

## **PUBLIC ADVISORY REGARDING COVID-19 AND PUBLIC PARTICIPATION**

Pursuant to AB361 and the PROCLAMATION OF A STATE OF EMERGENCY dated March 4, 2020  
the regular meeting of the

### **LIBRARIES FACILITIES FINANCING AUTHORITY (LFFA) AND THE LIBRARY JOINT POWERS AUTHORITY (LJPA) BOARD**

On Thursday, December 15, 2022 at 9:00 AM

**This meeting will be held via Zoom teleconference ONLY**

Board Members and Library Staff Members will be participating remotely via videoconference.

#### **Public Viewing:**

The meeting will be broadcast through the Santa Cruz Libraries YouTube channel  
<https://www.youtube.com/user/SantaCruzPL> which you can access through the Santa Cruz  
Libraries website by scrolling to the bottom of the page and clicking on the YouTube icon.

#### **Public Participation via Zoom:**

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/87829471871>

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

833 548 0282 (Toll Free) or 877 853 5247 (Toll Free) or  
888 788 0099 (Toll Free) or 833 548 0276 (Toll Free)

Slowly enter the Webinar ID: 878 2947 1871

The meetings will be recorded and posted for viewing after the meetings on the  
Santa Cruz Public Libraries website <http://www.santacruzpl.org/>

**Public comment: There are three ways to comment during this meeting. All comments must be received prior to the close of public comment on that agenda item:**

**1. How to comment on agenda items via email before the meeting begins:**

Members of the public may provide public comment by sending an email to the Library Board Clerk at [clerk@santacruzpl.org](mailto:clerk@santacruzpl.org)

- Identify the agenda item number in the subject line of the email
- Emailed comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time.
  
- All correspondences received prior to 12:00 p.m. on the Wednesday preceding a LFFA Meeting will be distributed to Board members to review prior to the meeting. Information submitted after 12 p.m. on that Wednesday may not have time to reach Board members, nor be read by them prior to consideration of an item.

**2. How to comment on agenda items during the meeting and prior to the close of public comment on an item, using the Zoom Q&A feature:**

- Type your comment using the “Q&A” feature found on the Zoom control bar
- Identify the agenda item first, then type your comment
- Your comment will be read aloud

**3. How to comment aloud on agenda items, during the meeting and prior to the close of public comment on an item, via the Zoom “raise hand” feature:**

***If you are accessing the meeting using the Zoom app and using computer audio:***

- During the comment period for that agenda item, use the “raise hand” icon found on the Zoom control bar
- The moderator will announce your name or the last 3 digits of your phone number when it is your turn to speak
- Unmute yourself using the microphone icon
- Identify the agenda item
- Introduce yourself using your first and last name
- You will have three minutes of speaking time

***If you are accessing the meeting using telephone audio:***

- During the comment period for that agenda item, press \*9 to raise your hand
- The moderator will announce the last 3 digits of your phone number when it is your turn to speak
- Unmute yourself using \*6 – to toggle the mute/unmute feature
- Identify the agenda item
- Introduce yourself using your first and last name
- You will have three minutes of speaking time

Chair Mali LaGoe  
Vice Chair Carlos Palacios  
Board Member Jamie Goldstein  
Board Member Matt Huffaker



**SANTA CRUZ LIBRARIES FACILITIES FINANCING AUTHORITY  
(LFFA)**

# **Special Meeting**

**THURSDAY DECEMBER 15, 2022**

**9:00 A.M.**

**1. CALL TO ORDER / ROLL CALL**

Board Members Jamie Goldstein, Matt Huffaker, Carlos Palacios, and Chair Mali LaGoe

**2. ADDITIONAL MATERIALS**

*Additional information submitted after distribution of the agenda packet.*

**3. ADDITIONS AND DELETIONS TO AGENDA**

**4. GENERAL BUSINESS**

A. Resolution Re-authorizing the Libraries Facilities Financing Authority to Continue Remote Teleconference Meetings Pursuant to Assembly Bill 361 (p.5-8)

Staff Recommendation: Adopt Resolution No. 2022-005 Authorizing Continued Remote Teleconference Meetings pursuant to Assembly Bill 361.

- B. Local Agency Special Tax and Bond Accountability Act Report  
Staff Recommendation: Accept the attached NBS Local Agency Special Tax and Bond Accountability Act report for the fiscal year ended June 30, 2022. (p.9-11)

**5. SCHEDULED UPCOMING MEETINGS**

February 2, 2023	Zoom Virtual	Anticipated Upcoming Agenda Items
9:00 am		<ul style="list-style-type: none"> <li>• 2<sup>nd</sup> Qtr. Reports</li> <li>• Election of Chair and Vice Chair for 2023</li> </ul>

**6. ADJOURNMENT**

Adjourned to a Regular Meeting of the Libraries Facilities Financing Authority (LFFA) to be held on Thursday February 2, 2023 at 9:00 a.m. via Zoom teleconference.

The Santa Cruz City-County Library System does not discriminate against persons with disabilities. Out of consideration for people with chemical sensitivities, we ask that you attend fragrance free. Upon request, the agenda can be provided in a format to accommodate special needs. Additionally, if you wish to attend this public meeting and will require assistance such as an interpreter for American Sign Language, Spanish, or other special equipment please call the Library Administration Office at (831)427-7706 at least five days in advance so that we can arrange for such special assistance, or email [library\\_admin@santacruzpl.org](mailto:library_admin@santacruzpl.org)

Chair                   Mali LaGoe  
Vice Chair            Carlos Palacios  
Board Member        Jamie Goldstein  
Board Member        Matt Huffaker



## STAFF REPORT

AGENDA:       December 15, 2022  
DATE:           December 12, 2022  
TO:             Libraries Facilities Financing Authority Board  
FROM:          Ruby Márquez, Chief Assistant County Counsel  
SUBJECT:       Resolution Re-authorizing the Libraries Facilities Financing Authority to Continue Remote Teleconference Meetings Pursuant to Assembly Bill 361

### RECOMMENDATION:

Adopt Resolution No. 2022-005 Authorizing Continued Remote Teleconference Meetings pursuant to Assembly Bill 361.

### DISCUSSION

Pursuant to AB 361 and as codified at California Government Code section 54953, legislative bodies may use modified teleconferencing rules to conduct public meetings during a proclaimed State of Emergency under certain circumstances, including that state or local officials have imposed or recommended measures to promote social distancing.<sup>1</sup> The State of Emergency proclaimed by the Governor on March 4, 2020, due to the COVID-19 pandemic remains in effect until February 28, 2023. As of September 20, 2022, the California Department of Public Health (CDPH) recommends members of the public consult the CDC Community Levels to help inform their level of risk in deciding whether to wear a mask within indoor public settings.<sup>2</sup> As of December 12, 2022, per the CDC Community “COVID-19 By County” risk level, Santa Cruz County is in the “high” orange category, one of eight counties with such concerning status in the State of California.<sup>3</sup>

This Board adopted its most recent AB 361 findings at its regular meeting on November 10, 2022. To continue teleconferenced meetings under AB 361, the law requires that the Board adopt findings within thirty (30) days after its initial teleconference, and every thirty (30) days thereafter. Additionally, the law requires that the Board reconsider the circumstances of the State of Emergency, and find that either (i) the state of emergency continues to directly impact the ability of the members to meet safely in person; and/or (ii) state or local officials continue to impose or

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<sup>1</sup> Cal. Gov’t Code § 54953(e)(1)(A)-(C).

<sup>2</sup> State of California COVID-19 recommendations, available at: <https://www.cdph.ca.gov/programs/cid/dcdc/pages/covid-19/guidance-for-face-coverings.aspx>

<sup>3</sup>CDC COVID-19 by County page, available at: <https://www.cdc.gov/coronavirus/2019-ncov/your-health/covid-by-county.html>;

recommend measures to promote social distancing.<sup>4</sup> An updated AB 361 Resolution is included for this Board's consideration.

Attachment: Resolution No. 2022-005

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<sup>4</sup> Cal. Gov't Code § 54953(e)(3).

**SANTA CRUZ LIBRARIES FACILITIES FINANCE AUTHORITY'S  
SUBSEQUENT FINDINGS PURSUANT TO ASSEMBLY BILL 361 AUTHORIZING TELECONFERENCE  
MEETINGS AS A RESULT OF THE CONTINUING COVID-19 PANDEMIC STATE OF EMERGENCY AND  
HEALTH OFFICER RECOMMENDATION FOR SOCIAL DISTANCING**

**WHEREAS**, the **Santa Cruz Libraries Facilities Finance Authority (“LFFA”)** is a legislative body under the Ralph M. Brown Act as defined under Cal. Gov. Code section 54952(b); and

**WHEREAS**, on September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), urgency legislation effective immediately, that amended Government Code section 54953 to permit legislative bodies subject to the Brown Act to continue to meet under modified teleconferencing rules provided that they comply with specific requirements set forth in the statute; and,

**WHEREAS**, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(1)(A), a legislative body may meet under the modified teleconferencing rules during a proclaimed state of emergency, and where local officials have imposed or recommended measures to promote social distancing; and

**WHEREAS**, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, and which remains in effect; and

**WHEREAS**, on September 30, 2021, Santa Cruz County Public Health Officer Dr. Gail Newel strongly recommended that legislative bodies in Santa Cruz County continue to engage in physical/social distancing by meeting via teleconference as allowed by AB 361 and confirmed that she will regularly review and reconsider this recommendation and notify the public when it is no longer recommended; and

**WHEREAS**, pursuant to AB 361 and Cal. Gov. Code section 54953(e)(3), within 30 days of the date the legislative body first holding a teleconferenced meeting under the modified rules, and every 30 days thereafter, a legislative body can continue to hold such teleconference meetings provided it has reconsidered the circumstances of the state of emergency and determined either that the state of emergency continues to directly impact the ability of the members to meet safely in person or that local officials continue to recommend measures to promote social distancing; and

**WHEREAS**, on October 7, 2021, the **LFFA** held its initial teleconference meeting under AB 361 and has subsequently held regular, teleconference meetings in accordance with its 2022 Annual Meeting Schedule; and

**WHEREAS**, the **LFFA** has once again reconsidered the circumstances of the current state of emergency and finds that the COVID-19 pandemic continues to directly impact the ability of members of the public to participate safely in person and further finds that the State of California’s Department of Public Health continues to recommend measures to promote social distancing and indoor face coverings; and

**WHEREAS**, in the interest of public health and safety, and due to the emergency caused by the spread of COVID-19, the **LFFA** deems it necessary to continue utilizing the modified teleconferencing rules set forth in AB 361 for this December 2022 Special Meeting;

**NOW, THEREFORE**, the **Santa Cruz Library Facilities Finance Authority (“LFFA”)** makes the following findings by a majority vote:

**Section 1.** The foregoing recitals are true and correct, and adopted as findings of the **Santa Cruz Library Facilities Finance Authority**.

**Section 2.** Effective immediately, and for the next 30 days, the **LFFA** will meet via teleconference as authorized under AB 361 and Government Code section 54953(e)(3).

**Section 3.** No later than thirty (30) days from making today’s findings, or at the next scheduled meeting, the Commission will reconsider the circumstances of the COVID-19 state of emergency and, if necessary, adopt subsequent findings to continue holding teleconference meetings in accordance with Government Code section 54953(e)(3).

**PASSED AND ADOPTED** by the **Santa Cruz Library Facilities Finance Authority** in Santa Cruz County, State of California, this 15 day of December, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair, Santa Cruz Library  
Facilities Finance Authority

ATTEST: \_\_\_\_\_  
Helga Smith, Clerk of the Board

Approved as to Form:

\_\_\_\_\_  
Office of the County Counsel



Chair                    Mali LaGoe  
Vice Chair            Carlos Palacios  
Board Member        Jamie Goldstein  
Board Member        Matt Huffaker



## **STAFF REPORT**

AGENDA:        December 15, 2022  
DATE:            November 7, 2022  
TO:              Libraries Facilities Financing Authority  
FROM:           Libraries Facilities Financing Authority Treasurer-Controller  
RE:              Local Agency Special Tax and Bond Accountability Act Report

### **RECOMMENDATION**

Accept the attached NBS Local Agency Special Tax and Bond Accountability Act report for the fiscal year ended June 30, 2022

### **DISCUSSION**

The attached report provides your Board with a summary of funds collected and expended as of June 30, 2022. The report provided by NBS is similar to quarterly financial reports provided to your Board by the Libraries Facilities Financing Authority Treasurer-Controller.

Attachment #1 – Local Agency Special Tax and Bond Accountability Act report

## 2. LOCAL AGENCY SPECIAL TAX AND BOND ACCOUNTABILITY ACT

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Senate Bill 165, filed with the Secretary of State on September 19, 2000, enacted the Local Agency Special Tax and Bond Accountability Act (the “Act”). This Act requires that any local special tax or local bond measure subject to voter approval contain a statement indicating the specific purposes of the special tax, require that the proceeds of the special tax be applied to those purposes, require the creation of an account into which the proceeds shall be deposited, and require an annual report containing specified information concerning the use of the proceeds. The Act only applies to any local special tax measure or local bond measure adopted on or after January 1, 2001, in accordance with Section 50075.1 or Section 53410 of the California Government Code.

Some of the requirements of the Act are handled at the formation of the Special Tax District and others are handled through annual reports. This section of this report intends to comply with Sections 50075.3 and 53411 of the California Government Code that states:

“The chief fiscal officer of the issuing local agency shall file a report with its governing body no later than January 1, 2002, and at least once a year thereafter. The annual report shall contain all of the following:

1. The amount of funds collected and expended.
2. The status of any project required or authorized to be funded as identified in subdivision (a) of Sections 50075.1 and 53410.”

The requirements of the Act apply to the Funds for the following:

Santa Cruz Libraries Facilities Financing Authority Community Facilities District No. 2016-1 2017 Special Tax Bonds	&	Santa Cruz Libraries Facilities Financing Authority Community Facilities District No. 2016-1 2020 Special Tax Parity Bonds
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### 2.1 Purpose of Special Tax

Community Facilities District No. 2016-1 (CFD) was established in 2016 to provide funds for library facilities in the County of Santa Cruz, including but not limited to Aptos, Boulder Creek, Branciforte, Capitola, Downtown Santa Cruz, Felton, Garfield Park, La Selva Beach, Live Oak, and Scotts Valley, but excluding library facilities in the City of Watsonville. The improvements funded by the CFD may include new construction and building renovations and service model upgrades needed to provide service desks, an area for displaying materials, separate areas for teens and children, flexible spaces and/or meeting rooms and study rooms, places to display art, new flooring, paint, shelving, furniture and technology, power/data to support library technology, and other upgrades.

The project funded by the bonds is ongoing.



## 2.2 Collections & Expenditures

The requirements of the Act apply to the following funds of the CFD.

Fund Name	Initial Deposit	6/30/2021 Balance	Total Amount Collected <sup>(1)</sup>	6/30/2022 Balance	Amount Expended <sup>(2)</sup>
Special Tax Fund	\$0.00	\$1,756,330.42	\$4,444,558.00	\$3,579,507.56	\$2,621,380.86
2017 Bonds Cost of Issuance Fund	377,311.43	0.00	0.00	0.00	377,311.43
2017 Bonds Improvement Fund	21,626,447.00	88,336.76	0.00	0.89	21,626,446.11
2020 Bonds Cost of Issuance Fund	303,308.88	0.00	0.00	0.00	303,308.88
2020 Bonds Improvement Fund	19,304,979.00	16,085,122.32	0.00	11,505,976.91	7,799,002.09

(1) Reflects the Fiscal Year 2021/22 levy amount of CFD, not accounting for any delinquencies.

(2) Equal to (6/30/2021 Balance) + (Total Amount Collected) – (6/30/2022 Balance) for the Special Tax Fund. Equal to (Initial Deposit) – (6/30/2022 Balance) for the 2017 Bond Funds and 2020 Bond Funds.

