

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Library

BOARD AGENDA # \*B-16

Urgent

Routine

AGENDA DATE March 15, 2011

CEO Concurs with Recommendation YES  NO

4/5 Vote Required YES  NO

(Information Attached)

SUBJECT:

Approval of the Closure of the Denair Library on March 26, 2011 for Fumigation of Termites and to Authorize Staff to Explore Options for Housing of the Denair Library

STAFF RECOMMENDATIONS:

1. Authorize the closure of Denair Library on March 26, 2011 for fumigation of termites.
2. Authorize staff to explore options for housing of the Denair Library.

FISCAL IMPACT:

The cost of the fumigation will be funded by the Denair Community Services District, owner of the building. The annual branch operational costs are \$159,166 which includes salaries, services, supplies, collection materials, county costs, building upkeep and overhead charges. There is no additional fiscal impact to the Library associated with this request.

BOARD ACTION AS FOLLOWS:

No. 2011-166

On motion of Supervisor DeMartini, Seconded by Supervisor Withrow

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, DeMartini, and Chairman Monteith

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

## **DISCUSSION:**

Denair Library opened January 23, 1913, in the office of the Denair High School Principal, L.C. Newby. He was the acting librarian for a few months. Eventually, the library moved to a downstairs room and then to the block next to the local bank, at which time it became a branch of the Stanislaus County Free Library. In 1924, the library moved to a building across the highway; and again sometime between 1928-1946, to the old post office building. In October 1960, the branch was moved to a 600 square feet building at 4609 Main St. The Denair Library book collection was 4,767 volumes in 1966, with a circulation of 15,449. In 1970, Etta Clark became the librarian. The library was becoming too small for the amount of books and customers. On October 16, 1976, a rental agreement was signed with the Denair Community Services District for a new library location of approximately 2,000 square feet at 4801 Kersey Road. This is the current location of the Denair Library and is over three times larger than its previous location.

The Denair Library, currently located at 4801 Kersey Rd, is open to the public 24 hours per week; Tuesday through Thursday 12:00 p.m. – 6:00 p.m. and Saturday 11:00 a.m. – 5:00 p.m. Annual circulation at the Denair Library for Fiscal Year 2009-2010 was 26,587 volumes. Per capita this equals 7.13 volumes. The population of Denair based on the 2010 estimated census statistics is 3,728, reported by the California Department of Finance, Demographics Research. Of Denair's population, 96.9% are library cardholders.

### Library Closure for Termite Fumigation

The library building is owned and maintained by the Denair Community Services District. The Denair Community Services District is requesting that the Denair Library be closed on Saturday March 26, 2011 for the purpose of termite fumigation. Library staff has been notified that the fumigation process includes placing a tent over the entire library building that must remain for three days. This will occur March 25-March 27, 2011. The fumigation tent will be removed on March 28, 2011. A closure of one day instead of multiple days will allow the least amount of impact to the community. Two Library staff members will be scheduled to work their regular shift at other open library facilities. The Denair Library will re-open and be available to the public on Tuesday, March 29, 2011, at 12:00 p.m.

As part of its public information program, the Stanislaus County Library prepares a monthly calendar of events that is made available via the internet and through the local

media. Upon the Board of Supervisors approval of the recommended action, the Stanislaus County Library will update information which will inform members of the public of the closure on March 26, 2011. Denair Library customers will be informed by signage and in person in advance of said closure. Notification will also be provided to local community partners including the Denair Municipal Advisory Council, Denair Unified School District and Denair Fire District. The return period for any Stanislaus County Library material checked out at the Denair Library will be extended by one business day due to the Denair Library closure.

#### Explore Options for Housing for the Denair Library

Originally, the County paid rent in the amount of \$600 per month in addition to all charges for utilities and interior maintenance of the building. Denair Community Services District was required to repair and maintain, at its expense, the exterior of the building. Effective October 1, 1986, the Denair Community Services District agreed to no longer charge the County rent for the Denair Library. In addition, the Denair Community Services District agreed to pay all utility bills, provide janitorial service and supplies, maintain the grounds surrounding the library, and continue to provide ongoing and preventative maintenance of the Denair Library building. In exchange, the Library agreed to keep the Denair Library open for at least 18 hours per week subject to the availability of funds and resources.

On March 1, 2011 County Counsel received a letter (Attachment A), from Costanzo & Associates who represent Denair Community Services District, requesting the County to pay rent for the building in the amount of \$700 per month. In addition, the County would continue to pay costs to include interior maintenance, garbage, electricity, and janitorial services. The District will maintain the exterior of the building and continue to provide free water and sewer service.

This agreement has been discussed by the Denair Municipal Advisory Council at its regular meetings on several occasions. The Council is aware that the County is looking into this issue and will report back as necessary with any information as it becomes available.

While the library has not paid rent for the use of the building since 1986, it has paid significant costs for the upkeep of the building through the years. For at least the last seven years, the County has paid an average of about \$8,500 a year for the following services: alarm, janitorial, pest control, grounds maintenance, and routine building

maintenance. Additionally, the County paid \$12,052 in 2007 to perform roof repairs associated with pest damage, and \$2,000 in 2008 for roof patching.

As a result of the request for rent, Library staff is requesting the Board authorization to explore options for housing of the Denair Library.

**POLICY ISSUES:**

The Board of Supervisors must approve the closure of a County facility outside of a legal holiday. The Board should determine whether closure of the Denair Library for the fumigation of termites is consistent with its priority of A Healthy Community and A Strong Local Economy by provide library services and programs in an appropriate environment. Furthermore, the request to seek authorization to explore alternate options for housing the Denair library supports the Efficient Delivery of Public Services by ensuring the most cost-effective site.

**STAFFING IMPACT:**

The two employees assigned to Denair Library will be scheduled to work their regular shift at other open library facilities during the time of closure for the fumigation.

**CONTACT PERSON:**

Vanessa Czopek, County Librarian      Phone: 209-558-7801

NEAL E. COSTANZO  
MICHAEL G. SLATER

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OUR FILE NO. 03364-001

March 1, 2011

Via U.S. Mail & Fax: (209) 525-4473  
John P. Doring  
Stanislaus County Council  
1010 10<sup>th</sup> Street, Suite 6400  
Modesto, CA 95354

RECEIVED  
COUNTY COUNSEL  
2011 MAR - 3 A 11: 27

**RE: Stanislaus County Library, Denair Branch**

Dear Mr. Doring:

I represent Denair Community Services District. For decades, the County Library has occupied the Denair Branch Library located at the corner of Gratton Road and Kersey in the town of Denair. Originally, the County agreed to and paid rent for the privilege of occupying this building in addition to all charges for utilities, excluding water and sewer services provided by Denair, but including electricity, telephone, janitorial services and interior maintenance of the building. Denair was required to repair and maintain at its expense the exterior of the building. The County paid rent in the amount of \$600.

The original lease was entered into in 1983 and was subsequently renewed or extended thereafter until it expired by its terms on or about 1991. At some point during the term of the prior lease, apparently in 1986, Denair agreed, because of the County's lack of available funds that the building could be occupied rent free. Thereafter, the County sought and secured passage of a tax measure (Measure P) which was an increase of the sales tax specifically, for the benefit of the County Library System. I believe that Measure was renewed in 2005 and the County continues to receive those sales tax revenues.

The agreement allowing the County to occupy the building rent free expired long ago, and, in essence, the County Library has been occupying the building at this location as the Denair branch library as a month to month tenant. The building is aging and portions of the exterior, in addition to appliances such as air conditioning have had to be repaired and maintained by the District for many years, at its expense. The District is no longer in a position to allow the County to occupy this building rent free. It needs some minimal amount of rent in order to defray its cost of maintaining the exterior of the building

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and needs to generate a fund which can be used for expensive replacement of major appliances, such as the heating/air conditioning units.

We are proposing, pursuant to a directive of the Denair Community Services District Board of Directors, that the County again begin paying rent for this building and that it continue to pay the utilities, interior maintenance, telephone, janitorial and other expenses. The District would continue to maintain the exterior of the building. It would continue to provide free water and sewer service. We are proposing a rent of 35 cents per square foot which, given the size of the building, approximately 2,000 feet works out to a rent of \$700 per month. This is a below market rental arrangement and given the fact that the County does now have specific funding available for its libraries, we would request that the County enter into a new rental agreement for this building according to the terms outlined above and providing for the payment of the aforementioned rent. The original rental contract, which previously set rent at \$600. We are proposing the execution of a lease agreement substantially similar to the original, setting the rent at \$700 per month and continuing to require the County to pay for utilities, garbage, electricity, and janitorial services.

We would ask that the proposal that the County commence paying rent be placed on the agenda of the Board of Supervisors for their next regularly scheduled meeting. We are prepared to make a presentation at that time to the Board of Directors concerning our proposal. Please arrange to have this matter appear on the agenda of the Board of Supervisors, so that we can proceed with our proposal that the library begin paying to Denair rent for this building.

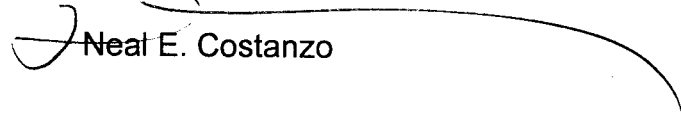
If you have any questions, or if for some reason you are unable to place the matter on the agenda for the Board of Supervisors at their next regularly scheduled meeting, please notify me of why that is the case. Denair Community Services District certainly does not wish to have the County vacate the building, but it cannot continue to maintain the building without some form of rent which can be used to fund activities necessary to repairs and/or maintain the exterior of the building.

If you have any questions concerning the foregoing please do not hesitate to contact me.

Sincerely,

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**COSTANZO & ASSOCIATES**

 Neal E. Costanzo

NEC/js  
C/C Gaylon Wade