

Banning Library
21 west nicoleet street
banning,

B.R. & Co.
2247 Lindsay Way
Glendora, California 91740

<hr/>		<hr/>		<hr/>	
SIGNATURE	DATE	SIGNATURE	DATE	SIGNATURE	DATE
Printed Name: _____		Printed Name: _____		Printed Name: _____	
Title: _____		Title: _____		Title: _____	

ADDITIONAL SIGNATURE:

The area below is provided for convenience only. As per the terms and conditions referenced above AUTHORIZATION to proceed is provided by signature above. If additional signatures are needed it is the responsibility of the client representative to obtain prior to returning this document to B.R. & Co..

<hr/>		<hr/>		<hr/>	
SIGNATURE	DATE	SIGNATURE	DATE	SIGNATURE	DATE
Printed Name: _____		Printed Name: _____		Printed Name: _____	
Title: _____		Title: _____		Title: _____	



21 W. Nicolet St.
Banning, CA 92220
(951) 849-3192 (tel.)
(951) 849-6355 (fax)
www.banninglibrarydistrict.org

STAFF REPORT

Meeting Date: October 14, 2020
Prepared By: Kevin Lee, District Director
Agenda Item: 11.8
Title: Discussion/Action: LAFCO Sphere of Influence Approval

RECOMMENDATION:

That the Board **approve and adopt** Annexation 18-1001 for a proposed annexation of two parcels totaling 38 acres in unincorporated Riverside County previously within the Morongo Band of mission Indians Reservation

BACKGROUND/INFORMATION:

The applicant, Lloyd Fields, requests an Annexation of two parcels located north of Wilson Street and east of Hathaway Street. The two properties are part of a land swap between Mr. Fields and the Morongo Indian Tribe. On January 13, 2015, the United States Senate passed Senate Bill (S. 175) approving the land swap known as the "Economic Development Through Tribal Land Exchange Act." The Act essentially created eight legal lots, seven of which were owned by the Morongo Band of Mission Indians and given to Mr. Fields in exchange for the remaining eight lot that was owned by Mr. Fields.

RESOLUTION NO. 2020-06

**A RESOLUTION OF THE BANNING LIBRARY DISTRICT
APPROVING ANNEXATION AND SPHERE OF INFLUENCE AMENDMENT**

RESOLVED, by the Banning Library District Board of Trustees of the Banning Library District, that

WHEREAS, the Banning Library District desires to initiate a proposal pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the ANNEXATION; and

WHEREAS, notice of intent to adopt this resolution of application has/has not been given to the commission, each interested agency and each subject agency at least 21 days prior to the adoption of this resolution; and

WHEREAS, the territory proposed to be ANNEXED is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit A attached hereto and by this reference incorporated herein; and

WHEREAS, this proposal is not consistent with the sphere of influence of the affected city and/or district(s); and

WHEREAS, it is desired to provide that the proposed ADDITION be subject to the following terms and conditions:

1. Include the two (2) parcels totaling 38 acres APNs: 532-030-008 and 532-030-009 (See Exhibit "A"); and

WHEREAS, the reasons for the proposed ANNEXATION are as follows:

The two parcels are part of a land swap between Mr. Fields and the Morongo Indian Tribe; and On January 13, 2015, the United States Senate passed Senate Bill (S. 175) approving the land swap known as the "Economic Development Through Tribal Land Exchange Act."

NOW, THEREFORE, this Resolution of Application is hereby adopted and approved by the Banning Library District Board of Trustees of the Banning Library District, and the Riverside Local Agency Formation Commission is hereby requested to take proceedings for the annexation of territory as described in Exhibit A, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

I, Alejandro Geronimo, Board Secretary of the Banning Library District, do hereby certify that the forgoing Resolution No. 2020-06 was duly adopted by the Board of Trustees of the Banning Library District at a regular meeting thereof, held on the 14th day of October, 2020, by the following vote:

	AYE	NO
Kathy Little	—	—
Alejandro Geronimo	—	—
Wemida Ajigbotafe	—	—
Loretta Cousar	—	—
Melanie Lara	—	—

Alejandro Geronimo, Board Secretary

Kathy Little, Board President

EXHIBIT "A"
LEGAL DESCRIPTION

LAFCO 2020-20-5
SPHERE OF INFLUENCE AMENDMENTS (ADDITIONS) TO THE CITY OF BANNING
AND THE BANNING LIBRARY DISTRICT (LLOYD L. FIELDS)

AND

LAFCO 2020-21-5
REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO THE CITY OF BANNING
AND THE BANNING LIBRARY DISTRICT (LLOYD L. FIELDS)

ANNEXATION AREA

That certain parcel of land located in the County of Riverside, State of California, being a portion of Section 2 of Township 3 South, Range 1 East, San Bernardino Meridian, as shown on Official Plat thereof, more particularly described as follows:

BEGINNING at the southeast corner of said Section 2;

- 1) Thence along the southerly line of the southeast quarter of Section 2 North $88^{\circ}36'14''$ West a distance of 2,641.66 feet to the south quarter corner of said Section 2;
- 2) Thence along the southerly line of the southwest quarter of Section 2 North $89^{\circ}40'06''$ West a distance of 2,161.30 feet to a line parallel with and 489.00 feet easterly, as measured at right angles, of the westerly line of said Section 2;
- 3) Thence along said parallel line North $00^{\circ}21'44''$ East a distance of 342.00 feet to a line parallel with and 342.00 feet northerly, as measured at right angles, of the southerly line of the southwest quarter of said Section 2;
- 4) Thence along said parallel line South $89^{\circ}40'06''$ East a distance of 2,164.30 feet to a point of intersection of said parallel line with a line parallel with and 342.00 feet northerly, as measured at right angles, of the southerly line of the southeast quarter of said Section 2;
- 5) Thence along said parallel line which is 342.00 feet northerly of the southerly line of the southeast quarter of said Section 2 South $88^{\circ}36'14''$ East a distance of 2,638.22 feet to the easterly line of said southeast quarter of Section 2;

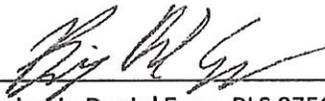
6) Thence along said easterly line South 00°17'18" West a distance of 342.06 feet to the southeast corner of said Section 2 and the **POINT OF BEGINNING**.

CONTAINING: 37.71 Acres, more or less.

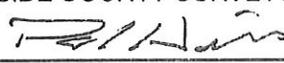
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of record.

Graphically depicted on 'EXHIBIT "A" – PLAT', attached hereto and by this reference made a part hereof.

This legal description was prepared by me or under my direction.


Benjamin Daniel Egan, PLS 8756
Prepared: August 17, 2020



THIS DOCUMENT REVIEWED BY RIVERSIDE COUNTY SURVEYOR.
BY: 
DATE: 8/31/2020

MORONGO INDIAN RESERVATION

SECTION 35
T.2S., R.1E., S.B.M.

EXHIBIT "A" - PLAT

LAFCO 2020-20-5

SPHERE OF INFLUENCE AMENDMENTS (ADDITIONS) TO THE CITY OF BANNING
AND THE BANNING LIBRARY DISTRICT (LLOYD L. FIELDS)

CITY OF BANNING

AND
LAFCO 2020-21-5

REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO THE CITY OF BANNING AND THE BANNING LIBRARY DISTRICT (LLOYD L. FIELDS)

THIS DOCUMENT REVIEWED BY
RIVERSIDE COUNTY SURVEYOR.

BY: *[Signature]*
DATE: 8/31/2020

DATA TABLE		
(NO)	BEARING/DELTA	LENGTH
①	N88° 36' 14"W	2641.66'
②	N89° 40' 06"W	2161.30'
③	N00° 21' 44"E	342.00'
④	S89° 40' 06"E	2164.30'
⑤	S88° 36' 14"E	2638.22'
⑥	S00° 17' 18"W	342.06'

NOTE:
ANNEXATION AREA = 37.71± ACRES

LEGEND:

- EXISTING CITY LIMIT
- PROPOSED ANNEXATION
- EXISTING SECTION LINE
- EXISTING PROPERTY LINE

SECTION 3
T.3S., R.1E., S.B.M.

HATHAWAY STREET
MORONGO INDIAN RESERVATION

CITY OF BANNING

MORONGO INDIAN RESERVATION

CITY OF BANNING
(ANNEXATION)
(NO. 17)
(86-46-3)

SECTION 2
T.3S., R.1E., S.B.M.

MORONGO INDIAN RESERVATION

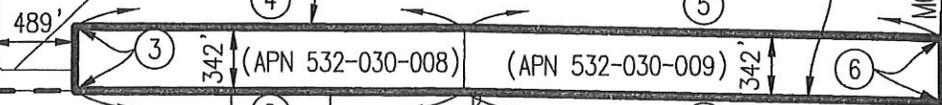
CITY OF BANNING
(APN 532-080-008)
(APN 532-080-009)
(APN 532-080-010)
(APN 532-090-026)

(APN 532-030-005)

(APN 532-030-007)

MORONGO INDIAN RESERVATION

PROPOSED ANNEXATION BOUNDARY

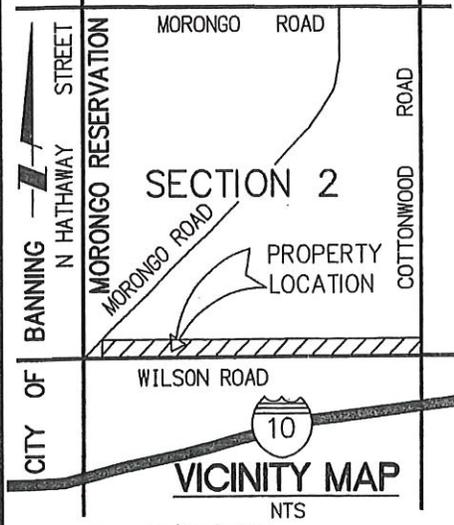


WILSON STREET CITY OF BANNING
(ANNEXATION NO. 10)
(71-71-3)

SECTION 11
T.3S., R.1E., S.B.M.

P.O.B.
SE CRNR
SEC. 2

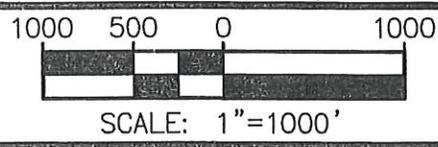
INTERSTATE 10
SHEET 1 OF 1



PREPARED: 08/17/2020



[Signature]
BENJAMIN EGAN, PLS 8756



DESCRIPTION: PORTION OF THE SOUTH HALF OF SECTION 2, TOWNSHIP 3 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN.

EGAN CIVIL, INC.
42945 MADIO STREET, SUITE A
INDIO, CA 92201
(760) 404-7663

Plan of Services

*If currently within the jurisdiction of the County Library System identify the nearest County Library available to the affected area and describe the following:

- Identify current service provider
 - Riverside County – Cabazon Branch
- Library weekly hours of operation
 - M,T – 10am-6pm, W – 10am to 8pm, Th – 10am-6pm, F – closed, Sat – 10am-4pm, Sun – closed
- Square footage of the facility
 - 7000 sq ft
- Number of volumes
 - 16,000 total
- Programs available
 - Youth, teen, family, and adult programs
- Describe the type of cataloguing system
 - Electronic cataloguing system
- Describe any sister agencies, interagency agreements
 - Part of Riverside County Library System, total of 32 branches

*The following information is only required should there be a change in service provider.

