

Board of Trustees, Chelan County Law Library

Meeting Minutes

July 25, 2022

Opening

The regular meeting of the Chelan County Law Library Board of Trustees was called to order at 12:07 p.m. on July 25, 2022 in Courtroom No. 2 of the Chelan County Superior Court, by Robert Sealby, President.

Present

Members of the Board:

Robert Sealby, President
Kevin Overbay, Chelan County Commissioner (Appearing by Zoom)
Travis C. Brandt, Chelan County Superior Court Judge
Danielle Marchant (Appearing by Zoom)
Lorna Randall (Appearing by Zoom)
Stewart Smith, Librarian / Secretary of the Board

Others in Attendance:

Fona Sugg, Superior Court Administrator
Kristin M. Ferrera, Chelan County Superior Court Judge

Welcome, Introductions, and Call to Order

Open Issues

1. Review and Approval of Minutes for the July 26, 2021, Meeting

A motion was made and seconded to accept the minutes as written. The motion passed unanimously.

2. Review and Approval of 2022 Annual Report

Mr. Smith provided the report and provided an overview of the document. Mr. Smith expressed the concern that the Law Library Fund was continuing to decrease to an uncomfortable level. Currently, the Law Library Fund has a balance of \$33,049.34. At the end of 2021, the Fund had a balance of \$38,276.91. Last year, about the time of the 2021 Annual Meeting, the Fund had a balance of \$55,388.45. For 2021, revenue did increase almost \$2,000 to \$56,580.26; however, expenditures also increased to \$84,358.34, about \$1,700 from the year before.

Mr. Smith attributed increased expenditures by: The expense charged by the Superior Court increased to \$44,814.00 in 2021; Central Service (the charge by the County for using the room for the Law Library) increased to \$5,748.00; and Books and References rose to \$33,423.19. In 2020, those expenditures were: Superior Court, \$41,955.00; Central Service, \$5,444.00; and Books and References, \$32,195.93. In 2019, those expenditures were as follows: Superior Court, 30,615.00; Central Service, \$3,633.00; and Books and References, \$29,858.35.

Ms. Marchant expressed much concern because, at this rate, the Law Library would have no money in its fund in 2 years. Ms. Marchant inquired about the charge by Central Service. Ms. Marchant cited RCW 27.24.066 which requires the county legislative authority to provide a room suitable for the law library. Ms. Marchant contends that, by the plain language of the statute, the county is to provide a room without charge. Ms. Marchant requested that Mr. Smith look into this issue and perhaps this will be an expenditure to eliminate.

Mr. Smith reported that there may be items to discontinue in order to reduce expenditures. One item is Washington Legislative Service, a subscription through Thomson Reuters / West which provides updates during the year of new laws and amendments to laws. The library patron may access such information using Lexis Advance. There may also be the possibility of renegotiating the contract with Thomson Reuters which will be up at the end of January, 2023, by eliminating some items. One item is Washington Digest. It is uncertain what savings may be derived as the Thomson Reuters' sales representative has indicated that by bundling the items included in the contract provides a 69.5% discount off retail price. So, it is uncertain whether seeking to eliminate certain titles will result in savings or disrupt the bundle pricing.

As requested at the last Annual Meeting, Mr. Smith kept track of his time for activities directly related to the Law Library. Through this process, Mr. Smith reports that his time averaged 4-5 hours each month in actual activity. Mr. Smith reminded the Board that he was available during the day to assist the public when he was not involved as Bailiff for jury trials or away on vacation, etc. Fona Sugg stated that other Superior Court staff provided assistance to the public when Mr. Smith was unable to perform because of other duties or he was away. Also, Fona Sugg provides services for the Law Library through accounting processes, paying the bills, and budgeting.

Ms. Sugg pointed out that the revenue from taxation which is transferred in from the general fund has stayed stagnant at \$30,000. Mr. Smith indicated that, from his review of Eden, the County's accounting program, that the transfer in of property tax at \$30,000 began in 2008. Before that time, the records indicated that a proportion of taxes for real property and personal property had resulted in \$24,318.64 beginning in 2002. This amount rose about \$1,000 every year until it was \$28,828.88 in 2007. With the \$30,000 transfer in of property tax, the tax revenue was \$30,390.04 for 2008, and gradually dropped to \$30,000.00 in 2013. It has stayed at \$30,000 since then. Ms. Sugg commented that it had been determined at some point that the County was to provide support to the Law Library through tax revenue and that the Board and the Commissioners had arrived at the \$30,000 in order to simplify the process.

Mr. Smith cited RCW 27.12.240 as providing authority for the County to provide funding to the Law Library. The statute states that, once a library has been established, the legislative body for the County "shall appropriate money annually for the support of the library." Ms. Marchant cited language from RCW 27.12.010 that a "[l]ibrary' means a free public library supported in whole or in part with money derived from taxation"

Later during the meeting and after Ms. Marchant had to leave, Commissioner Overbay stated his opinion that the chap. 27.12 RCW was not applicable to county law libraries. Commissioner Overbay indicated that his research reflected that the county was not required to provide free use of a county law library to the public unless the Board had adopted a rule for such use because the County had a population of less than 300,000. Commissioner Overbay pointed out that the county law library did have the authority to increase the amount from filing fees to \$20.00 from its current \$17.00. Such a request could be made to the County Commissioners.

Ms. Randall stated that grants may be a possible avenue for supplementing the revenue for the Law Library. Ms. Randall will look into whether there are grants which could be utilized.

Mr. Smith commented that perhaps the Board should examine the Superior Court's charge, which is calculated as half the salary of the Senior Law Clerk. That arbitrary formula does not appear to be equitable considering the amount of time that he accounts for library services. Fona Sugg, explained that the Law Clerk position has changed through the years. It was desired to create the position of Senior Law Clerk, employing an attorney who had experience in practice rather than a recently admitted attorney. Mr. Smith provided his review of the accounting documents which had reflected a yearly charge by Superior Court of \$20,158.00 in 2010-2012, \$20,375.52 in 2013, \$28,582.00 in 2014, \$30,615.00 from 2015-2019, \$41,955.00 in 2020, and \$44,814.00 in 2021.

Mr. Sealby requested that Mr. Smith research the issue of whether the Law Library should be paying a charge for the room housing the Library—whether there was authority for such a charge by the county. Mr. Sealby also requested that Mr. Smith research the issue of whether the County was required to provide funding to the Law Library and why this amount has been stagnant. Ms. Marchant offered the services of a law clerk at no charge to occasionally conduct legal research on issues for the library out of concern that the additional tasks requested may overburden Mr. Smith while he also performed duties as Senior Law Clerk for the Superior Court. Mr. Smith agreed to request such help if he deems it necessary.

Ms. Sugg pointed out that budget requests will be formulated by the various departments in the coming months for consideration by the County Commissioners. The time may be ripe to present a request for additional funding through the budget request. Mr. Sealby agreed that this may be an appropriate time to present a request for additional funding. The budget must be submitted by August 31. Mr. Sealby will work with Mr. Smith in formulating a budget request for submittal to the Board of Commissioners.

A motion was made to approve the 2022 Annual Report and the motion was seconded. The motion passed unanimously.

Danielle Marchant had to exit the meeting after the approval of the motion.

3. Authorize Purchase of Printer

The Law Library's printer stopped working a few months ago. The County's IT department determined that it was not repairable and needed to be replaced. The Law Library has been utilizing a printer from Superior Court on a temporary basis. IT suggests a HP LaserJet Pro M404dn Monochrome Laser Printer which retails for \$369.00. IT is of the opinion that a printer in the range of \$100 to \$200 would not serve the purposes of the Law Library because of durability issues. The HP LaserJet Pro will be a better printer for the public's use.

A motion was made to approve the purchase of the HP LaserJet Pro M404dn Monochrome Laser Printer and the motion was seconded. The motion passed unanimously.

4. OPMA Training

At last year's meeting, it was brought to the attention of the Board that training for the Open Public Meetings Act was required for members of the Board. Ms. Marchant had requested that all Board members complete training, if they had not done so, and provide a verification stating that they had completed training to Mr. Smith to file within 90 days. Mr. Smith reports that he has received certificates from Commissioner Bugert, Danielle Marchant, and Lorna Randall. Mr. Smith indicated that the Attorney General's Office is indicating that the video for training for the OPMA is currently unavailable. However, there is a Powerpoint presentation which provides the gist of the video. Mr. Sealby requested the link from Mr. Smith for the Attorney General's webpage for training. Mr. Smith will provide the link.

5. Publicize the Library

Mr. Smith desired to discuss ways to publicize the Library through the webpage for the Law Library. Unfortunately, the time is about to expire for the Annual Meeting and the Board will be unable to delve fully into this topic.

The Chelan County Law Library's webpage is located within the Superior Court website. Mr. Smith suggested that Board members look at the webpage for the Clark County Law Library. The website has an appealing look which appears to be user friendly. The site also has a video which describes the law library. Mr. Smith would like to look into revamping the Chelan County Library's webpage and create a better experience, including the possible development of a video describing the Library to the public. The Board appears receptive to such an exercise. There will be more to come on this topic.

Adjournment

Meeting was adjourned at 12:55 p.m. by Mr. Sealby. The next meeting for the Board will be the Fourth (4th) Monday of July, 2023, pursuant to the Bylaws.

Minutes respectfully submitted by Stewart R. Smith, Librarian and Secretary of Board,
July 26, 2022.