

# CITY OF PALM DESERT STAFF REPORT

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MEETING DATE: March 28, 2024

PREPARED BY: Gary Shaffer, Director of Library Services

REQUEST: FEEDBACK REQUESTED ON THE FORMATION OF A LIBRARY  
ADVISORY COMMITTEE AND A FOUNDATION

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## **RECOMMENDATION:**

Provide feedback on the potential establishment of a Library Advisory Committee and a 501(c)(3) Foundation.

## **BACKGROUND/ANALYSIS:**

In June 2023, the City Council directed staff to proceed with withdrawing from the Riverside County Library System and establish its own municipal library services. The following steps have been taken since then to facilitate that effort:

- October 12, 2023: City Council adopted the Resolution. No. 2023-047 withdrawing from the Riverside County Library System (RCLS) and indicating its intent to establish an independent municipal library.
- November 7, 2023: Riverside County Board of Supervisors received and filed Resolution No. 2023-047.
- March 12, 2024: Riverside County Board of Supervisors ratified and agreed to the terms of the agreement to withdraw from the RCLS.

## **Formation of a Library Advisory Committee**

Municipal libraries are typically organized under the Municipal Library Law (Education Code Section 18900-18965) which requires the establishment of a five-member Board of Library Trustees, consisting of elected or appointed officials. However, Education Code Section 18963 states “This chapter has no application to any library established or governed by a city charter, and any city charter is in no manner affected by this chapter.” Therefore, staff have researched best practices related to the governance of municipal libraries and recommend that the City Council serve as the governing body of the library and establish a Library Advisory Committee. The cities of Rancho Mirage and Santa Barbara have established similar governance structures.

As the governing body of the library, the City Council will be charged with fiduciary and administrative oversight and establishing policy and long-term plans for the library. It is the City Manager’s responsibility through the Library Director to supervise the library staff, manage the library collection, implement programming, supervise day-to-day operations, apply policies, and oversee procedures.<sup>1</sup>

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<sup>1</sup> California State Library, California Public Library Trustees Toolkit  
<https://www.library.ca.gov/wp-content/uploads/2023/06/Trustee-Toolkit.pdf>

Staff recommends that the City Council establish a five-member Library Advisory Committee (similar to the Planning Commission and Finance Committee) appointed to four-year staggered terms and subject to the Palm Desert Municipal Code (PDMC) Chapter 2.34 General Provisions for Boards, Commissions, Committees, and Task Forces. The City Council is also requested to appoint two alternate members to four-year terms. PDMC Section 2.34.060 provides the City Council with the flexibility to appoint any number of alternates at the City Council's discretion.

<b>Members</b>	<b>Terms Periods</b>
Members 1 and 2	July 1, 2024, through June 30, 2026
Members 3, 4 and 5	July 1, 2024, through June 30, 2028
Alternate Members 1 and 2	July 1, 2024, through June 30, 2028

If the City Council chooses to move forward with establishing a Library Advisory Committee, it is recommended that the City Council Ad Hoc Committee on Boards and Commissions (consisting of Councilmember Kelly Mayor Pro Tem Harnik) provide feedback on the powers and duties of the Library Advisory Committee, subject to City Council approval.

Once the more formally structured Library Advisory Committee is established, City staff recommends that the temporary Library Task Force, which was put in place to aid in the transition to a municipal library, be disbanded as of June 30, 2024.

### **Formation of a 501(c)(3) Foundation**

The City Council is requested to consider establishing a 501(c)(3) charitable organization to facilitate financial contributions by members of the public, grant-making organizations, along with family, community and corporate foundations, who wish to financially support the library. Often such entities will only give to government entities, such as libraries, via affiliated foundations. Should the City Council give staff a directive to establish a foundation, it could later be expanded to facilitate other giving to support other city-owned community assets should a need arise. If the City Council opted to establish the foundation and wished to have the option to expand it later, a generic (non-specific to the library) name could be chosen (e.g. Palm Desert Community Trust). The City would then need to file appropriate paperwork with the California Secretary of State and IRS. Should the City Council opt not to establish a 501(c)(3) foundation for this purpose, the City may have to forego some donations. While the tax code allows private and community foundations, as well as corporate giving programs, to make grants directly to government entities almost as if they are public charities, some may not be aware, or they may prefer to give to a 501(c)(3).

### **Legal Review:**

This report has been reviewed by the City Attorney's office.

### **Next Steps**

Upon receiving the initial feedback from the City Council on the creation of a Library Advisory Committee and foundation, City staff will return at a subsequent meeting for City Council to take the necessary actions to effectuate its direction.

**FINANCIAL IMPACT:**

There may be minimal costs associated with the recruitment of a new committee, however, the City Clerk's budget has sufficient funding for these costs. It is not anticipated that the committee will incur ongoing costs.

Regarding the formation of a 501(c)(3) foundation, the City has incurred \$3,515 in legal expenses to investigate the establishment of a 501(c)(3) foundation. Should the City Council direct staff to pursue the establishment of a foundation, it is anticipated an additional expenditure of up to \$2,985 for legal costs and filings. Any on-going costs would be borne by the Library Fund and may potentially impact the General Fund, if funding is insufficient.