



**CITY OF SOUTH PASADENA
LIBRARY BOARD OF TRUSTEES**

**SPECIAL MEETING AGENDA
WEDNESDAY, AUGUST 31, 2022 at 7:00 p.m.**

**SOUTH PASADENA PUBLIC LIBRARY
1100 OXLEY STREET, SOUTH PASADENA, CA 91030**

South Pasadena Library Board of Trustees Statement of Civility

As your appointed governing board, we will treat each other, members of the public, and city employees with patience, civility and courtesy as a model of the same behavior we wish to reflect in South Pasadena for the conduct of all city business and community participation. The decisions made today will be for the benefit of the South Pasadena community and not for personal gain.

NOTICE ON PUBLIC PARTICIPATION & ACCESSIBILITY

The South Pasadena Library Board of Trustees Meeting will be conducted in-person from the Ray Bradbury Conference Room on the Library's 2nd Floor, located at 1100 Oxley Street, South Pasadena. Pursuant to AB 361 Government Code section 54953, subdivision (e)(3), the Advisory Body may conduct its meetings remotely and may be held via video conference.

The Meeting will be available:

- In Person Hybrid – Ray Bradbury Conference Room, 1100 Oxley Street
- Via Zoom – **Webinar ID: 892 5352 3747/ Passcode: 073797**

To maximize public safety while still maintaining transparency and public access, members of the public can observe the meeting via Zoom in one of the three methods below.

1. Go to the Zoom website, <https://zoom.us/join> and enter the Zoom Meeting information; or
2. Click on the following unique Zoom meeting link:

<https://us02web.zoom.us/j/89253523747?pwd=L01UOTFDeW5na1l0ZExJeEszaytVZz09>

or

3. You may listen to the meeting by calling: +1-669-900-6833 and entering the Zoom Meeting ID.

CALL TO ORDER

President Dean Serwin

ROLL CALL

President Dean Serwin
Vice President Bianca Richards
Secretary Annie Chang Long
Trustee Kenneth Gross
Trustee F.J. Pratt

COUNCIL LIAISON: Councilmember Diana Mahmud

PUBLIC COMMENT GUIDELINES

The City welcomes public input. If you would like to comment on non-agenda items and an agenda item, members of the public may participate **by means of one of the following options:**

Option 1:

Participants will be able to “raise their hand” using the Zoom icon during the meeting, and they will have their microphone un-muted during comment portions of the agenda to speak for up to 3 minutes per item.

Option 2:

Email public comment(s) to lbt@southpasadenaca.gov.

Public Comments received in writing will not be read aloud at the meeting, but will be part of the meeting record. Written public comments will be uploaded online for public viewing under Additional Documents and available at the City Clerk’s Counter for viewing. There is no word limit on emailed Public Comment(s). Please make sure to indicate:

- 1) Agenda item you are submitting public comment on.
- 2) Submit by no later than 12:00 p.m., August 31, 2022

NOTE: Pursuant to State law, the Commission may not discuss or take action on issues not on the meeting agenda, except that members of the Commission or staff may briefly respond to statements made or questions posed by persons exercising public testimony rights (Government Code Section 54954.2). Staff may be asked to follow up on such items.

1. Public Comment

ACTION/DISCUSSION

2. Bequest to the South Pasadena Library for Capital Improvements to the Children’s Wing

Recommendation

It is recommended that the Library Board of Trustees adopt a resolution to

- 1. Accept a conditional bequest to the South Pasadena Library for specified capital improvement to the Children’s Wing; and
- 2. Request that the City Council direct staff to establish a fund to receive the monies from the Bequest to ensure the preservation of the funds for the intended purpose of making specified capital improvements to the Children’s Wing.

ADJOURNMENT

PUBLIC ACCESS TO AGENDA DOCUMENTS

Prior to meetings, agenda related documents are available for public inspection at, South Pasadena Public Library, 1100 Oxley Street, South Pasadena, CA


The complete agenda packet may be viewed on the City’s website, www.southpasadenaca.gov.

Meeting recordings will be available for public viewing after the meeting. Recordings will be uploaded to the City's YouTube Channel no later than the next business day after the meeting.

The City's YouTube Channel may be accessed at:

https://www.youtube.com/channel/UCnR169ohzi1AlewD_6sfwDA/featured

ACCOMMODATIONS

 The City of South Pasadena wishes to make all of its public meetings accessible to the public. If special assistance is needed to participate in this meeting, please contact the City Clerk's Division at (626) 403-7230 or CityClerk@southpasadenaca.gov. Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities. Notification at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

CERTIFICATION OF POSTING

*I declare under penalty of perjury that I posted this notice of agenda for the meeting to be held on **August 31, 2022**, on the bulletin board in the courtyard of City Hall at 1414 Mission Street, South Pasadena, CA 91030, and on the City's, website as required by law, on the date listed below.*

8/30/2022

/S/

Date

Sean Faye, Library Administrative Secretary



Library Board of Trustees Agenda Report

ITEM NO. 2

DATE: August 31, 2022

PREPARED BY: Cathy Billings, Library Director

SUBJECT: **Bequest to the South Pasadena Library for Capital Improvements to the Children's Wing**

Recommendation

It is recommended that the Library Board of Trustees adopt a resolution to

1. Accept a conditional bequest to the South Pasadena Library for specified capital improvement to the Children's Wing; and
2. Request that the City Council direct staff to establish a fund to receive the monies from the Bequest to ensure the preservation of the funds for the intended purpose of making specified capital improvements to the Children's Wing.

Background

Bert Edward Carlyle, a longtime resident of South Pasadena who died on January 9, 2022, made four conditional bequests to the South Pasadena Library in his will (executed in 1990). The will has been admitted to probate in Los Angeles County Superior Court.

These bequests (the "Bequest") are:

1. The sum of \$100,000;
2. Promissory Note and Deed of Trust on unimproved land in Craig County, Oklahoma;
3. The single-family dwelling at 704 Mound Avenue, South Pasadena; and
4. The single-family dwelling at 712 Mound Avenue, South Pasadena.

Mr. Carlyle's Bequest to the Library is conditioned on the Library Board using such for "a capital improvement to the Children's wing of the library Building, in the form of an amphitheater, to be known as the 'Story Room'"; the will further requires that, "An appropriate plaque is to be placed in the library acknowledging this gift, which shall indicate only that it is 'from GENEVA.'" (collectively, "the Conditions").

The monies from the Bequest may only be used for the specific capital improvement described in the Conditions. Monies may not be used for personnel costs, operating costs, or transfer to the City General Fund. If the Library Board or City determines that it cannot use the Bequest or cannot adhere to the Conditions, then pursuant to the terms

of the will, the Bequest will be given to the Los Angeles Chapter of the American Lung Association.

Analysis

Mr. Carlyle's will is a lawful disposition of property under Probate Code Section 6102(d), which authorizes gifts to cities. The Board of Trustees of a Municipal Library may accept a bequest made to it. (Educ. Code sec. 18920). Monies acquired by bequest to a library must be apportioned to a fund within the library fund in a manner consistent with the terms of the bequest. (Educ. Code sec. 18951). Bequests with specified conditions shall be kept in a fund to ensure the preservation of the funds for the intended purpose. (Educ. Code sec. 18952). The legislative body of a city (city council) must accept or reject a bequest made to a city. (Gov. Code section 37354). Because the Bequest is made to the library for capital improvements to city property, both bodies must approve this Bequest. The monies will be kept in a fund established for the construction of a Children's Wing Amphitheater/Story Room consistent with the Conditions. A CIP project will be established prior to engaging in further activity related to use of such monies. The evaluation of design and planning of such facility will be undertaken by the Library Board at a future date.

Fiscal Impact

The actual value of the bequest is unknown at this time. After the properties are sold through the probate process, the probate court will finalize the sale and monies will be remitted to the Library for use consistent with the Bequest.

Alternatives Considered

1. Rejecting the bequest.
2. Requesting the property be accepted in fee and sale be conducted outside of the probate process.

Attachment:

1. Resolution of the Library Board of Trustees

RESOLUTION NO. 2022-001

**A RESOLUTION OF THE LIBRARY BOARD OF TRUSTEES
OF THE CITY OF SOUTH PASADENA, CALIFORNIA,
ACCEPTING THE BEQUEST TO THE SOUTH PASADENA
LIBRARY FROM BERT EDWARD CARLYLE**

WHEREAS, California Education Code section 18920 allows the board of library trustees to receive a bequest for the benefit of the library; and

WHEREAS, California Education Code section 18951 requires that monies acquired by bequest be apportioned to a fund to be designated the library fund, and California Education Code section 18952 requires that the board shall provide for the safety and preservation of the fund for terms and conditions enumerated in such bequest; and

WHEREAS, long-time South Pasadena resident Bert Edward Carlyle made conditional bequests to the South Pasadena Library in his will presently being processed through the probate proceeding in the Los Angeles County Superior Court (LASC Case No. 22STPB01025); and

WHEREAS, the bequest includes \$100,000, a Promissory Note and Deed of Trust for certain land in Craig County, Oklahoma, and real property at 704 Mound Avenue and 712 Mound Avenue, South Pasadena (collectively the "Bequest") and specifies that the proceeds of such Bequest may only be used for the express purpose of "a capital improvement to the Children's wing of the library Building, in the form of an amphitheater, to be known as the 'Story Room'", and that, "An appropriate plaque is to be placed in the library acknowledging this gift, which shall indicate only that it is 'from GENEVA'." (collectively, "the Conditions"); and

WHEREAS, the residents of South Pasadena would benefit greatly from such a capital improvement to the Library building; and

WHEREAS, the Library Board of Trustees wish to accept the Bequest and the Conditions associated with it; and

WHEREAS, Mr. Carlyle's will is a lawful disposition of property under Probate Code Section 6102, which authorizes gifts to cities.

NOW, THEREFORE, THE LIBRARY BOARD OF TRUSTEES OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the Bequest is accepted by the Library Board of Trustees pursuant to California Education Code section 18920; and

SECTION 2. That the Library Board of Trustees request that the City Council direct staff to establish a fund to receive the monies from the Bequest to ensure the preservation of the funds for the intended purpose of making certain capital improvements to the Children’s Wing.

SECTION 3. That the funds be used only for the terms and conditions enumerated in such bequest and that when the time comes to construct an addition to the Children’s Wing that the funds be utilized consistent with the Conditions.

PASSED, APPROVED AND ADOPTED ON this 31st day of August, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Dean Serwin, President

ATTEST:

APPROVED AS TO FORM:

Annie Chang Long, Secretary

Andrew L. Jared, City Attorney