



Board of Trustees
Meeting of Wednesday, September 20, 2023 • 12:15 P.M.
San Diego Law Library

AGENDA

NO.	ITEM	SUMMARY	RECOMMEND
1.	Call to Order		Action.
2.	Brown Act (Gov. Code §54953(f)(2)) Request for a Trustee to Participate Virtually	An in-person quorum of the Board will consider any request to participate virtually by a Board member due to emergency circumstances.	Information.
3.	Opportunity for Public Comment	This is a public meeting; members of the public may address the Board with advance notice; time limits will be enforced to allow hearing of all agenda items; contact Admin Officer (see below).	N/A
4.	Minutes of Previous Meetings	Approval of Minutes from August 16, 2023.	Action.
5.	Financials	Update on filing fees, monthly financial report highlights. (<i>Whelan</i>)	Information.
6.	Proposed Legislative Change on Meetings (B&P Code §6304)	Proposed Legislative Change on Meetings. (<i>DiMare</i>)	Action.
7.	Other Reports	A. Foundation Liaison Report (<i>Roper/Blea</i>) B. Law Library Leadership Report (<i>Whelan</i>)	Information.
8.	Adjournment		Action.

IMPORTANT NOTICE:

This meeting is open to the public, who may attend in person or attend virtually using Microsoft Teams.

Topic: SDLL Board of Trustees Meeting
PM Pacific Time (US and Canada)

Time: September 20, 2023, 12:15

Join Microsoft Teams Meeting: <https://bit.ly/boardmtg23>

Meeting ID: 282 536 026 276 **Passcode:** wRyvLc

For more information on attending this meeting remotely and/or speaking on an issue of concern to you, please email Zion Solomon at zsolomon@sdlawlibrary.org

Persons wishing to make public comment at the meeting are requested to make arrangements with the Administrative Office prior to the meeting at zsolomon@sdlawlibrary.org. Persons desiring to comment on an agenda item will speak when that item comes up for discussion. An individual desiring to bring another matter to the Board's attention should be prepared to speak at the beginning of the meeting. Members of the public should limit remarks to five minutes. Materials for each agenda item, except closed session items, are available for public inspection from the San Diego Law Library Administrative Office, 1105 Front Street, San Diego, CA 92101-3904



**Law Library Board of Trustees
Minutes of the Meeting
August 16, 2023**

The Law Library Board of Trustees held a regular meeting, pursuant to notice thereof, on **August 16, 2023.**

Present: Carla DiMare, President; Kimberly Howatt, Vice-President; Judge Rachel Cano; Judge Lisa Rodriguez, Judge Euketa Oliver, Judge David Berry, Judge David Gill (virtual)

Absent: Mara Elliott; Lorena Slomanson, Treasurer

Also Present: *Library Staff:* Laurel Moran, David Whelan, Erin Parker, Ben Lhota, Zion Solomon, Izabela Aleksieva, Stephen Blea

- *Please note that the following minutes are written according to the agenda item order and did not necessarily happen chronologically.*
-

1) Call to Order

President Carla DiMare called the meeting to order at 12:16pm.

2) Brown Act Exceptions During Public Health Crisis: Teleconferencing [California Emergency Services Act. (Gov. Code §§ 52953(e)(1), (e)(4).)]

3) Opportunity for General Public Comment

There was nobody present for Public Comment.

4) Minutes of Previous Meeting

A. Approval of Minutes of July 19, 2023.

Ms. Howatt mentioned that Judge Berry was present in the previous meeting, while the minutes state that he was absent. Judge Rodriguez corrected the spelling of her name.

Judge Cano made a motion to approve the minutes with edits, showing that Judge Berry was present and including the correction of Judge Rodriguez's name. Judge Euketa Oliver seconded the motion. All were in favor and the motion passed.

5) Financials (Whelan)

David Whelan presented the year-end financial report slated for auditor review. Filing fees align with projections, and given the nascent state of the fiscal year, there are minimal updates to furnish. The forthcoming year's budget encompasses a projected income of \$2.7 million, mirroring the prior year's figures. Judge Berry asked a question about the progress of setting up a meeting to continue the discussion on potential investments in pre-funded trusts. In response, David Whelan clarified that the need to receive actuarial figures, with intentions to incorporate their insights into the Budget Committee's discourse.

6) 2024 Health Plan Rates (Lhota)

Ben Lhota, HR/Business Manager for the Law Library, presented prospective health plan rates for the upcoming year for the Board's approval. He laid out the various plan options, underscoring the



**Law Library Board of Trustees
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imperative of maintaining staff contributions at an affordable level. The proposed health plan rates would overshoot the current budgeted amount by \$3,560. Ben Lhota acknowledged that historical patterns indicate limited changes in staff health care plan selections, so the presented projections would be close to accurate.

Judge Berry made a motion to approve the proposed health plan rate increase. Judge Lisa Rodriguez seconded the motion. All were in favor and the motion passed.

7) Other Reports

A. Foundation Liaison Report (Roper/Blea)

Stephen Blea, the Foundation Treasurer, delivered a comprehensive report during which he unveiled the distinguished quartet of nominees for the annual Witkin Awards. The categories and nominees are as follows: Excellence in the Practice of Law: City Attorney Mara Elliott, Excellence in Legal Education: University of San Diego School of Law Dean Robert Schapiro, Excellence in the Adjudication of the Law: Chief Judge Dana M. Sabraw, Excellence in Public Service: Casa Cornelia Law Center.

B. Law Library Leadership Report (Whelan)

David Whelan delivered an update on the commencement of the annual audit, a precursor to compiling the Annual Report. Notably, under the negotiations of Laurel Moran, a new pilot program has been introduced through our Westlaw account. This initiative, tailored for non-legal users, has already witnessed a quick uptake from library patrons. The subscription cost is not in-substantial, so it will be accessed in the future to determine if the program is worth its cost to the library.

8) Adjournment

The meeting was adjourned at 1:05pm.

San Diego Law Library

Filing Fees Report

Prepared by David Whelan

Filing fees are reported to the Law Library by the California Courts judicial branch staff. Filing fees account for about 99% of the Law Library's revenue. The filing fee amount is transmitted around the 10th day of the month following the month the fees were collected in. For example, January filing fee revenue is reported by the judicial branch to the Law Library around March 10th. This creates a lag in reporting revenue in financial reports.

Month	Actual Filing Fees Received			Budgeted 2023-2024	Budget Variance	Variance Multiplier*
	2021-2022	2022-2023	2023-2024			
July	\$ 230,757	\$ 212,629	\$247,364	\$ 218,348	\$ 29,016	97%
August	\$ 232,885	\$ 250,036		\$ 228,823		102%
September	\$ 229,878	\$ 222,034		\$ 212,371		94%
October	\$ 217,574	\$ 245,811		\$ 228,448		102%
November	\$ 201,588	\$ 222,349		\$ 205,480		91%
December	\$ 209,803	\$ 231,242		\$ 226,835		101%
January	\$ 195,923	\$ 225,889		\$ 225,340		100%
February	\$ 191,568	\$ 220,023		\$ 200,973		89%
March	\$ 223,902	\$ 249,048		\$ 242,385		108%
April	\$ 214,812	\$ 241,025		\$ 228,595		102%
May	\$ 219,598	\$ 245,302		\$ 238,662		106%
June	\$ 241,671	\$ 250,746		\$ 243,740		108%
Annual Total	\$ 2,609,959	\$ 2,816,134		\$ 2,700,000		

*percentages are rounded

The Board approved a budget that includes an anticipated \$2,700,000 in filing fee revenue for 2023-2024. The *budget variance multiplier* reflects how much higher or lower we anticipate the filing fees to be from the 12-month average of \$225,000 (100%). This variance multiplier is based on trends in previous years' filing fee data. The *budget variance* shows the actual amount of filing fees received over or under our budget estimate.

Board of Directors Report

San Diego Law Library

Fiscal Year Ended July 31, 2023



Prepared by

Waterview Corporation

Prepared on

September 13, 2023

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Balance Sheet

As of July 31, 2023

	Total
ASSETS	
Current Assets	
Bank Accounts	
0001 Cash and investments	0.00
0010 County Treasury	7,141,916.29
0012 Crawford Lundy Restricted Fund	3,657.68
Total 0010 County Treasury	7,145,573.97
0020 Petty Cash	265.00
0031 Operating (Chase)	97,366.35
0032 Payroll (Chase)	83,881.37
0033 0033 Point of Sale Account (Chase)	26,128.99
Total 0001 Cash and investments	7,353,215.68
PayPal Bank 2	8,497.75
Total Bank Accounts	7,361,713.43
Accounts Receivable	
0110 Accounts Receivable	509,248.05
Total Accounts Receivable	509,248.05
Other Current Assets	
0070 Due from LLJF	100.19
0420 Prepaid Expenses	53,362.04
Net Pension Asset	582,459.00
Total Other Current Assets	635,921.23
Total Current Assets	8,506,882.71
Fixed Assets	
0200 Renovation - Work in Progress	2,980.00
0300 Property and Equipment	
0340 Equipment	446,765.50
0350 Improvements	4,918,424.00

	Total
0360 Furniture	378,307.00
0370 IT Equipment	682,125.66
0399 Accumulated Depreciation	-3,949,848.84
Total 0300 Property and Equipment	2,475,773.32
Total Fixed Assets	2,478,753.32
Other Assets	
0400 Deferred Outflow of Resources	
0430 Deferred Pensions	1,495,605.76
0440 CA Employers' Retiree Benefit Trust - Other Post Employment Benefits (OPEB)	233,210.00
0450 CA Employers' Retiree Benefit Trust - Strategy	113,493.00
0460 CA Employers' Retiree Benefit Trust - Diversified Strategy	113,962.00
Total 0400 Deferred Outflow of Resources	1,956,270.76
Total Other Assets	1,956,270.76
TOTAL ASSETS	\$12,941,906.79

LIABILITIES AND EQUITY

Liabilities

Current Liabilities

Accounts Payable

0511 Accounts Payable	24,241.80
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Total Accounts Payable	24,241.80
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Other Current Liabilities

0515 Deposits on Account	0.00
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0517 Security Deposits	400.00
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Total 0515 Deposits on Account	400.00
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0519 Sales Tax Payable	-748.32
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0520 Accrued Payroll Liabilities	0.00
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0523 PERS 457(b) Co Payable	6,081.46
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0524 Garnishments	200.00
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0527 125 Dental & Vision	-612.33
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0528 125 Health Insurance	976.13
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	Total
0529 Accrued CalPERS Pension	-0.33
Compensated Absences	375,277.01
Total 0520 Accrued Payroll Liabilities	381,921.94
Board of Equalization Payable	273.71
Total Other Current Liabilities	381,847.33
Total Current Liabilities	406,089.13
Long-Term Liabilities	
0600 Deferred Inflows of Resources	262,773.00
0630 Deferred Pensions	738,423.00
0650 AOC Advance	223,022.00
Total 0600 Deferred Inflows of Resources	1,224,218.00
0670 Net Other Post Employment Benefits Liability	3,398,669.00
Total Long-Term Liabilities	4,622,887.00
Total Liabilities	5,028,976.13
Equity	
0700 Fund Balance	
0740 Fund Balance Available	-427,654.06
Total 0700 Fund Balance	-427,654.06
3900 Retained Earnings	8,307,022.91
Net Income	33,561.81
Total Equity	7,912,930.66
TOTAL LIABILITIES AND EQUITY	\$12,941,906.79

Profit and Loss

July 2023

	Total	
	Jul 2023	Jul 2022 (PY)
INCOME		
9000 Outside Sources		
9190 Interest	21,770.09	6,780.77
9821 Filing Fees - Superior Court	247,363.75	212,629.19
9960 Borrowers & Benefits Programs		
9961 Borrower's Program Fees	825.00	1,150.00
Total 9960 Borrowers & Benefits Programs	825.00	1,150.00
9979 Donations	47.00	74.00
9990 Grants	795.00	
Total 9000 Outside Sources	270,800.84	220,633.96
9500 Library Sources		
9181 Fines	96.00	830.84
9720 Computer Services		4,373.00
9730 Extended Services	25.00	
9967 Copier Income	448.00	356.80
9994 Class Fees		93.72
9995 Miscellaneous Income	32.70	-55.92
9996 Taxable Income	26.30	110.00
Total 9500 Library Sources	628.00	5,708.44
PayPal Sales	0.00	1,104.88
Total Income	271,428.84	227,447.28
GROSS PROFIT	271,428.84	227,447.28
EXPENSES		
1000 Personnel		
1101 Regular Employees	117,668.14	73,580.31
1102 Part-time Employees	2,100.00	1,206.25
1160 Employer's PERS expense	10,936.42	6,426.48
1165 Employer's FICA Expense	1,815.39	1,131.38
1170 Employee Benefits		
1170-AC Health Benefits (Active Employees)	17,506.87	15,443.49
1170-LI Life, AD&D, & LTD	1,370.24	16.00
1170-RT Health Benefits (Retired Employees)	12,796.92	10,864.46
1170-ST Technology Stipend	700.00	450.00
Total 1170 Employee Benefits	32,374.03	26,773.95
1175 Workers' Compensation	911.50	-412.00
Total 1000 Personnel	165,805.48	108,706.37
1190 CalPERS Pension Expense		264.79
2000 Materials		

		Total
	Jul 2023	Jul 2022 (PY)
2215 Electronic Resources	33,626.07	13,135.11
2328 Compact Discs		140.08
2347 Books - Disposable	4,187.74	4,310.95
2348 Books - Continuations	2,989.84	1,350.76
Total 2000 Materials	40,803.65	18,936.90
2300 Operations		
2302 Copier/print solution	1,044.40	1,044.40
2304 Miscellaneous		
2304-CC Credit Card Charges	82.41	83.03
2304-MC Miscellaneous		-5,789.03
2304-RE Recruiting		59.99
2304-SA Staff Appreciation	1,226.92	375.03
Total 2304 Miscellaneous	1,309.33	-5,270.98
2305 Catalog Data Searches/Supplies	2,278.73	3,466.53
2306 Postage	43.10	0.00
2309 Collections Supplies		26.61
2312 Office Disposable Supplies	309.18	236.61
2315 Professional & Special Services		
2315-AC Accounting	2,960.00	
2315-LE Legal fees	0.00	7,668.10
2315-PA Payroll & Benefits Admin	168.68	197.45
2315-SE Security		1,768.00
2315-WE Website		99.00
Total 2315 Professional & Special Services	3,128.68	9,732.55
2318 Library insurance	11,153.17	2,254.17
2359 Mileage/Bus Passes/Parking	1,849.10	1,664.29
2362 Conferences/Seminars	1,160.96	-695.00
2370 Public Relations	275.04	221.12
2380 Travel Expenses		
2381 Airline Travel		1,056.86
2382 Hotel Lodging	2,734.06	2,065.04
2383 Business Meals & Food	417.20	418.53
2384 Ground Transportation and Parking	158.78	122.29
Total 2380 Travel Expenses	3,310.04	3,662.72
2390 IT		
2311 IT Supplies	24.00	740.19
2391 Computer Software	409.51	122.49
2392 IT Outsourcing	1,632.92	6,769.15
2393 IT Maintenance	17,397.76	
2394 T-1/Internet	2,540.06	1,179.48

		Total
	Jul 2023	Jul 2022 (PY)
Total 2390 IT	22,004.25	8,811.31
Total 2300 Operations	47,865.98	25,154.33
3510 Suspense	-20,812.80	
4501 Equipment	3,971.00	
4501-IT IT Equipment	0.20	
Total 4501 Equipment	3,971.20	
Bank Service Charges	225.06	79.25
PayPal Fees	8.46	31.36
Total Expenses	237,867.03	153,173.00
NET OPERATING INCOME	33,561.81	74,274.28
NET INCOME	\$33,561.81	\$74,274.28

Statement of Cash Flows

July 2023

	Total
OPERATING ACTIVITIES	
Net Income	33,561.81
Adjustments to reconcile Net Income to Net Cash provided by operations:	
0110 Accounts Receivable	-2,751.65
0420 Prepaid Expenses	-132.12
0511 Accounts Payable	-15,524.47
0521 Accrued Payroll Liabilities:Accrued Payroll	-60,206.07
0523 Accrued Payroll Liabilities:PERS 457(b) Co Payable	4,456.52
0527 Accrued Payroll Liabilities:125 Dental & Vision	-1,071.70
0535 Accrued Expenses	-818.40
Board of Equalization Payable	2.04
Total Adjustments to reconcile Net Income to Net Cash provided by operations:	-76,045.85
Net cash provided by operating activities	-42,484.04
INVESTING ACTIVITIES	
0430 Deferred Outflow of Resources:Deferred Pensions	-17,479.57
Net cash provided by investing activities	-17,479.57
NET CASH INCREASE FOR PERIOD	-59,963.61
Cash at beginning of period	7,421,677.04
CASH AT END OF PERIOD	\$7,361,713.43

Disclaimer

This report is prepared solely for the confidential use of San Diego Law Library. In the preparation of this report we have relied upon the unaudited financial information provided. The analysis and report must not be recited or referred to in whole or in part in any other document. Waterview Corporation neither owes nor accepts any duty to any other party and shall not be liable for any loss, damage or expense of whatsoever nature which is caused by their reliance on the report or the analysis contained herein.

BUSINESS AND PROFESSIONS CODE - BPC
DIVISION 3. PROFESSIONS AND VOCATIONS GENERALLY [5000 - 9998.11]
(Heading of Division 3 added by Stats. 1939, Ch. 30.)

CHAPTER 5. Law Libraries [6300 - 6363]
(Chapter 5 added by Stats. 1941, Ch. 452.)

ARTICLE 1. Boards of Law Library Trustees [6300 - 6307]
(Article 1 added by Stats. 1941, Ch. 452.)

6304.

Each board of law library trustees shall meet ~~regularly each month~~ quarterly on such day as it shall appoint, ~~but if it appoint no day, it shall meet on the first Tuesday after the first Saturday of each month,~~ and any board may meet at such other times as it may appoint, at a place to be designated for that purpose. The president of the board may call a special meeting at any time for the transaction of necessary business. A majority of the members constitutes a quorum for business, and an affirmative vote of a majority of the members is required to exercise the powers of the board.

(Amended by Stats. 1945, Ch. 1113.)

San Diego Law Library

Memorandum

To: Carla DiMare, Mara Elliott, Judge Lisa Rodriguez

From: David Whelan, Director

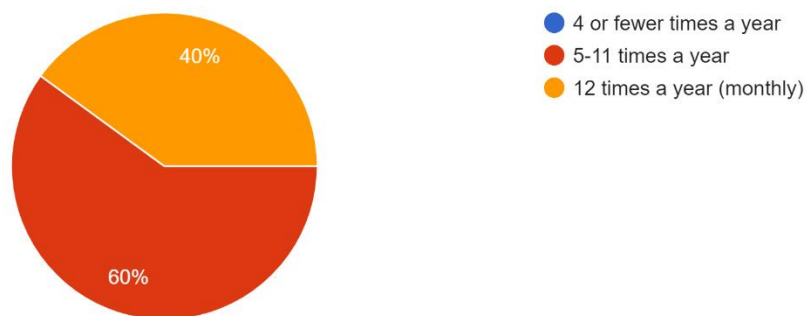
Re: Revising Statute on Board Meeting Incidence

Mara requested additional information about how other counties would respond to a change in B&P §6304, which currently requires monthly Board meetings. I put out a request to colleagues via a discussion list we share. Nearly 20 law libraries responded.

Over half already do not meet 12 times a year. The chart below shows 15 county responses (San Diego is not included). Verbatims I received directly from other counties included a variety of responses. One library schedules 12 meetings and then just cancels some of them. Another's Board straightforwardly calendars fewer than 12 meetings a year, without attempting to appear as if they are complying. One law library is subcontracted to the local public library, and that law library Board meets only once a year. San Francisco pre-dates the statute and is not bound by it.

How often does your Board currently meet as a full Board (not committees)?

15 responses

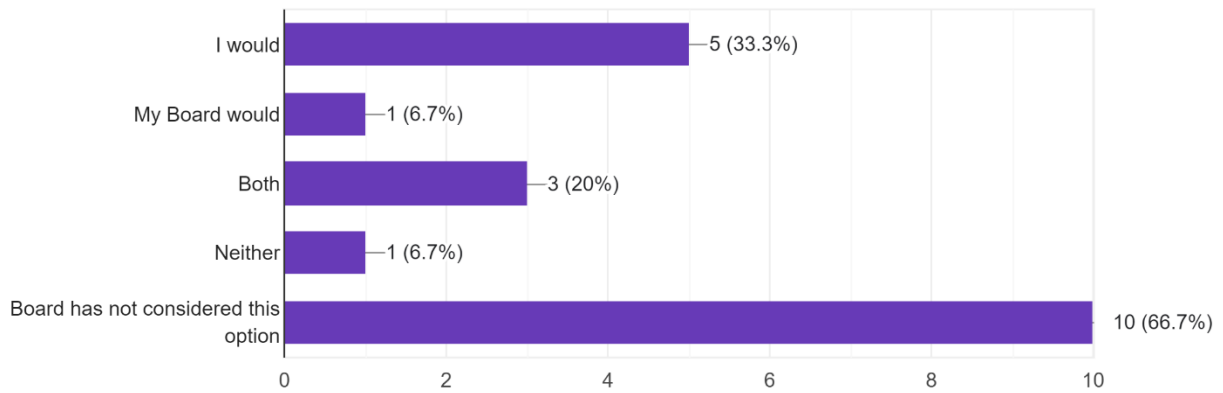


It is worth mentioning that, in some less populated counties, the Board is heavily operationalized. One law librarian explained that, in their county, monthly meetings are required because the Board approves every individual purchase and paycheck to be paid by the law library. These libraries are unlikely to shift from 12 times a year because of the impact on their operations.

In general, Boards have not considered the change that we are contemplating putting forward. While some would be open to it—and some law libraries are clearly already making their own ad hoc adjustment—the lack of discussion around the issue means that we don’t really know how other Boards would respond.

Would you or your Board support a change to the statute (BPC §6304) to allow meeting fewer than 12 times a year?

15 responses



It may be worth clarifying the impacted universe. While there are 58 counties, there are not currently 58 county law libraries. There appear to be 49 law libraries, not all of which are staffed. “Staffed” can mean anything from having a court employee filing books to a professionally staffed library like we have in San Diego. Unstaffed law libraries may consist of a collection of books or a computer terminal with access to a legal research database. While 20 responses may seem like a small number, it reflects most of the active law libraries and is probably representative of our community, including most of the larger California law libraries. Notably, Los Angeles did not respond.

Director's Report: September 2023

Submitted by David Whelan

New Public Library Partnership

The Law Library will be partnering with the San Diego City Public Library to extend our services into their facilities. The initial goal is to place database access and periodic reference librarian support at the City Heights branch. This location was identified by Public Library staff and meets a number of access needs that we look for in our partner locations. We will also be discussing the placement of resources in the Central Library downtown as the Public Library develops its new business microcenter. This partnership—our 4th—will likely be the last for some time, as supporting these relationships places significant demands on our reference librarian team and costs on our materials budget.

Around the Building

The Law Library again experienced some ceiling leaks, this time in the training room. The County quickly responded to the issue. The water damaged ceiling tiles. Ben Lhota spun up a committee of staff to discuss rethinking the staff lounge. They came up with recommendations that Ben used to create designs reviewed by senior management. The updated lounge will include more tables and chairs in a multi-purpose design, as well as some corner seating for lounging.

Ben and Zion Solomon have been coordinating with the Court Administrator for the return of the Point Loma mural owned by the Law Library that is hanging in Judge Alvarez's courtroom. We will be hanging the mural on the first floor on the southern wall by the public access computers.

The Law Library remained open on the Monday of the tropical storm, as there was no particular impact downtown and staff were able to attend the location. We lost internet for one day in September due to an internet service provider outage. User Experience staff did a great job of managing expectations for researchers who could not use the computers or wifi for anything outside the building. IT staff worked over the weekend to ensure we were operational the following Monday and that the hardware was replaced.

Audit

The audit is underway. It is likely that it will not be complete in time for the Board to review and approve the report for inclusion in our statutorily-required annual report on October 15. As we approach that date, David will update the Board on timing and alert the Clerk of Boards about any possible delay.