



# BERKELEY PUBLIC LIBRARY BOARD OF LIBRARY TRUSTEES

SPECIAL MEETING  
DECEMBER 17, 2008

AGENDA  
7:00 P.M.

SOUTH BRANCH LIBRARY  
1901 RUSSELL STREET

The Board of Library Trustees may act on any item on this agenda.

## I. PRELIMINARY MATTERS

- A. **Call to Order**
- B. **Public Comments (7:00 – 7:30 p.m.)**  
*(Proposed 30-minute time limit, with speakers allowed 3 minutes each)*
- C. **Report from library employees and unions, discussion of staff issues**  
Comments / responses to reports and issues addressed in packet.
- D. **Approval of Agenda**

## II. PRESENTATIONS

- A. **Staff Report on Outreach Services and Activities** – by Suzanne Olawski, Neighborhood Services Manager & Colleen Fawley, Library Specialist II.

## III. CONSENT CALENDAR

*The Board will consider removal and addition of items to the Consent Calendar prior to voting on the Consent Calendar. All items remaining on the Consent Calendar will be approved in one motion.*

- A. **Approve minutes of November 12, 2008 regular meeting**  
Recommendation: Approve the minutes of the November 12, 2008 regular meeting of the Board of Library Trustees.
- B. **Library Privacy Policy**  
Recommendation: Adopt the resolution approving the *REVISED* Berkeley Public Library Privacy Policy.
- C. **Opening the Central Library and All Branches One Hour Late**  
Recommendation: Adopt the resolution authorizing the Central Library and all Branches open one hour late on January 30, May 29, July 31, and October 30 2009 to allow adequate time for the quarterly all-staff meetings.
- D. **2009 Annual Authors Dinner event**  
Recommendation: Adopt the resolution approving the arrangements in preparation for the seventh annual Authors Dinner to be held on Saturday, February 7, 2009 at the Central Library.

## IV. ACTION CALENDAR

- A. **Discussion and Possible Action on Branch Renovation Program Implementation Plan**  
Recommendation: Adopt a resolution approving components of the implementation plan directly related to completion of the branch renovation program.
- B. **Board of Library Trustee Budget Priorities for FY 2010 & 2011**  
Recommendation: Adopt a resolution approving priorities for the fiscal year 2010 and 2011 Library budget.

**C. Authorization to Contract with 3M**

Recommendation: Adopt a resolution authorizing the Director of Library Services (1) to seek required waiver of the Nuclear Free Disclosure Declarations and, (2) upon obtaining this waiver, to enter into an agreement with 3M for a term of three years with the option of two one-year extensions of an amount not to exceed \$56,305 annually for three years, \$59,200 at year four, and \$63,000 at year five.

**V. INFORMATION REPORTS**

**A. Update on Process to Fill Vacancy on the Board of Library Trustees, including December 9, 2008 Open House (Oral Report)**

**B. FY 2010 & FY 2011 Biennial Budget Development Report**

Review of baseline budget components; Update on (CIP) Capital Improvement Projects for 2009 – 2012; Revenues FY 2008 year-end and FY 2009 1<sup>st</sup> quarter update

**C. Library Strategic Plan 2008-2011 Timeline and Activities Update**

**D. Discussion of Trustee Reports as standing agenda Item**

**E. December 2008 Monthly Report from Library Director Donna Corbeil**

- i. Library Development
- ii. Professional Activities
- iii. Programs, Services and Collections
- iv. Personnel

**F. Library events:** Flyers and press releases for various Library programs

**VI. AGENDA BUILDING**

Next regular meeting will be held at 7:00 p.m. on Wednesday, January 14, 2009 at the **South Branch Library, 1901 Russell Street**, Berkeley.

**A. Tracking Chart**

**VII. ADJOURNMENT**

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**Please refrain from wearing scented products at public meetings.**

Written materials may be viewed in advance of the meeting at the Central Library Reference Desk (2090 Kittredge Street), or any of the branches, during regular library hours.

To request a meeting agenda in large print, Braille, or on cassette, or to request a sign language interpreter, assistive-listening device or other accommodation for the meeting, please call (510) 981-6195 (voice) or (510) 548-1240 (TDD). Providing at least five (5) working days' notice prior to the meeting will help to ensure availability.

I hereby certify that the agenda for this special meeting of the Board of Library Trustees of the City of Berkeley was posted in the display cases located at 2134 Martin Luther King, Jr. Way and in front of the Central Public Library at 2090 Kittredge Street, as well as on the Berkeley Public Library's website on December 5, 2008.



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//s//  
Donna Corbeil, Director of Library Services  
Serving as Secretary to the Board of Library Trustees

For further information, please call (510) 981-6195.

**Berkeley Public Library  
Board of Library Trustees**

Regular Meeting  
November 12, 2008

MINUTES  
7:00 p.m.

South Branch Library  
1901 Russell Street

**PRELIMINARY MATTERS**

**A. Call to Order**

The regular meeting of November 12, 2008 was called to order at 7:00 p.m.

**Present:** Trustees Carolyn Henry-Golphin, Susan Kupfer, Ying Lee, Darryl Moore, and Therese Powell

**Absent:** None

**Also present:** Donna Corbeil, Director of Library Services; Douglas Smith, Deputy Director of Library Services; and Alan Bern, Community Relations Librarian; Suzanne Olawski, Library Services Manager

**B. Public Comments**

Reed Schmidt and Abigail Franklin from the Berkeley Public Library Foundation spoke. Mr. Schmidt congratulated the Library board on the passage of Measure FF and expressed how pleased the Library Foundation was and that the board was looking forward to working with the Library on moving forward and fulfilling the promise to upgrade the branch libraries. Ms. Franklin spoke on how impressed she was with the organization of the campaign and the personal efforts and contributions of all those who were involved and the great sense of community that emerged. Trustee Lee thanked the Foundation for all of their support and efforts on the campaign.

**ACTION CALENDAR**

**R08-93** Moved by Trustee Lee, seconded by Trustee Henry-Golphin, to nominate Trustee Moore as Chair. A second motion regarding vice-chair was moved by Trustee Kupfer, seconded by Trustee Powell to nominate Trustee Henry-Golphin as Vice-chair. Both motions passed unanimously.

In discussion, Trustee Moore's work in support of the Library was acknowledged. Trustee Kupfer asked the board to join her in thanking Trustee Powell for her work as Chair in the preceding year, in particular her efforts in support of the passage of Measure FF. Following the vote, Trustee Moore assumed the responsibilities of Chair for the remainder of the meeting. Trustee Henry-Golphin accepted and recognized the work of her fellow Trustees and the honor of being Vice-Chair; she also recognized the Foundation's efforts in support of the Library.

**CONSENT CALENDAR**

Trustee Powell asked that item G., Central Library Electronic Classroom Use by the Public, be moved to the Action Calendar for discussion. A revised version with Trustee Powell's comments was handed out at the meeting for discussion. Trustee Lee, seconded by Trustee Henry-Golphin, moved approval of the Consent Calendar, with this change. Motion passed unanimously.

**R08-95** Adopt the resolution to approve the minutes of the October 14, 2008 regular meeting of the Board of Library Trustees.

**R08-96** Adopt the resolution setting the dates for the 2009 regular meeting schedule for the Board of Library Trustees.

**R08-97** Adopt the resolution approving the 2009 calendar of holidays for the Berkeley Public Library.

**R08-98** Adopt the resolution authorizing the Director of Library Services to enter into a personal services contract with Page & Moris effective November 14, 2008 through November 1, 2009 for an amount not to exceed \$42,400.

- R08-99 Adopt the resolution approving the FY 2010 & FY 2011 Library Biennial Budget Development Calendar.**
- R08-100 Adopt the resolution approving the revised Rules and Regulations for Use of Library Grounds, Buildings and Equipment for Meetings and Other Events**
- R08-101 Adopt the resolution approving and recommending to the Personnel Board that it revise the Circulation Services Manager classification, which is a Unit P1, Local One, Professional and Supervisory classification, to accurately reflect the scope of duties and library needs and to increase the salary schedule by four percent (4%).**

<b>ACTION CALENDAR</b>
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Trustee Kupfer pointed out agenda approval did not occur at the beginning of the meeting; this action item was inadvertently left off the agenda. No action taken.

**Consent Calendar Item Moved to the Action Calendar**

**A. Central Library Electronic Classroom Use by the Public**

Trustee Powell asked if the Library wanted to include the option of cash payment given the large amount. Trustee Powell inquired if the statement regarding programs was needed and recommended adding language to #5, under V. Application for use of electronic classroom, on page 5, to clarify that staff must bring back to the board any policy changes. Discussion ensued on whether this was a statement regarding procedures or policies and if it was implicit in all policies approved by the board without further statement. The policy allows for groups outside of Berkeley to apply if they can show a local connection and the Library often collaborates with other groups on putting forward programs; #5a covers this contingency. Trustee Kupfer asked how much time the room would actually be available to the public for usage. Trustee Kupfer felt the addition was not necessary; consistency with policy is expected and the addition does not address the concern about consistency or past issues. Trustee Powell suggested an additional number be added, #9 to this section of the policy clarifying the point. Trustee Moore pointed out #8 states rules will be consistent with policy.

**R08-102 Moved by Trustee Powell, seconded by Trustee Lee, to adopt the resolution revising the Electronic Classroom Use Policy.** Vote to amend policy by adding #9 to section V: Trustee Moore, Trustee Kupfer and Trustee Henry-Golphin opposed and Trustee Lee and Trustee Powell in support. Motion to adopt approved without amendment.

**A. Discussion and Possible Action Related to November 4, 2008 Election Results for Library Bond Measure FF**

Director Corbeil thanked the board for their vision and foresight and the hard work that went into getting us to this point. The to be delivered agenda item included key documents from the Facility Master Plan related to project implementation, recommendations and costs and an initial identification of some areas the board may want to discuss. Director Corbeil recommended board approval to begin the process with two RFPs for the initial two projects. Trustee Lee acknowledged Trustee Powell's efforts on behalf of the campaign for Measure FF, including bringing her experience from the Central Library project and her leadership. Trustee Lee asked for more information on the timing of bond sales, management of expenditures and the Library's proposed timeline.

Trustee Kupfer asked about schedule and alternative service while locations are closed. Director Corbeil mentioned that alternative sites are not in the bond budget; other options to address needs might be possible. Trustee Powell asked staff to bring back options for discussion.

The board discussed continuity of service while a branch was under construction, topics/ideas raised included:

- Would the branches be able to be partially open while the work was going on;

- Would alternative sites be considered for any of the closures;
- Could the library rent a bookmobile for the duration of the branch renovations;
- Would the book vending machines being utilized by Contra Costa County Library be an option; and
- Can the library partner with the schools or other organizations in the neighborhoods to place book returns or other temporary services on site.

The first two projects on the schedule are North and South Branch. The board would like information on what criteria will be used in selecting an architect. Trustee Moore would like the design development process to be competitive for South Branch with criteria to include green technology. Trustee Powell asked what structure would be developed to manage the bond projects. Trustee Kupfer would like staff to report on the options for project management, hiring an individual or firm. Trustee Lee asked that the library address all of the issues identified in the Facility Plan such as seismic, ADA and increased space for public computers for example. A stated goal of the measure was to restore essential elements and to not lose sight of this with architectural ambitions. Discussion ensued of South Branch and the possible move to Ed Roberts Campus. Trustee Powell felt Council wanted the branch to stay at its current location. Trustee Moore reminded the group the Facility Plan recommended South Branch stay at the current site. The Trustees will approve each plan and will engage the community in discussions about each branch prior to decision-making. Trustee Moore suggested the board discuss building projects as a whole and not develop a subgroup due to the small size of the board and everyone's interest in being involved. Pieces of the projects could be assigned to individual or several Trustees, such as architect selection.

*The board asked staff to report back on: bond sales and timeline development; how expenditures will be managed at Library / City; fiscal and project reporting schedule to BOLT; continuity of service options and costs; BOLT structure and role in decision making; RFP process and competitive design opportunity for new South Branch; Landmark status of South Branch clarified with City; project management recommendations; City staff attendance at meeting to answer BOLT questions regarding bond sales.*

**R08-103 Moved by Trustee Lee, seconded by Trustee Henry-Golphin, to adopt the resolution initiating a process to address critical branch library needs identified in the Branch Library Facility Master Plan, including adoption of a project schedule and future development of a process to select an architectural services firm for the South Branch and the North Branch.** Motion passed unanimously

**B. Confirmation and Direction on the Annual Personnel Evaluation for the Director of Library Services**

**R08-104 Moved by Trustee Lee, seconded by Trustee Henry-Golphin to adopt the resolution approving a process; designating a subcommittee of Trustee Powell and Trustee Henry-Golphin; and scheduling a Closed Session in January 2009 for discussion of the Director of Library Services' annual personnel evaluation.** Motion passed unanimously

<b>INFORMATION REPORTS</b>
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A. Report from library employees and unions, discussion of staff issues

No oral or written report was given.

B. FY09 Adopted Budget - 1<sup>st</sup> Quarter Update

C. Informational Report on Results of November 4, 2008 Election Measure HH, GANN Limit Override Renewal

D. Update on Process to Fill Vacancy on the Board of Library Trustees

Director Corbeil reminded the group that a Special Meeting of BOLT scheduled for December 9, 2008 to discuss the upcoming trustee vacancy could be attended by all trustees and they are encouraged to

bring guests. The Library will promote this event by distributing flyers and will take out several ads in local papers.

E. Public Comment Period at Board of Library Trustees Meetings

Trustee Powell explained that the purpose of the proposal is to give the speakers the option of choosing when they speak, not to increase the number of times they speak or the total amount of time allowed during a meeting. Trustee Lee feels it is important to give speakers an opportunity to speak to the item during the item; the delay can further agitate the situation. The Health and Environmental Commissions allow people to speak at the beginning of meetings or at item, and they hadn't had the problem of people wanting to speak to multiple items. Trustee Kupfer expressed her feeling that the current policy crafted by Trustees Powell and Lee was working well and allowed for the flexibility needed if there were many speakers. It was agreed that the item would be brought back as an action item with the proposed language being incorporated into the current policy for review and possible adoption at the January meeting following City Attorney review.

F. Berkeley Public Library Work Plan and Priorities – Update

G. November 2008 Monthly Report from Library Director - Donna Corbeil

H. Library events: Flyers and press releases for various Library programs

<b>AGENDA BUILDING</b>
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- **December 2008 Regular Meeting**
  - Budget informational item, including development of budget priorities for FY 2010 – 2011
  - Informational item on adding time for Trustee comments at beginning of agenda similar to BUSD
  - Vision 2020 (2009)
  - Criteria for branch architect RFPs

<b>ADJOURNMENT</b>
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**R08-49**     **Moved by Trustee Powell, seconded by Trustee Kupfer, to adjourn the regular meeting at 8:30p.m. Motion passed unanimously.**



## BERKELEY PUBLIC LIBRARY

### CONSENT CALENDAR

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Alicia Abramson, Manager Library Information Technology  
**SUBJECT:** ADOPTION OF PRIVACY POLICY REVISIONS

#### RECOMMENDATION

Adopt the resolution approving revisions to the Berkeley Public Library's privacy policy.

#### FISCAL IMPACT

This report has no fiscal impacts.

#### BACKGROUND

The Board of Library Trustees adopted the Library's Privacy Policy on October 18, 2008. At that time Trustee Kupfer recommended that Library staff review the policy in relation to other relevant Library policies and administrative regulations to ensure that there is consistency between existing policies that may have impacts on the enforcement of the Privacy Policy.

#### CURRENT SITUATION AND ITS EFFECTS

Library staff reviewed existing relevant policies including the Library's *Internet Use Policy* (BOLT Resolution #: R07-106), *Use of Video Monitoring Equipment* (BOLT Resolution #: 08-14) and the *Berkeley Public Library Rules of Conduct* (BOLT Resolution #: R07-126). As a result, the Library Privacy Policy has been revised to refer to relevant sections of these policies in order to enable consistent enforcement between them and to make the public aware of how these other policies relate to the Privacy Policy.

Additional revisions to the policy were made to provide the public with more detail on the types of user generated data which are collected, managed or utilized by the Library in the course of conducting Library business and how the Library uses and maintains the confidentiality of this data (e.g. Web site statistics, network equipment logs, data from third party "social-networking" tools).

#### FUTURE ACTION

No future action required.

Attachments:

1. Resolution (1a.-Revised Policy)

**RESOLUTION NO.: 08-\_\_\_\_**

**APPROVAL OF THE REVISED PRIVACY POLICY OF THE BERKELEY PUBLIC LIBRARY**

WHEREAS, the Board of Library Trustees approved the Privacy Policy on October 18, 2008 as BOLT Resolution #08-87; and

WHEREAS, the Berkeley Public Library recognizes the importance of communicating the Library's commitment to protecting the confidentiality of library users' personally identifiable information; and

WHEREAS, a well-defined privacy policy tells library users how their information is utilized and explains the circumstances under which personally identifiable information might be disclosed; and

WHEREAS, following board discussion and recommendation Library staff reviewed other relevant library policies in place to ensure consistency between the various related policies and subsequently revised the Privacy Policy to reference these related policies; and

WHEREAS, Library staff have reviewed the relevant related policies and have made the recommended changes and made additions in areas previously not included but applicable to patron policy concerns;

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley replaces the existing *Privacy Policy* (R08-87) with the attached of the *Privacy Policy* revised and dated December 17, 2008.

ORIGINAL DATE: 09/29/08
BOLT Resolution #: 08-87
REVISED DATE: 12/10/08
PAGE: 1

## **BERKELEY PUBLIC LIBRARY POLICIES**

### **SUBJECT: PRIVACY POLICY**

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#### **I. PURPOSE**

The purpose of this policy is to explain the privacy and confidentiality rights of all users of the Berkeley Public Library, the steps the Library takes to respect and protect users' privacy when using library resources, and how the Library manages personally identifiable information that it may collect from users.

Although often referred to as "privacy," the more appropriate term for steps taken by the Library is "records confidentiality." This means that most information held by Berkeley Public Library about a person's use of the Library is not available for scrutiny by others.

#### **II. POLICY**

##### **The Basis of this Policy**

Berkeley Public Library provides confidentiality of data regarding use of the Library's materials and services in accordance with California state law<sup>i</sup>.

##### **Scope**

The Library strives to protect the patron confidentiality in relation to items used in the Library or checked out, and to information sought through library systems or the Library's reference services. In accordance with California state law, registration and circulation records are confidential, and disclosure of these records is limited to the patron him/herself or to that person's designee as indicated in writing, and to Library staff in the performance of their duties<sup>ii</sup>. All other disclosure of these records is permitted only by court order.

Protection of confidentiality does not extend to records of outstanding fines or fees; payments for the use of Library premises or equipment; or communications directed to the Library regarding Library services.

##### **Responsible Data Practices**

The Library is committed to responsible data practices. This means that no user data is retained that is not essential to the functioning of a Library service; that information is available only to those Library staff who must use it in the course of their duties; and that data is kept secure while in the Library's possession and discarded when it is not longer used.

##### **The Data**

The following is a brief list of areas and functions where patron data is utilized in Library services:

## **Library Card and Circulation Information**

Library cards are issued after a patron fills out one of the registration forms, either online or in hard copy. The forms are destroyed once the data has been entered into the Library's computer system.

The user record shows which items are currently checked out, but does not show previous items checked out and returned. Records of fines owed on items are kept until paid, and the data is then stored for one year after payment is made.

## **Computer and Internet Use**

Patrons may reserve time on Library computers by logging on at a Library catalog terminal and entering their Library card number and four-digit PIN. The reservation data for each day is routinely deleted. Library computers are configured to prohibit the saving of files to the hard drive, and to keep the amount of cached data and browsing history stored by Web browsers to the minimum required by each program. Additionally, while using public Internet computers, users may opt to clear their browsing history, cache and other personally identifying information at any time during their session. Otherwise, that data is deleted from the computer upon a computer reboot.

Users are strongly encouraged to log out of all computer programs they utilize at the Library before leaving the computer station so that others do not have access to their personal information. As an additional measure, the Library has implemented an automated system which routinely removes temporarily stored information on Library computers. However, users should not rely on this measure alone to remove or safeguard their session data.

Patrons should also consult the Library's *Internet Use Policy* (BOLT Resolution #: R07-106)<sup>iii</sup>. As noted in the *Internet Use Policy*, the Berkeley Public Library does not monitor Library users' Internet use. Network equipment is configured to log the minimum level of data necessary to ensure proper equipment operation, and is generally overwritten frequently. Log data is not analyzed except to diagnose network performance problems, errors or malfunctions.

The Library's *Internet Use Policy* also states that "[i]llegal activities or activities that interfere with or disrupt the network, users, services, or equipment are prohibited. Use of the Library's computers for the transmission, dissemination, and/or duplication of information is regulated under various state and federal laws. The Library expects all users to comply with such laws."

## **Meetings, Groups and Events**

Reservation of a meeting room requires contact information of one representative of the group holding the meeting. This information is not considered confidential and is stored according to the City of Berkeley records management requirements.

Members of the public who attend Library-sponsored meetings or participate in group activities organized by the Library may be asked to provide contact information for notification of future events. Doing so is voluntary, and at any time the user may ask to be removed from any such list.

## **Reference Services**

If a reference question cannot be answered immediately, it may be necessary for the reference librarian to telephone or email the requester at a later time. The contact information provided by the patron is retained only as long as is necessary to reply to the request, after which it is destroyed.

## **Online Subscription Resource Access**

In addition to all the resources a user may choose to access on the Internet, the Library also subscribes to and provides the public with access to online resources and services that are managed by third parties, such as article databases, online newspapers, and reference works. When Library patrons are asked to identify themselves using their Library card number to access these subscription resources, the card number is checked against the Library database to verify that the user is a legitimate member of the Berkeley Public Library community. The online service receives the information that the user is authenticated but is not provided with the user's Library card number or with any other information identifying the user.

## **Library Web Site Statistics**

The Berkeley Public Library uses web server log analysis tools to create periodic summary reports of our Web sites' usage. Starting in September 2008, the Library began providing a summary of these usage statistics to the California State Library as part of the annual "California Library Statistics" published by the State Library (<http://www.library.ca.gov/lds/librariystats.html>). These statistics are counted as "virtual visits" to the Library.

The statistics collected provide summaries such as: general access (number of hits received), resources accessed (the most and least popular pages), visitors and demographics (IP addresses and domains), activity statistics (most/least active days), technical statistics (client errors), referrers and keywords (search engines and sites that point to our site), and browsers and platforms. The statistics collected are used to improve the Library's Web services, to help us understand how people are using our services and to continually improve the value of the materials available. The Library does not use this data to identify individual users.

## **Online Fine Payment System**

The Library offers users the ability to pay their fines online via an online form on the Library's integrated Library system. During the fine payment process the user enters her/his name, address, email address, credit card number, expiration-date and card security number into the online form. The data in this form is encrypted before being

sent to the processing vendor, PayPal, which conducts the financial transaction. Credit card data is not retained by the Library. The Library records the amount paid in the Library system and immediately credit's the user's Library account with the payment.

### **Optional Services**

The Library may provide services that allow users to store personalized reading lists on the Library's integrated library system. These services will be provided on an "opt-in" basis and will be under the control of the user in terms of initiating the service, modifying the data stored, or opting out and deleting any stored data if the service is no longer desired. The Library will inform users of the privacy implications of these services as part of their online documentation.

Additionally, the Library may establish a presence on third party Web sites or "social networking" sites in order to communicate in more direct ways with users of those sites. Many "social networking" sites allow users of those sites to become a "friend", "fan" or otherwise associate their own "profiles" or virtual presences with the Library's profile on these sites. The Library does not collect, maintain or otherwise use the personal information stored on any third party site in any way other than to communicate with users on that specific site, using the communication methods available on that site. Users may remove themselves at any time from the Library's "friends" or "fan" lists, or request that the Library's technical contact remove them.

### **User Rights & Responsibilities**

Users have a right to view their own patron record and record of items currently checked out or requested. They can update contact phone numbers and email addresses by signing into their user account online.

It is the responsibility of users to make sure that their information in the Library's patron database is current and accurate. Users can have their information updated at the circulation desk of any branch.

The Library card is the user's access to Library services. Lost or misplaced cards must be reported to the Library as soon as possible. Cards can be misused by others and so should be kept secure by the Library user.

Users have a right to opt-in or opt-out of any electronic communications and/or personalization systems that the Library offers.

Users should read and understand the privacy policies of any third party sites to which they provide any personally identifiable information. The Library is not responsible for the data users submit to third party sites.

Users must take responsibility for removing any storage media or other devices that they have attached to the computer they are using. The Library cannot reveal the identities of subsequent users for any reason.

It is the responsibility of users to understand and adhere to the *Berkeley Public Library Rules of Conduct*<sup>iv</sup> (BOLT Resolution #: R07-126) while in the Library. Violation of these rules while in the Library may lead to the suspension of Library privileges, and appropriate legal action.

## RFID Tags

RFID tags are affixed to Library materials and used to automate check-out and check-in of materials and for general inventory control. The only information stored on the RFID tag is the item's inventory number, the same as a barcode. The inventory number cannot be associated with the item through the public interface to the Library database. Library cards do not have RFID tags in them.

## Video Monitoring Equipment in the Library

As stated in the *Use of Video Monitoring Equipment*<sup>v</sup> policy (BOLT Resolution #:08-14), the Library utilizes video cameras and video recording equipment on Library property as a tool to address specific security related problems and as a deterrent to criminal activity. Library security cameras are limited to locations and uses that do not violate the reasonable expectation of privacy. Such areas may include those of public usage, including the grounds, parking lots, entrances and interior hallways. Video surveillance will be conducted in a professional manner and in a manner consistent with existing Library and city policies, and within applicable laws and ordinances.

## Law Enforcement and Library Records

There are times when law enforcement officials may request Library registration and circulation records. As specified in California state law, the Library may disclose these records only upon the presentation of a signed order from the appropriate superior court<sup>vi</sup>.

Additionally, certain federal laws, including the Patriot Act, may allow federal law enforcement officials to access records, including those of libraries, through means outside of those defined by state law.

Should any law enforcement requests be made to the Library, the Library will strive to provide only the specific information requested and will exercise its best effort to protect the privacy of patrons whose information has not been requested in the legal documentation.

<b>Reviewed by:</b> _____ Director of Library Services	_____
	Date
<b>Approved by:</b> _____ Chair, Board of Library Trustees	_____
	Date

<sup>i</sup> There is an exemption under the *Public Records Act* for library circulation records kept for the purpose of identifying borrowers of library materials, meaning that they are not subject to normal disclosure as public records. However, records of fines imposed on the borrowers are not exempt. (Gov't Code § 6254(j).)

<sup>ii</sup> California Gov't Code § 6267:

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All registration and circulation records of any library which is in whole or in part supported by public funds shall remain confidential and shall not be disclosed to any person, local agency, or state agency except as follows:

(a) By a person acting within the scope of his or her duties within the administration of the library.

(b) By a person authorized, in writing, by the individual to whom the records pertain, to inspect the records.

(c) By order of the appropriate superior court.

As used in this section, the term "registration records" includes any information which a library requires a patron to provide in order to become eligible to borrow books and other materials, and the term "circulation records" includes any information which identifies the patrons borrowing particular books and other material.

This section shall not apply to statistical reports of registration and circulation nor to records of fines collected by the library.

<sup>iii</sup> [http://www.berkeleypubliclibrary.org/about\\_the\\_library/documents/Internet\\_Use.pdf](http://www.berkeleypubliclibrary.org/about_the_library/documents/Internet_Use.pdf)

<sup>iv</sup> [http://www.berkeleypubliclibrary.org/about\\_the\\_library/documents/Rules\\_of\\_Conduct\\_12\\_07.pdf](http://www.berkeleypubliclibrary.org/about_the_library/documents/Rules_of_Conduct_12_07.pdf)

<sup>v</sup> [http://www.berkeleypubliclibrary.org/about\\_the\\_library/documents/Video\\_Monitoring\\_Policy.pdf](http://www.berkeleypubliclibrary.org/about_the_library/documents/Video_Monitoring_Policy.pdf)

<sup>vi</sup> Ibid Gov't Code § 6267(c).



## BERKELEY PUBLIC LIBRARY

### CONSENT CALENDAR

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Douglas Smith, Deputy Director of Library Services  
**SUBJECT:** AUTHORIZATION TO OPEN THE CENTRAL LIBRARY AND ALL BRANCHES ONE HOUR LATE TO ALLOW ADEQUATE TIME FOR ALL-STAFF MEETINGS

### RECOMMENDATION

Adopt the resolution to open the Central Library and all branch libraries one hour later on January 30, May 29, July 31, and October 30 to allow adequate time for the all-staff meetings.

### FISCAL IMPACT

This report will have no fiscal impacts.

### BACKGROUND

In the past, all-staff meetings have been held from 8:30-9:30 am prior to the Library opening, allowing 30 minutes for preparation to open the branches and Central Library at 10:00am. Branch staffs had an even shorter period of time to rush back to the branches facilities and open on time, or they regrettably had to leave the meeting or miss it entirely. With only an hour available, the presentations and announcements have sometimes of necessity been shortened to the point that full, detailed communication to the staff at large has not been possible.

All Library staff are expected to attend these meetings. Full-time employees who wish to attend but who are not scheduled to work during that time may adjust their schedules to accommodate the meetings. Employees who work less than full-time and who are not scheduled to work may add the appropriate amount of time to their timesheets that week if their schedules cannot be adjusted. Intermittent staff are not paid to attend these all-staff meetings. These practices would continue.

Standing items currently on the all-staff meeting agenda include:

- Introduction of new staff.
- Important news announcements (e.g. direction on political activity, changes to staff intranet, summer reading program details, budget update, recognition of staff achievements, etc.)

- Presentations by staff or guest on topic relevant to all (e.g. representatives from City of Berkeley Homeless Outreach team, demonstrations of new ADA-related equipment, workplace safety issues, committee reports, new policy introductions, strategic plan updates)

While these meetings are convened by the Director of Library Services, it is an opportunity for staff to speak to each other about special projects, services and other relevant issues. These all-staff meetings allow the Director and managers the opportunity to hand out staff awards, announce updates, and communicate pertinent information directly to all personnel. There is intrinsic value to the Library staff having the ability to hear important information directly from their managers. By delaying the Library's opening by one hour on these four mornings, continued staff participation in the meetings is anticipated, and in-depth topics will continue to be covered with adequate time for discussion.

### CURRENT SITUATION AND ITS EFFECTS

At the January 9, 2008 BOLT meeting, at the request of the Director of Library Services, the Board authorized the Library to open an hour later on February 29, May 30, August 29, and October 31, 2008 to allow for additional time for more productive meetings and provide ample time for staff to prepare for opening. This schedule change has permitted effective, informative meetings, with enough time for staff to prepare Libraries to open. Management review of the extended meetings has concluded that they continue to provide advantageous circumstances for in-depth discussion of policy implementation (for example, the updates to the Library Code of Conduct) and important planning information related to the Branch Facilities Master Plan and the 2008-2011 Strategic Plan. Library staff would like to continue this practice, with the goal of using this time to improve communication regarding policies and other topics of professional value to employees.

### FUTURE ACTION

No future action is required.

Attachments:

1. Resolution

**RESOLUTION NO.: R08-\_\_**

**AUTHORIZATION TO OPEN THE CENTRAL LIBRARY AND ALL BRANCHES ONE HOUR LATE TO ALLOW ADEQUATE TIME FOR ALL STAFF MEETINGS IN 2009**

WHEREAS, it has been the practice for the Director of Library Services to convene quarterly meetings of all Library staff, including branch staffs, on the fifth Friday of months which have five Fridays from 8:30 a.m. to 10 a.m.; and

WHEREAS, these meetings allow staff to speak to each other about special projects, services and other relevant issues, and permit the Director and managers the opportunity to hand out staff awards, announce updates, and communicate pertinent information directly to all personnel; and

WHEREAS, prior to 2008, all-staff meetings have been held from 8:30-9:30 am prior to the Library opening, allowing 30 minutes for preparation to open the branches and Central Library at 10:00am; and

WHEREAS, by delaying the Library's opening by one hour on these four mornings, continued staff participation in the meetings is anticipated, and in-depth topics will continue to be covered with adequate time for discussion; and

WHEREAS, with only an hour available in meetings prior to 2008, the presentations and announcements were sometimes of necessity shortened to the point that full, detailed communication to the staff at large has not been possible; and

WHEREAS, opening an hour later on all-staff meeting days has provided effective and productive meetings, with adequate time for Library staff to prepare for opening.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to authorize the Director of Library Services to open the Central Library and all branches one hour late on January 30, May 29, July 31, and October 30 2009 in order to accommodate the all-staff meetings and allow adequate time for Library staff to open the libraries.



## **BERKELEY PUBLIC LIBRARY**

### **CONSENT CALENDAR**

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Donna Corbeil, Director of Library Services  
**SUBJECT:** 2009 ANNUAL AUTHORS DINNER EVENT

#### **RECOMMENDATION**

Adopt the resolution approving the arrangements in preparation for the seventh annual Authors Dinner to be held on Saturday February 7, 2009 at the Central Library.

#### **FISCAL IMPACT**

There will be no fiscal impact from this report.

#### **BACKGROUND**

For the past six years in February the Berkeley Public Library Foundation has held an annual Authors Dinner at the Central Library. The event generates much excitement throughout the community and is an important fundraising event for the Library Foundation.

#### **CURRENT SITUATION AND ITS EFFECTS**

The seventh annual Authors Dinner is scheduled for Saturday February 7<sup>th</sup>, 2009 with a gala reception beginning at 6pm, followed by a Silent auction and Dinner. The Foundation is expecting approximately 300 guests, and 31 noted authors are scheduled to attend. In preparation for this event, the following arrangements need Board approval:

1. Close the Central Library at 5:00pm on Saturday, February 7, 2009.
2. Arrange for Library staff to assist with cleanup of the Central Library between 5:00 and 6:00 pm.
3. Close the Reading Room all day on Saturday February 7, 2009.
4. Close the Reference Room beginning at 1:00 pm on Saturday February 7, 2009.

5. Arrange for maintenance staff to be available for resetting lights and various other set-up efforts.

## FUTURE ACTION

Attachments:

1. Resolution

**RESOLUTION NO.: 08-\_\_\_**

**APPROVAL OF THE ARRANGEMENTS FOR THE 2009 SEVENTH ANNUAL  
AUTHORS DINNER EVENT TO BE HELD ON SATURDAY FEBRUARY 7,  
2009 AT THE CENTRAL LIBRARY**

WHEREAS, over the past six years the Berkeley Public Library Foundation has held annual Authors Dinners at the Central Library; and

WHEREAS, this event is an important fundraising event for the Library Foundation; and

WHEREAS, the seventh annual Authors Dinner is scheduled for Saturday, February 7, 2009; and

WHEREAS, in preparation for the event, specific arrangements must be approved by the Board of Library Trustees.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to approve the following arrangements in preparation for the seventh annual Authors Dinner:

1. Close the Central Library at 5:00pm on Saturday, February 7, 2009.
2. Arrange for Library staff to assist with cleanup of the Central Library between 5:00 and 6:00 pm.
3. Close the Reading Room all day on Saturday February 7, 2009.
4. Close the Reference Room beginning at 1:00 pm on Saturday February 7, 2009.

Arrange for maintenance staff to be available for resetting lights and various

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on December 17, 2008



## BERKELEY PUBLIC LIBRARY

### ACTION CALENDAR

December 17, 2008

**TO:** Board of Library Trustees

**FROM:** Donna Corbeil, Director of Library Services

**SUBJECT:** DISCUSSION AND POSSIBLE ACTION ON BRANCH RENOVATION PROGRAM IMPLEMENTATION PLAN

### RECOMMENDATION

Adopt a resolution approving components of the implementation plan directly related to completion of the branch renovation program.

### FISCAL IMPACT

Voters approved the sale of \$26M in bonds to finance the renovation, expansion, and make seismic and access improvements at four neighborhood branch libraries.

### CURRENT SITUATION AND ITS EFFECTS

The Board of Library Trustees is responsible for managing the Branch Renovation Program funded by voter approved bond measure FF proceeds. At the November 12, 2008 BOLT meeting the Trustees requested staff bring further information and options for a process and structure to move forward.

### **Project Management**

#### *Consultants*

For the Central Library Renovation and Expansion, the Library choose a multiple prong approach: one full-time project manager that reported to the Director and had an office in the Library; retention of LPM (Library Project Managers) and Critical Solutions as the joint venture project management/construction management firm; and funding of a portion of the city's Capital Improvement Managers salary. The latter city staff person was responsible for the Civic Center construction also funded by Measure S bond funds. Library personnel were assigned as needed to aspects of the project, such as coordinating the move to the temporary site, with the Library Director coordinating the overall day-to-day activities.

For the *Measure FF funded branch renovation program*, I would recommend a multi-pronged approach, that includes a Library contract with an outside firm to provide project management / construction management assistance. The scope of service would include assisting in managing architectural services, construction bid development, construction management,

schedule development, documentation and fiscal reporting by means of written quarterly reports. Personnel from this firm would attend weekly project meetings, communicate on a regular basis with the Library, represent Library interests with vendors and other parties and provide consistency and logistical support throughout the term of the estimated five-year program. I would suggest a contract for 3 years with two-one year extensions.

In addition, contract on an as-needed basis with personnel that are familiar with city processes, such as plan approval, landmark requirements and environmental review. The city has a strong interest in ensuring the success of the Library renovation program and supports a cooperative effort.

#### *Library Personnel*

Library staff is an important resource as we move forward with the implementation of the branch renovation program. The Director will represent the Library as authorized by the board, making the renovations a high priority into the future. Staff already in the budget will assist with different aspects of the project. For example, Suzanne Olawski, the Library Services Manager responsible for the branches will coordinate much of the activities involved in developing and implementing the continuity of service plan and the general logistics involved in closing and then reopening a library. The Library Administrative Services manager, Dennis Dang will work closely with city finance staff on account set-up and management of bond fund expenditures. The Administrative Assistant assigned to the Library's Administrative Offices will assist with document and report preparation, record management and logistics. Other staff will assist as needed throughout the term of the program.

#### *Board of Library Trustees*

Following the passage of the Central Library renovation bond, Measure S, the Library signed a letter of agreement detailing roles and responsibilities between the City Manager's Office and the Library Director regarding the Central Library project. The board could recommend a similar agreement for the current branch renovation program.

The Library will bring for review and approval all major agreements and contracts, including those directly related to expenditures for project management, design and construction. Establish a schedule of quarterly reporting to the board and annual reporting to the City Council. With board approval, Trustees and members of the community may participate on the selection teams for these major contracts. For example;

Design Selection Team for South Branch: Trustee Moore, Trustee Henry-Golphin, Council Member Max Anderson, Reverend Williams, John Selawsky and Library Director Corbeil

Design Selection Team for North Branch: Trustee Kupfer, Trustee Powell, Council member Capitelli, Library Director Corbeil and member of master facility advisory committee (Attachment 3) or other community representatives

#### *Continuity of Services*

At the November meeting, the board discussed how services would be affected by the closure of branches for renovation; as a result, staff has developed continuity of service options. The ideas suggested by the board are incorporated into the draft plan. Library staff will continue to develop and incorporate new ideas into the draft (Attachment 2) chart for your further review and discussion.

## Request for Proposals

At the November 12, 2008 BOLT meeting the Trustees asked staff to return with draft criteria for Request for Proposals to be used in the selection of design services consultants for the South Branch (Attachment 3) and North Branch (Attachment 4).

### FUTURE ACTION

The staff will continue to bring topics related to the branch renovation program to the board, including:

- Architectural design services timeline and details on process related to selection of firms, design development and approval process
- Communication plan that details ongoing mechanisms for sharing information on the branch library projects with the public, community outreach to ensure participation in planning and required reporting to City Council
- Service during construction, including options for continuity of service to neighborhoods during branch closure
- Construction bid process and timeline
- Logistics of closures, moving out and returning, including community celebrations and communication regarding timelines
- Fiscal management: bond sales by the City, timeline and expenditure oversight at Library, board & City level
- BOLT structure and role in decision making

Future agendas will report on actions taken and decisions pending.

### ATTACHMENTS:

Attachment 1: RESOLUTION

Attachment 2: Continuity of Service Chart (draft)

Attachment 3: Master Facility Plan Advisory Committee Members

Attachment 4: Draft RFP (South Branch) **TBD**

Attachment 5: Draft RFP (North Branch) **TBD**

**Board of Library Trustees  
Resolution No.: 08---**

**ADOPT A RESOLUTION APPROVING COMPONENTS OF THE IMPLEMENTATION PLAN  
RELATED TO COMPLETION OF THE BRANCH RENOVATION PROGRAM**

WHEREAS, the Board of Library Trustees is responsible for managing the Library building program, Branch Renovation Program, funded by voter approved Measure FF bond proceeds; and

WHEREAS, the Trustees are responsible for the approval of the process by which the completion of the bond funded branch renovation program will be carried out; and

WHEREAS, the scope, complexity and duration of the projects warrant engaging consultant services in the needed areas of expertise to augment Library personnel, including experienced professionals in the field of design services, project management, construction management and building construction; and

WHEREAS, the Director of the Library is responsible for the day-to-day operations of the Library, he/she will assign Library personnel as appropriate to assist with the implementation of the branch renovation program; and

WHEREAS, The Trustees are responsible for the management of the renovation program, it is advisable for them to be involved not only as a decision making body but on the Trustee level as a participant in the selection process for consultants and vendors of major services related to the renovation program, in a manner compliant with the Brown Act ; and

WHEREAS, the Library and the City are mutually supportive of the successful completion of the branch renovation program in an efficient and effective manner, the board directs the Director of Library Services to develop an agreement regarding roles and responsibilities mutually agreeable to both parties for the benefit of the project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to approve these components of the implementation process in order to complete the branch renovation program.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a regular meeting held on December 17, 2008

**ATTACHMENT 3**

**Master Facility Plan Advisory Committee Members**

Tawakoli	Sima		Berkeley READS
Edwards	Burton		Seigel & Strain
Williams	Allen	Pastor	St. Paul AME Church
Rejwan	Carmella	Public Works Department	City of Berkeley
Ma	Jennifer	Teen Educational Programs Director	Downtown Berkeley YMCA
Church	Paul	City ADA Coordinator	City of Berkeley
Selawsky	John	School Director	Berkeley Unified School District
Corbeil	Donna	Director of Library Services	Berkeley Public Library
Olawski	Suzanne	Neighborhood Services Manager	Berkeley Public Library
Kupfer	Susan	Board of Library Trustee	Berkeley Public Library
Henry Golphin	Carolyn	Board of Library Trustee	Berkeley Public Library
Franklin	Abigail		Berkeley Public Library Foundation
Lawson	Toby		Berkeley Public Library Foundation
Brown	Judy	Volunteer Tutor	Berkeley READS
Ratcliff	Kit	President	The Ratcliff Architects
Shiflett	Ray		Friends of the Berkeley Public Library
Davenport	Diane		Friends of the Berkeley Public Library
Wadlund	Matthew		Noll & Tam Architects
Noll	Christopher	Principal	Noll & Tam Architects
Henderson	Susan	Managing Director	Disability Rights Education & Defense Fund

Berkeley Public Library Branch Buildings Project  
**Attachment 2 - Continuity of Service Options**

	Options	Estimated Costs	Logistics	Factors
<b>Option 1</b> <b>Temporary Relocation:</b> <b>Tool Lending Library</b>	Trailer	\$12,000-\$15,000/year-60x12  \$10,000-\$13,000/year-10x52	Cost include <u>estimated</u> taxes, hookups, permits, engineering, etc  Quotes: Williams Scotsman, Inc. & Mobile Modular Management Corp  Vendor will need to assess foundation for dryness, level, and truck accessibility	Supervision Service hours Location Utilities Noise Lighting Technology Security/alarm Accessibility OSHA
	Storefront	\$1.50-\$2.00sf – South Berkeley storefront \$1.00-\$1.25sf – West Berkeley warehouse	(Ito Ripstein – gordoncommercial.com) Security deposit \$\$ Tenant improvement \$\$\$ Liability insurance SF \$ possibly cheaper depending on neighborhood Smaller warehouse space harder to find  <i>Ex: 3264 Adeline Street/Alcatraz – 2700sf \$4,000/mo + TI to RR for accessibility</i>	Consider GE Mod Space (modular) – Dennis’ recommendation

Berkeley Public Library Branch Buildings Project  
**Attachment 2 - Continuity of Service Options**

	City Property		Need to work with COB to determine feasibility and options	
<b>Option 2</b> <b>Bookmobile</b>	New	\$250,000+ (no frills) (est.)	22' -40' models Wireless 1,500-6,000 item capacity Wheelchair accessible	Driver (licensing) Parking Gas Maintenance (\$\$\$) Collection
	Used Bookmobile	\$26,000 - \$200,000 (est.)	“As is” Would have to transport from sale location	Routes Emission standards 10 sq. mi. city Service to <i>underserved</i> locations
	Used mobile computer lab	\$110,000.00	<u>2005 Freightliner MT45</u> Equipment; 6 work stations with Dell computers and Dell fax copier printer, satellite dish for internet access, automatic wheelchair lift, 10Kw diesel Quiet generator, two roof air conditioners	Farber (vendor) Wireless?
<b>Option 3</b> <b>Courtesy Shuttle</b>			Shuttle ride to library	Grant OPL-\$150,000 grant/3 years

Berkeley Public Library Branch Buildings Project  
**Attachment 2 - Continuity of Service Options**

<p><b>Option 4</b>  <b>Community Partnerships</b></p>	<p>Schools  Senior centers  Community centers</p>	<p>Need to determine locations to research fees</p>	<p>Programming – storytimes, summer reading, school outreach, annual events</p>	<p>Francis Albrier Center– currently providing youth “honor system” collection</p>
<p><b>Option 5</b>  <b>Extended Hours Parking Validation Curbside Drop-off</b></p>	<p>Extend hours   Central (one extra evening per week)</p>	<p>two 4-hour Aide shifts (GS)  two 4-hour LA shifts (GS)  For the first year, I used pay-step 3 for each class to estimate a payroll cost of roughly \$17,000. That would increase in the subsequent three years due to the COLAs</p>	<p>Morning or evening hours  Central / Branches only?  Central &amp; Branches?</p>	<p>Workload  Reserves shelving  Distribution of staff (cover additional hours)  Additional utilities costs</p>
	<p>Parking Validation:  Library Gardens/Kittredge St.  2061 Allston Way   2025 Center Street</p>	<p>\$2.50 – 1-hour  \$2.50 – 1 hour  \$1.00 - hour</p>	<p>Kittredge Street – Standard Parking; next door to BPL  Allston Way - Standard Parking – 1 block  Center Street – COB/Parking Concepts – 2 blocks (validation through Downtown Business Assoc.)</p>	<p>Courtesy patron parking – holds, browsing</p>
	<p>Single-sided curbside return   Double-sided curbside return</p>	<p>\$6,015   \$10,790</p>	<p>46”x46” / 2 carts   56”x40” / 3 carts</p>	<p>Locations  One or multiple? (crossover closures)  Courier service 2xs/day –empty returns</p>

Berkeley Public Library Branch Buildings Project  
**Attachment 2 - Continuity of Service Options**

<b>Option 6</b> <b>Go Library:</b> <b>Automated Machine</b>	Dispensing unit (circulating collection)	\$105,000 – (book dispenser) \$50,000 (est.) – collection \$3,200 – software license \$6,000 – ILS integration fee \$3,000/\$6,000 – maintenance contracts \$60,000 (media dispenser)	Location 270-400 books 3-months (order/delivery) Hardback & paperback	Set up Rotating collection Maintenance Separate media and book units Long-term use																						
	Reserves unit (Holds pick-up)	\$60,000																								
<b>Option 7</b> <b>Holds (Reserves) by Mail</b> <b>(Fee for Service)</b>	Postage	Need to research best mailing option  <b>Media Mail Prices</b> <i>The service for printed and recorded material.</i> For sending small and large packages consisting of books, film, manuscripts, sound recordings, video tapes, and computer readable media (such as CDs, DVDs, and diskettes). Prices based on weight.	All materials/formats As many that can fit into bag Various bag sizes Mail holds to patrons Patrons return to library via book drop, branch, or they pay return postage. Service charge may be charged to library account; bill submitted with delivery Homebound service (free or fee?)	Who handles mail requests-work load Temporary or permanent service? Does loan period change to accommodate mailing time? Material weight limit for mailing?																						
	Mail bags	\$51 imprint fee, \$10-\$16/bag		<b>Media Mail Rates</b> <table border="1"> <thead> <tr> <th>#</th> <th>\$</th> </tr> </thead> <tbody> <tr><td>1</td><td>2.23</td></tr> <tr><td>2</td><td>2.58</td></tr> <tr><td>3</td><td>2.93</td></tr> <tr><td>4</td><td>3.28</td></tr> <tr><td>5</td><td>3.63</td></tr> <tr><td>6</td><td>3.98</td></tr> <tr><td>7</td><td>4.33</td></tr> <tr><td>8</td><td>4.68</td></tr> <tr><td>9</td><td>5.03</td></tr> <tr><td>10</td><td>5.38</td></tr> </tbody> </table>	#	\$	1	2.23	2	2.58	3	2.93	4	3.28	5	3.63	6	3.98	7	4.33	8	4.68	9	5.03	10	5.38
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10	5.38																									
Service charge/item	\$2-\$6																									



## BERKELEY PUBLIC LIBRARY

### ACTION CALENDAR

December 17, 2008

**TO:** Board of Library Trustees

**FROM:** Donna Corbeil, Director of Library Services

**SUBJECT:** Review and Possible Action on Library Budget priorities for FY 2010/2011

#### Recommendation

Adopt a resolution adopting budget priorities to be used in development of the Library's biennial budget cycle, FY 2001 and 2011.

#### INTRODUCTION

The purpose of this report is to review and update budget priorities for the Library, which will be used in budget development and integrated into the annual Work Plan.

#### FISCAL IMPACT

There is no direct fiscal impact from this report though priorities included in the Library Work Plan do have budget implications.

#### BACKGROUND

At the June 13, 2007 meeting, the Board approved a draft FY 2008/09 Library Work Plan and reporting format. Subsequently, in October 2007, the Board requested each project have a priority designation assigned to it, similar to the City Council process in which the City Manager assigns a designation to city projects. In April 2008, the Board approved the priority designation for the FY 2009 Library Work Plan projects, as follows. Staff provides periodic status reports on projects as part of the budget process or as informational items.

1. Complete two studies for services and facilities, including community engagement, and integrate into an action plan;
2. Research ways to maximize the effectiveness of providing public hours at all the Branches and the Tool Library;
3. Continue to identify and explore the needs of underserved communities in Berkeley for library services and pursue opportunities for extending library services beyond the Library's physical facilities;
4. Address the needs of the Branches for repairs and capital improvements, pursuing creative alternatives for financing.



## CURRENT SITUATION AND ITS EFFECTS

As the FY biennial Budget process is about to begin and it is mid-year of the FY 2009, an update of current Library Work Plan priorities is an opportunity to review the status of current priorities; discuss new or revised priorities; and clarify the status and scope of both new priority projects and existing projects in preparation of the new budget cycle.

1. Complete two studies for services and facilities, including community engagement, and integrate into an action plan

Two major initiatives were completed and approved by the Board this year, the *Branch Libraries Facilities Master Plan*, a physical evaluation of the four BPL branches and the Tool Lending Library to assess their feasibility to serve the community both now and into the future, and the *Berkeley Public Library Strategic Plan 2008-2011*.

As a result of the findings in the *Branch Libraries Facilities Master Plan*, in May 2008 the Board discussed and moved to recommend to the Berkeley City Council that a \$26 million neighborhood library bond measure be placed on the November 4, 2008 ballot; and, in June 2008, placement of the Library Bond Measure was passed unanimously by the City Council. In November 2008 Berkeley voters approved the sale of \$26 million in bonds to finance the renovation, expansion, and make seismic and access improvements at the four neighborhood branch libraries. Branch Renovation Program discussions and preliminary planning subsequently have ensued.

There are fiscal and service ramifications associated with the Branch Renovation Program, which will affect the budget for the next two years. There will be costs incurred resulting from continuity of service options during branch closures, including workload issues; branch closures and re-openings; storage; collection budgets; and programming alternatives.

The Strategic Plan is comprised of fifteen initiatives, or staff activities, designed to fulfill the seven strategic goals which were developed out of a lengthy community and staff input process in the Spring of 2008. Approving the Plan in September 2008, the Board requested twice annual updates on the Library staff's progress on the individual initiatives. After review by Library management, lead staff were assigned to each activity, and an implementation outline and phasing matrix were created, specifying actions to be taken in years one, two and three. The Deputy Director of Library Services provides regular updates to the managers on progress and developments related to Plan activities. The final Plan was presented to the Library staff at large at the October all-staff meeting, and an update for the Board of Trustees is presented in the information calendar of this December BOLT agenda.

2. Research ways to maximize the effectiveness of providing public hours at all the Branches and the Tool Library

This priority has been incorporated into the *Berkeley Public Library Strategic Plan 2008-2011* as a strategic initiative and is corollary to the continuity of service of branches during the Branch Renovation Program. Methods to determine best ways of providing service hours of greatest use to patrons will consist of patron surveying and visual polling.



There is no fiscal impact associated with the research; however, there will be peripheral fiscal implications associated with the research results affecting the biennial budget, which may include extending hours at the Central Library and renting a temporary location for the Tool Lending Library so that program may continue to operate during branch renovations.

3. Continue to identify and explore the needs of underserved communities in Berkeley for library services and pursue opportunities for extending library services beyond the Library's physical facilities.

This priority has also been incorporated into the *Berkeley Public Library Strategic Plan, 2008-2011* which proscribes a pilot outreach program including identification of library resources useful to groups within the community, identification of underserved groups or segments with specific needs, implementation of outreach to these populations, and expansion of the pilot program to other areas and groups within the City

4. Address the needs of the Branches for repairs and capital improvements, pursuing creative alternatives for financing

In November 2008 Berkeley voters approved the sale of \$26 million in bonds to finance the renovation, expansion, and make seismic and access improvements at the four neighborhood branch libraries. The Berkeley Public Library Foundation will be undertaking a campaign to raise approximately \$2 million dollars to cover furniture, fixture and equipment costs for the four branches.

#### FUTURE ACTION

No action is recommended.

Attachments:

1. Resolution
2. Library Projects FY 2008/09 (Summary)

**APPROVAL OF THE BOARD OF LIBRARY TRUSTEES  
FY2010 and 2011 LIBRARY PRIORITIES**

WHEREAS, at their March 21, 2007 regular meeting, the Board of Library Trustees adopted priorities for fiscal year 2008/09;

WHEREAS, at their June 13, 2007 regular meeting, the Board of Library Trustees approved the FY 2008/09 Library Work Plan and reporting format;

WHEREAS, in October 2007 the Board of Library Trustees requested that each project in the Library Work Plan be given a priority designation, similar to the City Council of the City of Berkeley's process;

WHEREAS, since the FY2009 Mid-Biennial Budget process is underway, a review of the priorities is recommended to ensure proposed budget changes and Board priorities are coordinated.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the City of Berkeley to approve the FY2010/11 Library Budget priorities as discussed:

1. -
2. -
3. -
4. -
5. -

## LIBRARY PROJECTS FY 2008/09 (REV 11/08)

	Project Title	Priority	Lead	Budget	Timeline
1	<a href="#">Implement Library Strategic Plan (2009-2012) (Includes Collection development plan)</a>	CI	Doug Smith	TBD	
2	<a href="#">Research ways to maximize the effectiveness of providing public hours at all the Branches and the Tool Library</a>	CI	S. Olawski	TBD	
3	<a href="#">Continue to identify and explore the needs of underserved communities and pursue opportunities for extending library services beyond the Library's physical facilities.</a>	CI	D. Smith & D. Corbeil		
4	<a href="#">Address the needs of the Branches for repairs and capital improvements, pursuing creative alternatives for financing.</a>	CI	D. Dang, D. Corbeil & S. Olawski		
5	<a href="#">Central Library Layout &amp; Service Improvement Project (Previously identified as Signage project)</a>	DP	Doug Smith &	\$42,400	Phase I - June '09
6	<a href="#">High speed internet @ Branches</a>	DP	A. Abramson	\$10K-\$20K each location	Dec 08
7	<a href="#">Annual Report, Graphics and Marketing Design</a>	SP	D. Corbeil & A. Bern	\$5,000	June 09
8	<a href="#">Children's Webpage Design</a>	DP	L. Perkins	\$15,000	Dec '08
9	<a href="#">Wireless Inventory Wands / PDA</a>	DP	J. Dickinson	Minimal	June 09
10	<a href="#">Staff Development / Training Plan</a>	DP	J. Shurson, A. Abramson, & S. Olawski	TBD	Feb 09
11	<a href="#">Teen Webpage</a>	DP	K. Finney and L. Perkins	< \$500	On Hold

**CI** = Critical Initiative  
**SP** = Special (Board initiated) Project  
**DP** = Department (Staff initiated) Project



## **BERKELEY PUBLIC LIBRARY**

### **ACTION CALENDAR**

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Donna Corbeil, Director of Library Services  
**SUBJECT:** AUTHORIZATION TO CONTRACT WITH 3M

### **RECOMMENDATION**

Adopt a resolution authorizing the Director of Library Services (1) to seek waiver of the Nuclear Free Ordinance from the City Council, and, (2) contingent on this waiver, to enter into an agreement with 3M for a term of three years with the option of two one-year extensions of an amount not to exceed \$56,305 annually for three years, \$59,200 at year four, and \$63,000 at year five.

### **FISCAL IMPACT**

The July 2008 estimate of the cost of this contract for fiscal year 2009 was \$32,000, based upon the previous agreement with Checkpoint.

### **BACKGROUND**

Effective January 1, 2008, Checkpoint, the sole source supplier for the provision of maintenance services, equipment, and supplies for the Berkeley Public Library's self-checkout system, partnered with and conferred upon 3M Library Systems the exclusive worldwide rights as reseller and customer service provider for Checkpoint's line of library inventory and productivity products. Throughout 2008, Checkpoint transitioned the sales and service roles and personnel to 3M's responsibility. The Berkeley Public Library's contract with Checkpoint for maintenance of the equipment and software at all five BPL locations expired on August 30, 2008. At its October 2008 meeting, the Board of Library Trustees reactivated the contract through June 2009. However as a consequence of the agreement between Checkpoint and 3M, the Library must establish a maintenance contract with 3M Library Systems for ongoing service to its Checkpoint equipment. The Library cannot continue to contract directly with Checkpoint for ongoing maintenance services, equipment and supplies.

## CURRENT SITUATION AND ITS EFFECTS

3M representatives have stated that due to the global reach of the larger corporation's business partnerships, unlike Checkpoint it is impossible for 3M to endorse the declarations on the City of Berkeley Nuclear Free Zone Disclosure Form. The Library expended every effort in exploring alternative sourcing in consultation with Checkpoint and 3M, and in each instance was unsuccessful. Because no other vendor can provide service for the Library's Checkpoint equipment and software, Library staff determined a waiver of the Nuclear Free Ordinance and the Living Wage Ordinance is necessary.

The Nuclear Free ordinance, BMC 12.90.070(A), specifies that "The City of Berkeley shall grant no contract to any person or business which knowingly engages in work for nuclear weapons, unless the City Council makes a specific determination that no reasonable alternative exists, taking into consideration the following factors: (1) The intent and purpose of the act; (2) The availability of alternative services, goods and equipment, or other supplies substantially meeting required specifications of the proposed contract; and (3) Quantifiable additional costs resulting from use of available alternatives." Moreover, City Council Resolution 60,840 requires "that all contracts with entities engaged in work for nuclear weapons,...be subject to review by the Peace and Justice Commission prior to being noticed on any Council agenda.". The Library staff therefore requested of the City's Peace and Justice Commission on November 10 a waiver of this contract requirement (Attachment 2).

The Commission considered this request at a December 1, 2008 meeting but tabled the matter until its January meeting, when a subcommittee will report the results of its consideration of the request. The subcommittee delivered a series of written questions to Library staff in advance of a public meeting, which was held on December 11. Library staff responded in a memo (Attachment 3) and attended the meeting to provide information. Library staff will also be present at the Commission's regular meeting on January 5, 2009 where a vote of the full Commission is anticipated.

The Board, may authorize the Director to seek required contract authorizations from the City Council (subsequent to the Peace and Justice Commission's consideration of the nuclear free ordinance waiver), and, upon obtaining this approval, may authorize the Director to enter into the contract with 3M Library Systems.

## ALTERNATIVE ACTIONS CONSIDERED

Library staff has developed three options for the Board of Trustees to consider: (1) authorizing the Director of Library Services to pursue a service contract with 3M Library Systems; (2) abandoning the current automated self-checkout system; and (3) replacing the existing system with another self-checkout system. Option (1) is strongly recommended:

(1) Establishing a maintenance agreement with 3M would require authorization from City Council due to 3M's inability to agree to certain required contract provisions and entail annual fees for services in addition to equipment and supply costs. Library staff would continue to use its current self-checkout system assets and supplies, and bring before the Board requests for purchases of equipment upgrades as warranted by demand and expansion of branch facilities. Costs associated with such a contract are estimated not to exceed \$63,000 annually. Additional costs not associated with a

service agreement would include expenses stemming from the Library's anticipated need to replace, upgrade, and increase the self-checkout equipment during the upcoming five years, and the cost of supplies such as tags, tag covers, and media security cases. The Director of Library Services would in the future bring before the Board requests for approval of purchases in excess of \$50,000.

(2) Abandoning the current system would involve discarding all Library assets associated with the circulation system and disregarding the Library's initial and ongoing investments in the Checkpoint system. Library staff would check out items to patrons manually. The Library would still be obligated to pay the remainder of the principal and interest on its original loan of \$500,000. The loan term expires on June 30, 2009. Staff would have to re-tag each item in the Library's collections with new security devices such as EM security strips, a process that would be similar to the original tagging of the collection that lasted 18 months in 2004-2006. Additionally, this option would include many negative impacts on patron service, among them slower checkout times, longer lines at service points, removal of the self-sufficiency offered by self-checkout technology, and slower return of items to Library shelves due to a more cumbersome check-in process.

(3) Replacing the existing Checkpoint/3M self checkout system would similarly require the Library to disregard the capital outlay expended to date on that asset while continuing to require payment on the remaining debt. The Library would instigate a competitive RFP process as it did in 2004 when Checkpoint was awarded the contract through a competitive public bid process. Purchasing and installing new self-check equipment and security supplies would entail a capital expense very likely much greater than the cost of the 2004 contract, as prices have increased in the intervening four and a half years, ongoing maintenance fees, and personnel costs associated with re-tagging the entire Library collection.

#### FUTURE ACTION

No future action is anticipated.

#### Attachments:

1. Resolution
2. Nov. 10, 2008 memo to Peace and Justice Commission
3. Dec. 9, 2008 Response to questions from the Peace and Justice Subcommittee

RESOLUTION NO.: 08-\_\_\_\_

**AUTHORIZING THE DIRECTOR OF LIBRARY SERVICES TO SEEK WAIVER OF THE NUCLEAR FREE ORDINANCE AND CONTINGENT ON THIS WAIVER TO ENTER INTO AN AGREEMENT WITH 3M**

WHEREAS, since the installation of the Berkeley Public Library's express self-checkout system in 2004, its success may be measured in part by an increase of 15% in the circulation of Library materials while staff FTEs and repetitive stress injuries have both been reduced; and

WHEREAS, Checkpoint, the sole source supplier of maintenance services, equipment, and supplies for the Berkeley Public Library's self-checkout system, in 2008 partnered with and conferred upon 3M Library Systems exclusive rights as reseller and service provider for Checkpoint's line of library inventory and productivity products; and

WHEREAS, the Berkeley Public Library's contract with Checkpoint for maintenance of the equipment and software at all five BPL locations expired on August 30, 2008; and

WHEREAS, as a consequence of the agreement between Checkpoint and 3M, the Library wishes to establish a maintenance contract with 3M Library Systems for ongoing service to its Checkpoint equipment and software; and

WHEREAS, contracts and agreements with 3M are subject to the Nuclear Free Berkeley Act; and

WHEREAS, 3M representatives have stated it is not possible for 3M to endorse the declarations on the City of Berkeley Nuclear Free Zone Disclosure Form; and

WHEREAS, the Library expended every effort in exploring alternative sourcing in consultation with Checkpoint and 3M, and in each instance was unsuccessful; and

WHEREAS, Library staff requested of the City's Peace and Justice Commission on November 10 a waiver of this contract requirement; and

WHEREAS, a Peace and Justice Commission subcommittee will report results of its own consideration of the request to the full Commission on January 5, 2009; and

WHEREAS, the Library must obtain City Council approval of its waiver request in addition to the approval of the Board of Library Trustees before entering into the contract with 3M Library Systems, and

WHEREAS, the contract with 3M Library systems to provide maintenance service to the Library's self-checkout and security system in no way furthers nuclear weapons work; and

WHEREAS, no reasonable alternative exists for providing maintenance service; and

NOW THEREFORE, BE IT RESOLVED that the Board of Library Trustees of the City of Berkeley to 1. authorizes the Director of Library Services to seek a waiver of the Nuclear Free Zone Disclosure declarations; and, 2. upon obtaining this waiver, enter into an agreement with 3M, for a term of three years with the option of two one-year extensions of an amount not to exceed \$56,305 annually for three years, \$59,200 at year four, and \$63,000 at year five; and to

bring before the Board requests for approval of purchases of associated equipment and supplies in excess of \$50,000.

ADOPTED by the Board of Library Trustees of the City of Berkeley at a special meeting held on December 17, 2008 by the following vote:



## BERKELEY PUBLIC LIBRARY

Date: November 10, 2008

To: Mr. Bob Meola  
Chairperson, Peace and Justice Commission

From: Donna Corbeil, Director of Library Services

Re: Maintenance Service and Materials for Library Express Self-Checkout System

The Berkeley Public Library is seeking to enter into a three (3) year contract with an option for two (2) single year extensions with 3M for the purchase of maintenance services and materials pertaining to the existing express self check-out system. The Library requests a waiver of endorsed declarations of the Nuclear Free Disclosure Form and Oppressive States Compliance Statement for Personal Services.

3M, the sole source supplier for the Library's existing system, would be engaged for the single purpose of updating, maintaining, and providing support services for the software and hardware of the express self check-out system. The existing express self check-out system dates to FY05 when the Library contracted with Checkpoint Systems, Inc. for the installation and maintenance of a proprietary based library inventory and circulation management system. Major hardware components of this system include programmers, readers, gates, and inventory wands. Maintenance and support services involve telephone consultations, onsite visits, and equipment exchanges and upgrades.

In 2008, Checkpoint partnered with and conferred upon 3M the exclusive worldwide rights as reseller and customer service provider of Checkpoint's line of library inventory and productivity products. It is as a consequence of this agreement that the Library is obliged to contract with 3M.

3M is a global diversified technology company, developing and producing thousands of products in markets worldwide, including health care, office products and optical films for LCD displays. The Library solutions division is located in 3M Corporate Headquarters in St. Paul, MN.

### 1) **The Intent and Purpose of the Act**

Services and material requested herein are in conformance with the intent and purpose of the declarations sought by the City. The Library seeks continuing maintenance and parts servicing for the self check-out system which since FY05 has been incorporated as an essential element into daily library operations enhancing patron services and the provision of a more efficient and quicker circulation of library materials.



## BERKELEY PUBLIC LIBRARY

### 2) **Availability of Alternative Services, Goods, and Equipment or Other Suppliers Substantially Meeting Required Specifications**

Subsequent to the 2008 agreement between Checkpoint and 3M there is not another provider or servicer in regards to the installed Checkpoint proprietary system. The Library may purchase a limited selection of proprietary material from a third party vendor acting as a middleman between the Library and 3M at a marked-up cost. However, certain important system components – primarily equipment and software updates – remain exclusively available through 3M. This exclusivity to 3M renders the increasing likelihood that, without a contract and the means to replace critical components, the Library's investment in the express self check-out system would be fully lost as the system ages and degrades into a state of inoperability.

### 3) **Quantifiable Additional Costs from use of Available Alternatives.**

The Library estimates an annual cost of \$70,000 in FY09 to cover increased equipment failure as a result of aging equipment as well as the ongoing costs of proprietary material to operate the system. This expense is projected to increase in future years as equipment nears its life cycle end. Additionally, should the Library be compelled to engage a middleman vendor – for a limited selection of material only – costs would be expected to be substantially higher than a direct purchase through 3M.

Thank you for your consideration of the Library's request for waiver regarding the maintenance and servicing of the Library's express self check-out system. To reiterate, this essential proprietary based system is fully integrated into the Library's daily operations and services the inventory and circulation management processes; any degradation or abandonment of this system would impose significant financial, operational and material hurdles for the Library to overcome. The resulting outcome is not limited to the probable need to abandon the system, which represents a major capital and staffing investment of Library resources, but also would necessitate replacement with another vendor at a substantial cost and accompanying loss of Library assets.

At the present time, the self check-out technology is evolving; its applications and uses are also broadening. Like many nearby public libraries, Berkeley Public Library is monitoring developments and will continue to investigate vendors that may be able to provide complementary or competing software, services, and products for self check-out functions.

If the Library can provide any additional information to assist you in your decision making regarding this matter please let me know, my office number is 981-6195.

Berkeley Public Library's Response To Preliminary Questions From The Peace & Justice  
Commission  
NFA Subcommittee  
Regarding the Library's Proposed Maintenance Contract With 3M

December 5, 2008

1. Q) Explain why the current system is the best one.
  - A) Self-checkout technology continues to evolve and in today's marketplace is not characterized by a single approach among manufacturers. However, it has decidedly become accepted as the technology uniquely suited to handle the inventory and resource management operations in modern library systems.

At the time of installation the selected Checkpoint system was determined to be state of the art and the most prevalent among bidders.

    - Among six vendors, Checkpoint was the second lowest bidder.
    - At bidding, Checkpoint installed in 99 libraries, followed by Tech-Logic with 6 while 3M had no installations.
    - At bidding, Checkpoint was the only vendor with installations (36) in libraries utilizing the Innovative Interfaces library catalog system – a system employed at BPL.
    - Since installation total circulation volume has increased 15%; and staff headcount while essentially flat is down 1.44 FTE.
    - Staff repetitive stress injuries fell significantly from 6 incidents in FY02 and 5 in FY03, to a single incident in FY05 following the installation of self-checkout at BPL.
  
2. Q) Explain in clearer detail why, if the contract expired months ago, are we now being asked to approve the new contract with 3M.
  - A) On January 1, 2008, Checkpoint the sole source manufacturer and supplier for the provision of maintenance services, equipment, and supplies for their proprietary self-checkout system partnered with and conferred upon 3M Library Systems the exclusive worldwide rights as reseller and customer service provider of Checkpoint's line of library inventory and productivity products. Throughout 2008 Checkpoint has transitioned these roles to 3M's responsibility. The Berkeley Public Library's contract with Checkpoint for maintenance of the equipment and software at all five BPL locations expired on August 30, 2008. At its October 2008 meeting, the Board of Library Trustees reactivated the contract through June 2009 as a limited one-time extension while 3M's Legal and Government Affairs departments conducted an extended review of the City's compliance requests. However, as a consequence of the agreement between Checkpoint and 3M, the Library is unable to secure continued maintenance

services from Checkpoint and must negotiate an agreement with 3M Library Systems.

The Peace and Justice Commission has been approached by the Library with a request for a waiver of the Nuclear Free Zone Disclosure Form because 3M has determined it is unable to sign for the following reason:

- 3M currently maintains a commercial relationship with the U.S. Department of Defense (DoD) and is unwilling to speculate on, nor constrain the end-use of its products sold to the DoD.

In response, the Library has expended every effort in exploring alternative sourcing for the required maintenance services in consultation with Checkpoint and 3M. In each instance, the Library was unsuccessful in large part due to the structure of the industry today and the resultant proprietary nature of each vendor's system such that interoperability among vendors is non-existent.

- a. How is that you have allowed in-house personal to do the maintenance when you argue that an outside vendor is needed?

- A) IT staff is only able to address minor hardware issues such as those caused by paper jams or situations requiring cleaning of diskmate machines. Should essential parts or components fail and require replacement then that particular equipment would need to be removed from service.

Software updates are not available to the Library without a formal relationship in effect.

Read/Write tags, which are an essential component of a self-checkout system, were recently bought by the Library from a vendor other than 3M. This almost \$23,000 transaction for a 6-month supply was only possible because 3M provides these tags for subsequent sale to a single vendor with a 20% markup. This relationship between 3M and a down-market vendor is subject to change at any time.

3. What is the total amount to date that has been expended towards the RFID system?

- A) The expenditures sought in this question are for the original self-checkout system contract(s) with Checkpoint that are not currently before this Committee, With that clarification, to date the Library has recorded vendor expenditures of \$995,411 on the installed express self-checkout system:

Purchase Price: \$643,000

Lease Interest: \$56,957

Servicing and Hardware: \$295,453

4. Is the RFID system the current state of the art or is there a new system?

- A) Self-checkout technology continues to evolve and is currently considered the technology best suited for the inventory and resource management operations found in modern libraries.

Furthermore, with the expected growth and evolution of self-checkout technology, industry consolidation – as seen with the partnership between 3M and Checkpoint – is not wholly unexpected.

It is important to note that any system change undertaken by the Library does not preclude a similar free-market event occurring between corporations that could potentially jeopardize a major capital investment in regards to questions derived from the application of the Nuclear Free Berkeley Act. In other words, abandonment of the current self-checkout system entails a relinquishment of a to-date almost \$1,000,000 investment without any assurance of loss on a future system.

- a. How many libraries in the US use the RFID technology?

- A) According to trade magazine “Computer in Libraries” Feb-08 in a non-comprehensive survey there are 7,741 self-checkout units installed in U.S. libraries.

5. What would be the cost of getting a new system up and running?

- a. Bar code
- b. Other

- A) If the Library sought to replace its current system it would be obligated to solicit competitive bids through issuance of a public RFP process as done in 2004. For this reason it would be highly speculative of the Library to estimate current replacement costs. However, it is reasonable to assume that the bids received in 2004 ranging from \$633,658 to \$820,839 would have increased markedly by the time of any future installation.

Bar code systems are similar to other newer technologies in that maintenance and servicing is required and must be contracted for. Additionally, a simple bar code system does not satisfy security concerns confronted in today’s library; posing risks of theft and loss to the 600,000 items collection of the BPL. To minimize this risk would require the addition of a security strip creating the very environment of a two-part check-out system that initially spurred the Library to seek a comprehensive alternative. This “step-back” presents significant drawbacks. Primary among the detractions of reverting to a bar code system would be the service disruption to the Berkeley community as well as that of daily library operations. Such a system switch-out could only be accomplished over a time period of 18 to 24 months and would require a real increase to staff FTE headcount as every single library material would have to be individually manually processed for check-out and check-in. Patron queues and delays would become commonplace as the 65% to 70% percent of the 1.7M annual items circulated now handled by self-checkout convert to staff manual checkout. It is

also likely that the Library would experience an increase in staff Workers' Compensation claims arising from increased material handling.

Accordingly, the known residual impacts outlined above places into question whether a system switch-out – whether it be bar code or other – could satisfy the third criteria of the Nuclear Free Berkeley Act that being of, “Quantifiable additional costs resulting from use of available alternatives.” It is clear in three-party discussions between the Library, Checkpoint Systems, and 3M that the exclusive contractual agreement between Checkpoint and 3M effectively impedes the Library's efforts in securing a vendor – other than 3M – for maintenance services for its self-checkout system. And it is also clear that the costs of a system switch-out today in light of an October 2005 report to BOLT that the system change in 2004 incurred total reported costs of \$1.15M for labor and materials would certainly not be any less than that of four years ago. Abandoned this capital asset due to an inability to secure a maintenance contract would force the Library to re-confront a new round of substantial investment costs. The Library's final loan payment on its self-checkout system is scheduled for June 1, 2009.

6. Once (and if) a new system is in place will the taxpayers be forced to spend? (Removal of old system + RFID equipment, parts, training, maintenance, removal of RFID system + new system costs)
  - A) Were the Board of Library Trustees (BOLT) to authorize system replacement it would be their responsibility to determine the source of funding. If this funding were to be drawn from the largest source of Library receipts, the Library Tax proceeds levied on all Berkeley property owners, the Library Tax fund would immediately fall into deficit.

Other considerations in undertaking any replacement would include:

- Removal and replacement of tags to all library materials (and potential damage to materials from tag removal resulting in loss of library materials).
- Reorganization and retraining of staff procedures.
- Impacts on patron servicing and staffing availability while executing two major projects simultaneously – Branch Facilities Plan and a checkout system switch-out.

7. What specifically is 3M's current activity as respects nuclear energy and/or nuclear weaponry?
  - A) Library Management contacted 3M's Contract Administrator assigned to Berkeley Public Library and in her further research released to the Library that 3M in respect of their ongoing commercial relationship with the U.S. Department of Defense (DoD) limits their response to, “...the federal government is also a customer of 3M including the DoD and we will sell them 3M products that meet DoD needs, without restriction.”

However, it is important to note that 3M has many divisions and the defense division is not the same as the library services division.

8. Averaged over four years, what has been the cost of the RFID system? How long might the system last without further expenditures?

A) see response to question 3.

9. What are the yearly maintenance costs of bar code machines?

A) In an enquiry to other Bay Area library systems bar code self-check machines as recently as two years ago were discounted for sale to approximately \$16,500 per machine when sold in sizable volumes. Maintenance services at that time were priced at \$1,600 per machine. A best estimate pricing provided to the Library for a machine today spanned \$18,000 to \$20,000 depending upon features.

The Berkeley Public Library currently has 14 self-checkout machines and has received a per machine servicing quote from 3M ranging from \$1,768 to \$1,950 annually over the next five years.

10. Is it possible to sell the RFID system and recoup some of the loss?

A) Any proceeds from the sale of the current system would likely be minimal due to the system having been tailored to the Library's requirements and the heavy equipment use at all locations.



## BERKELEY PUBLIC LIBRARY

### INFORMATION CALENDAR

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Dennis Dang, Library Administrative Manager  
**SUBJECT:** Biennial Budget Development – FY10 & FY11

### INTRODUCTION

The purpose of this report is to provide information regarding the development of the biennial budget for fiscal years 2010 and 2011.

### FISCAL IMPACT

There is no fiscal impact from this report.

### BACKGROUND

The development of a budget for fiscal years 2010 and 2011 is part of the City of Berkeley's biennial budget process. This year's biennial budget follows the closure of FY08 and begins with the release of a set of preliminary instructions from the City's Finance Department that constitutes basic conceptual guidelines designed to synchronize and harmonize the process across city departments. These preliminary instructions are expected to be released shortly.

In FY08 for all fund entities the Library ended the year with revenue of \$13,888,420 and expenses of \$14,321,571 resulting in an imbalance of \$433,151. This excess of expenses over revenue was in the Library Tax Fund (301) and was offset by the fund's favorable beginning year balance of \$1,261,323.

Labor costs which were a focus of cost reductions were favorable to the revised budget by \$438,330 or 3.8%. The favorability of non-labor costs was in large part attributable to unspent authorized funds for library materials in the Gift Fund (306). Overall spending for library materials was \$571,141 below the revised budget amount or 33%; of which \$533,132 can be assigned to the Gift Fund.

Sizeable FY08 non-labor expenses included \$270,749 to Pacific Gas & Electric, \$172,181 to Noll and Tam, \$111,391 to National City Capital (RFID), and \$107,966 to Securitas.

FY08 Library Tax revenues fell short of budget by \$159,450 due to county collection fees netted from proceeds. Gift revenues of \$356,450 consisted of \$81,500 from the Library Foundation and \$122,773 from the Friends of BPL, with the remainder from individuals and investment interest.



## CURRENT SITUATION AND ITS EFFECTS

The base budget from which the Library will build its actual biennial budget is expected for release by Finance late this month. The base budget serves as an important and essential starting point as it will incorporate labor costs per authorized position tied to the recent cost of living adjustments and benefit changes effected September 7, 2008. For the past two fiscal years actual labor costs constituted 77% of the total Library budget. Any projected changes to staffing headcount or reporting structure will be applied to the base budget.

Major service contracts that are expected to impact non-labor costs include:

- Library Security Guard Services – Current contract valued at \$120,000 in FY09 will expire on June 30, 2009. The Library expects to partner with the City in early 2010 to secure a new contract.
- Janitorial Services – Contracted at \$163,325 in FY10, and \$167,408 in FY11.
- Express Self-Checkout System – Service is quoted at \$56,305 yearly for FY10 and FY11. Projected materials costs are still being developed.
- Landscaping Services – Contracted at \$24,000 annually; expires mid-year FY11.
- Public Copiers – Budgeted for \$26,000; increases are probable due to maintenance fees, per-click usage charges, and paper supply costs.

The Library seeks to move forward on a backlog of capital improvement projects that have been deferred for a variety of reasons including: outcome of Measure FF (Branch Renovation Program), project readiness, and staff turnover. These projects are:

- Evaluation and analysis of layout of first three floors at Central Library public space. Project vendor has been selected; contract valued at \$50,000 is in process.
- Workflow study to enhance and improve Central Library General Services sorting room practices.
- Central Library interior maintenance: painting in high usage areas and staircase walls; stairway and lobby tile cleaning, sealing, and grouting; repair of water damaged ceiling in Central Children's room.
- Reupholstering of Central meeting room chairs – Foundation has agreed to fund with balance from FY08 gift.
- Upgrade to Building Maintenance System (BMS) computer which controls and operates security card-key, HVAC, and lighting systems.
- Updating and partial components replacement of Central meeting room and electronic classroom audio/visual multimedia systems.
- Upgrade to hardware of Central Library's Digital Video Recorder security system.



- Refurbishment of Central Library's staff lounge including furniture replacement and window blinds.
- Tree trimming at West Branch and possible tree(s) removal at rear of Claremont Branch.

Due to the passage of Measure FF there will be several new dedicated fund entities established for the posting of specific activities. At this time three new funds are foreseen. These funds will operate identically to the other funds currently in place. One of the new funds, with projected funding at or in excess of \$2M, gifted exclusively from the Foundation, will be for furniture, fixtures, and equipment related to the Branch Renovation Program; a second fund in which bond proceeds will be posted will record construction activities directly related to the Branch Renovation Program; and a third fund will be set up for debt service. The debt service fund will take in property tax receipts upon which bond obligations will be paid.

#### FUTURE ACTION

Building any budget two years out entails a certain degree of uncertainty; however for FY10/11 added challenges are presented due to the recent passage of Measure FF and the fact that the Branch Renovation Program is in its early startup phase. As a result, Library Administration will continue to provide timely status reports to the Board as the biennial budget process progresses.

Attachments:

1. Revenue Funds Chart

BERKELEY PUBLIC LIBRARY  
REVENUE FUNDS (300 SERIES)

18-Dec-08

G:\Admin Assistant\BOLT\Agenda Packets\2008\December 2008\Final[15.xls]Sheet1

**Ending FY08**

	301 Tax	302 DL/ILL	304 Grants	305 PLF	Subtotal BPL	306 Gift	Total BPL
Beginning Balance	\$1,261,323	\$242,517	(\$12,463)	\$6,135	\$1,497,512	\$977,239	\$2,474,751
add:							
Revenue	\$13,313,481	\$92,992	\$84,645	\$40,852	\$13,531,970	\$356,450	\$13,888,420
less:							
Labor	\$10,899,624	\$79,045	\$62,463		\$11,041,132	\$8,221	\$11,049,353
Non-labor	2,856,395	35,675	14,982		\$2,907,052	353,412	\$3,260,464
Non-Library Depts	11,754				\$11,754		\$11,754
Expenditures	\$13,767,773	\$114,720	\$77,445		\$13,959,938	\$361,633	\$14,321,571
Other: Adjstmnt*	41		1		42	4	46
Ending Balance	\$807,072	\$220,789	(\$5,262)	\$46,987	\$1,069,586	\$972,060	\$2,041,646

\* Adjustment to CoB year-end fund balance.

**1-Q FY09 (Adjusted)**

	301 Tax	302 DL/ILL	304 Grants	305 PLF	Subtotal BPL	306 Gift	Total BPL
Beginning Balance	\$807,072	\$220,789	(\$5,262)	\$46,987	\$1,069,586	\$972,060	\$2,041,646
add:							
Revenue	\$13,772,415	\$80,000	\$84,000	\$70,000	\$14,006,415	\$68,528	\$14,074,943
less:							
Labor	\$11,686,347				\$11,686,347	\$5,609	\$11,691,956
Non-labor	2,927,308	10,000		142,961	\$3,080,269	854,698	\$3,934,967
Non-Library Depts	27,094				\$27,094		\$27,094
Expenditures	\$14,640,749	\$10,000		\$142,961	\$14,793,710	\$860,307	\$15,654,017
Other: Adjstmnt**	350,590				350,590		350,590
Ending Balance	\$289,328	\$290,789	\$78,738	(\$25,974)	\$632,881	\$180,281	\$813,162

\*\* Salary Savings



## BERKELEY PUBLIC LIBRARY

### INFORMATION CALENDAR

Dec. 17, 2008

TO: Board of Library Trustees

FROM: Douglas Smith, Deputy Director of Library Services

SUBJECT: LIBRARY STRATEGIC PLAN UPDATE

#### FISCAL IMPACT

This report has no fiscal impact.

#### BACKGROUND

At its April 2008 meeting, the Board of Library Trustees (BOLT) adopted its budget priorities, the first of which was to complete two studies—a Strategic Plan for services and a Branch Facilities Master Plan—and integrate them into an action plan. At its September 2008 meeting, BOLT approved the Berkeley Public Library's three year Strategic Plan for 2008-2011. The Strategic Plan is comprised of fifteen initiatives, or staff activities, designed to fulfill the seven strategic goals which were developed out of a lengthy community and staff input process in the Spring of 2008. In approving the Plan, the Board requested twice annual narrative or oral updates on the Library staff's progress on the individual initiatives.

#### CURRENT SITUATION AND ITS EFFECTS

The Library management team reviewed the approved Strategic Plan, discussing and drafting specific milestones and timelines for each staff initiative. Lead staff were assigned to each activity, and an implementation outline and phasing matrix were created, specifying actions to be taken in years one, two and three. The Deputy Director of Library Services provides regular updates to the managers on progress and developments related to Plan activities. The final Plan was presented to the Library staff at large at the October all-staff meeting. Attachment 1, the *BPL Strategic Plan Implementation Outline*, is annotated to show which activities have been completed or are currently in progress. Currently, staff are taking action on eleven of the fifteen initiatives identified in the Plan.

#### FUTURE ACTION

Updates on the Strategic Plan will be provided to the Board at its April and July 2009 meeting. Discussions of the Plan will also be included in any Board workshops relating to the budgets of each of the upcoming three fiscal years.

Attachments:

1. Berkeley Public Library Strategic Plan Implementation Outline

## BPL Strategic Plan Implementation Outline

### I. Service Response: *Reading, Viewing, Listening for Pleasure*

Strategic Goal #1: Berkeley residents find the materials they need in or through BPL

Initiative 1a: Develop usage reports to identify collections most useful to Berkeley residents

Lead staff: Megan McArdle

Phasing: *Year one, Spring 2009*

- Identify collection reports available from Innovative Interfaces, OCLC; work with selectors, mgrs., etc to select most appropriate for collection usage assessment
- Set schedule and process for regularly generating and evaluating selected reports

Initiative 1b: Create and implement a collection development policy responsive to public demand and usage trends

Lead staff: Megan McArdle, Linda Perkins

Phasing: *Year one, Fall/Spring 2008-2009*

- Collect existing work from '05-'06, identify gaps/inaccuracies **(in progress)**

Phasing: *Year two, Fall 2009*

- Solicit draft collection scopes/statements from selectors and branch heads
- Initial Collection Development Policy drafted
- Policy review by managers & selectors

Phasing: *Year two, Spring 2010*

- Final policy brought to BOLT for review

Strategic Goal #2: Berkeley residents have quick and easy access to materials from the entire BPL system

Initiative 2a: Streamline sorting/shelving and delivery systems to get materials to shelves more quickly

Lead staff: Jay Dickinson

Phasing: *Year one, Fall 2008*

- Consultant hired: California Manufacturing Technology Consulting **(completed)**
- Workflow and space evaluation **(completed)**
- Report w/ options from CTMC **(completed)**
- Physical implementation of Sorting Room re-org **(in progress)**

- Initiative 2b: Provide service hours of greatest use to patrons  
Lead staff: Doug Smith, Suzanne Olawski  
Phasing: Year one, Fall 2008:
- Develop recommendations based upon anticipated branch library closures during construction periods (**in progress**)
- Phasing: Year two, Spring 2009
- Identify data for analysis for post-construction schedule recommendations
  - Develop patron satisfaction survey
  - Collect data & develop recommendations
  - Management team review
- Phasing: Year three, 2010-2011
- Management team review
  - Bring schedule change recommendations to BOLT

## II. Service Response: Early Literacy

- Strategic Goal #3: Early elementary-age children build their reading skills and their enjoyment of reading
- Initiative 3: Expand the library's successful early literacy program to include second grade students and their families  
Lead staff: Linda Perkins  
Phasing: Year one, Fall 2008:
- Early Learning with Families (ELF) "family playshops" @ BPL (**completed**)
  - Meetings with BUSD board & elementary principals (**completed**)
  - Visits to each 2<sup>nd</sup> grade classroom made by Children's Librarians (**in progress**)
  - Visits by 2<sup>nd</sup> grade students & teachers to Central Library (**in progress**)

## III. Service Response: Providing a Welcoming, Safe, Comfortable Environment

- Strategic Goal #4: Berkeley residents enjoy libraries with welcoming, safe, functional and comfortable environments
- Initiative 4a: Move the *Branch Library Facilities Master Plan* forward to its next step, to provide space needed at branches for enhancing service  
Lead staff: Donna Corbeil  
Phasing: Year one, Fall 2008
- Nov. 4<sup>th</sup> election: passage of \$26M bond measure FF (**completed**)
  - Development of continuation of service options (**in progress**)

- Initiative 4b: Implement a space planning project at the Central Library with the goal of making the first three floors easier to navigate, more user-friendly, and more accessible  
Lead staff: Doug Smith, staff committee  
Phasing: *Year one, Fall 2008*
- RFP issued (**completed**)
  - Consultant interviews (**completed**)
  - Contract with Page & Moris (**completed**)
  - Convene staff committee (**completed**)
- Phasing: *Year one, Spring 2009*
- Data collection, community & staff input
  - Development of layout options
  - Presentation of options to staff, management
  - Presentation to BOLT
- Initiative 4c: Maintain BPL staff diversity through recruitment and staff development and training opportunities  
Lead staff: Jenifer Shurson  
Phasing: *Year one, Fall/Spring 2008-2009*
- Staff Development & Training Task Force: develop written plan including
    - Orientation: develop standard New Hire Orientation, include info about FoBPL scholarships (**in progress**)
    - Competencies: for each classification (**in progress**)
    - Promotion: develop promotional paths for employee advancement, publicize FOL scholarships (**in progress**)
    - Presentation at Jan30th All staff meeting (**in progress**)
  - Schedule BPL attendance at ALA, CLA recruitment tables as needed (**completed for ALA & CLA 2008, pending ALA 2009**)
- Initiative 4d: Develop a comprehensive safety/security plan to provide safer library environments  
Lead staff: Safety committee (Jenifer Shurson & Steve Douglas)  
Phasing: *Year one, Fall 2008:*
- Emergency handbooks completed and distributed to all locations, branch heads etc. briefed on contents (**completed**)
  - Distribute master handbooks to managers
  - Procedures developed for working with Mobile Crisis Team, Homeless Outreach Team/Public Commons for Everyone, and Berkeley Guides (**in progress**)

#### IV. Service Response: Lifelong Learning – Satisfying Curiosity

- Strategic Goal #5: A broader base of Berkeley residents are habitual library users
- Initiative 5a: Develop and implement a multi-faceted plan for promoting the resources the library has purchased on behalf of Berkeley residents  
Lead staff: Doug Smith  
Phasing: Year one, Spring 2009
- Early '09-convene marketing working group
  - Establish scope of plan based on internal audit & survey results
- Phasing, Year two, (FY 2010)
- Identify strategies & opportunities for internal & external marketing
  - Marketing plan drafted
  - Management review/approval of draft plan
- Phasing, Year three, (FY 2011)
- Implement pilot outreach program to underserved communities in SW Berkeley
- Initiative 5b: Evaluate, prioritize and coordinate all library outreach activities and cultivate strategic community partnerships  
Lead staff: Suzanne Olawski  
Phasing: Year one, Fall/Spring 2008-2009
- Identify/audit all current outreach activity (**in progress**)
  - Potential strategic community partnerships identified
  - Communication plan developed with BPL management team
  - Partnerships established with community groups/organizations, with plans for delivering library services outside BPL facilities
  - Outreach service delivery implemented
- Strategic Goal #6: Adults frequent Berkeley libraries for their high quality programs
- Initiative #6a: Expand and publicize high quality programs for adults  
Lead staff: Doug Smith, staff committee  
Phasing: Year one, Fall/Spring 2008-2009
- Convene committee to develop grant applications for adult literary programs (**completed**)
  - Coordinate planning for the Friends of BPL grant requests
  - Establish & continue partnerships with organizations for co-sponsored programming (**in progress**)
- Initiative #6b: Develop the Central Library as a destination point, particularly in conjunction with the Downtown Berkeley Arts District  
Lead staff: Doug Smith  
Phasing: Years one-three (2008-2011)
- Establish & formalize partnerships with downtown institutions: JazzSchool, BAM/PFA, Downtown MusicFest (**completed & ongoing**)

## V. Service Response: Public Access Computers

Strategic Goal #7: Patrons use with ease BPL's content-rich and accessible electronic resources

Initiative 7a: Enhance the library's web site for patron-friendliness, navigability and content

Lead staff: Alicia Abramson

Phasing: Year one, Fall/Spring 2008-09

- Streamline user interface of the TELUS PC reservation system **(completed)**
- Convene a web catalog task force, review BPL web catalog, identify problems of access/usability, and areas of needed improvement **(completed)**
- Conduct a user survey to better understand current use of the web catalog & subscription resources, & identify areas of needed improvement
- Identify areas where the implementation of two-way communication and/or social networking technologies (e.g. blogs, wikis, etc.) could enhance community awareness of library services and resources, and to facilitate community feedback
- Select one or two projects for implementation
- Begin implantation of changes to the web catalog

Phasing: Year two, FY 2010

- To increase awareness of online resources, explore solutions (e.g. "federated search" engines) to integrate the searching of the Library's online databases and web catalog.
- Evaluate the social media projects selected in year one.
- Complete the redesign and new feature implantation of the web catalog

Phasing: Year three, FY 2011

- Implement an integrated "federated search" or "universal search" platform.
- Evaluate web catalog redesign and new features

Initiative 7b: Partner with the City of Berkeley Information Technology division on a "digital divide initiative" addressing the need for greater community access to computing resources

Lead staff: Alicia Abramson

Phasing: Year one, Spring 2009

- Conduct an audit of current availability of computer resource and training in the Berkeley community, beyond the walls of BPL

- Identify potential partners within the CoB departments and community organizations with an interest or role in the initiative
- Convene identified participants to develop a pilot project involving coordinated community-wide computing access and/or training, using the results of community audit

Phasing: Year two, FY 2010

- Identify/apply for grant funding opportunities
- Design a closed-end pilot project, incorporating the recruiting efforts of BPL's Volunteer Coordinator

Phasing: Year three, FY 2011

- Implement pilot program
- Evaluate pilot program



## BERKELEY PUBLIC LIBRARY

### INFORMATION CALENDAR

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Donna Corbeil, Director of Library Services  
**SUBJECT:** REPORTS BY TRUSTEES AS STANDING AGENDA ITEM

#### INTRODUCTION

The purpose of this report is to provide information for discussion regarding the BOLT agenda template and consideration of adding a Report by Trustee standing item.

#### FISCAL IMPACT

There is no fiscal impact from this report.

#### BACKGROUND

At the November 12, 2008 meeting, Trustee Powell asked staff to bring an informational item on modifying the BOLT agenda template to include a standing item of Trustee comments. The Berkeley Unified School District Board of Education, which meets monthly, includes such an agenda item in their regular meeting agenda template. The BUSD regular agenda is ordered:

1. CALL TO ORDER
2. MEETING AGENDA APPROVAL
3. PUBLIC TESTIMONY
4. UNION REPORTS
5. **BOARD MEMBERS' REPORTS**
6. SUPERINTENDENT'S REPORT
7. APPROVE CONSENT CALENDAR
8. ACTION ITEMS
9. INFORMATION ITEMS
10. ADJOURNMENT

A standing item, board members' reports is an opportunity for board members to make oral comments if they so choice.

#### CURRENT SITUATION AND ITS EFFECTS

Currently, the Board of Trustees agenda does not have such an item. Trustees are limited to comments related to each agenda item. The Brown Act does allow for brief announcements but

not discussion unless the item is specifically on the agenda. Trustees may request an item be added to the agenda during agenda building or by contacting the BOLT Chair or Secretary to the Board.

If this change is made to the agenda template, it should be noted that the following section of the Brown Act would apply:

*Govt Code section 54954.2(a)(2) "No action or discussion shall be undertaken on any item not appearing on the posted agenda, except that members of a legislative body or its staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights under Section 54954.3. In addition, on their own initiative or in response to questions posed by the public, a member of a legislative body or its staff may ask a question for clarification, make a brief announcement, or make a brief report on his or her own activities. Furthermore, a member of a legislative body, or the body itself, subject to rules or procedures of the legislative body, may provide a reference to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning any matter, or take action."*

### FUTURE ACTION

If the Board would like to change the BOLT template to include such a standing item it may do so by a vote of the board.



## BERKELEY PUBLIC LIBRARY

### INFORMATION CALENDAR

December 17, 2008

**TO:** Board of Library Trustees  
**FROM:** Donna Corbeil, Director of Library Services  
**SUBJECT:** DECEMBER 2008 MONTHLY REPORT FROM LIBRARY DIRECTOR

#### INTRODUCTION

Every month the Library Director gives the Board a report on Library activities and updates from the previous month.

#### FISCAL IMPACT

This report will have no fiscal impacts.

#### LIBRARY DEVELOPMENT

Many staff attended the California Library conference held in San Jose this year, in part due to its locale. (*Attachment 2: Report from Library staff on the 2008 California Library Association Annual Conference in San Jose, CA: November 14 – 18, 2008*)

##### *November 2008 Election Results*

The City Clerk's Office brought the certified election results to the city council on December 8, 2008. These included the final vote count on Measure FF the Library Bond for \$26M was YES 37,973 and NO 17,861 and Measure HH, the GANN Limit override the final count was YES 41,178 and NO 12,148. The council approved on consent a resolution confirming the results.

##### *Library Foundation*

Abigail Franklin and Roxanne Figueroa meet with the Library Director to discuss a new initiative, Adopt-A-Book they would like to launch prior to the December holidays. In the past, the Library has placed bookplates in material to acknowledge a donation to a particular genre, such as children's materials, or a cash gift to the library in remembrance of a deceased person.

Idea: Create a book dedication program at the Central and branch libraries in which patrons receive personalized book plaques for children's books in exchange for \$25 donations to the Berkeley Public Library Foundation ("BPLF").

Mechanics: Patrons mail in \$25 donations and dedication phrases of their choosing to the BPLF. BPLF then sends a personalized book plaque (in the form of a sticker) to donors. Donors

then bring in their book plaques to their favorite branch or Central library where staff assists with the actual placement of the plaque into a selected book.

Marketing: Place announcements of program in libraries as well as in newsletters, at local businesses and schools.

## PROGRAMS, SERVICES AND COLLECTIONS

On December 7, 2008, the Library, Library Foundation and Friends of the Library held an event at the North Branch to thank voters for passing Measure FF and to initiate the implementation of the branch bond program. This was an opportunity to share information with the community regarding the implementation of the branch renovation program, answer questions, and display boards produced during the Facility Master Plan process showing the facility problems, options and costs.

### *Adult Literacy Program*

On October, 28<sup>th</sup> 2008, Berkeley Public Library- Berkeley READS and the City of Berkeley Early Childhood Commission, honored two of Berkeley's finest family day care providers. Flora Madlock owner and operator of Flora Madlock Family Day Care Home, and Emelda Rideau owner and operator of Our Learning Center, were recognized for their outstanding contribution to Berkeley's children and families for over 30 years! Berkeley READS staff and the City of Berkeley Early Childhood Commissioners hosted a small reception for Flora and Emelda's family and friends at the Children's Story Room Central Branch. Esther Suarez, who is Berkeley READS Families for Literacy Coordinator and one of the City of Berkeley Early Childhood Commissioners, gifted Flora and Emelda with beautiful Polar Express holiday book and CD sets provided by First Book, Washington DC. Following the reception, a proclamation was presented to both the honorees in the Berkeley City Council Chambers.

### *Central Library, Reference Section*

Staff hosted and provided a tour to a contingent from China in October. Amy Kuo, the Asian language selector for the Central library, welcomed a 14-person delegation from China visiting the Bay Area as part of a two- week program on Open Government. The visiting delegation consisted of governors, mayors, legislative officials, government administrators, and directors who were especially interested in learning more about making information accessible to citizens and about public participation in government decision-making. Staff provided the group with information on the role public library's play in disseminating government information to the public and a tour of the collection at the Central Library. The tour / program was arranged by the Asia Foundation, a non-partisan, nongovernmental organization which collaborates with private and public partners to support leadership and institutional development, exchanges, and policy research in the Asia- Pacific region.

## PERSONNEL

A summary of the positions filled and lists developed in the last month (Attachment 1).

### ATTACHMENTS:

1. Positions
2. CLA Staff reports
3. Foundation Center's Network Days Conference Staff Report

## BPL's Recruitment Timeline

Revised 11/24/08

<i>Classification</i>	<i>Posting Date</i>	<i>Closing Date</i>	<i>EXAM Date Tentative</i>	<i>Comments</i>
Bldg Maint Mech	11/17/08	12/22/08		
Admin Secretary	10/20/08 <i>CLOSED</i>	11/17/08	12/20/08	Written Exam- 4 sessions to be held.
Library Assistant	9/22/08 <i>CLOSED</i>	10/14/08	11/19/08	List to be established 12/1/08.
Library Specialist II	7/07/08 <i>CLOSED</i>	8/04/08	Supp Questionnaires rated by panel.	List established.
Library Specialist I	7/07/08 <i>CLOSED</i>	8/04/08	Supp Questionnaires rated by panel.	List established. Interviews to be conducted last wk of October.
Senior Librarian	6/16/08 <i>CLOSED</i>	7/14/08	Supp Questionnaires rated by panel.	Marti Morec selected for Sen Coll Dev Lib. Senior Teen Lib pending.
Librarian I/II	6/23/08 <i>CLOSED</i>	7/21/08	Supp Questionnaires rated by panel.	List valid thru 8/5/09.
TS/Coll Dev Manager	6/16/08 <i>CLOSED</i>	7/14/08	Supp Questionnaires rated by panel.	Megan McArdle selected. Start date 9/22/08
Supervising Library Assistant	4/14/08	5/12/08 <i>CLOSED</i>	Supplemental Questionnaires rated by panel.	Sam Zhang selected.
Building Maintenance Supervisor	4/14/08	5/12/08 <i>CLOSED</i>	<i>No exam (promotional)</i>	Steve Douglas selected. Start date 8/14/08.
Library Aide	3/10/08	3/31/08 <i>CLOSED</i>	Exam to be held Mid April	List valid thru 5/13/09
Supervising Librarian	3/19/2007	4/16/2007 <i>Closed</i>	Interviews Scheduled for WK Ending 6/22	<b>List Extended Thru 4/27/09</b>

**\*To be posted @ (WEB pages) ALA, CLA(Job Mart), libraryjobpostings.com (emailing lists) Innovative Users group, BALIS, CALA, REFORMA, BCALA, AILA, APALA (Will contact CAL & SJ State re: Ltrs to Alumni)**

**\*\*To be posted @CLA, BALIS, IUG**

**California Library Association Annual Conference  
San Jose, November 14-17, 2008  
Staff Reports**

Donna Corbeil, Director of Library Services

On Friday myself and six other members of the Library attended a half-day workshop, Leaders in Libraries, masters of Change! This was a wonderful opportunity for the group to think out side of the box as part of a workshop with others. I am a new member of the CLA Assembly, this is the oversight committee for the statewide organization. Our major endeavor this year is to implement a reorganization voted on by the members to streamline the structure and take better advantage of electronic tools to communication among ourselves and with the membership. I attended several meeting related to this appointment and attended a meeting as a member of the CLA Legislative committee. There was extensive discussion related to the State budget and the pros and cons of putting a bond on the state ballot in 2010. In addition, there was discussion about trying to get the bar lowered for Library bonds to 55% vs the current 2/3rd requirement to help local jurisdictions fund needed construction.

Doug Smith, Deputy Director  
*Santa Clara University Library*

I joined the very enjoyable afternoon tour of the newly-opened Santa Clara University library, given by University Librarian Elizabeth Salzer. Experiencing a wide variety of library spaces over the past several years has made me an avid library tourist, and this experience only enhanced that predilection. The SCU campus is clustered around the old Mission Santa Clara and has a greater architectural unity, and beauty, than do most small colleges. The new \$95M library, which opened in March, has a mouthful of a name: *The Harrington Learning Commons, Sobrato Technology Center, and Orradre Library*. This four-story facility is extremely well-appointed and--not surprisingly due to its location at the heart of Silicon Valley--is brimming with impressive technology. All of the public computing is arranged around wavy pod-like tables, with extra-large flat screen PCs and Apples, and a multitude of wheeled chairs permitting students to work easily together. Especially interesting are the many group study rooms, some of which are called "collaboration rooms" and equipped with wall-sized monitors networked to video cams, multiple laptop connections and with floor-to-ceiling whiteboard services. Top-floor outdoor terraces, furnished with elegant hardwood lounges and offering palm-y views of the Valley with wireless connectivity gave the impression of a truly de luxe learning environment. Collection spaces and traffic flow have a transparency to their design with the result that this large facility feels not only unintimidating to the newcomer but downright welcoming. An inspiring new library definitely worth a visit--I even found myself wishing I was in college again.

*The Value of Libraries*

Among the many conference sessions I attended, there were several that stood out as particularly interesting and relevant. I'll highlight one from Monday, called "The Value of Libraries", in this report:

The San Francisco Public Library's Luis Herrera, Donna Bero and Kathy Lawhun joined Deputy State Librarian Stacey Aldrich in a discussion of the value of libraries--"value" defined specifically in terms of return on the community's investment of taxpayer dollars. I generally think that this message--that we work for the citizens whose taxes comprise our budgets, and therefore the need to assess to ourselves, our funders, and stakeholders that investing those dollars in libraries is as worthy as we librarians assume it to be--is one that can't be emphasized enough. To do just this, the Friends of the SFPL commissioned an independent study which describes and quantifies the value the library system provides to the San Francisco community. SFPL's planning consultants approached the task by considering the many roles the library plays, and describing the community benefits stemming from the direct provision of

services--including circulation of materials, the availability of public access computing, meeting room space, and other functions. They created a "benefit assessment framework" to analyze the diverse array of values that the library provides. This framework had five bases on which very specific services and values were addressed: *Enriching Personal Learning and Recreation*; *Fostering Economic and Workforce Development*; *Partnering for Education and Early Literacy*; *Creating and Strengthening Communities*; and *Enhancing Image and Identity for SF and Its Neighborhoods*. Ultimately, the study actually quantified in terms of a dollar value which they felt was a reliable (a conservative one at that) indicator of the SF taxpayers' return on investment. This was well over \$3 of value per \$1 of taxes paid into the SFPL budget. This approach reminded me very much of the recent Urban Library Council's recent study *Making Cities Stronger*, which outlined similar modalities around which arguments in favor of public libraries' high value can be made.

One final great discovery for me: Ms. Aldrich cited a very cool web app called the *Library Use Value Calculator* which many libraries have placed on their public web sites. Patrons can quantify their specific uses (books borrowed, programs attended, databases searched, etc.) and a dollar value of these services is immediately rendered. I input my BPL use on the Alameda Free Library's site and, gee, it turns out my library use is worth nearly two thousand bucks. Makes the tax bill seem quite worth it!

Megan McArdle, Library Services Manager for Technical Services and Collection Development  
As a new staff member and new Californian, it was my pleasure to attend CLA this year in San Jose. The highlight of my attendance was a "Leaders in Libraries" institute held on Friday, November 14<sup>th</sup>. Along with the majority of my management team colleagues, I learned some valuable tips about leadership styles, and was inspired by some of the changes that leaders in other libraries instituted, both large and small. The chance to think about opportunities for change and innovation was made even more relevant as the BPL management team discussed what changes we most wanted to see, and brainstormed about how we could make some of those changes reality. I was also able to return over the weekend to tour the exhibits where I re-connected with vendors I knew and made new contacts that will help me in my position.

Sandy Schmidt, Librarian, Technical Services

With implementation of the cataloguing code now less than eighteen months away, I was eager to attend the program "OCLC applications of FRBR". OCLC is the international database from which libraries obtain most of the records in their catalogues; FRBR is a way of cataloguing materials within a larger context rather than cataloguing each title as a separate and independent entity.

The program began with an overview of FRBR, with which I was already familiar, and then moved to an examination of an OCLC database called Fiction Finder:

<http://fictionfinder.oclc.org/> OCLC has "FRBR-ized" Fiction Finder, and it was interesting to see a concrete example of the contrast between how a traditional automated catalogue, such as Berkeley Public Library's current catalogue, presents user search results, and how a catalogue using FRBR presents them. Time did not permit more than a quick overview of Fiction Finder, but we were encouraged to investigate its capabilities further after the conference.

This program was my first chance to take a solid look at FRBR "in action". While those attending ran largely to technical services and IT staff, this would also have been a good, non-technical program for public service staff to attend to preview how and why upcoming changes to catalogues and cataloguing will affect library users and public services.

Another interesting program I attended was a short (15-minute) demonstration at the Infopeople exhibit of a screencasting tool called Jing. Libraries are starting to take advantage of screencasting technology to provide 24/7 answers to commonly asked questions on using library catalogues, databases, and website features. See, for example:

<http://info.infosoup.org/screencasts.asp>

Jing is a free screencasting tool, but it has limitations. Screencasts created with Jing can be no longer than five minutes, and cannot be edited. Because of these limitations, libraries who can

afford more sophisticated and expensive tools might well prefer to spend the money, but Jing is a viable option for libraries with smaller budgets.

Marge Sussman, West Branch

I attended 3 programs at CLA as well as taking a quick look at the exhibits:

1. Booktalking 2.0 – Joni Brodart and students

This workshop introduced ways of using technology to do booktalking so that the librarian isn't limited to reaching one class at a time. The presenters showed ways to use PowerPoint slides so that the visuals reached a larger audience, eg a school assembly or large PTA group. They also showed examples of booktalks on video that had been loaded onto library websites, specifically Teen pages. Some of these booktalks were actually done by teens as part of a library program.

2. Thinking Creatively about Spaces for Teens in Libraries

Given the excitement of having our Library Bond Measure FF passed this November, I was particularly glad to be able to hear ideas about involving teens in planning spaces for them in libraries. It was inspiring to see examples of some innovative and inexpensive spaces for Teens in libraries and other locations in the US and in Europe. We heard from Chris Noll from Noll & Tam, who talked about the new Teen Center at the Berkeley YMCA as well as showing photos of teen spaces he'd seen while traveling. Anthony Bernier was an eloquent advocate for teen involvement in the planning process. Lisa Rosenblum from Hayward PL talked about an inexpensive (relatively) remodel they did of their teen area, stressing 'branding' by using colored slatwall and cool signage. One interesting tidbit from Anthony was that the widely believed idea that teens want their space to be as far away as possible from children's areas in the library is a myth. He says there is no evidence for this 'myth' and that immigrant teens in particular feel the opposite because they tend to come to the library with younger siblings that they're in charge of.

3. Summer Reading Programs for Adults? That's a Great Idea!

Actually, I planned to attend a workshop called 'The Green Spot—Building, Furnishing and Promoting Green Libraries' but it was cancelled. Instead I went to this workshop.

Three librarians from LAPL presented ideas for setting up and implementing summer reading programs for adults that promote adult literacy and reading for pleasure, promote the library as a vital part of the community, and give libraries the opportunity to form partnerships with other community organizations. There were various program ideas including One Book One Review, Book Bingo, and online programs. Most used themes (eg gardening, mysteries); most gave tickets for drawings for prizes in exchange for reading and reviewing; all used volunteers to help promote and sign people up in the library. They talked about soliciting prizes from local businesses, having related programming, as well as talking about the nuts and bolts of how to do it all. I thought it was a great idea and I'm thinking of starting one this summer at West as an adjunct to the children's summer reading program.

Tara Rivera, Supervising Librarian, North Branch

I was very fortunate and appreciative that the library allowed me to attend CLA. I was able to see many of my peers and former colleagues. I attended a half day institute on leadership where I assessed my leadership style. I also went on a tour of two newly constructed branch libraries. There were many useful workshops I attended including statewide reference for tomorrow, library marketing, budgeting in difficult times, online social networking technologies, and summer reading programs for adults. Author Daniel Pink's presentation on the concepts from his book *The Whole New Mind* was very informative. Overall, CLA was a great experience. I hope to attend again.

Jack Baur, Teen Librarian

I am brand new to the Berkeley Public Library system, to the field of Teen Librarianship, and to California. As such, it was great having the opportunity to head down to San Jose for the

California Library Association Annual Conference. I met co-workers and colleagues, expanded my knowledge of teen literature, and collected a score of ideas for outreach and programming efforts. (I also got my 1st edition of *The Amazing Adventures of Kavelier and Clay* autographed by Micheal Chabon, which was very personally rewarding, if not exactly professionally rewarding...)

I attended several sessions at the CLA Conference, including:

- “Booktalking 2.0” – Explored the creation audio/visual content for teen websites to introduce teen readers to new books. Addressed methods and software necessary to create podcasts and “book trailers.” Exhibited existing efforts, and encouraged participants to involve teen patrons in the creation of such content. Demonstrated examples of successful Teen Services Department blogs wherein teens can view, post, and comment on video booktalks and book trailers.
- “Thinking Creatively About Spaces for Teens in Libraries” – This session focused on projects to create innovative and lively spaces for teen-aged patrons in many different parts of the United States and Europe, from modest re-models to total overhauls. The presenters focused on the importance of “branding” the teen space with logos, lively colors, and interesting furniture. They also stressed the need to create multi-functional spaces, allowing for multiple configurations of furniture, allowing patrons to collaborate around technology. There was a lively discussion about how different -- and not always congruous -- groups of patrons need to share library space, and one presenter spoke passionately about the fact that we are inclined to view teens as a problem rather than adapt the spaces we have to meet the ways that teens use our libraries and resources. All in all it was an interesting and inspiring session, and gave me great hopes and ideas for the upcoming renovations...
- “Beyond the Rainbow Canon: Books for LGBT Teens” - This session introduced me to a plethora of teen titles with gay characters and addressing gay themes. One of the librarians presenting offered a list of her Top 10 LGBT Teen Novels. She had looked all of these novels up in the catalogs of 10 libraries across the country to see how well they were represented -- 70% of libraries had 5 or more, and BPL had 9! This presentation led to a discussion of how libraries can reach out to LGBTQ teens, help address some of the issues they may be facing, offer programming, and ensure the library is a safe and welcoming place.
- “Urban Fiction for Teens” - This session introduced me to the previously unknown (to me) world of Urban Fiction, or “Street Lit” depending on who you ask. The presentation offered numerous titles, sources for reviews, and resources for maintaining current awareness of the genre. Attendees discussed challenges to Street Lit titles, where Street Lit titles should be shelved, and issues of loss and theft (which is *rampant*). This session was particularly valuable to me as there is a high demand for Street Lit at the South Branch, where I have just started working.
- Poster Session - Sunday morning there was a poster session that offered several ideas for Teen-related library programming, including promoting involvement in a CA based book award selected by teen readers, and writing workshops in the library.

In addition, I talked to vendors, sat in on the business meetings for the Public Library and Children and Young Adult Services sections, and met numerous vendors. All in all it was a great experience.

Colleen Fawley, Library Specialist II, Outreach Services

I attended the conference for two days Saturday, November 15<sup>th</sup> and Sunday, November 16. While there I attended 5 workshops and went to the exhibition hall. My first workshop was called “The California Writer panel: Experiencing World War II From the Eyes of the Disenfranchised.” Included were the African American experience as seen through the Port Chicago munity, the Italian American Experience, and the war seen through the eyes of a Chinese American raised in San Francisco Chinatown. Besides recommending three wonderful

books it gave me insight into the art collecting people's stories. All three of the authors had extensively interviewed people that had been involved in the history before writing their books. This may prove useful in my work on the Boomer Grant Task Force: Desegregation of Berkeley Schools Oral History.

The next workshop was a Master Speaker: "Developing a Whole New Mind" by Daniel Pink. To me this was more useful on a personal level as I decide how I am to expand my education in the future. Another workshop "The Audio Revolution" gave me a list of resources to share with our collection development librarian, Marti Morec, as did my tour of the exhibit hall. I ended the conference with a workshop about a California Indian Historical Resources project that is being done by the state library in Sacramento. It served to reinforce my opinion that having a California Indian collection is very important. I feel that the Berkeley Public Library and I are both better for having attended this conference.

Rev 12.8.08

**Andrea Moss, Librarian, Central Library, Reference**

*Notes from my attendance at the Foundation Center's Network Days conference in New York, October 10-11.* New Cooperating Collections are required to send at least one staff member to a Network conference during their first year.

The Foundation Center's own main (NYC) library is thorough and extensive, covering topics on all aspects of philanthropy, grantmaking, and nonprofit business. Their staff have an impressive level of expertise and depth; they'll answer reference questions via phone or email 5 days a week.

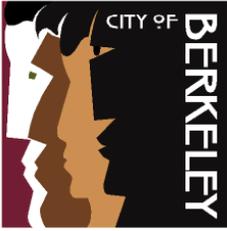
One area they emphasize is the importance of what might be called 'nonprofit health'. This concept (current jargon: 'capacity building') is very relevant to public library patrons involved in startup nonprofit organizations.

The Foundation Center wants to help nonprofit organizations function as best as possible; many of their resources and workshops are geared toward this. While this kind of in-depth work is generally beyond the scope of the Public Library, it's worth thinking and knowing about. At the very least, our being a Cooperating Collection, and making the Foundation Center's resources available to our patrons, is a start.

I learned that funding for most nonprofits is much more complex than simply getting a few grants. Most organizations need several sources of revenue; often the most important is some form of fee-for-service. (*Nonprofit* doesn't mean *non-money*.) Many organizations raise about half their income by selling products or services. Also, the getting of grants rarely happens in the beginning of the life of an organization. This means the early years of a nonprofit organization are difficult and require tenacity. Typically, grants are received only after some period of success (i.e. establishing a track record, doing what you've set out to do, being able to demonstrate this, etc). It was interesting to observe some skillful ways of explaining this fact to people.

Learning the basics - about grants and nonprofit organizations - has been an eye-opener and has given me something to be proud of: the Berkeley Public Library can truly help people in need of this vital information. So far the Library has had two introductory public workshops, taught by the Foundation Center, with two more in the near future. We've also agreed to host an east bay "GASP" meeting in May. (GASP is *Grantwriters Anxiety Support Program*, a quarterly support meeting in San Francisco). I'm hopeful that the east bay GASP group will continue to grow and will feel welcome to hold their meetings at the library. I'm also hopeful that we can offer a once- or twice-monthly drop-in session for grantseekers, something less focused than the workshops taught by the Foundation Center but regular enough so folks will come in regularly to use the databases.

[*update:* on Monday morning I was dropping off an old computer monitor at the Alameda County Computer Recycling Center in west Berkeley. They had a 'we need donations to stay in business' sign posted, so I got into a conversation with the director. Turns out they are indeed in financial hot water. They're a nonprofit with nobody on staff trained to write grants. They were very interested to learn more, and plan to come to our workshop here at BPL next week.]



Finance Department  
General Services Division

**REQUEST FOR PROPOSALS (RFP)**  
**Specification No. [REDACTED]**  
**FOR**  
**PROJECT NAME [REDACTED]**  
**PROPOSALS WILL NOT BE OPENED AND READ PUBLICLY**

Dear Proposer:

The City of Berkeley is soliciting written proposals from qualified firms or individuals (*Briefly, enter in what you want proposals on.* ). As a Request for Proposal (RFP) this is not an invitation to bid and although price is very important, other factors will be taken into consideration.

The project scope, content of proposal, and vendor selection process are summarized in the RFP (attached).

**Proposals must be received no later than 2:00 pm, on Tuesday, [REDACTED], 2007.** All responses must be in a sealed envelope and have “**PROJECT NAME** ” and **Specification No. [REDACTED]** clearly marked on the **outer most mailing envelope**. Please submit one original and (*however many copies you need for (group) evaluation of proposals* ) copies of the proposal as follows:

**Mail or Hand Deliver To:**  
City of Berkeley  
Finance Department/General Services Division  
2180 Milvia Street, 3rd Floor  
Berkeley, CA 94704

Proposals will not be accepted after the date and time stated above. Incomplete proposal or proposals that do not conform to the requirements specified herein will not be considered. Issuance of the RFP does not obligate the City to award a contract, nor is the City liable for any costs incurred by the proposer in the preparation and submittal of proposals for the subject work. The City retains the right to award all or parts of this contract to several bidders, to not select any bidders, and/or to re-solicit proposals. The act of submitting a proposal is a declaration that the proposer has read the RFP and understands all the requirements and conditions.

**For questions** concerning the anticipated work, or scope of the project, please **contact [REDACTED] (Project Manager), [REDACTED] (title)**, via email at **Name@ci.berkeley.ca.us** no later than [REDACTED]. It is the vendor's responsibility to check for answers to questions or any addenda on the City of Berkeley's website at <http://www.cityofberkeley.info/ContentDisplay.aspx?id=7128>. For general questions concerning the submittal process, contact purchasing at 510-981-7320.

We look forward to receiving and reviewing your proposal.

Sincerely,

Sharon Thygesen  
General Services Manager

## I. BACKGROUND /SUMMARY/or INTRODUCTION

*Provide the details of the project*

## II. SCOPE OF SERVICES

Specific scope of services required tailored specifically for each RFP – these will then follow into the Contract Boilerplate “Scope of Service”). The scope of services should include the following information

- a. The term of the proposed contract – the anticipated date contract work will commence and date of completion.
- b. If relevant, where the services are to be performed.
- c. Critical dates for the project – when the contractor is to complete certain phases or components of work.
- d. Specific information and /or facilities the City will provide to proposer, if any.
- e. The scope should state that the contractor will complete all services listed for a certain amount of payment.

In order to promote competition and increase the number of eligible bidders, the RFP should avoid imposing unnecessary requirements or qualifications that unfairly restrict the competition.

## III. SUBMISSION REQUIREMENTS

All proposals shall include the following information, organized as separate sections of the proposal. The proposal should be concise and to the point.

### 1. Contractor Identification:

Provide the name of the firm, the firm's principal place of business, the name and telephone number of the contact person and company tax identification number.

### 2. Client References: (3-5 References is usual)

Provide a minimum of *xxxx (x)* client references. References should be California cities or other large public sector entities. Provide the designated person's name, title, organization, address, telephone number, and the project(s) that were completed under that client’s direction.

### 3. Price Proposal:

The proposal shall include pricing for all services. Pricing shall be all inclusive unless indicated otherwise on a separate pricing sheet. The Proposal shall itemize all services, including hourly rates for all professional, technical and support personnel, and all other charges related to completion of the work shall be itemized.

**Note on maintenance cost: If equipment is being purchased in this RFP, and future maintenance of the equipment can only be provided by the equipment supplier, the maintenance cost for 3 years beyond the initial warranty period must be requested in the RFP pricing section. The maintenance cost must be included and evaluated as part of the pricing evaluation. For further discussion or guidance on this issue, please contact Finance – General Services.**

### 4. Contract Terminations:

**If your organization has had a contract terminated in the last five years, describe such incident.** Termination for default is defined as notice to stop performance due to the vendor’s non-performance or poor

performance and the issue of performance was either (a) not litigated due to inaction on the part of the vendor, or (b) litigated and such litigation determined that the vendor was in default.

Submit full details of the terms for default including the other party's name, address, and phone number. Present the vendor's position on the matter. The City will evaluate the facts and may, at its sole discretion, reject the proposal on the grounds of the past experience.

If the firm has not experienced any such termination for default or early termination in the past five years, so indicate.

- 5. (Other submission requirements needed to evaluate proposals and determine if contractor is qualified to do project.)

**IV. SELECTION CRITERIA**

The following criteria will be considered, although not exclusively, in determining which firm is hired.

- 1. References (xx points or percentage)
- 2. Costs (xx point or percentage)
- 3. (other items the contractor has been requested to submit in order to evaluate their qualifications to do this project.) (xx points or percentage)

A selection panel will be convened of staff (to do the review)

**V. PAYMENT**

*Suggested Language*

*Invoices: Invoices must be fully itemized, and provide sufficient information for approving payment and audit. Invoices must be accompanied by receipt for services in order for payment to be processed. Mail invoices to the Project Manager and reference the contract number.*

*Example: City of Berkeley  
Accounts Payable  
PO Box 700  
Berkeley, CA 94701*

*Payments: The City will make payment to the vendor within 30- days of receipt of a correct and complete invoice.*

**VI. CITY REQUIREMENTS**

*(Do not modify any part of this section except: Living Wage would not apply if commodities are being purchased and Equal Benefits would not apply if the contract amount will be less than \$25,000. If this is the case, do not delete the section just note next to it "Does Not Apply to this Request For Proposal")*

**A. Non-Discrimination Requirements:**

Ordinance No. 5876-N.S. codified in B.M.C. Chapter 13.26 states that, for contracts worth more than \$3,000 bids for supplies or bids or proposals for services shall include a completed Workforce Composition Form. Businesses with fewer than five employees are exempt from submitting this form. (See B.M.C. 13.26.030)

Under B.M.C. section 13.26.060, the City may require any bidder or vendor it believes may have discriminated to submit a Non-Discrimination Program. The Contract Compliance Officer will make this determination. This applies to all contracts and all consultants (contractors). Berkeley Municipal Code section 13.26.070 requires that all contracts with the City contain a non-discrimination clause, in which the contractor agrees not to discriminate and allows the City access to records necessary to monitor compliance. This section also applies to all contracts and all consultants. **Bidders must submit the attached Non-Discrimination Disclosure Form with their proposal**

**B. Nuclear Free Berkeley Disclosure Form:**

Berkeley Municipal Code section 12.90.070 prohibits the City from granting contracts to companies that knowingly engage in work for nuclear weapons. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that engages in nuclear weapons work. If your company engages in work for nuclear weapons, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Nuclear Free Disclosure Form with their proposal.**

**C. Oppressive States:**

The City of Berkeley prohibits granting of contracts to firms that knowingly provide personal services to specified Countries. This contracting prohibition may be waived if the City Council determines that no reasonable alternative exists to doing business with a company that is covered by City Council Resolution No. 59,853-N.S. If your company or any subsidiary is covered, explain on the Disclosure Form the nature of such work. **Bidders must submit the attached Oppressive States Disclosure Form with their proposal.**

**D. Conflict of Interest:**

In the sole judgment of the City, any and all proposals are subject to disqualification on the basis of a conflict of interest. The City may not contract with a vendor if the vendor or an employee, officer or director of the proposer's firm, or any immediate family member of the preceding, has served as an elected official, employee, board or commission member of the City who influences the making of the contract.

Furthermore, the City may not contract with any vendor whose income, investment, or real property interest may be affected by the contract. The City, at its sole option, may disqualify any proposal on the basis of such a conflict of interest. **Please identify any person associated with the firm that has a potential conflict of interest.**

**E. Berkeley Living Wage Ordinance:**

Chapter 13.27 of the Berkeley Municipal Code requires that contractors offer all eligible employees with City mandated minimum compensation during the term of any contract that may be awarded by the City. If the Contractor is not currently subject to the Living Wage Ordinance, cumulative contracts with the City within a one-year period may subject Contractor to the requirements under B.M.C. Chapter 13.27. A certification of compliance with this ordinance will be required upon execution of a contract. The Living Wage rate is currently \$12.11 (if medical benefits are provided) or \$14.12 (if medical benefits are not provided). The Living Wage rate is adjusted automatically effective June 30<sup>th</sup> of each year commensurate with the corresponding increase in the Consumer Price Index published in April of each year. If the Living Wage rate is adjusted during the term of your agreement, you must pay the new adjusted rate to all eligible employees, regardless of what the rate was when the contract was executed.

**F. Berkeley Equal Benefits Ordinance:**

Chapter 13.29 of the Berkeley Municipal Code requires that contractors offer domestic partners the same access to benefits that are available to spouses. A certification of compliance with this ordinance will be required upon execution of a contract.

**G. Statement of Economic Interest:**

The City's Conflict of Interest Code designates "consultants" as a category of persons who must complete Form 700, Statement of Economic Interest, at the beginning of the contract period and again at the termination of the contract. The selected contractor will be required to complete the Form 700 before work may begin.

**VII. OTHER REQUIREMENTS**

**A. Insurance**

The selected contractor will be required to maintain general liability insurance in the minimum amount of \$1,000,000, automobile liability insurance in the minimum amount of \$500,000 and a professional liability insurance policy in the amount of \$1,000,000 to cover any claims arising out of the performance of the contract. The general liability and automobile insurance must name the City, its officers, agents, volunteers and employees as additional insureds.

***Insurance not Necessary: If the services are such that the risk of exposure to liability is very low, insurance may not be required. An example of such a service is an individual using his/her computer at home to lay out a newsletter for the City. This determination must be made by the Risk Manager in writing before the RFP is issued.***

***Insurance Waiver: A situation in which insurance is not necessary is different from a case in which insurance may be waived. An insurance waiver is appropriate where insurance would usually be necessary but when, as a policy matter, the City is willing to take the risk of allowing an uninsured or under-insured individual or business to perform the work (usually when the risk of liability is low). An insurance waiver may be granted only by the Risk Manager in writing with the approval of the City Manager. If a potential bidder expresses an inability to meet the insurance requirement, he or she should be encouraged to contact the Project Manager & Risk Manager for assistance in obtaining insurance.)***

**B. Worker's Compensation Insurance:**

*A selected contractor who employs any person shall maintain workers' compensation insurance in accordance with state requirements. Sole proprietors with no employees are not required to carry Worker's Compensation Insurance.*

*(Worker's Compensation Insurance cannot be waived for any person who employs others.)*

**C. Business License**

Virtually every contractor that does business with the City must obtain a City business license as mandated by B.M.C. Ch. 9.04. The business license requirement applies whether or not the contractor has an office within the City limits. However, a "casual" or "isolated" business transaction (B.M.C. section 9.04.010) does not subject the contractor to the license tax. The infirm, warehousing businesses and charitable organizations are the only entities specifically exempted in the code from the license requirement (see B.M.C. sections 9.04.290, 9.04.295 and 9.04.300). Non-profit organizations are granted partial exemptions (see B.M.C. section 9.04.305).

Vendor must apply for a City business license and show proof of application to Purchasing Manager within seven days of being selected as intended contractor.

The Customer Service Division of the Finance Department located at 1947 Center Street, Berkeley, CA 94704, issues business licenses. Contractors should contact this division for questions and/or information on obtaining a City business license, in person, or by calling 510-981-7200.

**D. Recycled Paper**

**All reports to the City shall be on recycled paper that contains at least 50% recycled product** when such paper is available at a cost of not greater than ten percent more than the cost of virgin paper, and when such paper is available at the time it is required. If recycled paper is not available the Contractor shall use white paper. Written reports or studies shall be *printed on both sides of the page* whenever practical.

**VIII. SCHEDULE (dates are subject to change)**

- |  |                             |
|--|-----------------------------|
| <input type="checkbox"/> Issue RFP to potential bidders:           | Potential/Actual issue date |
| <input type="checkbox"/> Proposals due from potential bidders      | Same on Letter              |
| <input type="checkbox"/> Complete Selection Process                | Date                        |
| <input type="checkbox"/> Council Approval of Contract (over \$25k) | Council Date                |
| <input type="checkbox"/> Award of Contract                         | Date (usually next day)     |
| <input type="checkbox"/> Sign and Process Contract                 | Date                        |
| <input type="checkbox"/> Notice to proceed                         | Date (usually next day)     |

Thank you for your interest in working with the City of Berkeley for this service. We look forward to receiving your proposal.

Attachments:

- |   |              |
|---|--------------|
| • Check List of Required items for Submittal    | Attachment A |
| • Non-Discrimination/Workforce Composition Form | Attachment B |
| • Nuclear Free Disclosure Form                  | Attachment C |
| • Oppressive States Form                        | Attachment D |
| • Living Wage Form                              | Attachment E |
| • Equal Benefits Disclosure Form                | Attachment F |
| • Right to Audit Form                           | Attachment G |
| • Insurance Endorsement                         | Attachment H |
| • Equal Benefits Certification of Compliance    | Attachment I |

**ATTACHMENT A**

**CHECKLIST**

- Proposal describing service (one original and *(number of copies being requested from coverletter)*)
- Contractor Identification
- Client References
- Costs proposal by task, type of service & personnel
- Other items the contractor is being requested to supply*
- The following forms, completed and **signed in blue ink** (attached):
  - Non-Discrimination/Workforce Composition Form Attachment B
  - Nuclear Free Disclosure Form Attachment C
  - Oppressive States Form Attachment D
  - Living Wage Form *(may be optional)* Attachment E
  - Equal Benefits Disclosure Form *(may be optional)* Attachment F

**ADDITIONAL SUBMITTALS REQUIRED FROM SELECTED VENDOR AFTER COUNCIL APPROVAL TO AWARD CONTRACT.**

- Provide **original-signed in blue ink** Evidence of Insurance
  - Auto
  - Liability
  - Worker's Compensation
- Right to Audit Form Attachment G
- Commercial General & Automobile Liability Endorsement Form Attachment H
- Equal Benefits Ordinance Certification of Compliance (EBO-1) Attachment I
- Berkeley Business License

**NON-DISCRIMINATION/WORKFORCE COMPOSITION FORM FOR NON-CONSTRUCTION CONTRACTS**

To assist the City of Berkeley in implementing its Non-Discrimination policy, it is requested that you furnish information regarding your personnel as requested below and return it to the City Department handling your contract:

**Organization:** \_\_\_\_\_ **Address:** \_\_\_\_\_ **Business License#:** \_\_\_\_\_

Occupational Category: _____ (See reverse side for explanation of terms)	Total Employees		White		Black		Asian		Hispanic		Other	
	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male
Official/Administrators												
Professionals												
Technicians												
Protective Service Workers												
Para-Professionals												
Office/Clerical												
Skilled Craft Workers												
Service/Maintenance												
Other (Specify)												
<b>TOTALS:</b>												

Is your business MBE/WBE/DBE certified? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, by what agency? \_\_\_\_\_

If yes, please specify: Male: \_\_\_\_\_ Female: \_\_\_\_\_ Indicate ethnic identification \_\_\_\_\_

Do you have a Non-Discrimination policy? Yes \_\_\_\_\_ No \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Verified by: \_\_\_\_\_

Date: \_\_\_\_\_

## Occupational Categories

**Officials and Administrators** - Occupations in which employees set broad policies, exercise overall responsibility for execution of these policies, or provide specialized consultation on a regional, district or area basis. Includes: department heads, bureau chiefs, division chiefs, directors, deputy superintendents, unit supervisors and kindred workers.

**Professionals** - Occupations that require specialized and theoretical knowledge that is usually acquired through college training or through work experience and other training that provides comparable knowledge. Includes: personnel and labor relations workers, social workers, doctors, psychologists, registered nurses, economists, dietitians, lawyers, systems analysts, accountants, engineers, employment and vocational rehabilitation counselors, teachers or instructors, and kindred workers.

**Technicians** - Occupations that require a combination of basic scientific or technical knowledge and manual skill that can be obtained through specialized post-secondary school education or through equivalent on-the-job training. Includes: computer programmers and operators, technical illustrators, highway technicians, technicians (medical, dental, electronic, physical sciences) and kindred workers.

**Protective Service Workers** - Occupations in which workers are entrusted with public safety, security and protection from destructive forces. Includes: police officers, fire fighters, guards, sheriffs, bailiffs, correctional officers, detectives, marshals, harbor patrol officers, and kindred workers.

**Para-Professionals** - Occupations in which workers perform some of the duties of a professional or technician in a supportive role, which usually requires less formal training and/or experience normally required for professional or technical status. Such positions may fall within an identified pattern of a staff development and promotion under a "New Careers" concept. Includes: library assistants, research assistants, medical aides, child support workers, police auxiliary, welfare service aides, recreation assistants, homemaker aides, home health aides, and kindred workers.

**Office and Clerical** - Occupations in which workers are responsible for internal and external communication, recording and retrieval of data and/or information and other paperwork required in an office. Includes: bookkeepers, messengers, office machine operators, clerk-typists, stenographers, court transcribers, hearings reporters, statistical clerks, dispatchers, license distributors, payroll clerks, and kindred workers.

**Skilled Craft Workers** - Occupations in which workers perform jobs which require special manual skill and a thorough and comprehensive knowledge of the processes involved in the work which is acquired through on-the-job training and experience or through apprenticeship or other formal training programs. Includes: mechanics and repairpersons, electricians, heavy equipment operators, stationary engineers, skilled machining occupations, carpenters, compositors and typesetters, and kindred workers.

**Service/Maintenance** - Occupations in which workers perform duties which result in or contribute to the comfort, convenience, hygiene or safety of the general public or which contribute to the upkeep and care of buildings, facilities or grounds of public property. Workers in this group may operate machinery. Includes: chauffeurs, laundry and dry cleaning operatives, truck drivers, bus drivers, garage laborers, custodial personnel, gardeners and groundskeepers, refuse collectors, and construction laborers.

**CITY OF BERKELEY**  
**Nuclear Free Zone Disclosure Form**

I (we) certify that:

1. I am (we are) fully cognizant of any and all contracts held, products made or otherwise handled by this business entity, and of any such that are anticipated to be entered into, produced or handled for the duration of its contract(s) with the City of Berkeley. (To this end, more than one individual may sign this disclosure form, if a description of which type of contracts each individual is cognizant is attached.)
2. I (we) understand that Section 12.90.070 of the Nuclear Free Berkeley Act (Berkeley Municipal Code Ch. 12.90; Ordinance No. 5784-N.S.) prohibits the City of Berkeley from contracting with any person or business that knowingly engages in work for nuclear weapons.
3. I (we) understand the meaning of the following terms as set forth in Berkeley Municipal Code Section 12.90.130:

"Work for nuclear weapons" is any work the purpose of which is the development, testing, production, maintenance or storage of nuclear weapons or the components of nuclear weapons; or any secret or classified research or evaluation of nuclear weapons; or any operation, management or administration of such work.

"Nuclear weapon" is any device, the intended explosion of which results from the energy released by reactions involving atomic nuclei, either fission or fusion or both. This definition of nuclear weapons includes the means of transporting, guiding, propelling or triggering the weapon if and only if such means is destroyed or rendered useless in the normal propelling, triggering, or detonation of the weapon.

"Component of a nuclear weapon" is any device, radioactive or non-radioactive, the primary intended function of which is to contribute to the operation of a nuclear weapon (or be a part of a nuclear weapon).

4. Neither this business entity nor its parent nor any of its subsidiaries engages in work for nuclear weapons or anticipates entering into such work for the duration of its contract(s) with the City of Berkeley.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project name/XX-XXXXX**

**CITY OF BERKELEY**  
**Oppressive States Compliance Statement for Personal Services**

The undersigned, an authorized agent of \_\_\_\_\_(hereafter "Vendor"), has had an opportunity to review the requirements of Berkeley City Council Resolution No. 59,853-N.S. (hereafter "Resolution"). Vendor understands and agrees that the City may choose with whom it will maintain business relations and may refrain from contracting with those Business Entities which maintain business relationships with morally repugnant regimes. Vendor understands the meaning of the following terms used in the Resolution:

"Business Entity" means "any individual, firm, partnership, corporation, association or any other commercial organization, including parent-entities and wholly-owned subsidiaries" (to the extent that their operations are related to the purpose of the contract with the City).

"Oppressive State" means: **Tibet Autonomous Region and the Provinces of Abo, Kham and U-Tsang**

"Personal Services" means "the performance of any work or labor and shall also include acting as an independent contractor or providing any consulting advice or assistance, or otherwise acting as an agent pursuant to a contractual relationship."

Contractor understands that it is not eligible to receive or retain a City contract if at the time the contract is executed, or at any time during the term of the contract it provides Personal Services to:

- a. The governing regime in any Oppressive State.
- b. Any business or corporation organized under the authority of the governing regime of any Oppressive State.
- c. Any person for the express purpose of assisting in business operations or trading with any public or private entity located in any Oppressive State.

Vendor further understands and agrees that Vendor's failure to comply with the Resolution shall constitute a default of the contract and the City Manager may terminate the contract and bar Vendor from bidding on future contracts with the City for five (5) years from the effective date of the contract termination.

The undersigned is familiar with, or has made a reasonable effort to become familiar with, Vendor's business structure and the geographic extent of its operations. By executing the Statement, Vendor certifies that it complies with the requirements of the Resolution and that if any time during the term of the contract it ceases to comply, Vendor will promptly notify the City Manager in writing.

Based on the foregoing, the undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No.: **Project Name/ XX-XXXXX**

I am unable to execute this Statement; however, Vendor is exempt under Section VII of the Resolution. I have attached a separate statement explaining the reason(s) Vendor cannot comply and the basis for any requested exemption.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CITY OF BERKELEY**  
**Living Wage Certification for Providers of Personal Services**

**TO BE COMPLETED BY ALL PERSONS OR ENTITIES ENGAGING IN A CONTRACT FOR PERSONAL SERVICES WITH THE CITY OF BERKELEY.**

The Berkeley Municipal Code Chapter 13.27, Berkeley's Living Wage Ordinance (LWO), provides that contractors who engage in a specified amount of business with the City (except where specifically exempted) under contracts which furnish services to or for the City in any twelve (12) month period of time shall comply with all provisions of this Ordinance. The LWO requires a City contractor to provide City mandated minimum compensation to all eligible employees, as defined in the Ordinance. In order to determine whether this contract is subject to the terms of the LWO, please respond to the questions below. Please note that the LWO applies to those contracts where the contractor has achieved a cumulative dollar contracting amount with the City. Therefore, even if the LWO is inapplicable to this contract, subsequent contracts may be subject to compliance with the LWO. Furthermore, the contract may become subject to the LWO if the status of the Contractor's employees change (i.e. additional employees are hired) so that Contractor falls within the scope of the Ordinance.

**Section I.**

**1. IF YOU ARE A FOR-PROFIT BUSINESS, PLEASE ANSWER THE FOLLOWING QUESTIONS**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid, or proposal, with the City of Berkeley for a cumulative amount of \$25,000.00 or more?  
YES \_\_\_\_ NO \_\_\_\_

If **no**, this contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If **yes**, please continue to question 1(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?  
YES \_\_\_\_ NO \_\_\_\_

If you have answered, "YES" to questions 1(a) and 1(b) this contract **IS** subject to the LWO. If you responded "NO" to 1(b) this contract **IS NOT** subject to the LWO. **Please continue to Section II.**

**2. IF YOU ARE A NON-PROFIT BUSINESS, AS DEFINED BY SECTION 501(C) OF THE INTERNAL REVENUE CODE OF 1954, PLEASE ANSWER THE FOLLOWING QUESTIONS.**

a. During the previous twelve (12) months, have you entered into contracts, including the present contract, bid or proposal, with the City of Berkeley for a cumulative amount of \$100,000.00 or more?  
YES \_\_\_\_ NO \_\_\_\_

If no, this Contract is NOT subject to the requirements of the LWO, and you may continue to Section II. If yes, please continue to question 2(b).

b. Do you have six (6) or more employees, including part-time and stipend workers?  
YES \_\_\_\_ NO \_\_\_\_

If you have answered, "YES" to questions 2(a) and 2(b) this contract **IS** subject to the LWO. If you responded "NO" to 2(b) this contract **IS NOT** subject to the LWO. **Please continue to Section II.**

**Section II**

**Please read, complete, and sign the following:**

THIS CONTRACT IS SUBJECT TO THE LIVING WAGE ORDINANCE.

THIS CONTRACT IS NOT SUBJECT TO THE LIVING WAGE ORDINANCE.

The undersigned, on behalf of himself or herself individually and on behalf of his or her business or organization, hereby certifies that he or she is fully aware of Berkeley's Living Wage Ordinance, and the applicability of the Living Wage Ordinance, and the applicability of the subject contract, as determined herein. The undersigned further agrees to be bound by all of the terms of the Living Wage Ordinance, as mandated in the Berkeley Municipal Code, Chapter 13.27. If, at any time during the term of the contract, the answers to the questions posed herein change so that Contractor would be subject to the LWO, Contractor will promptly notify the City Manager in writing. Contractor further understands and agrees that the failure to comply with the LWO, this certification, or the terms of the Contract as it applies to the LWO, shall constitute a default of the Contract and the City Manager may terminate the contract and bar Contractor from future contracts with the City for five (5) years from the effective date of the Contract termination. If the contractor is a for-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 25% or more of their compensated time engaged in work directly related to the contract with the City. If the contractor is a non-profit business and the LWO is applicable to this contract, the contractor must pay a living wage to all employees who spend 50% or more of their compensated time engaged in work directly related to the contract with the City.

These statements are made under penalty of perjury under the laws of the state of California.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Contract Description/Specification No: **Project Name/ XX-XXXXX**

**Section III**

- 
- **\*\* FOR ADMINISTRATIVE USE ONLY -- PLEASE PRINT CLEARLY \*\***

I have reviewed this Living Wage Certification form, in addition to verifying Contractor's total dollar amount contract commitments with the City in the past twelve (12) months, and determined that this Contract IS / IS NOT (circle one) subject to Berkeley's Living Wage Ordinance.

\_\_\_\_\_  
Department Name

\_\_\_\_\_  
Department Representative

**CITY OF BERKELEY**  
**Equal Benefits Ordinance Disclosure Form**

As a condition of being awarded a contract with the City of Berkeley, the selected Contractor/Vendor (“Contractor”) may be required, during the performance of the contract, to comply with the City’s non-discrimination provisions of the Equal Benefits Ordinance (“EBO”) as set forth in Berkeley Municipal Code, Chapter 13.29. The EBO requires that during the performance of a contract, the Contractor shall provide equal benefits to its employees with spouses and employees with domestic partners. Benefits include, but are not limited to, health benefits, bereavement leave, family medical leaves, membership and membership discounts, moving expenses, retirement benefits, and travel benefits. A cash equivalent payment is permitted if an employer has taken all reasonable efforts to provide domestic partner’s with access to benefits but is unable to do so. A situation in which a cash equivalent payment might be used is if the employer has difficulty finding an insurance provider that is willing to provide domestic partner benefits

**The EBO is applicable to the following employers:**

- For-profit employers that have a contract with the City for the purchase of goods, services, public works or improvements, and other construction projects in the amount of \$25,000 or more
- Non-profit employers that have a contract with the City for the purchase of goods, services, public works or improvements, and other construction projects in the amount of \$100,000 or more
- Lessees of public property, licensees, concessionaires, and franchises that generate \$350,000 or more in annual gross receipts
- Entities which receive a grant agreement of \$100,000 or more

Contractors who are subject to the EBO must certify to the City before execution of the contract by completing form EBO-1 that they are in compliance with the EBO or have been issued a waiver by the City. Contractors must also allow authorized City representatives access to records so the City can verify compliance with the Ordinance.

The EBO includes provisions that address difficulties associated with implementing procedures to comply with the EBO. Contractors can delay implementation of procedures to comply with the EBO in the following situations:

- (1) until the first effective date after the first open enrollment process following the contract execution date, not to exceed two years if the Contractor submits evidence of engaging in reasonable efforts to comply with the EBO;
- (2) until administrative steps can be taken to incorporate nondiscrimination in benefits in the contractor’s infrastructure, not to exceed three months, unless extended at the discretion of the City Manager; and
- (3) until the expiration of a Contractor’s current collective bargaining agreement(s)

**Compliance with the EBO**

If a Contractor has not received a waiver from complying with the EBO and the timeframe within which it can delay implementation has expired but it has failed to comply with the EBO, the Contractor may be deemed to be in material breach of the City agreement. In the event of a material breach, the City may cancel, terminate or suspend the City agreement, in whole or in part. The City also may deem the Contractor an irresponsible bidder and disqualify the Contractor from contracting with the City for a period of five years. In addition, the City may assess liquidated damages against the Contractor which may be deducted from money otherwise due the Contractor, and pursue any other remedies available at law or in equity.

By my signature below, I acknowledge that the Contractor understands that to the extent it is subject to the provisions of B.M.C. Chapter 13.29, the Contractor shall comply with this provision.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Entity: \_\_\_\_\_

Specification No.: **Project Name/ XX-XXXXX**

**CITY OF BERKELEY**  
**Right to Audit Form**

The contractor agrees that pursuant to Section 61 of the Berkeley City Charter, the City Auditor's office may conduct an audit of Contractor's financial, performance and compliance records maintained in connection with the operations and services performed under this contract.

In the event of such audit, Contractor agrees to provide the Auditor with reasonable access to Contractor's employees and make all such financial, performance and compliance records available to the Auditor's office. City agrees to provide Contractor an opportunity to discuss and respond to/any findings before a final audit report is filed.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name & Title: \_\_\_\_\_

Company: \_\_\_\_\_

Contract Description/Specification No: **Project Name/ XX-XXXXX**

Please direct questions regarding this form to the Auditor's Office, at (510) 981-6750.

**CITY OF BERKELEY**  
**Commercial General and Automobile Liability Endorsement**

The attached Certificates of Insurance are hereby certified to be a part of the following policies having the following expiration dates:

<b>Policy No.</b>	<b>Company Providing Policy</b>	<b>Expir. Date</b>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The scope of the insurance afforded by the policies designated in the attached certificates is not less than that which is afforded by the Insurance Service Organization's or other "Standard Provisions" forms in use by the insurance company in the territory in which coverage is afforded.

Such Policies provide for or are hereby amended to provide for the following:

1. The named insured is \_\_\_\_\_.
2. CITY OF BERKELEY ("City") is hereby included as an additional insured with respect to liability arising out of the hazards or operations under or in connection with the following agreement:  
\_\_\_\_\_.

The insurance provided applies as though separate policies are in effect for both the named insured and City, but does not increase the limits of liability set forth in said policies.

3. The limits of liability under the policies are not less than those shown on the certificate to which this endorsement is attached.
4. Cancellation or material reduction of this coverage will not be effective until thirty (30) days following written notice to \_\_\_\_\_, Department of \_\_\_\_\_, Berkeley, CA.
5. This insurance is primary and insurer is not entitled to any contribution from insurance in effect for City.

The term "City" includes successors and assigns of City and the officers, employees, agents and volunteers.

\_\_\_\_\_  
Insurance Company

Date: \_\_\_\_\_ By: \_\_\_\_\_  
Signature of Underwriter's  
Authorized Representative

Contract Description/Specification No: **Project Name/ XX-XXXXXX**

To be completed by  
Contractor/Vendor

**Form EBO-1  
CITY OF BERKELEY**



**CERTIFICATION OF COMPLIANCE WITH EQUAL BENEFITS ORDINANCE**

If you are a **contractor**, return this form to the originating department/project manager. If you are a **vendor** (supplier of goods), return this form to the Purchasing Division of the Finance Dept.

**SECTION 1. CONTRACTOR/VENDOR INFORMATION**

Name:		Vendor No.:	
Address:	City:	State:	ZIP:
Contact Person:		Telephone:	
E-mail Address:		Fax No.:	

**SECTION 2. COMPLIANCE QUESTIONS**

- A. The EBO is inapplicable to this contract because the contractor/vendor has no employees.  
 Yes  No (If "Yes," proceed to Section 5; if "No," continue to the next question.)
- B. Does your company provide (or make available at the employees' expense) any employee benefits?  
 Yes  No  
 If "Yes," continue to Question C.  
 If "No," proceed to Section 5. (The EBO is not applicable to you.)
- C. Does your company provide (or make available at the employees' expense) any benefits to the spouse of an employee? .....  Yes  No
- D. Does your company provide (or make available at the employees' expense) any benefits to the domestic partner of an employee? .....  Yes  No  
**If you answered "No" to both Questions C and D, proceed to Section 5. (The EBO is not applicable to this contract.) If you answered "Yes" to both Questions C and D, please continue to Question E. If you answered "Yes" to Question C and "No" to Question D, please continue to Section 3.**
- E. Are the benefits that are available to the spouse of an employee identical to the benefits that are available to the domestic partner of the employee?.....  Yes  No  
**If you answered "Yes,"** proceed to Section 4. (You are in compliance with the EBO.)  
**If you answered "No,"** continue to Section 3.

**SECTION 3. PROVISIONAL COMPLIANCE**

- A. Contractor/vendor is not in compliance with the EBO now but will comply by the following date:
  - By the first effective date after the first open enrollment process following the contract start date, not to exceed two years, if the Contractor submits evidence of taking reasonable measures to comply with the EBO; or
  - At such time that administrative steps can be taken to incorporate nondiscrimination in benefits in the Contractor's infrastructure, not to exceed three months; or
  - Upon expiration of the contractor's current collective bargaining agreement(s).
- B. If you have taken all reasonable measures to comply with the EBO but are unable to do so, do you agree to provide employees with a cash equivalent?\* .....  Yes  No

\* The cash equivalent is the amount of money your company pays for spousal benefits that are unavailable for domestic partners.

### SECTION 4. REQUIRED DOCUMENTATION

At time of issuance of purchase order or contract award, you may be required by the City to provide documentation (copy of employee handbook, eligibility statement from your plans, insurance provider statements, etc.) to verify that you do not discriminate in the provision of benefits.

### SECTION 5. CERTIFICATION

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am authorized to bind this entity contractually. By signing this certification, I further agree to comply with all additional obligations of the Equal Benefits Ordinance that are set forth in the Berkeley Municipal Code and in the terms of the contract or purchase order with the City.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_  
(City) (State)

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Federal ID or Social Security Number

**FOR CITY OF BERKELEY USE ONLY**

- Non-Compliant (The City may not do business with this contractor/vendor)
- One-Person Contractor/Vendor       Full Compliance       Reasonable Measures
- Provisional Compliance Category, Full Compliance by Date: \_\_\_\_\_
- Staff Name(*Sign and Print*): \_\_\_\_\_ Date: \_\_\_\_\_

Berkeley Public Library - Branch Renovation Program  
 Project Timeline – North Branch

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<b>Activity</b>	<b>Timeframe</b>	<b>Dates</b>	<b>Logistics</b>
Request for Proposals open period	4 weeks	Monday, January 5, 2009	
Pre-proposal meeting		Week of January 11 or January 18	1 or 2 days Branch tours; Q&A
RFP responses due		Monday, February 2 @ 5:00pm	
Review period	3-4 weeks	Week of March 1 or March 8	BRP selection committee review, COB review
Short list issued		Week of March 1 or March 8	
Interview invitations sent	1 week	Week of March 1 or March 8	At same time short list is issued
Interviews	1 week	Week of March 15 or March 22	1 or multiple days
Selection	1 week	Week of March 22 or March 29	
Tentative contract negotiation	1-2 weeks	Week of March 29 or April 5	
Recommendation to BOLT - contract		April 8, 2009 BOLT meeting or special meeting	
Design & Documents	26 weeks	October 2009	
Building permits	12 weeks	January 2010	
Out to Bid	12 weeks	April 2010	
Construction	52 weeks	April 2011	
Occupancy	8 weeks	June 2011	

<b>Activity</b>	<b>Timeframe</b>	<b>Dates</b>	<b>Logistics</b>
Request for Proposals open period	4 weeks	Monday, January 5, 2009	
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Interviews	1 week	Week of March 15 or March 22	1 or multiple days
Selection	1 week	Week of March 22 or March 29	
Tentative contract negotiation	1-2 weeks	Week of March 29 or April 5	
Recommendation to BOLT - contract		April 8, 2009 BOLT meeting or special meeting	
Design & Documents	62 weeks	June 2010	
Building permits	15 weeks	October 2010	
Out to Bid	15 weeks	February 2011	
Construction	52 weeks	April 2012	3-month overlap w/ North construction
Occupancy	8 weeks	June 2012	

**Board of Library Trustees  
Special meeting December 17, 2008**

*TO BE DELIVERED MATERIAL*

Action Calendar: A. Discussion and Possible Action on Branch Renovation Program  
Implementation Plan

1. Berkeley Public Library - Branch Renovation Program  
Project Timeline – South Branch
  2. Berkeley Public Library - Branch Renovation Program  
Project Timeline – North Branch
  3. Request for Proposals (RFP) - City of Berkeley - TEMPLATE
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