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7 **BEFORE THE BOARD OF TRUSTEES**
8 **OF THE ALTADENA LIBRARY DISTRICT**

9 MINDY KITTAY, Director of the)
10 Altadena Library District,)
11 Claimant)
12 vs.)
13 ALTADENA LIBRARY DISTRICT, a)
California special district; IRA)
14 BERSHATSKY, a Trustee of the)
Altadena Library District in his official)
15 and personal capacities.)
16 _____)

**Director Mindy Kittay's
Government Code Claim
arising from the conduct of
Trustee Ira Bershatsky for
defamation in violation of
Civil Code §44 *et seq.*, for
invasion of privacy in
violation of California
Constitution Art. 1, §1, for
h a r a s s m e n t and
constructive discharge in
violation of Labor Code
§1102.5, for gender
discrimination in violation
of the California Fair
Employment and Housing
Act, for intentional
infliction of emotional
distress, for breach of
contract, and for violation
of the covenant of good
faith and fair dealing**

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1 Claimant Mindy Kittay alleges as follows:

2 **Parties**

3 **1. Director Kittay:** Claimant Mindy Kittay is and has been since November
4 1, 2014, the Director of the Altadena Library District (“the Library”). As the Library
5 Director, Director Kittay is the Chief Executive Officer of the Library, supervising
6 directly or indirectly all of its employees and being responsible for its operations.
7 Among her responsibilities are to have co-equal authority with the President of the
8 Board of Trustees to set the agenda for Board of Trustee meetings.

9 **2. Altadena Library District:** The Library is a governmental special district
10 organized and existing under the laws of the State of California. The Library
11 operates two public libraries in the unincorporated area of Los Angeles County
12 known as Altadena.

13 **3. Trustees Bershatsky & Zambrano and ex-Trustee McDonald:** The
14 Library’s legislative and policy-making body is a Board of Trustees comprising five
15 persons; the Library Board of Trustees is sometimes referred to herein as just “the
16 Board.” Trustees are usually elected by the voters of the Library’s geographical
17 jurisdiction, except that the remaining members of the Board of Trustees can choose
18 to appoint a person as Trustee when a Trustee resigns prior to the end of his or her
19 term. Trustees Ira Bershatsky and Armando Zambrano are and have been members
20 of the Library Board of Trustees at all times material hereto; Trustee John McDonald
21 was a member of the Library Board of Trustees at all times material hereto up to and
22 through his resignation from the Board of Trustees that was submitted on March 30,
23 2018. Trustees Bershatsky and Zambrano and ex-Trustee McDonald are sometimes
24 hereinafter referred to as “the male Board majority.”

25 **4. Director Kittay’s accomplishments:** From the time Director Kittay
26 was first employed as the Library Director on November 1, 2014, she has performed
27 her employment duties with excellence. Director Kittay has taken the Library from
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1 being decades behind the times to having 21st century libraries that follow best
2 professional practices. In the short period of time of three-plus years, Director Kittay
3 has substantially accomplished that task. She has functioned creatively and
4 transparently to bring the libraries up to speed. She has engaged the Library with
5 the community in ways it never did before. She has demanded accountability from
6 staff and pushed them to excel. Director Kittay has been transparent and engaged
7 in leading the Altadena Library District. Within a budget of approximately \$3
8 million per annum, Director Kittay in her first 3 years increased the Library's total
9 net position of fund balance and assets by approximately \$1 million while increasing
10 salaries and benefits, the Library's largest cost items. Director Kittay's excellence
11 during her first three years leading the Library earned her widespread support from
12 the Altadena community, but the Library and Director Kittay are confronting a
13 reactionary male Board majority who have been attacking her for unlawful reasons.
14 The attached Exhibit A is a list of accomplishments that Director Kittay submitted
15 on August 28, 2017, as she was being forced to ward off their attacks.

16 **5. Director Kittay's reporting line:** The Library Board of Trustees is
17 responsible for hiring, firing, and reviewing the Library Director; the Board of
18 Trustees' President is Director Kittay's principal but not exclusive contact with the
19 Library's Board of Trustees members. Trustee Bershatsky was President of the
20 Library Board of Trustees during the period from November 28, 2017, to November
21 27, 2018. From November 27, 2017, through January 23, 2018, ex-Trustee
22 McDonald was President of the Library Board of Trustees.

23 **6. Director Kittay's leave of absence:** Pursuant to a physician's orders,
24 Director Kittay has been on a leave of absence from the Library since January 23,
25 2018, because of extreme stress caused by harassing conduct from the male Board
26 majority.

27 **7. The Library's respondeat superior liability:** Trustee Bershatsky's
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1 acts and omissions set forth hereinafter were with the scope of his official capacity
2 as a Library Trustee, making the Library legally responsible for his acts and
3 omissions alleged hereinafter.

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5 **Bershatsky's animus towards Kittay
6 because of her political views**

7 **8. Legal significance of Bershatsky animus:** Trustee Bershatsky has,
8 has had, and has shown animus towards Director Kittay because of her progressive
9 Democrat viewpoints that disqualifies his libels from being protected by the qualified
10 privilege of California Civil Code §47c and is one of the motivating factors for his
11 harassment of Director Kittay.

12 **9. Kittay's non-work progressive political views:** Director Kittay does
13 not bring her political views as a progressive Democrat into her functioning as the
14 Altadena Library District Director except to the extent her car that was often parked
15 in the Library parking lot indicates some of her political positions. Director Kittay
16 does exercise her constitutional right to express her political views outside her work
17 conduct. Director Kittay had a bumper sticker on her car supporting Hillary Clinton
18 during and after the 2016 presidential election campaign. After Donald Trump's
19 election in November, 2016, Director Kittay attached a "Resist" bumper sticker on
20 her car as an expression of her opposition to President-elect Donald Trump's right-
21 wing political positions.

22 **10. Bershatsky's right-wing political views:** Trustee Bershatsky is and
23 has been a hard-core right-wing Trump supporter. In contrast to Director Kittay,
24 Trustee Bershatsky brings his hard-core right-wing politics into the Library
25 workplace. For example, Trustee Bershatsky brought typical right-wing hostility to
26 efforts to eliminate racial bias or other forms of unlawful bias in the workplace by
27 challenging all references to the words "diverse" or "diversity" in the revision of the
28 District's employee handbook. On February 17, 2017, Trustee Bershatsky connected his

1 anti-diversity politics to criticism of Director Kittay in an email to Director Kittay.
2 Concerning the revision of the employee handbook, Trustee Bershatsky wrote “Well done.
3 I did count at least three instances where the words ‘diverse’ or ‘diversity’ were used. Then
4 again, you know who I voted for!” In a June 16, 2017, email, Bershatsky’s ideological
5 opposition to anti-bias efforts in the workplace led him to such absurd extremism as his
6 objection to the word “diverse” when it was simply used as an adjective meaning “distinct”
7 in the following passage concerning the usage of “diverse” in a Library publication entitled
8 “This week at the Altadena Library: “Diverse Events’ Diverse? There is a better word, Yes?
9 Here are the top six from Thesaurus.com - differing – disparate – distinct – divergent –
10 diversified – varied.”

11 **11. Bershatsky’s injection of politics into the workplace:** Trustee
12 Bershatsky repeatedly indicated his animus against Director Kittay’s political
13 positions that are opposite to his and insisted on injecting his political positions into
14 Director Kittay’s functioning. For example, Director Kittay’s bumper sticker
15 supporting Hillary Clinton and “resist” bumper sticker agitated Trustee Bershatsky.
16 Beginning in December, 2016, Trustee Bershatsky began referring in an adversarial
17 manner to his support for Trump to Director Kittay during work discussions. His
18 references to having voted for Trump had no relevance to the work discussions.
19 Director Kittay declined to engage with Trustee Bershatsky on their political
20 differences; on February 21, 2017, Trustee Bershatsky recognized that Director Kittay
21 was declining to engage him and warned her to “not let politics interfere with our
22 great working relationship.” Director Kittay responded “[t]hat is exactly why I do not
23 respond to any of your comments about who you voted for or your politics.” Trustee
24 Bershatsky’s deep hostility to Director Kittay was reflected when he told a Library
25 employee in or about summer, 2017, that he wondered what would happen if he
26 “ripped” Director Kittay’s bumper stickers off her car.

27 **12. Conclusion:** In sum, there is clear direct evidence of Trustee
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1 Bershatsky's bias against Director Kittay which underlies the harassment and the
2 libelous statements against Director Kittay that are set forth hereinafter.

3
4 **Bershatsky's gender bias against Director Kittay**

5 13. **Parties' genders:** Trustee Bershatsky is a male, as are the other two
6 members of the male Board majority, Trustees McDonald and Zambrano. Director
7 Kittay is a female.

8 14. **Legal significance of gender bias:** Consistently with his right wing
9 biases, Trustee Bershatsky has, has had, and has exhibited sexist male dominance
10 biases that disqualify his libels from being protected by the qualified privilege of
11 California Civil Code §47c and is one of the motivating factors for his harassment of
12 Director Kittay.

13 15. **Bershatsky's gender-biased conduct:** Trustee Bershatsky has
14 regularly exhibited gender bias towards women in interactions with them in
15 connection with Library business. He has treated female employees unfavorably as
16 compared to more favorable treatment of male employees. When the Library
17 support group called Friends of Altadena Library ("Friends") was headed by a
18 woman and had predominantly female leaders, Bershatsky treated them aggressively
19 and disrespectfully, as exemplified by a December 7, 2016, email to the Friends'
20 President and other leaders peremptorily telling them that "you will be left behind"
21 if they didn't accept Bershatsky's leadership, lecturing them that they had spent
22 money unwisely, and telling them to "lead, follow, or get out of the way." Trustee
23 Bershatsky disrespectfully treated the two key professional women who provided
24 outside services to the Library – human resources provider Audrienne Adams Lee
25 and attorney Shannon Jenkins, On October 17, 2017, the Library's outside law firm
26 that included attorney Shannon Jenkins resigned; Trustee Bershatsky's disrespectful
27 treatment of Ms. Jenkins was apparently a factor in her law firm's resigning as
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1 counsel to the Library. From the period of July, 2017, through January, 2018,
2 Bershatsky was a part of the male majority of Trustees who acted together to harass
3 Director Kittay and to violate the Brown Act, mostly excluding the female Trustees
4 from their planning and schemes. An example of Trustee Bershatsky's stereotypical
5 bias against women includes the fact that he has made workplace statements about
6 women going through menopause, referencing his divorced former wife. In addition
7 to the sexist bias underlying his inquiry about ripping off Director Kittay's bumper
8 sticker set out in ¶11, *supra*, another example of Trustee Bershatsky's stereotypical
9 bias against women is his treatment of Director Kittay at the October 23, 2017,
10 regular meeting of the Board of Trustees. Trustee Bershatsky treated the Director as
11 though she were within his expectations of a submissive maid rather than a
12 professional woman by demanding that she get tacos for him and other Trustees,
13 publicly yelling at her across the room asking where was his dinner, and during a
14 break yelling at her again with the accusation that she did not serve him what he
15 requested. When Director Kittay pushed back against false statements by Trustee
16 Bershatsky, he responded in emails on August 9 and 17, 2017, in a sexist manner by
17 characterizing Director Kittay's arguments as "emotional."

18
19 **Bershatsky's animus towards Kittay**
20 **because she blew the whistle**
21 **on Trustee Brown Act violations**

22 **16. Legal significance of Bershatsky's animus:** Trustee Bershatsky has,
23 has had, and has shown animus towards Director Kittay because of her conduct
24 supporting open government and because of her whistle-blowing against Trustee
25 Brown Act violations; such animus disqualifies his libels from being protected by the
26 qualified privilege of California Civil Code §47c and is one of the motivating factors
27 for his harassment of Director Kittay.

28 **17. May 30 violation of Brown Act by Bershatsky:** On May 30, 2017,

1 Director Kittay inquired of Trustee Bershatsky about an email he sent to the other
2 Trustees on the subject of “Subcommittees.” Trustee Bershatsky responded by
3 admitting he emailed all Board members “asking for one on one individual feedback
4 from each Trustee” but did not cc Director Kittay on the purported ground that “they
5 may not be candid” if she were cced. The email referenced by Trustee Bershatsky
6 constituted a serial meeting of a majority of the Board in violation of the Brown Act.

7 **18. Bylaws allocate agendizing responsibility jointly to Director and**
8 **Board President:**

9 The bylaws of the Library Board of Trustees provide that the agenda for its meetings
10 are to be determined jointly by the Library Director and President; any agenda items
11 requested by any Trustee are required to be on the agenda and requests by others for
12 agenda items are at the discretion of the Director and President. Through June,
13 2017, Trustee Bershatsky worked with Director Kittay to meet, discuss, and
14 determine the agendas for the Board of Trustee meetings, with Director Kittay
15 playing the primary role in preparing the agendas.

16 **19. Bershatsky’s refuses to get Brown Act Training:** From January,
17 2017, through September, 2017, Director Kittay agendized for each Library Board of
18 Trustees meeting an item seeking training for Trustees, which included training in
19 the Brown Act’s open meetings requirements, agendizing requirements, notice
20 requirements, and public input requirements. She urged Trustee Bershatsky to take
21 leadership in getting such training, but month-after-month, he failed to do so.
22 Beginning with the November, 2017, Library Board of Trustees meeting, Director
23 Kittay more specifically urged Trustees at Board meetings to get Brown Act training,
24 including specifically agendizing Brown Act training beginning with the November,
25 2017, agenda. To this date, Trustee Bershatsky has failed to attend any Brown Act
26 training.

27 **20. Initial Brown Act disputes over agendizing:** After Director Kittay
28 shut the door on Trustee Bershatsky’s injection of pro-Trump politics into her library

1 work environment, Trustee Bershatsky increasingly clashed with Director Kittay on
2 Brown Act issues. Beginning in July, 2017, and continuing thereafter through the
3 remainder of his Presidency, Trustee Bershatsky arrogated to himself much of the
4 responsibility that Director Kittay previously had for preparing the Board of Trustee
5 agendas, and he did so in a manner that repeatedly ran afoul of the Brown Act and
6 the manner of agenda preparation prescribed by the Board of Trustee bylaws.
7 Director Kittay characteristically submitted draft agendas to Trustee Bershatsky up
8 to three weeks in advance of Board meetings. Trustee Bershatsky then initiated
9 through emails to other Board members discussions on the agenda items, keeping
10 Director Kittay out of the loop on such Trustee interactions; Director Kittay then
11 typically got the agendas back with limited time to get the agendas timely posted.
12 Trustee Bershatsky's method of preparing the agendas regularly resulted in email
13 strings involving all Trustees or just the male Board majority and therefore
14 constituted serial meetings in violation of the Brown Act. Director Kittay and other
15 Library staff employees warned Trustee Bershatsky that such Trustee
16 communications could run afoul of Brown Act requirements for open meetings;
17 Trustee Bershatsky rejected such warnings and resented them.

18 **21. Bershatsky attempts to limit Public input into Board meetings:**

19 In July, 2017, Trustee Bershatsky began what became a series of attacks on the
20 Brown Act requirements for public input into open public meetings. Starting shortly
21 after the 2017 July 4 holiday, Trustee Bershatsky indirectly sought to limit public
22 participation by restricting the Board of Trustees public meetings to 90 minutes.
23 When Trustee Bershatsky floated his intent for this restriction, Director Kittay
24 questioned whether the restriction was legal; the District's outside consultant Stu
25 Wilson (a male) weighed in that the restriction was a bad idea. Trustee Bershatsky
26 begrudgingly amended his proposal to add the words "while maintaining the legally
27 required time for public discussion." Director Kittay's professional disagreement
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1 with Trustee Bershatsky's indirect restriction on the Brown Act requirements for
2 public input marks the turning point in their relationship. Beginning in July, 2017,
3 Trustee Bershatsky became increasingly and openly hostile to Director Kittay
4 because of her opposition to restrictions on the public's Brown Act rights, because
5 of her progressive political views, and because she is a professional woman who
6 dares to disagree with him.

7 **22. Bershatsky violates the Brown Act by interviewing each Board**
8 **member to prepare a negative review:**

9 After Director Kittay stood up to Trustee Bershatsky in early July, Bershatsky
10 decided to take control of Director Kittay's annual review in order to turn it from
11 positive to negative. His control method was to conduct one-on-one interviews with
12 each Board member – conduct which violated the Brown Act's prohibition against
13 serial meetings of a majority of the Board of Trustees. In an email to Director Kittay
14 and Stu Wilson on August 21, 2017, Trustee Bershatsky admitted he violated the
15 Brown Act by his statement "I have spoken to the Board members and we all had the
16 same thought," and he orally repeated that admission in a meeting with Director
17 Kittay on August 22.

18 **23. Bershatsky leads the Board to violate the Brown Act by its**
19 **closed session on July 24:**

20 On July 24, 2017, the Library Board of Trustees violated the Brown Act (specifically
21 Govt. Code §54957(b)(2)) by holding a closed session that included hearing about
22 specific complaints or charges brought against Director Kittay by another person or
23 employee without giving Director Kittay at least 24 hours before the closed session
24 that it would do so and by not giving her the option to have such hearing occur in
25 public rather than in closed session. Director Kittay was expressly told in the July
26 24 closed session meeting that "we have heard serious complaints against you from
27 former Library Foundation members." Based upon hearing such complaints or
28 charges in the July closed session without having accorded Director Kittay her right

1 to have them heard in public, Trustee Bershatsky retaliatorily changed the discussion
2 of Director Kittay's review from the positive review that was discussed in the June
3 closed session review to some negative portions. The review of Director Kittay given
4 in the July closed session is null and void, both because it was based on the non-
5 noticed serial meetings by Director Bershatsky and because it was based on specific
6 charges by other persons against Director Kittay concerning which she was not
7 notified and accorded the opportunity to have the charges heard in an open public
8 meeting.

9 **24. Bershatsky enlists McDonald for a phoney attack that Kittay**
10 **misled the Board on her Step raises and violates the Brown Act by failing**
11 **to report out that the Board acted to deny Kittay a Step increase:**

12 Trustee Bershatsky enlisted Trustee McDonald to launch one of the attacks that the
13 male-majority-cabal made against Director Kittay at the July 24 Board meeting –
14 *i.e.*, the false allegation that that she “deceitfully” gave herself an *ultra vires* raise
15 because she was getting both across-the-board raises and “step” raises. The falsity
16 of that allegation is set out *infra*, ¶150. Trustee Bershatsky himself later published the
17 defamatory false allegation; he enlisted Trustee McDonald to make the same attack
18 on Director Kittay at the July 24 Board meeting. In response to Trustee McDonald's
19 false assertion that Director Kittay was deceitfully obtaining pay raises, the Board
20 of Trustees on July 24 refused to sign a PAF (“Personnel Action Form”) that would
21 have moved Director Kittay from Step 3 to Step 4 and given Director Kittay an
22 annual Step pay increase. Trustee Bershatsky violated the Brown Act by failing to
23 report out the Board's action.

23 **25. In late August, Bershatsky proposes to violate the Brown Act by**
24 **voting in closed session and then leads the Board to violate the Brown**
25 **Act in a different way:**

26 In an email string on August 23, 2017, Trustee Bershatsky and Director Kittay
27 continued their dialogue on Trustee Bershatsky's fixation on limiting the length of
28 Board meetings. Trustee Bershatsky proposed that the Board could vote in closed

1 session to extend time limits when necessary; Director Kittay had to advise him that
2 taking a vote in closed session would violate the Brown Act. Trustee Bershatsky then
3 led the Board of Trustees at its regular monthly meeting on August 28, 2017, to
4 commit in closed session the same violation as it committed at its July meeting – *i.e.*,
5 it relied upon Trustee Bershatsky’s illegal serial meetings and it relied upon specific
6 false charges heard in closed session concerning which Director Kittay was not
7 informed of at least 24 hours before the meeting and concerning which she was not
8 given the option to have those charges heard in public.

9 **26. In order to conceal the male Board majority’s role in failing to**
10 **renew Director Kittay’s contract for 3 years, Bershatsky leads the Board**
11 **into a series of Brown Act violations in October:**

12 Because of Director Kittay’s transformation of the Library during her first 3-year
13 contract, she had widespread community support. There was community
14 expectation that her contract would be renewed for another 3-year term; the male
15 Board majority’s attacks on Director Kittay were receiving increasing community
16 pushback. The male Board majority needed to hide that it was requiring Director
17 Kittay to accept only an 8-month extension rather than a 3-year renewal; to serve
18 that objective, Trustee Bershatsky led the Board to repeatedly violate the Brown act
19 during the month of October, 2017, including, without limitation:

20 **A. October 9: Brown Act violation on contract extension**

21 **decision:** The Board met in closed session on October 9 on the extension of
22 Director Kittay’s employment contract and voted to offer Director Kittay a
23 contract extension from November 1, 2017-June 30, 2018, with no pay
24 increase. Trustee Bershatsky violated the Brown Act by having the vote
25 conducted in closed session, by failing to report out the roll call on the vote,
26 and then by misreporting the Board’s decision as just “instructing HR
27 Network to begin negotiations.” Trustee Bershatsky’s misreporting the
28 decision made in closed session was for the purpose of hiding from the public

1 the fact that it was the Board who was refusing to renew the contract for a
2 second 3-year term but was instead offering Director Kittay only an eight-
3 month extension.

4 **B. October 10: Brown Act violations attacking Kittay:** Through
5 a series of serial meetings with at least four of the five Board members on and
6 prior to October 10, 2017, Trustees Bershatsky and McDonald communicated
7 their pretextual claim that Director Kittay had “deceived” the Board on
8 employee compensation in order to obtain four Trustee signatures on a
9 demand that Director Kittay give the Board a report on their pretextual claim.
10 On October 11, 2017, Trustee Bershatsky left a voicemail instruction to
11 Director Kittay to send the agenda to the full Board of Trustees. Director
12 Kittay warned Trustee Bershatsky that doing so would violate the Brown Act.
13 Trustee Bershatsky rejected the warning and proceeded to violate the Brown
14 Act by conducting through emails with a majority of the Board a serial meeting
15 to discuss the agenda and substantively discussing the items to be agendized.

16 **C. October 11: Bershatsky directs the Brown Act violation of**
17 **the Board collectively deliberating on the agenda:** In a voicemail to
18 Director Kittay at 6 am on October 11, 2017, Trustee Bershatsky directed her
19 to email a proposed agenda for the October 23 meeting to each individual
20 Trustee because “we want to review it as a group.” Trustee Bershatsky
21 thereafter participated in serial email meetings to set the October 23 agenda
22 and to discuss agenda items in violation of the Brown Act.

23 **D. October 23: Bershatsky leads the Board into multiple**
24 **Brown Act violations:** On October 23, 2017, with Trustee Bershatsky
25 presiding, the Library Board of Trustees violated the Brown Act in multiple
26 ways.

27 **D-1: Vote in closed session with no report-out:** The Board

1 voted in closed session that it accepted her counter-offer to the Board's
2 October 9 offer of an 8-month extension with no pay; Director Kittay's
3 counter-offer only changed the compensation term to provide for her
4 Step increase. The Board violate the Brown Act in two ways: *first*, it
5 should have voted in public rather than in closed session; and *second*,
6 even assuming *arguendo* that a vote in closed session were proper,
7 Trustee-President Bershatsky should have reported out the roll-call vote
8 on the decision but failed to do so.

9 **D-2: Misrepresentation of the Board action:** In order to
10 avoid public knowledge that it was the Board rather than Director
11 Kittay who directed the contract extension be for only 8 months rather
12 than a 3-year renewal, Trustee Bershatsky misrepresented the Board
13 action as "The Board accepts contract extension to June 30, 2018, as
14 proposed to the Board on 10/16/17 by the District Director." Trustee
15 Bershatsky's misrepresentation of the action fraudulently sought to
16 mislead the public into believing that it was Director Kittay who sought
17 only an 8-month extension rather than a 3-year renewal and violated
18 the Brown Act by that misrepresentation.

19 **D-3: Failure to report out contract terms:** Trustee
20 Bershatsky violated the Brown Act by failing to report out all of the
21 material terms of the contract that the Board approved in closed
22 session.

23 **D-4: Failure to report Board action:** Trustee Bershatsky
24 violated the Brown Act by failing to report out that the Board acted to
25 give Director Kittay the Step-increase compensation. Trustee
26 Bershatsky's failure to report out this Board decision was a result of his
27 intent to avoid any discussion of the negotiation history for the contract
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1 renewal that risked exposing that the Board had decided that there
2 would only be an 8-month extension.

3 **D-5: Bershatsky lies about his responsibility for the**
4 **agenda language:** In response to criticism that the wording of the
5 agenda did not adequately disclose that the Board would approve a
6 contract in the closed session, Trustee Bershatsky publicly lied by
7 claiming that he was not responsible for the wording of the agenda
8 when in fact he was.

9 **D-6: Bershatsky lies that he hasn't been told of the**
10 **Brown Act requirements:** Trustee Bershatsky also publicly lied at
11 the meeting by claiming that he had not been advised of the steps that
12 needed to be taken to comply with the Brown Act for closed session
13 when in fact he had been. Specifically, at the special Board meeting on
14 October 9, 2017, Director Kittay provided the Board during open
15 session which was video-recorded with verbal direction on the process
16 – *i.e.*, that they would make a motion describing the contract and vote
17 in open session. Also video-recorded during the October 23, 2017,
18 Board meeting both before and after the re-opening of the Board
19 meeting after the closed session were specific statements by both
20 Director Kittay and her staff concerning the proper procedure that
21 Trustee Bershatsky ignored. Moreover, Director Kittay met with
22 Trustee Bershatsky in early Summer, 2017, and provided him with step
23 by step guidance on the appropriate steps for complying with the
24 Brown Act during the contracting process and gave him specific
25 instruction about voting only in open session and that the contents of
26 the contract must be revealed to the public.

27 **D-7: Action on a matter not agendized for action:** The
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1 Board violated the Brown Act by taking action on an information-only
2 item to increase the budget by \$75,000.

3 **D-8: Doctoring minutes:** The Board attempted to doctor the
4 minutes of a previous meeting to add to it comments attacking Director
5 Kittay that were not made at the meeting.

6 Director Kittay and other Library staff objected at the open portion of the meeting
7 on October 23, 2017, that the Board of Trustees was violating the Brown Act, with
8 Director Kittay indicating that she intended to report the violation to Los Angeles
9 County Deputy Counsel Katherine Bowser. Trustee Bershatsky was dismissive of
10 Director Kittay's objections to Brown Act violations at the October 23 Trustee's
11 meeting.

12 **E. Kittay's report of Brown Act violations to County Counsel:**

13 After the October 23, 2017, Board of Trustee meeting, Director Kittay
14 communicated to Deputy Counsel Bowser the Trustees' conduct at the October
15 23 open public meeting. In response to Director Kittay's complaint, Ms.
16 Bowser communicated to Director Kittay that her complaint was well-founded
17 and that the Brown Act had been violated.

18 **F. October 27 Brown Act violation by serial meeting limiting**

19 **Kittay's access to legal advice:** On October 27, 2017, Trustee Bershatsky
20 initiated an email string involving all Trustees which began with unclear
21 instructions to Director Kittay to prepare an agenda and devolved into Trustee
22 McDonald, acting on behalf of the male Board majority, making decisions in
23 this non-public serial meeting to restrict Director Kittay's access to legal
24 advice.

25 **G. October 28 Brown Act violations re Public's right to speak**
26 **at Board meetings:** Director Kittay forwarded to Trustee Bershatsky
27 County Counsel's determination, which led the Board of Trustees to meet on
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1 October 28, 2017, and act in an open meeting to cure the violations of the
2 Brown Act that occurred on October 23, 2017. Trustee-President Bershatsky
3 delegated to Trustee McDonald his responsibility to prepare the agenda for the
4 Trustees' October 28, 2017, meeting to cure some of their October 23 Brown
5 Act violations and to deal with Director Kittay's blowing the whistle on the
6 Board's Brown Act violations. Trustee McDonald, acting for Bershatsky and
7 with Bershatsky's authorization and agreement, bypassed input from Director
8 Kittay by taking the template for Board agendas and preparing himself the
9 agenda for the October 28 Board meeting agenda. Trustee McDonald changed
10 the standard language for public input by specifying that public comment was
11 for "Citizens of Altadena", thereby violating the Brown Act in illegally denying
12 the rights to "public comment" from those members of the public who were
13 non-Altadenans. Acting on behalf of Trustee-President Bershatsky, Trustee
14 McDonald at the October 28, 2017, meeting attempted in violation of the
15 Brown Act to have Library staff determine whether members of the public who
16 indicated they wanted to speak were residents of Altadena. Director Kittay
17 and other Library staff objected to Trustee McDonald's direction, leading
18 Trustee McDonald to say to Director Kittay and her staff member "Are you
19 really going to fight me on this?" Director Kittay and her staff member refused
20 to carry out Trustee McDonald's illegal orders. After the October 28 Board
21 meeting, Director Kittay and her staff struck the restrictive language "Citizens
22 of Altadena" to all subsequent Board of Trustee agendas. The objections
23 made to Brown Act violations at the October 28 meeting and by Director
24 Kittay and her staff and their subsequent conduct forced Trustees Bershatsky
25 and McDonald to desist thereafter from further attempts to prevent the public
26 from speaking during the Board of Trustees' public comment periods.

27 **27. In November, Bershatsky leads the Board into additional Brown**
28 **Act violations:**

1 Trustee Bershatsky's first term as the Board President ended on November 28, 2017;
2 at the November 28 Board meeting, Trustee John McDonald was elected to replace
3 Trustee Bershatsky as President. During his last month as President, Trustee
4 Bershatsky continued to lead the Board to even more Brown Act violations,
5 including, without limitation, the following:

6 **A. November 15-17 Brown Act violation re contact with**
7 **SDRMA.** On October 15, 2017, Trustee Bershatsky initiated a serial email
8 meeting that violated the Brown Act in which the male Board majority
9 deliberated on displacing Director Kittay as the primary contact with legal
10 counsel.

11 **B. November 16-21 Brown Act violations re agendizing:** From
12 November 16-21, Trustee Bershatsky violated the Brown Act by conducting a
13 serial meeting with Trustees McDonald and Zambrano that deliberated on
14 what to include on the agenda for the November 28, 2017, Board meeting,
15 deliberated on the rationale for those agenda meetings, and repeatedly
16 defamed Director Kittay to each other.

17 **C. November 21 Brown Act violations re selecting President:**
18 On November 21, 2017, Trustee Bershatsky violated the Brown Act by
19 conducting a serial meeting in which he communicated with Trustees
20 McDonald and Zarmando on the decision concerning who would be selected
21 to be President for the next term. Trustee Bershatsky's November 21, 2017,
22 7:00 am email to Trustees Zambrano and McDonald indicates that the male
23 Board majority made a decision during those illegal deliberations that the
24 male Board majority would choose a Trustee from within its cabal for the next
25 term.

1 **28. Bershatsky becomes the primary participant in a 3-week serial**
2 **email meeting violating the Brown Act with his paranoid attacks on**
3 **Director Kittay:**

3 In scores of emails from December 20, 2017, through January 10, 2018, the male
4 Board majority carried on a serial email meeting that violated the Brown Act.
5 Trustee-President McDonald initiated the illegal deliberations with an email on
6 December 20, 2017, making the pretextual claim that Board members were unaware
7 of Library events because Director Kittay and her staff were not adequately
8 informing the Board of events. Trustee McDonald's instructed Director Kittay that
9 staff should add all Library events to the Trustees' personal calendars. His
10 instruction became the outlet for the paranoia of Trustees Bershatsky and Zambrano
11 to carry out a 3-week attack on Director Kittay and her staff based on the false claim
12 that they were monitoring Trustee emails. The male Board majority's "fun" with this
13 illegal conduct created an institutional crisis, as described more fully *infra*, ¶145A.

14 **29. Bershatsky participates in serial meetings violating the Brown**
15 **Act in which the male Board majority decide to exclude Kittay from**
16 **participation in the bylaws revision:**

16 In a January 9, 2018, email string, Trustee McDonald disclosed that Trustees
17 Bershatsky and Zambrano had violated the Brown Act by collectively deciding in
18 non-public communications among the male Board majority that, although Director
19 Kittay had volunteered to work on the Board bylaws revision subcommittee, she
20 would be excluded from participating in that subcommittee because "we do not need
21 input from the Director or the Staff."

22 **30. Bershatsky threatens Kittay and her staff for preparing**
23 **complete minutes because they show Brown Act violations:**

23 In January, 2018, Trustee Bershatsky attacked the Library staff's preparing complete
24 and accurate Board meeting minutes because complete and accurate minutes had
25 previously disclosed Brown Act violations and because of his belief that they would
26 do so again. In an email at 5:48 am on January 17, 2018, to all other Trustees, to
27 Director Kittay, and to two of her subordinate employees (including the one
28

1 responsible for preparing minutes), Trustee Bershatsky alleged that Director Kittay
2 engaged in “inappropriate, unethical, unprofessional” conduct in that she “put [her
3 subordinate up to] preparing complete minutes rather than brief summaries. In the
4 email, Trustee Bershatsky admitted his motive was resentment that Director Kittay
5 had repeatedly blown the whistle on previous Brown Act violations by his statement
6 that she “is probably doing this to try to catch us saying or doing something she can
7 go to County Counsel with which she have (sic) previously done.”

8 **31. Bershatsky participates in the male Board Majority violating the**
9 **Brown Act by a serial meeting from January 19-24 on how to deal with**
10 **a PRA request that might expose Brown Act violations:**

11 On January 17, 2017, Friends of the Library President Mark Mariscal submitted a
12 Public Records Act Request for Public Records related to the November, 2017, Board
13 of Trustees meeting. Trustee-President McDonald stated in an email on January 24,
14 2018, that “it seems that Mark Mariscal is seeking records in order to prove Brown
15 Act violations.” In fact, the emails that the Library produced to Mr. Mariscal did
16 show Brown Act violations set out in ¶27, *supra*. In a series of emails on the topic
17 of responding to the emails, the male majority of the Board initiated a serial meeting
18 and Trustee Bershatsky participated in that meeting. The full extent of the Brown
19 Act violation has been suppressed by the Library illegally over-redacting Public
20 Records that it has produced to Director Kittay’s attorneys, thereby violating the
21 California Public Records Act.

22 **32. Bershatsky participates in the male Board majority’s Brown Act**
23 **violation by selecting the interim Director through a serial non-public**
24 **meeting:**

25 Upon receiving on January 23, 2017, Director Kittay’s doctor’s order placing her off
26 work, newly elected President McDonald initiated a serial email meeting that
27 violated the Brown Act; Trustee McDonald’s email sought agreement from the other
28 three Board members (the fifth Trustee had resigned and not yet been replaced at
that time) of his recommendation as to who to appoint as the interim Director during

1 Director Kittay's medical leave. Trustees Bershatsky and Zambrano participated in
2 the serial meeting that illegally made a decision on who to select as interim Director
3 and his compensation; Trustee McMullins did not participate in this illegal serial
4 meeting. Los Angeles County Counsel Katherine Browser subsequently advised the
5 Board that it had to hold a special meeting on the decision, and the Board of Trustees
6 subsequently did so on January 25, 2017, thereby curing that particular Brown Act
7 violation.

8 **33. Bershatsky attempts to violate the Brown Act by restricting**
9 **criticism of Trustees:**

10 The Brown Act, Govt Code §54954.3 provides that a public board such as the
11 Library's Board of Trustees "shall not prohibit public criticism of ... the acts or
12 omissions of the legislative body." At a Board meeting on March 7, 2017, Trustee
13 Bershatsky asserted that the public should be "kissing the feet" of a speaker who
14 supported him and was critical of Director Kittay; members of the public responded
15 by communicating their contempt for Trustee Bershatsky's statement. Trustee
16 Bershatsky then attempted to prevent public criticism of the Board of Trustees in
17 violation of the Brown Act by stating that there should not be "rude comments" and
18 by then returning to the subject later in the meeting and asserting that "personal
19 attacks by the public against the Board of Trustees are not allowed." The Library staff
20 member assigned to support the Board accurately communicated to Trustee
21 Bershatsky that the Brown Act was inconsistent with his position. The following
22 day, Bershatsky admonished the staff member for contradicting him and persisted
23 with his inaccurate interpretation of the Brown Act.

24 **34. Conclusion:** The foregoing conduct establishes that (A) Trustee
25 Bershatsky was motivated by animus towards Director Kittay that prevents his
26 defamations against Director Kittay set forth hereinafter from being protected by the
27 qualified privilege of Civil Code §47c and (B) Trustee Bershatsky's conduct set forth
28 in this section, and his harassing and defamatory retaliatory actions set forth *infra*,

1 creates liability for whistle-blower retaliation in violation of California Labor Code
2 §1102.5.

4 **Bershatsky's harassing conduct of Kittay**

5 **35. Continuous course of harassing conduct:** Motivated for the
6 improper reasons set out *supra*, Trustee Bershatsky engaged in a continuous course
7 of conduct of harassing Director Kittay from January, 2017, through January 23,
8 2018, thereby creating a hostile workplace that forced Director Kittay out on stress
9 leave commencing on January 23, 2018. In addition to the conduct set out *supra*
10 and *infra*, the continuous course of harassing conduct by Trustee Bershatsky
11 included but was not limited to the conduct set forth in the following paragraphs of
12 this section of Director Kittay's Government Code claim..

13 **36. Bershatsky delays Kittay's annual review and shifts from a** 14 **positive review to a negative review:**

15 Director Kittay's annual review by the Library Board of Trustees should have been
16 completed by May 1, 2017; as President of the Board, Trustee Bershatsky was
17 responsible for getting the review accomplished, but he failed and refused to do so,
18 claiming he did not know how to do the review. Due to Director Kittay's insistence,
19 the review process began in the June, 2017, meeting of the Board of Trustees. The
20 Board assured Director Kittay at its June, 2017, meeting that A) she was doing an
21 excellent job and it was very happy with her performance, B) her review would be
22 completed at the July Board meeting, C) the Board had every intention of renewing
23 her contract for another three years, and D) she should not lose any sleep over it.
24 After Director Kittay began to object to Trustee Bershatsky's conduct hostile to the
25 Brown Act (as set out *supra*, ¶¶20-11), Trustee Bershatsky and the other male
26 Trustees in retaliation delayed completing Director Kittay's review and jointly shifted
27 to a critical review by pretextual claims of performance issues by Director Kittay. By
28 the July 24, 2017, Board meeting, Trustee Bershatsky had assembled the cabal of the

1 Board's male majority – Trustees McDonald, Zambrano, and himself – and began
2 to generate pretextual criticisms of Director Kittay to accomplish those objectives.
3 Trustee Bershatsky thereby prevented a timely review of Director Kittay and
4 redirected her review from a positive review to a critical one with her receiving only
5 a “satisfactory” rating instead of the higher rating she had earned.

6 **37. Bershatsky’s July 11 threat signals his attacks:** While Trustee
7 Bershatsky in a July 11, 2017, email backed off to some extent from his proposed
8 restriction on the time of public meetings (discussed *supra* in ¶21), his July 11 email
9 also made a thinly-veiled retaliatory threat to Director Kittay. Trustee Bershatsky’s
10 July 11 threat marked the beginning of Trustee Bershatsky being increasingly and
11 openly hostile to Director Kittay because of his motives of opposition to her political
12 viewpoint, his gender bias, and his retaliatory intent because she supported the
13 Brown Act and its objectives and objected to Board violations of the Brown Act. In
14 Director Kittay’s advocacy on the meeting-length issue, she urged that Board
15 meetings need to go on for whatever time it takes the Board to complete the Library’s
16 business and, in support of that proposition, she detailed the many obligations the
17 Board has as the Trustees of the Library. Trustee Bershatsky responded with the
18 non-sequitur “Interestingly, what you feel the administration is expected to do is
19 omitted from your response. Anyway, this is not the proper forum for this
20 discussion. That will be on July 29th.” Trustee Bershatsky’s July 29 “proper forum”
21 to continue his discussion of “omitted” expectations of Director Kittay’s
22 administration was a Board of Trustees retreat on that day. July 11, 2017, marks the
23 day that Trustee Bershatsky signaled what was to come – *i.e.*, retaliatory and sexist
24 harassment by the three male Trustees Bershatsky, McDonald and Zambrano that
25 fabricated pretextual allegations of previously unasserted performance deficiencies
26 against Director Kittay for the purpose of not renewing her contract for a second
27 three year term and harassing in order to force her to quit.

1 **38. After Kittay's early July objections, Bershatsky illegally takes**
2 **control of the review process in order to generate pretextual attacks on**
3 **Kittay at the July 24 meeting:**

4 As discussed *supra*, ¶122, Trustee Bershatsky violated the Brown Act in July, 2017,
5 by his admittedly holding serial meetings with each Trustee to gather information
6 for Director Kittay's annual review at the Board closed session on July 24. The
7 reason that Trustee Bershatsky violated the Brown Act was not inadvertence but
8 rather for the deliberate purpose of preventing what the Brown Act required – *i.e.*,
9 it required that the Trustees deliberate as a collective body, as they did in June, to
10 arrive at the Board's annual review of Director Kittay. Trustee Bershatsky illegally
11 seized control of the process because the prior collective deliberation at the June,
12 2017, meeting had been a positive review for Director Kittay, and Trustee Bershatsky
13 wanted to reverse that positive direction to make it negative. By conducting one-on-
14 one interviews, Bershatsky was able to prevent collective deliberation, control the
15 information that was exchanged for the review, misinform Trustees with pretextual
16 criticisms of Director Kittay, and mislead Trustees into believing that all of the
17 Trustees shared his negative view of Director Kittay. With Trustees McDonald and
18 Zambrano in his pocket, he was able to bulldoze over reluctance from the two female
19 Trustees and present a purported united front review of Director Kittay at the July
20 24 Board meeting rather than have a healthy deliberation in which Director Kittay
21 could rebut Trustee Bershatsky's pretextual criticisms.

22 **39. Bershatsky bizarrely attacks Kittay for inviting the Friends of**
23 **the Library President to a meeting with bershatsky and an outside**
24 **consultant.**

25 Stu Wilson is an outside consultant hired by the Library to facilitate cooperation
26 between the Library and support groups; part of his responsibility included the July
27 29 retreat. Director Kittay invited Wilson and Trustee Bershatsky to a get-
28 acquainted dinner the night before the retreat. As an afterthought, she asked Trustee
Bershatsky about also inviting the President of the Friends of the Library, Mark

1 Mariscal, to the dinner. In an email on July 26, 2017, Bershatsky bizarrely falsely
2 accused Director Kittay of bccing Mr. Mariscal on the email and said “again, you have
3 attempted to put me in an awkward and uncomfortable position.” Director Kittay
4 immediately responded by truthfully denying that she had bcced Mr. Mariscal,
5 denying that she had attempted to put him in an “awkward and uncomfortable
6 position”, and inquiring what he meant by her doing so “again.” Director Kittay
7 asked Trustee Bershatsky to discuss his accusation with her, he promised do to so,
8 but he never did so.

9 **40. Bershatsky panics when he learns that Kittay is challenging the**
10 **review and tries to muzzle her: Kittay talks to other Trustees and learns**
11 **that Bershatsky has lied about their positions.**

12 On July 25, 2017 (the day after the July 24 closed session Board meeting), Director
13 Kittay communicated to Trustee Bershatsky that “I am deeply concerned about the
14 closed session last night and after I receive advice from HRNetwork and others I will
15 respond to the Board.” On August 8, 2017, Director Kittay sent a memo to the
16 Library Board of Trustees systematically rebutting Trustee McDonald’s attack upon
17 her for allegedly “deceiving” the Board by getting Step increases; her rebuttal
18 provided extensive documentation showing that she was treated as her contract
19 specified – *i.e.*, getting both Step increases and across-the-board increases in the
20 same manner as other Library employees. Trustee Bershatsky panicked from
21 concern that Director Kittay would be rebutting all of the male Board majority’s
22 pretextual criticisms to the Trustees and would thereby expose that during the
23 review process he had falsely misrepresented the positions of other Board members.
24 Trustee Bershatsky consequently stepped up his efforts to control the review by
25 muzzling Director Kittay to prevent her from rebutting his pretextual criticisms. In
26 an email on August 9, 2017, to Director Kittay and to consultant Stu Wilson, he
27 threatened Kittay that her disclosing her review to anyone presented “at a minimum
28 ... an ethics issue”; he asserted in the email that Director Kittay’s sharing her review

1 with others was causing the Board of Trustees to “not view your relations with us
2 favorably” and not trusting her. While making these serious charges against Director
3 Kittay, Trustee Bershatsky instructed Director Kittay that his email to her was
4 “confidential,” “may not be shared without my permission,” and embargoed her
5 from responding to him for 48 hours.

6 **41. Kittay learns from other Trustees that Bershatsky has lied about
7 their positions:**

8 In August, 2017, Director Kittay inquired to each off the two female Trustees whether
9 they stated to Trustee Bershatsky agreement that Director Kittay was “deceitful,” not
10 to be trusted, or other negative views that Trustee Bershatsky claimed the Board
11 unanimously held towards her; each denied making such statements. Director Kittay
12 posed the same inquiries to Trustee Zambrano, but he did not respond. Director
13 Kittay also inquired of the two female Trustees whether the Board of Trustees was
14 trying to get rid of her; both denied that the Board was trying to get rid of her and
15 expressed shock that anyone would think that was happening.

16 **42. Bershatsky repeatedly takes steps to sabotage Kittay’s access to
17 professional assistance, to other Trustees, to her own staff, and to the
18 community:**

19 Beginning in July, 2017, Trustee Bershatsky embarked on a continuous course of
20 conduct to sabotage Director Kittay’s performance as Library Director by restricting
21 and limiting her access to professional assistance, to the rest of the Trustees, to her
22 own staff, and to the community. In addition to the conduct set forth *supra*,
23 Bershatsky’s continuous course of conduct included the following:

24 **A. Directing other Trustees not to communicate with Kittay:**

25 Director Kittay on May 24, 2017, and periodically thereafter through
26 September 29, 2017, sought regular quarterly one-on-one meetings with all
27 Trustees in order to better keep them informed about the Library, but Trustees
28 did not respond to her requests to meet with her. In or about July-August,
2017, she told Trustee Bershatsky that she was frustrated that she was not

1 getting responses to her invitations, and Trustee Bershatsky admitted to her
2 that he had instructed all other Trustees to have no one-on-one interactions
3 with Director Kittay nor to respond to her emails.

4 **B. Refusal to meet with Kittay and staff:** Trustee Bershatsky
5 always claimed that he had limited time to devote to his duties as President.
6 His attitude was aptly summed up in his August 14, 2017, email complaining
7 that “It is time consuming when I receive an e-mail with several paragraphs.”

8 But he then aggravated his own unavailability and inattention problem by
9 making himself almost completely unavailable to Director Kittay and her staff
10 to interact with him. On August 2, 2017, Trustee Bershatsky angrily
11 communicated to Director Kittay and her immediate staff in an email string
12 that he would not meet with her or her staff for any purpose, including to
13 prepare the agenda. When Director Kittay urged Trustee Bershatsky that more
14 interaction with staff was needed to fulfill his role as Board President, he
15 angrily and defensively responded on August 16, 2017, saying “Wow. This is
16 new. Are you saying that I am not fulfilling my role as an official...? Not
17 responding on your timetable would not be considered ‘not fulfilling my
18 role...’” (Ellipses in original). On and after August 2, 2017, Bershatsky
19 harassed Director Kittay by failing and refusing to meet with her and thereby
20 interfering with and sabotaging her performance of her duties. Trustee
21 Bershatsky then hypocritically engineered a “Does not meet expectations”
22 rating on the annual review item concerning her working with the President,
23 a rating that would have been apt for him but, to the extent it applied to her,
24 was because he sabotaged her being able to satisfy that rating category.

25 **C. Prohibiting contacts with other Trustees:** In emails on August
26 10, 2017, and August 14, 2017, Trustee Bershatsky repeated his instructions
27 that his email was confidential, could not be shared with anyone, and any
28

1 response from her was embargoed for 48 hours. In emails on August 11 and
2 August 14, 2017, Trustee Bershatsky forbid Director Kittay from
3 communicating with other Trustees. On August 28, 2017, Trustee Bershatsky
4 denied Director Kittay's request to allow her to speak to the Trustees at the
5 evening closed session to rebut inaccurate statements made in the July closed
6 session. As a consequence of Trustee Bershatsky's foregoing denial, Director
7 Kittay's annual review proceeded without her having been able to respond to
8 the July misstatements; the Board met in closed sessions for a time, then
9 called in and gave her critical feedback, and Trustee McDonald said that she
10 should not respond but "just say thanks."

11 **D. Limiting contact with other Trustees:** On or about September
12 13, 2017, Trustee Bershatsky through HRNetwork directed that Director
13 Kittay's response to the September draft annual review could not be sent
14 directly to other Trustees but rather had to be sent to HRNetwork and that
15 HRNetwork was required to forward it to Trustee Bershatsky only.

16 **E. Causing outside counsel to resign:** The Library-Kittay contracts
17 specify that Director Kittay is the Library's "primary contact with legal
18 counsel." Trustee Bershatsky and the other Trustees in the male Board
19 majority regularly disregarded Director Kittay's contractual role as the
20 primary contact with legal counsel, creating confusion with the Library's
21 outside counsel and its insurer's risk manager. The Library's outside counsel
22 Shannon Jenkins and its insurer's risk manager on August 16, 2017, urged the
23 Board of Trustees to have an open public meeting concerning these issues
24 between the Board of Trustees and Director Kittay, but Trustee-President
25 Bershatsky dismissed the request. As a result, on October 17, 2017, Ms.
26 Jenkins and her firm withdrew from the Library's representation because of
27 its communications issues with Trustee Bershatsky and the Board of Trustees,
28

1 thereby interfering with Director Kittay's contractually-specified role as point
2 person for interaction with the Library's attorneys.

3 **F. Changing outside counsel's reporting line to prevent**
4 **Kittay's access to legal advice:** After the male Board majority caused the
5 Library's outside law firm to resign on October 17, Director Kittay began
6 relying upon the Los Angeles County Counsel's office, and specifically Deputy
7 County Counsel Katherine Bowser, for legal advice. In derogation of the
8 Library-Kittay contracts' specification that Director Kittay is the Library's
9 "primary contact with legal counsel," the male Board majority began a course
10 of conduct to prevent Director Kittay from obtaining legal advice from Ms.
11 Bowser; Trustee Bershatsky delegated to Trustee McDonald the male Board
12 majority's scheme to prevent Director Kittay from being the Library's primary
13 contact with legal counsel. In the illegal serial email meeting on October 27,
14 2017 (set out in ¶26F, *supra*), Trustee McDonald acting on behalf of Trustee-
15 President Bershatsky and the male Board majority falsely asserted to Ms.
16 Bowser that the Board and Trustee McDonald as its President were the
17 primary point of contact for her and purported to restrict Ms. Bowser from
18 Director Kittay seeking legal advice on anything except illegal acts by the
19 Board. After Director Kittay's objections to Brown Act violations on October
20 28 (as set forth in §26G, *supra*), McDonald on behalf of Bershatsky retaliated
21 against Director Kittay by instructing her to get the Trustee's permission
22 before communicating with County Counsel and attempted to get County
23 Counsel not to allow communications from Director Kittay.

24 **G. Attempting to interfere with prompt reporting of claims to**
25 **the Library's insurer:** Director Kittay's job description provides that she
26 is the primary contact with legal counsel. The Library participates in a self-
27 insurance consortium, the Special District Risk Management Authority
28

1 (“SDRMA”). The SDRMA assigns attorneys to defend claims its covers; its
2 contract requires *immediate* notification of any claims against the Library.
3 Director Kittay received a claim on November 13, 2017, immediately sent it to
4 the SDRMA as required by its contract, and two days later sent the Trustees
5 an agenda for the next Board meeting which agendized the claim for a closed
6 session. Upon receiving the agenda on November 15, Trustee Bershatsky
7 initiated the serial email meeting with Trustees McDonald and Zambrano that
8 violated the Brown Act (*see* ¶27A, *supra*). In that illegal serial email meeting
9 Trustee Bershatsky sought to interfere with Director Kittay’s role as the
10 primary contact with legal counsel and to substitute himself in that role.

11 **H. Bypassing Kittay and staff for information:** The Library’s job
12 description for Director Kittay’s position specifies as a core responsibility
13 advising the Board on Brown Act compliance; both Director Kittay and her
14 staff are trained about and knowledgeable about the Brown Act. While
15 ignoring Director Kittay and her staff, thereby stumbling through repeated
16 Brown Act violations, and complaining about escalating legal costs, the male
17 Board majority unnecessarily began bypassing Director Kittay and her staff for
18 inquiries they could have handled and instead further escalated legal costs.
19 On a November 20, 2017, email, Director Kittay urged the Trustees to stop
20 bypassing her staff on Brown Act matters.

21 **43. Despite the claim having been rebutted, Bershatsky and**
22 **McDonald press the claim that Kittay “deceived” the Board on employee**
23 **compensation:**

24 Despite Director Kittay and HRNetwork providing explanations and
25 documentation rebutting the false allegations that Director Kittay had “deceived” the
26 Board of Trustees on staff compensation increases and despite being told by
27 HRNetwork that there were no anomalies in compensation and that all was done per
28 policy and procedure, Trustees Bershatsky and McDonald continued to press that

1 pretextual claim. Through their illegal serial meeting on the issue they prepared a
2 written demand that Director Kittay explain “the many inconsistencies” that they
3 claimed to identify and that she prepare a written report explaining the non-existent
4 inconsistencies; rather than directly communicating the demand to Director Kittay,
5 Trustee Bershatsky followed his practice of avoiding her by routing it through
6 HRNetwork.

7 **44. During the run-up to the November 28 Board meeting,**
8 **Bershatsky threatens that “the fun” is about to begin.**

9 In his illegal communications violating the Brown Act on November 21, 2017,
10 concerning the Board President for the next term, Trustee Bershatsky sadistically
11 communicated to the rest of the male Board majority in emails on November 21 that
12 his reason for seeking a second term as President was because he did not want to
13 “miss out on all the fun” and because “the fun is about to begin.” The context of the
14 emails indicates that “the fun” was Trustee McDonald’s statement in an email to
15 Trustee Bershatsky on November 18, 2017, that “we will need to start documenting
16 the job performance failures as part of the [Director Kittay review] process.” In those
17 communications, Bershatsky schemed with Trustees McDonald and Zambrano on
18 how to disadvantage Director Kittay by such techniques as limiting her reports to two
19 minutes and forcing her to put things in writing and shared defamations of Director
20 Kittay such as asserting that she inaccurately interprets the Brown Act and that she
21 acts “just covering herself.”

22 **45. McDonald and Bershatsky ignore community objections to carry**
23 **out the “the fun” which results in forcing Kittay out on a stress leave.**

24 The male Board majority’s November 28 decision to replace Trustee Bershatsky with
25 Trustee McDonald as Board President substituted a slightly smoother hand for the
26 ham-fisted Bershatsky at the helm of the Board in order to implement “the fun” to
27 force Director Kittay out on a stress leave; while the male Board majority installed
28 a fresh face to lead their “fun”, the objective was unchanged. Under Trustee

1 McDonald's leadership, the male Board majority completed its 6 1/2 month
2 harassment campaign against Director Kittay into December and through January
3 23, 2018:

4 **A. McDonald's calendaring imbroglio leads to false claims**
5 **against Kittay that she is improperly monitoring Trustee emails**
6 **and deleting public records:** Trustee-President McDonald created a 3-
7 week crisis from December 20-January 10 that led to paranoid false charges
8 by the male Board majority that the Library staff was monitoring Trustee
9 emails. Director Kittay and her staff at all times kept all Library stakeholders
10 informed of Library events through multiple means – *i.e.*, a monthly
11 newsletter listing the next month's events, a weekly newsletter listing the next
12 week's events, and an online calendar of all future events. Under the false
13 pretext that the reason that Board members such as Trustees Bershatsky and
14 Zambrano were not attending events because they weren't informed of them,
15 Trustee-President McDonald on December 20, 2017, instructed Director
16 Kittay's staff to begin calendaring all Library events on each Trustee's Outlook
17 calendars, falsely claiming that it added no significant burden to staff. On
18 December 21, Director Kittay reminded Trustees of the multiple means that
19 Trustees were informed of all Library events. Within 10 minutes of Director
20 Kittay's December 21 email, Trustee Bershatsky chimed in supporting Trustee
21 McDonald's direction by saying it took him too much time to review those
22 multiple sources and demanding additional notifications from the staff.
23 Trustees McDonald and Bershatsky then began attacking Director Kittay's
24 staff as purportedly not spending enough time in supporting the Board.
25 Director Kittay and her staff professionally responded to these attacks, did not
26 rise to the bait, and spent their Christmas holiday period implementing the
27 demands from Trustees McDonald and Bershatsky. But on December 28,

1 2017, Trustee Zambrano complained that he was getting notice of too many
2 events which “are not directly related to Board activities” and demanded to
3 know how much time Director Kittay’s staff wasted on the calendaring task
4 that the Library staff had been instructed to implement by Trustees McDonald
5 and Bershatsky. In the January 9-10, 2018, peak period of harassing emails,
6 23 emails were exchanged in two days. Instead of taking responsibility for
7 their ill-advised calendaring imbroglio, Trustees McDonald and Bershatsky
8 joined Trustee Zambrano’s attack and made contradictory demands to
9 ameliorate or unwind their calendaring fiasco directive. Trustee Zambrano
10 then attacked Director Kittay for allegedly obtaining unauthorized access to
11 his email account because her staff first made the calendaring entries and then
12 worked to remove them when he complained. Trustee Bershatsky then
13 expanded Zambrano’s complaint about unauthorized access to the paranoid
14 claim that Director Kittay and her staff were improperly accessing Trustee
15 accounts and urged Trustee Zambrano to demand an investigation. At the end
16 of this peak period of email exchanges on January 10, Trustee Bershatsky
17 attacked Director Kittay’s “veracity” and accused Director Kittay of deleting
18 public records by implementing Trustee Zambrano’s request to remove
19 calendar entries from his Library Outlook account

20 **B. Pretextual exclusion of Director Kittay from the bylaws**
21 **revision subcommittee:** In a January 9, 2018, email string, Trustee
22 McDonald disclosed that Trustees Bershatsky and Zambrano had violated the
23 Brown Act by collectively deciding in non-public communications among the
24 male Board majority that, although Director Kittay had volunteered to work
25 on the Board bylaws revision subcommittee, she would be excluded from
26 participating in that subcommittee because “we do not need input from the
27 Director or the Staff.” The claim that staff input was needed as the excuse to
28

1 exclude Director Kittay from the bylaws revision subcommittee was plainly
2 pretextual, because Trustee McDonald in an illegal serial email meeting from
3 January 9, 2018-March 12, 2018, changed his position in his March 12, 2018,
4 email by allowing staff participation in the subcommittee when Director Kittay
5 was no longer available for such an assignment because she was on stress
6 leave. The reason for Director Kittay's exclusion was her whistleblowing about
7 Brown Act violations.

8 **C. The male Board majority bombards Director Kittay with**
9 **false accusations and overloads her with work:** After the male Board
10 majority's calendaring fiasco, they shifted their repeated attacks to other
11 issues and amped up their demands on Director Kittay's and her staff's time
12 in a coordinated effort to break Director Kittay from January 11-23, 2018. For
13 example, during the 3-day period from January 16-18, the male Board
14 majority sent Director Kittay 26 emails attacking her and/or imposing work
15 demand on her and her staff. Trustee Bershatsky sent 9 of the emails;
16 practically all of them were accusatory on a range of contrived issues. Trustee
17 McDonald sent 10 and Trustee Zambrano sent 7 of the emails; practically all
18 of them made demands on the time of Director Kittay and her staff and
19 imposed unrealistically short response times. While that 3-day period was the
20 second highest peak of activity (the two days of January 9-10, which included
21 not only the emails related to the calendaring fiasco but other emails, was the
22 highest), the stream of accusations and demands occurred unabated
23 throughout the whole period from January 11-23.

24 **D. Bershatsky submits a harassment complaint against**
25 **Director Kittay for "non-verbal physical harassment."** On Friday,
26 January 19, 2018, Trustee Bershatsky emailed each member of the Board, the
27 Library's Public Services Director, Counselor Bowser, and Consultant Lee
28

1 with a “formal complaint ... for intimidation, harassment, and bullying”
2 against Director Kittay. Trustee Bershatsky’s claim of “intimidation,
3 harassment and bullying” arose from Director Kittay briefly and silently
4 waiting to talk to the Library’s Assistant Director after Trustee Bershatsky
5 finished a conversation with him in an open, public space in the Library but
6 then deciding to move on a talk to him later. Trustee Bershatsky’s “formal
7 complaint” acknowledged that Director Kittay neither said anything nor
8 touched him but rather asserted that she engaged in “non-verbal physical
9 intimidation, harassment, and bullying.” Trustee Bershatsky disclaimed that
10 his complaint in any way involved “non-verbal physical intimidation,
11 harassment and bullying involved such conduct against the Library’s Public
12 Service’s Director but rather solely that “this concerns me and the Director.”
13 His sole support for his claim of “non-verbal physical intimidation,
14 harassment, and bullying was that Director Kittay’s “non-verbal physical
15 posture was saying “You better not be talking about me or else.” Consultant
16 Lee responded to the “formal complaint” by saying “honestly I do not feel as
17 an HR Professional that this rises to the level of illegal harassment. And I feel
18 it was inappropriate to involve/copy all these individuals, rather should have
19 been handled as a confidential HR matter.”

20 The following Monday after Trustee Bershatsky’s ludicrous defamatory allegation of
21 harassment and invasion of her privacy, Director Kittay took a stress leave. After 6
22 ½ months of negativity heaped on her by the male Board majority, Director Kittay
23 finally had to leave work at mid-day on January 23 and get medical assistance; her
24 doctor promptly signed an off-work order.

25 **46. McDonald and Bershatsky continue attacking Kittay while she**
26 **is on medical leave:**

27 While on medical leave, Kittay had to interact with the Library employee who
28 handled medical leaves, payroll, and sick time on such matters as providing her off-

1 work-notices and compensation; as an Altadena resident and patron of the Library,
2 she interacted with Library personnel to obtain books she wished to use. Trustees
3 Bershatsky and McDonald exchanged emails on February 21, 2017, in which these
4 normal interactions for an employee on leave were falsely described to a Library
5 employee and outside consultant as “perpetrating fraud” and “fraudulently
6 leveraging the system;” after the Library’s outside HR consultant viewed the email
7 and discussed it with Trustee McDonald, Trustee McDonald acknowledged that he
8 lacked sympathy for Director Kittay because of her criticisms of “perceived ethical
9 and/or legal violations” by the Board – *i.e.*, he admitted that he was attacking
10 Director Kittay because she blew the whistle on the Board’s Brown Act violations.
11

12 **Bershatsky’s false defamations of Kittay 13 and invasion of privacy**

14 **47. Bershatsky’s continuing course of conduct in defaming Kittay:**

15 Beginning in July, 2017, and continuing to the present time, Trustee Bershatsky has
16 engaged in a continuous course of conduct of defaming Director Kittay.

17 **48. Libel alleging that Kittay improperly injected fund-raising into 18 Retreat discussions:**

19 The primary financial base of the Library is property tax revenue, but two volunteer
20 organizations supplement its property tax revenue financial base – *i.e.*, fundraising
21 by the Friends of the Library (“Friends”) and the Altadena Library Foundation
22 (“Foundation”); as Consultant Stu Wilson communicated to Trustee Bershatsky, the
23 two organizations “are about fundraising – no other major reason for them to exist.
24 So to talk about the 3 entities without including fundraising makes no sense.” One
25 of the duties of the Library Director is to be a liaison to the Friends and the
26 Foundation. Carrying out those duties, Director Kittay and her staff organized the
27 annual publicly-agendized retreat involving the Board of Directors, the Friends, the
28 Foundation, Library staff, and interested other members of the Public on July 29,

1 2017. Consistently with the primary purposes of the Friends and the Foundation and
2 with the subject matter of all previous such retreats, Director Kittay included in the
3 Retreat the topic of fundraising to financially support the Library. In a writing sent
4 to Stu Wilson on August 9, 2017, at 7:07 am, Trustee Bershatsky libeled Director
5 Kittay by falsely accusing her of “unilaterally and deceptively” injecting the subject
6 of fundraising into the Retreat, by falsely asserting she did so without prior notice,
7 and asserted that her alleged “deceitfulness” showed why “the Board of Trustees does
8 not view your relationship with us favorably.” Bershatsky attempted to muzzle
9 Director Kittay by demanding that she not respond to his false allegations for 48
10 hours. In fact, the previous year’s retreat included fundraising for the Library as a
11 topic, there was reasonable notice of the fundraising objective of the retreat, and
12 other members of the Board of Trustees did not view her conduct as “deceitful” nor
13 as a reason to view their relationship to her unfavorably. Director Kittay is informed
14 and believes that Trustee Bershatsky repeated the same or similar defamatory
15 statements to other persons.

16 **49. Libel alleging Kittay acted unethically by disseminating**
17 **information concerning her review:**

18 As discussed *supra*, Trustee Bershatsky attempted to coerce Director Kittay into not
19 discussing her review with anyone else. The privacy rights that require and/or allow
20 the Library’s Board of Trustees to consider in closed session employee personnel
21 matters are privacy rights that belong to the employees involved and are the
22 employee’s rights to waive if they so choose. As a relatively small library district, the
23 Library outsources much of its human resources (“HR”) functions to an outside HR
24 firm, HRNetwork. One of HRNetwork’s characteristic roles for the Library is to
25 assist the Library in performance reviews of Library employees. Because
26 performance reviews implicate employee constitutional privacy rights, HRNetwork
27 has a duty of confidentiality concerning its work on employee reviews that is co-
28 extensive with the duty that in-house HR employees would have if they are

1 performing the same role. Consistently with its general role on Library employee
2 performance reviews, HRNetwork worked with both Director Kittay and the Board
3 of Trustees on its belated 2017 annual review of Director Kittay. Nonetheless, in a
4 written communication to Stu Wilson at 9:01 pm on August 9, 2017, and again in a
5 written communication to Stu Wilson at 8:55 pm on August 14, 2017, Trustee
6 Bershatsky falsely stated that the foregoing conduct of Director Kittay was unethical,
7 asserted again that her conduct in that respect showed why “the Board of Trustees
8 does not view your relationship with us favorably” or “trusting you,” threatened
9 Director Kittay that she could not share any information from the Board’s closed
10 sessions, and again attempted to muzzle Director Kittay by demanding that she not
11 respond to his false allegations for 48 hours. In fact, Director Kittay’s conduct was
12 not unethical. As the holder of the confidentiality privilege, she was entitled to waive
13 the confidentiality protection at her sole option or to use the confidentiality-
14 protected information for the limited purpose she used it – *i.e.*, to enlist the help of
15 the Library’s HR professionals to help resolve a potentially fractious issue because
16 of what Director Kittay believed to be false and retaliatory criticism of her by some
17 Board members, including Trustee Bershatsky. Trustee Bershatsky subsequently
18 implicitly admitted that Director Kittay’s foregoing conduct was ethical because on
19 or about September 13, 2017, he gave a subsequent written draft of Director Kittay’s
20 annual review to HRNetwork with instructions to deliver it to Director Kittay and for
21 HRNetwork to receive from Director Kittay any responses; however, Trustee
22 Bershatsky never retracted nor withdrew his accusations that Director Kittay had
23 acted unethically.

24 **50. Libel alleging Kittay acted deceptively in getting Step and**
25 **across-the-board pay raises:**

26 On or before August 22, 2017, Trustee Bershatsky communicated in writing to
27 Audrienne Adams Lee: “There appears to be a regular year-to-year discrepancy in
28 Mindy’s pay rates listed on the various PAFs, noting that the final approved Board

1 salary on the last few PAFs do not match the following year's starting salary. We'd
2 like to know the explanation of the discrepancy." Bershatsky subsequently asserted
3 orally and in writing and/or caused to be asserted that Director Kittay had been
4 "deceptive" in misleading the Board that employees get Step raises and had failed to
5 inform the Board that she and other employees were getting Step raises. The Library-
6 Kittay contracts expressly provided Director Kittay's initial annual salary and further
7 provided that her salary would be paid in accordance with the ALD regular payroll
8 practices. The Library's regular payroll practice at all times material hereto has been
9 and is that exempt employees are paid on a "Step Basis" – i.e., a Pay Plan that
10 assigns employees in each class a salary range on the Library's Salary Schedule, with
11 Step 1 being the lowest salary in the classification and each higher step progressively
12 increasing the salary of the lower step. Each classification on the Salary Schedule
13 has 5.5 steps that are reviewed as part of the annual budget preparation process and
14 may be adjusted based on economic and market conditions, the District's financial
15 circumstances, and/or to ensure equity with employees. Exempt employees can be
16 moved to higher steps based upon performance reviews. The Library's regular
17 payroll practices may also include across-the-board salary increases at specified
18 percentages for all employees. At least four times the Board packages that Director
19 Kittay had previously submitted to the Board had reflected Step increases for all
20 staff, including the Director. Director Kittay and her staff had previously even had
21 a discussion concerning possibly moving away from the Step increases with the
22 Board. On August 8 – two week before Trustee Bershatsky's false statement that
23 there were discrepancies in Director Kittay's pay – Director Kittay had sent Trustee
24 Bershatsky and other Trustees previous Board packages that referred to the Step
25 system and to Director Kittay's Step increases.

26 **51. Libel re misconduct in preparing complete minutes:** In a written
27 communication at 5:48 am on January 17, 2018, from Trustee Bershatsky to Trustees
28

1 McMullin and Zambrano, to ex-Trustees McDonald and Zelada-Garcia, and to
2 Kylynn Chaney and Ryan Roy, Trustee Bershatsky alleged that Director Kittay
3 engaged in “unethical, unprofessional” conduct in that she “put [her subordinate up
4 to] preparing complete minutes rather than brief summaries. In fact, there was
5 nothing unethical or unprofessional in the staff preparing nor in Director Kittay
6 requiring the staff to prepare complete minutes rather than brief summaries.

7 **52. Libel and invasion of privacy by allegations of “non-verbal**
8 **physical intimidation, harassment, and bullying:**

9 In a written communication at 8:17 am from Trustee Bershatsky to each member of
10 the Board, the Library’s Assistant Director, Counselor Bowser, and Consultant Lee,
11 Trustee Bershatsky falsely alleged that Director Kittay had engaged in “non-verbal
12 physical intimidation, harassment and bullying.” The true facts are that Director
13 Kittay engaged in no physical behavior that constituted intimidation, harassment,
14 or bullying. The true fact is that Trustee Bershatsky – a much larger person than the
15 diminutive Director Kittay – was not in any way in this or any other encounter with
16 Director Kittay physically intimidated, harassed, or bullied by Director Kittay; rather,
17 Trustee Bershatsky was engaging in psychological projection of his own bullying,
18 intimidating, and harassing proclivities. Moreover, even assuming *arguendo* that
19 there were any truth to Trustee Bershatsky’s false allegations – which there is not –,
20 Trustee Bershatsky unreasonably disseminated his allegations concerning a
21 personnel matter to an unreasonable number of people in order to serve his
22 improper purpose of attempting to poison Director Kittay’s reputation with that
23 audience because of his political, sexist, and retaliatory animus towards Director
24 Kittay.

25
26 **Trustee Bershatsky’s conduct causing contract breaches**

27 **53. The written contracts:** The Board of Trustees hired Director Kittay
28 pursuant to a contract, a true and correct copy of which is attached as Exhibit B.

1 Director Kittay and ALD agreed to an extension of the contract, a true and correct
2 copy of which is attached as Exhibit C. Exhibits B and C are sometimes collectively
3 referred to hereinafter as "the Library-Kittay contracts" or just "the contracts."

4 **54. Covenant of good faith and fair dealing:** Implied by law into the
5 Library-Kittay contracts is a covenant of good faith and fair dealing that obligates
6 both parties to deal fairly and in good faith so as not to deprive the other of the
7 benefit of the bargain.

8 **55. Bylaws, policies, and regulations terms of the contracts:** Implied
9 by law and implied in fact in the Library-Kittay contracts are the policies and
10 regulations of the Library, including the Board of Trustee bylaws; a true and correct
11 copy of the bylaws that were in force at all relevant times is attached hereto as
12 Exhibit D.

13 **56. State law terms of the contracts:** Implied by law in the Library-Kittay
14 contracts is applicable state law, including the provisions of the Brown Act to the
15 extent they impact on Director Kittay's duties and performance, including the
16 prohibitions against retaliation or harassment in Labor Code §1102.5, and including
17 the provisions of the California Fair Employment and Housing Act that impact on
18 Director Kittay's duties and performance.

19 **57. Job description duties part of contracts:** The Library-Kittay
20 contracts expressly provide that Director Kittay will "fit (sic) the position of District
21 Director and shall have the duties normally ascribed to that position" and such
22 additional duties "as assigned by the Library Board of Trustees from time to time in
23 its sole discretion." The duties normally ascribed to the position of District Director
24 are the duties set out in Director Kittay's job description and are, by the foregoing
25 incorporated into the Library-Kittay contracts; a true and correct copy of Director
26 Kittay's job description is attached hereto as Exhibit E. Implied-in-fact by the
27 foregoing terms is a contractual term that the Library Trustees will not interfere with
28

1 Director Kittay's performance of the duties set out in Exhibit D nor will they prevent
2 her from performing those duties.

3 **58. Breaches of contractual provisions re Library legal counsel:**

4 The Library Director Job Description, Exhibit E, which is incorporated into the
5 Library-Kittay contracts provides that Director Kittay's core responsibilities include
6 overseeing administration of Board business to ensure compliance with the Brown
7 Act and monitoring relevant legal developments to advise the Board on them; the
8 Job Description provides that the Director is the Library's "primary contact with
9 legal counsel." Trustee Bershatsky, in concert with Trustee McDonald, breached the
10 Kittay-Library contract by interfering with her being the point person for the Library
11 with the Library's outside counsels, as more fully set out in ¶¶26F, 28A, 42Ex-H
12 *supra*. The male Board majority interfered with and subverted Director Kittay's
13 responsibility set out in the bylaws and in her job description in preparing the Board
14 agendas, as more fully set out in ¶¶18, 20, 26C, 27B, *supra*.

15 **59. Breaches on annual review:** The Library's personnel policies that are
16 incorporated into the Library-Kittay Contracts required the Board of Trustees to give
17 Director Kittay her annual written review in May, 2017. On April 11, 2017, Director
18 Kittay reminded Trustee-President Bershatsky that the review should be on the
19 agenda for the May, 2017, Board of Trustees meeting. Trustee Bershatsky decided
20 to delay the review so that it would begin with discussion in closed session at the
21 June, 2017, regular Board of Trustees meeting and be completed by giving Director
22 Kittay the written review at the July, 2017, regular Board of Trustees meeting – a 60-
23 day delay unilaterally imposed by Trustee Bershatsky that was not requested by
24 Director Kittay. The male Board majority thereafter prevented Director Kittay from
25 rebutting false allegations against her made by them in the July Board meeting,
26 reported out at the August Board meeting a retaliatory review of only "satisfactory,"
27 issued a retaliatory written review in September, and had still not completed the
28

1 review process at the time that Director Kittay was forced out on a medical stress
2 leave on January 23, 2018.

3
4 **60. Breach of the covenant of good-faith and fair dealing on
5 contract renewal:**

6 The male Board majority, which was led for most of the time by Trustee Bershatsky,
7 caused the Library to breach the covenant of good faith and fair dealing by holding
8 out to Director Kittay that it would renew her contract for a second 3-year term, then
9 stalling on taking up the issue, then forcing Director Kittay to enter into a short-term
10 extension, then, when its conduct outraged the community, by misrepresenting the
11 events to try to cover up their responsibility:

12 **A. Kittay is assured of the renewal:** Director Kittay's initial
13 contract with the Library was for a 3-year term from November 1, 2014, to
14 October 31, 2017. The Library's outside HR consultant Audrienne Adams Lee
15 in the course of her regular duties inquired of Trustee/President Bershatsky
16 on May 31, 2017, as to the Library's intention on renewal of her contract.
17 Trustee Bershatsky responded "I would like to see [Director Kittay] continue
18 as Director;" Trustee Bershatsky said he would delay consideration of contract
19 renewal until the July Board meeting. Director Kittay thereafter was assured
20 by other Trustees, that her contract extension for three years was assured,
21 including statements in June, 2017, that the Board of Trustees "has every
22 intention of renewing your contract" and "you should not lose any sleep over
23 it."

24 **B. Trustee Bershatsky delays through August:** Trustee
25 Bershatsky failed to proceed with Director Kittay's contract renewal in July,
26 In early August, 2017, with the expiration date on the existing contract
27 looming at the end of October, Director Kittay and HR Consultant Lee urged
28 Trustee Bershatsky to have the Board of Trustees proceed expeditiously on the

1 contract renewal; on August 10, 2017, Trustee Bershatsky attacked Consultant
2 Lee saying “this rush rush is concerning” and sought to shift the responsibility
3 for his delay on HR Consultant Lee and Director Kittay. Director Kittay later
4 in August tried to expedite the process by obtaining a Director contract for
5 another special district and marking it up to fit the Library. During Director
6 Kittay’s vacation, Trustee Bershatsky demanded that she convert the
7 document to Word. Bershatsky then did not agendize the contract renewal for
8 the August meeting but rather only agendized continuing the pretextual
9 review.

10 **C. On October 9, Bershatsky leads the Board to decide on a**
11 **contract extension and misreports the action:** Trustee Bershatsky
12 finally agendized the contract extension for the Board’s September meeting,
13 but the absence of a quorum prevented the Board from proceeding. With only
14 22 days remaining on the Library-Kittay contract, the Board in a special
15 meeting on October 9, 2017, violated the Brown Act as set forth in ¶26A.
16 *supra*. Its instruction to Consultant Lee to extend an offer to Director Kittay
17 for an 8-month extension with no pay increase was communicated to Director
18 Kittay on October 10, 2017; with 18 days remaining on the contract’s term,
19 Director Kittay was notified by the Board on October 13 that she had to
20 respond to the offer within 3 days.

21 **D. Director Kittay accepts the contract extension, modified to**
22 **include the Board signing the PAF for the Step increase:** Under the
23 pressure of being up against the end of the Library-Kittay contract, Director
24 Kittay responded on October 16 by communicating that she would accept the
25 offer if the Board signed the Step increase PAF that should have been signed
26 in May.

27 **E. Bershatsky violates the Brown Act in multiple ways trying**
28

1 a significant source disclosing liability-incurring acts and omissions by Trustee
2 Bershatsky. The Library's responses to other PRA requests are pending and likely
3 will disclose additional such acts and omissions; nothing herein waives liability for
4 such undisclosed acts and omissions.

5 **64. Incorporation of attachments:** Exhibits A-E referred to hereinabove
6 are attached hereto and incorporated herein as though set forth in full.

7 **65. Directions for responses:** For the purposes of communicating with
8 Director Kittay, her mailing address is c/o Dale L. Gronemeier, Gronemeier &
9 Associates, P.C., 1490 Colorado Boulevard, Eagle Rock, California 91041.

10 **66. Unlimited-amount superior court jurisdiction:** Director Kittay has
11 suffered economic damages, emotional distress damages, and damages to her
12 reputation. The amount of damages that Director Kittay has suffered because of the
13 acts and omissions alleged herein greatly exceed the \$50,000 lower limit for
14 unlimited California superior court actions.

15 DATED: April 22, 2018

GRONEMEIER & ASSOCIATES, P.C.

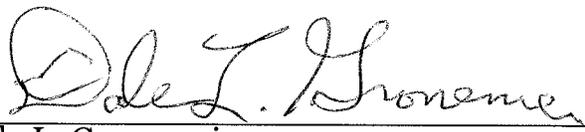
17
18 By 
19 Dale L. Gronemeier
20 Attorneys for Director Mindy Kittay

EXHIBIT A:

08/28/17

Director Kittay
Accomplishments

MEMORANDUM

DATE: 8/28/2017

TO: Altadena Library District Board of Trustees

FROM: Mindy Kittay, Director

As you prepare my review tonight I hope you will consider the following information.

RISK MANAGEMENT & FACILITIES

There was a mentally ill/homeless man living on the property for over 10 years. There are no longer any homeless people living on the property.

There were trash heaps outside the library and junk piled up in offices and storage areas around the perimeter. The library is now clean and organized.

There were no lighted exit signs. No panic bars or appropriate signage on exit doors and other required signage for a public building was missing. This has all been remedied.

Tree trimming had not happened in over 10 years and there were dangerously large limbs hanging over public spaces. We are on a rotating schedule now for tree maintenance.

There were no institutional first aid kits and no safety equipment such as gloves, masks or an AED machine – we now have all of that and can help a person in need if necessary.

Over 60% of the lighting in the main building was broken – the District was discussing a \$100,000 rework to LED. I took over this project immediately, negotiated a price of \$36,000 with a \$5.00 per bulb rebate at time of renovation (should that happen). The Library is fully LED and this has reduced utility costs.

A number of missing or the wrong size fire extinguishers – Fixed.

Doors that had to be chained shut at night which meant that the security system could not work effectively. ADA accessible doors have been installed and paid for through the HUD grant. These could be reused as part of a major renovation of the building.

The library was paying for two storage units – 1 full of un-needed items and the other so that the FOAL could store books. These used up 3 much needed parking spaces for the public. These have been returned to the vendor.

The roof leaked into the downstairs office space on a regular basis. The carpet had mold and mildew on it. There is now a laminate floor in this space and repairs were done on that portion of the roof. We will be working to repair other roof leaks this year.

Book donations used to be piled up along the South side of the building and this eyesore was the first thing most patrons saw when parking in the parking lot. This has been cleaned up.

Newspapers and flyers used to be piled up around our entrances and in rickety wire racks. We now have a mobile shelf system for these.

Our windows were scratched with graffiti. This has been cleaned up and a film added to prevent new scratches.

The furniture was a mishmash of styles, colors and fabrics. Refurbished, refinished, and personally searched out and bought mid-century pieces to replace those sold and to repair the very valuable mid-century furniture we still have. Spent hours of my own time at auctions finding furniture.

The carpeting was in tatters in some places, furniture was falling apart, shelving was too close and leaning in some places, the walls were full of scratches, holes and covered in stickers and other items. Using the HUD funds, a donation from the Foundation and a very small portion of the Libraries operating budget I was able to design a plan to improve the aesthetics of the library and address some of the safety and ADA issues. I also did most of the construction management of this project myself with help from facilities (Johnathan Arevalo) and brought it in on time and under budget while keeping staff fully employed. We were also able to accomplish over 20 other additional items during the closure that needed attention. We have created a space that is beautiful, welcoming and flexible so that it can be used in a multitude of ways to meet the needs of the community.

MARKETING & COMMUNITY RELATIONS

We had almost no displays for materials. The library is now full of beautiful, mobile display fixtures.

The library was unattractive, had signs plastered all over the windows and walls and had pieces of paper and junk on every surface. Sign holders are installed at both entrances and flyer stands are placed around the library.

There was no library newsletter. The FOAL published a quarterly four-page text document of activities for the upcoming months. We now have a monthly newsletter that is widely distributed and read.

Well designed and engaging eblasts go out every Friday to over 11,500 people and are opened by over 15%. (This is up from around 1,000 +/- when I arrived).

The website was never updated (still needs a lot of work) but has updated information almost daily and we are working on fixing broken links and creating a new website.

Our social media was almost non-existent. We now have admirable number of followers on most popular social media sights.

Our signage, flyers and posters were a mishmash of unmatched styles, colors and fonts and used a variety of logos. There was no consistency. We now have consistency in our

colors, designs and logos so that when the community sees something from the library they immediately recognize it as ours.

OPERATIONS, TECHNOLOGY & CUSTOMER SERVICE

There were no spaces for quiet study in the library – moved children's offices downstairs and created a small meeting room/quiet study area.

Many staff spent hours every day working on selecting for budgets as small as a few 100 dollars rather than working with our customers in the library. Staff now spend the appropriate amount of time, based on their job description, working with the public. Most Staff also have responsibility to maintain a portion of the collection by reviewing it, removing items that are in need of discard or repair and making suggestions for additions. (Sometimes called working the collection).

Our service model was staff focused instead of patron focused. Staff stayed behind desks and rarely went into the stacks to work their collection or to help patrons – patrons had to come to them. Our new service model provides an outward facing staff who interact with our patrons throughout the library.

Created a separate office for Passports which moved the customers out of the circulation office (where they used to go and have their appointments) and reduced errors to near zero. Raised the revenue from Passports substantially every single year for the past 3 years.

We had 1,000's of books that not only were irrelevant but had not been touched in years, 10, 20, 30, 40+ years. By removing these we made room for new materials, displays, areas to plug in and areas to relax.

We implemented Patron Initiated Purchases (PIPs) whereby we saved the library money (reduced labor and postage) and have material requests into the hands of the patrons faster than using Inter Library Loan.

We had a tiny teen area that was out in the open and did not reflect the needs of this important group of future voters. Their non-fiction books were interfiled with Adult non-fiction and had almost zero circulation. We now have a full-service teen area with their full collection and technology specifically for them.

We held no programs outside of the library's physical space. We now offer children's programming outside of the library and are expanding other programming as well.

We had no lab area for teaching courses in technology. We now have a FabLab that was almost fully funded by grants with state of the art technology.

Programming for adults was minimal and all age events such as Second Saturday, Latino Cultural Festival and others was the exception rather than the rule. There was no Adult Summer Reading Program.

Even though the Strategic Plan has a goal of outreach there was little outreach beyond visiting schools prior to Summer Reading. Over the past year and pursuant to the Operating Plan for the 16/17 year, 24 community conversations were held, a town hall, a report which is still being widely distributed, ongoing committee and staff training in outreach continues, monthly community conversations to continue with director and staff members around town. Ongoing reporting monthly of outcomes and changes in the community. The Director is part of a panel at the California Library Association annual conference this year speaking on our success with Turning Outward and the Harwood approach.

There was no self-check and patrons had been trained to stand in line to return items and watch while they were being checked in. This was not an effective use of staff time or patron time. Patrons now use the drop box to return items and are assisted at self-check by staff. This frees staff up to interact with the patrons in a more personal way. It provides staff the opportunity to ask and help patrons find materials or request them, tell them about programs, volunteer opportunities and engage the patron. It also frees up staff for outreach, creating programs and inspiration stations around the library and to generally meet the customer wherever they are in the library.

No color printing, no scanning, no faxing. No printing available from your own device. All possible now!

Wifi at speeds less than probably all of you had at home and we were paying more for it than we would have been had we moved up to the highest speed available. We now have 1g at both Branch and Main and it is at a similar cost to what we were paying previously. The infrastructure for this was almost completely funded by erate and erate continues to pay almost 90% of the operating cost to maintain this annually.

Computers and technology that was at least 10 years behind the times. Not enough computers. At main we now have 20 laptops for checkout + 12 Chromebooks and 5 laptops and 3 Chromebooks at the Branch. We offer the flexibility for the patron to use their technology wherever they want in the library. Laptops and Chromebooks can be checked out for the full day.

The process for shelving books included checking each item in while the customer waited, putting them in a box, then removing them and putting them on a cart which then was wheeled to shelves in the stacks where the books were placed to await shelving. Later another page would then take them off the shelves, put them on another cart and then shelve them. We now take the items out of the drop box and move them into the circulation office on a cart where they are checked in and then placed on one of 15 sorting carts which then are taken out to the appropriate area in the library and shelved. This has cut down on the handling and time to shelve substantially.

All items, including NEW items were often not shelved for 24 hours or more. All pages, circulation and adult services staff now take items that are NEW and place them on the

displays or other areas for new items so that they are quickly available again to our patrons.

Our phone system was expensive and inadequate. VOIP system now in place and it was partially funded by erate. All phone calls are answered within 2 – 3 rings and the phone is answered from 8am to 10pm Monday through Saturday with no calls going directly to voice mail without speaking with a human first during those hours. (Unique Phone Answering)

The community room technology had been broken for years – there was no sound system, microphones or automated projection. We now have a state of the art system in place for the use of the District and for Patrons.

FINANCES

No contracts or agreements were negotiated – we just signed on the dotted line. We now negotiate every single renewal and our major vendor agreements are reviewed either annually or every three years. In the first year I negotiated a 1% increase to our discount on materials which is our second largest expense after wages and benefits.

During my tenure the Cash assets of the District have increased by almost \$600,000 and the bank balance is close to 3 million. (This will need confirmation and may adjust after the 16/17 Audit).

Of the more than 3/4 of the full time employees in the CALPERS Retirement system, all were having a portion of their retirement (4%) match paid by the library and in addition the library was paying it's share. All employees who are eligible for CALPERS retirement now pay their full share (7%).

Staff were paid on the last day of the pay period which meant that they were guessing what their hours would be on the last 3 – 5 days of their time cards. They would then submit Correction Requests that would require that corrections would be made on the next payroll check issued to appropriately allocate time/vacations/sick/etc. We now have a lag of 4 – 5 days between the end of the pay period and pay day and there is no longer any guessing. All employees are paid for the appropriate hours worked/sick/vacation/etc.

We have substantially increased the number and dollars received from grants on an annual basis.

We are fully utilizing our erate opportunities. For example we upgraded our whole wifi system to take advantage of the 1G and did it with erate so that this 100,000 project cost the library less than 10,000.

We had a minimal number of volunteers in the past and we had to turn away volunteers on a weekly basis because we had no way to integrate them into the system. We now use 100's of hours of volunteer time effectively every month to not only help staff but to provide the community with a way to give back.

Materials were processed in house which was time consuming and expensive. Now items are received from our major vendor shelf-ready with the Marc record uploaded to the ILS in minutes instead of copy cataloging for all materials. This puts items on the shelves and into the hands of our users much quicker.

We were able to fully use the remaining \$320,000 of HUD funding to improve the library for staff and the community.

STAFF, CULTURE & OTHER

I arrived to a District with a different sort of work culture and work styles that were not beneficial to the District or the staff. New processes were put in place to create openness, a team approach, trust, and a more healthy work environment. This was done collaboratively with the Leadership Team, all staff, Administration and HRNETwork. Staff now works together, helps and cross trains and behavioral issues are dealt with appropriately through HRNETwork and the supervisor. Last survey showed a 95% approval rating and satisfaction with job.

¼ of the staff had no email addresses. All staff (and the Board) now have altadenalibrary.org email addresses.

We now have an operational HRIS system for staff.

We now have an updated employee manual that better represents the District, fixed the illegal items that were in the old one.

No staff training. No Professional Development Day. No time for on-line technology training. Minimal funding for conferences for staff. We are getting ready to have our 3rd Professional Development Day in October. 10 staff attended CLA in Pasadena last year. We already have more than that signed up for this year and 4 staff members including the Director are presenting at CLA this year. Staff has access to Lynda.com and can use that for Technology Training as needed. We now have Technology requirements for all staff levels and assist staff in obtaining those skills. We are well on our way to creating a learning organization.

Staff had no access to the Board Report and had to request it through the Staff Association every month. There was no transparency. Staff now receive the Board Package via email and it is posted on the Libraries' website.

There were no committees or groups of staff working on any aspect of the operations of the library. We created Implementation teams to work together to improve such things as policy, programming, outreach. Many operational decisions are made by Implementation Teams that are open to any staff member. Some examples are the Programming Committee, Professional Development Day and the creation of the FabLab Space. This give staff a voice and opportunity to participate in the direction of the library.

The Staff Association did not represent all staff. Some staff were excluded and not informed of meetings. Staff of their own accord, and with my support, created a staff activities club which is active, welcoming and provides team building outside of the regular work setting.

We created an Intranet to provide a communication vehicle for staff.

When I began there was a team of 4 staff members who met monthly to discuss library issues. I expanded this to create a leadership team which meets at least monthly and consists of: Director, Public Services Director, IT Manager, Collection Development Manager, Branch Manager, Volunteer Coordinator, Administrative Assistant, Staff Accountant, Marketing, Children & Family Services Librarian, Teen Librarian, and one representative each from: Adult Services, Circulation and Pages.

Board packages were minimalist and did not provide a full picture of the state of the library. Dave Datz, in a board meeting stated that he was shocked at the lack of knowledge that the Board had been operating under prior to my arrival.

Our statistics that were reported to the Board were often not meaningful and/or incorrect. Staff was artificially inflating the number of reference questions at the request of the past Director – for years. Statistics have been improved and new information that is more meaningful has been added.

The strategic plan in place was based on a survey that was made up solely of library users – 99%. I suggested, and staff and the Board agreed, to revise one of the 5 main goals but the Strategic Plan is out of date and needs to be updated using the information that we have collected in the past year. The Strategic Plan should be a reflection of the aspirations and goals of our community.

Created two separate Board Retreats to help to bring some clarity and team building among the Board of Trustees, Friends of the Library and the Foundation. Supported all three organizations in attending events such as Serving With a Purpose and CLA Annual Conference events. Provided a Trustee Handbook to the Trustees with all necessary information included. Provided all three organizations with access to United for Libraries (Association of Library Trustees, Advocates, Friends and Foundations), and to their newsletters and emails.

We had an Operating Plan that was a list of typical tasks that any library must perform rather than a document that provided direction for meeting Strategic Goals. Every year I have created, with input from staff at all levels, an operating plan that addresses specific items in the Strategic Plan and is budgeted for accordingly. Through this vehicle we have been able to accomplish an amazing amount of change and improvement to the District for the staff, patrons and the community at large.

Through discussions with Board Members I have determined that there is not a clear understanding of the difference between a Director of District and a Director of a Library that belongs to local government:

A Library Director/Department Head (generally):

- 1) No Board or only an advisory board.
- 2) No Board packages – reporting directly to the CEO or Town Council/Supervisors – local government prepares any documents for their needs, with assistance from the Library.
- 3) Facilities are managed by the local government.
- 4) Human resources are managed by the local government.
- 5) Finances are managed by the local government. The Director will prepare a budget but all the particulars such as wages and benefits are all calculated and provided by the Local Government.
- 6) Purchasing is handled by General Services (a department of Local Government) – including all bidding.
- 7) Risk Management is handled by the local government.
- 8) Wage and Benefits negotiations happen at the City/County level.

While there can be some differences from City to County as far as the Libraries' role in the above, this is generally the main differences. A Director of an Independent District has a larger role and responsibility in the day to day operations of the District and it requires an additional level of knowledge, skill set and experience.

Some last thoughts.... I am thoroughly dedicated to this Library, Staff and Community and am passionate about this Library and the role of Libraries in this Country. I work tirelessly to make this Library the best it can be and to make it a fun and rewarding place to work for staff.

- 1) Last year, the Board requested that I, and management staff, have executive coaching and/or training as needed. I always want to do the best job I possibly can and I know that I can always do better and I am always striving to do better. I have personally paid for all of my coaching, executive training and retreats and educational materials.
- 2) I often take staff out at my own expense to reward them and to give them an opportunity to speak to me one-on-one and build relationships.
- 3) I have taken out members of the community at my own expense to hear their thoughts and ideas and build community.
- 4) I have paid for staff activities throughout the year and always have since the very first holiday party in 2014 where I gave over \$300 in cash and gifts. This has been as a supplement to the Districts funding of these events.

5) I rarely charge the district for mileage or tickets to events, that while I have selected to attend them, bring benefit to the District by showing reciprocal support by the Library, fundraisers and such.

6) I have never worked a 40 hour week in the almost three years I have been here. I average between 50 and 60 hours per week, often working well into the night and almost every weekend.

MOVING FORWARD:

Recommendations for facility/financial issues: **(From my review last year - 2016)**

- 1) Have a new facilities report created so we have concrete facts to consider and set priorities for repairs as funds become available.
- 2) Once we have the facts I believe we should have a meeting of our stakeholders – which would include FOAL, ALF and the Board (and possibly others), to face the realities of the situation and brainstorm a collaborative way forward.
- 3) I believe that as we move forward and look at our financial picture we need to at least consider a multifaceted approach including the following:
 - a. Funds raised through a Capital Campaign
 - b. Seeking Grants and support from Foundations
 - c. Floating a Bond(s)
 - d. Increasing our Measure A funding and changing the way the funds are calculated. Currently, no matter the value of a home, the tax is \$50 a year. I believe a more appropriate method would be to collect a percentage of the assessed value of the home to bring in substantially more revenue.

I still agree with this assessment and direction and all of this could be folded into Strategic Planning. I am asking the Board to provide Administration with direction and support for the above items.

I am, and continue to be, thrilled to work in this amazing library with our staff, volunteers and community and I look forward to having a future here that will be even more rewarding, fulfilling and amazing.

EXHIBIT B:

10/29/14

DISTRICT DIRECTOR

EMPLOYMENT

CONTRACT

RECEIVED
OCT 29 2014

BY: _____ PC



ALTADENA LIBRARY DISTRICT

DISTRICT DIRECTOR
EMPLOYMENT CONTRACT

This Agreement made as of the 27th day of October 2014 between the Altadena Library District (the "District") and Mindy Kittay ("Employee").

WHEREAS, the District desires to employ Employee for the period and upon and subject to the terms herein provided; and

WHEREAS, Employee is willing to agree to be employed by the District upon and subject to the terms herein provided;

NOW, THEREFORE, in consideration of the premises, the mutual covenants and agreements hereinafter set forth and for other good and valuable consideration, the receipt, adequacy and sufficiency of which are here acknowledged, the parties hereto covenant and agree as follows:

1. Term of Employment; Compensation. The District agrees to employ Employee from the date hereof as an employee from November 1, 2014 through October 31, 2017 or until the earlier termination of this Agreement pursuant to the terms thereof. The District will pay ~~Employee base~~ pay for services rendered hereunder at an initial annual rate of \$99,024.76. Employee's salary shall be paid in accordance with the District's regular payroll practices, subject only to such payroll and withholding deductions as are required by law and such other payroll deductions, as are determined by the District policy or as Employee may approve.
2. Office and Duties. Employee shall fit the position of District Director and shall have the duties normally ascribed to that position and as assigned by the Library Board of Trustees from time to time in its sole discretion. Employee shall act at all times to promote the District's business and best interests. Employee shall devote substantially all business time, labor, skill, undivided attention and best ability to the performance of duties hereunder in a manner, which will faithfully and diligently further and expanding the business and interests of the District.
3. Employee Benefits. Employee shall be entitled to the benefits listed in the Employee Benefit Section of the Altadena Library District Personnel Policies and Rules, except for vacation accrual which will be the maximum permitted for full-time professional employees. Employee shall be entitled to a maximum of \$3,000 in moving expenses, to be reimbursed upon submission of receipts, and a maximum of \$2,000 for professional development for attending conferences and meetings for the first year of employment.
4. Termination of Employment. Notwithstanding any other provision of this Agreement, Employee's employment shall terminate on the death of the Employee and may be terminated by the District, as follows:
 - a) For cause, that is to say in the event of Employee's failure, refusal or inability to satisfactorily perform the services required hereunder, or to carry out any proper direction by the District with respect to the services to be rendered hereunder or the manner of rendering such services, willful misconduct in the performance of his duties hereunder, or conviction of a crime involving moral turpitude.

- b) For cause, upon not less than 90 days notice to Employee if prevented by illness, accident or other disability (mental or physical) from discharging the duties hereunder for one or more periods totaling three months during any consecutive 12 month period.
 - c) For cause, for any material breach by the Employee of the terms hereof, but only upon not less than 30 days written notice to the Employee specifying the breach relied on for such termination.
5. Notices. All notices and other communications hereunder shall be in writing and shall be in writing and shall be deemed to have been given when delivered or mailed by first-class, registered or certified mail, postage prepaid, addressed (a) if to Employee, to such address the Employee shall furnish to the District in writing for the purpose; and (b) if to the District, at its principal place of business, 600 East Mariposa Street, Altadena, CA 91001.
6. Entire Agreement. This Agreement contains the entire agreement between the District and the Employee with respect to the subject matter hereof and there have been no oral or other agreements of any kind whatsoever as a condition precedent or inducement to the signing of this Agreement or otherwise concerning this Agreement or the subject matter hereof.
7. Amendments. This Agreement may not be amended, nor shall any waiver, change, modification, consent or discharge be effected except by an instrument in writing executed by or on behalf of the party against whom enforcement of any waiver, change, modification, consent or discharge is sought.
8. General Provisions. Employee further agrees that obligations hereunder shall be binding irrespective of the duration of employment by the District, the reasons for any cessation of employment by the District, or the amount of compensation and shall survive the termination of this Agreement (whether such termination is by District, by the Employee, upon expiration of this Agreement or otherwise).
- Employee represents and warrants to the District that he/she is not now under any obligations to any person, firm or corporation, and has no other interest which is inconsistent or in conflict with this Agreement, or which would prevent, limit or impair, in any way, the performance of any of the covenants of his/hers duties in this employment hereunder.
9. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the law (other than the law governing conflict of law questions) of the State of California.

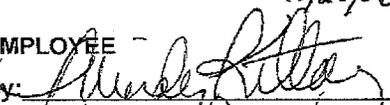
IN WITNESS WHEREOF, the parties have executed or caused to be executed this Agreement as of the date first above written.

DISTRICT

By: 

Title: Pres., Adv Board of Trustees
10/27/2014

EMPLOYEE

By: 

Title: Library Director 10/27/14

EXHIBIT C:

10/28/17

DISTRICT DIRECTOR

EXTENSION OF

EMPLOYMENT

CONTRACT



Honoring the past, cultivating the present, empowering the future

**District Director
Extension of Employment Contract**

This Extension of Employment Contract is made by and between the Altadena Library District (the "District") and Mindy Kittay ("Employee")

Whereas a certain Agreement between the parties dated October 27, 2014, expires on October 31, 2017, and both the District and the Employee want to extend and continue said Agreement; it is agreed that said Agreement is extended for an additional term commencing upon the expiration of the original term and shall now expire on June 30, 2018.

This extension shall be on all other terms and conditions as stated in the original Agreement except for and with the following provision: The Personal Action Form which includes the increase to Step 4 is approved, signed, and retroactive to May 1, 2017. The effective rate of pay shall be \$10,584.97 per month (\$61.07 per hour).

This extension Agreement shall be binding upon and inure to the benefit of the parties, their successors, and personal representatives.

Signed this Date: October 28, 2017

DISTRICT:

By: Ira Barshatzky

Title: President, Altadena Library Board of Trustees

Date: 10/28/17

EMPLOYEE:

By: Mindy Kittay

Date: 11/1/17



Honoring the past, cultivating the present, empowering the future

AGENDA
Special Meeting
Board of Library Trustees – Altadena Library District
Community Room – Main Library
October 28, 2017 – 4:30 p.m.

PUBLIC REQUESTS FOR DOCUMENTS: The District provides a public inspection copy of all materials included in the agenda packet distributed to the Board members. Members of the public who wish to obtain a copy of any document may do so by completing a Request for Public Document form and submitting it to Administration who will arrange for the documents to be copied at a charge of 15¢ per page. Request forms are available at the District Administration offices.

1. CALL TO ORDER

2. ROLL CALL:

- a. Ira Bershatsky, President
- b. Adalila Zelada-Garcia, Secretary
- c. Gwendolyn McMullins
- d. John McDonald
- e. Armando Zambrano

3. ADOPTION OF AGENDA

- a. Opportunity for Board members to delete items, re-order items, continue items or make additions to the agenda pursuant to Government Code Section 54954.2(b).
- b. **Recommended Action:** The Board of Library Trustees hereby adopts the Agenda as presented.

4. PUBLIC COMMUNICATION

- a. Citizens of Altadena may address the Board regarding any item of Library business on or not on the agenda. Citizen comments are limited to 3 minutes per item. At the discretion of the President, citizens may be allowed a longer presentation. While all comments are welcome, the Brown Act does not allow the Board to take action on any item not on the agenda. If speaking before the Board, please give your name and address, and state the agenda item and/or issue you wish to address

5. NEW BUSINESS

- a. Recommendation: Extend the contract of Altadena Library District Director, Mindy Kittay, at a monthly salary of \$10,584.97 per month (\$61.07 per hour), effective 11/1/2017 and expiring June 30, 2018.

6. AGENDA ITEMS FOR FUTURE AGENDAS

- a. This is an opportunity for Board members to request that items be placed on future agendas.

7. ADJOURNMENT

- a. **Recommended Action:** There being no further business to come before the Board, the meeting is adjourned.

EXHIBIT D:

02/25/08

**BOARD OF TRUSTEES
BYLAWS**



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

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- A. ELECTION OF BOARD MEMBERS
 - 1. Official Tabulations of Votes
 - 2. Vacancy on the Board of Trustees
 - 3. Candidate Statements for District Elections
 - 4. Seating of New Trustees

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 - 3. Officers
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- C. BOARD COMMITTEES
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 - 3. Reporting of Committees

- D. BOARD LIAISONS
 - 1. Government Relations Liaison

- E. BOARD REPRESENTATIVES
 - 1. Friends of the Altadena Library
 - 2. Board Appointments
 - 3. Metropolitan Cooperative Library System Advisory Board

- F. BOARD RESPONSIBILITIES AND GUIDELINES
 - 1. District Director
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- G. BOARD MEETING POLICIES
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 - 2. Special Meetings
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 - 5. Teleconference (Incorporated as Amendment by Board of Trustees 11/17/06)



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

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K. COMMUNICATIONS

1. Media Policy

L. PROHIBITIONS

M. EMERGENCIES

N. CONFLICTS

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P. ETHICS TRAINING

Q. Appendices

- Appendix A Administrative Policy 2601 – District Reimbursement Policy for Travel, Lodging, Mileage, and Miscellaneous Expenses Approved at 10/3/6 Board Meeting
- Appendix B Opinion by County of LA , Office of the County Counsel re Assembly Bill 1234 (Reimbursement Policy and Ethics Training)



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

A. Election of Board Members

The Board of Library Trustees consists of five members elected at large from the District and who serve without pay for four-year staggered terms. Elections are held biennially in odd numbered years on the same day as state general elections, the first Tuesday after the first Monday in November. Pursuant to Education Code Section 19700, Trustees take office the first Friday in December succeeding their election.

1. Official Tabulations of Votes

The official tabulation of votes in a Trustee election, furnished by the Registrar-Recorder of the County of Los Angeles, shall be recorded in the minutes of the next Board meeting following an election or upon receipt.

2. Vacancy on the Board of Trustees

If a vacancy should occur on the Board of Library Trustees, the remaining Trustees shall fill that vacancy within sixty (60) days either by appointing a new Trustee or by calling an election at the next available special district election date. After sixty (60) and until ninety (90) days, the County Board of Supervisors may fill the vacancy either by appointing a new trustee or by calling an election. After ninety (90) days, the District must call an election. Elections will be held on special district election dates as specified by California Election Code Section 2502. The vacancy will be filled for the unexpired term.

3. Candidate Statements for District Elections

The District requires payment to the County of Los Angeles in advance of each candidate's pro rata share of the printing, handling, and mailing costs of the candidate's statement included in the voter's sample ballot pamphlet. If the actual cost exceeds the estimate, the District will bill each candidate for the coverage after the election. The maximum word limitation for the candidate's statement is 200 words.

4. Seating of New Trustees

The presiding officer (his/her designee) will conduct a brief ceremony at the first Board meeting at which newly elected or newly appointed trustees assume office. The ceremony will consist of the newly elected or appointed trustee affirming an oath of allegiance, as written below.

Altadena Library District Affirmation of Allegiance for Trustees

I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

B. Officers

1. Election of Officers

The Board elects officers at the regular December Board meeting from among its members. The officers remain in office for a term of one year or until their successors are duly elected.

2. Vacancies

A resignation, death, or other cause creating a vacancy in one of the offices shall be filled by a majority vote of the Board at the next Regular Board meeting. The term of office shall be for the unexpired term.

3. Officers

Officers of the Board shall be President and Secretary.

4. Duties of Officers

a. President

- (1) chairs all Board of Trustees meetings;
- (2) carries out necessary duties as prescribed by law;
- (3) works closely with the Director to facilitate effective communication among the Board, administration and community;
- (4) works with the Director in preparing the agenda for all Board of Trustees meetings;
 - (a) shall sign with the Secretary all official documents appropriate to conduct the District's business;
- (5) appoints Standing Committees, including chair of each Committee, Board Liaisons and may create Special Committees (also called Ad Hoc Committees) to perform a specific task; all appointees require approval by a majority of the Board of Trustees;
- (6) shall be an ex-officio member of all standing Committees; and
- (7) shall represent the District in all official functions;
- (8) shall have a vote in all proceedings of the Board of Trustees



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

b. Secretary

- (1) transcribes and/or authenticates the minutes of all regular and special meetings;
- (2) presides at all regular meetings in the absence of the President; and
- (3) shall certify all District documents as may be required by law and shall sign with the President all official documents appropriate to conduct the District's business
- (4) maintains Closed Sessions Minute Book which is transferred to the new Board elected Secretary for each term of office.
- (5) carries out other duties as prescribed by law.

C. **Board Committees**

Board committees are constituted to facilitate Board effectiveness within the powers and authority delegated by the Board of Trustees. The creation of committees is discretionary and the President, with the concurrence of the Board, may appoint committees at any time. The President of the Board designates the chair of each committee.

Each Committee must operate within the confines of the Ralph M. Brown Act if:

- it is created or approved by formal action of the Board; or
- it has a continuing subject matter jurisdiction; or
- it has a fixed meeting schedule.

Furthermore, the Brown Act dictates that meetings shall:

- be held in a suitable location,
- be open to the public,
- have an agenda posted at least 72 hours prior to the meeting, and
- items from the public will be heard if they are within the subject matter jurisdiction of the Board committee.

1. **Standing Committees**

Each Standing Committee shall consist of two Trustees, unless otherwise stated. Usually, a standing committee has a continuing subject matter and a fixed meeting schedule and is, therefore, subject to the Brown Act.



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

2. Special Committees

Special Committees (also called ad hoc committees) may be created by the Board or the President, with concurrence from the Board, at any time to perform a specific task. Membership may be composed exclusively of trustees, or may be composed of trustees, staff, or community persons, or any combination of the above. A press release may be issued asking for volunteers to serve on the committee, if appropriate. Members of the community wishing to be appointed to a committee shall submit a resume, which will be distributed to all members of the Board. Approval of membership requires a simple majority vote of the Board.

At its creation, the committee shall be given a specific charge, a timeframe for completion of that charge, a designation of the composition of the membership, a full description of the functions to be discharged, and the authority.

Special committee meetings may be held with notice of time, place and business to be transacted posted at least 24 hours prior to such meetings.

3. Reporting of Committees

The Chair of each committee shall provide a comprehensive (written and oral) report to the Board at the regular meeting following each committee meeting.

D. Board Liaisons

All positions are appointed by the Board President with the concurrence of the majority of the Board.

Each liaison will provide the Board with a comprehensive report of activities at the Board meeting immediately following any activity, including recommendation for Board action when appropriate.

1. Government Relations Liaison – The Director is given the responsibility

- a. to monitor current legislative activity at city, county, state and federal levels that would impact the District;
- b. to provide information to the Board regarding legislative issues and their impact on the District;
- c. after consultation with the Board of Trustees, to contact legislators, as appropriate, to advocate the District's position on individual legislative issues; and
- d. attend legislative days in Sacramento representing the District.

2. Others, as needed.



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

E. Board Representatives

From time to time, the Board is asked to appoint from its members a representative to community-wide committees or organizations to represent the unique interests of the Altadena Library District.

1. Friends of the Altadena Library District

On an annual basis the President shall appoint a Board representative (liaison) to the Friends of the ALD who shall attend meetings.

2. Board Appointments

The Board may request members of the community to serve the Library District as needed.

3. Metropolitan Cooperative Library System Advisory Board

- a The District is a member of and participates in activities of the Metropolitan Cooperative Library System (MCLS). The Board of Trustees appoints a delegate to the MCLS System Advisory Board (SAB). Delegates serve a two-year term beginning on July 1st of odd numbered years. Below is a schedule for the appointment process.

February Prepare and release a news story on activities of the SAB. Include an invitation for applications to represent the District.

April 10 Closing date for applications.

April At the Board meeting, the President appoints an ad hoc Selection Committee of two trustees to interview applicants.

May At the Board meeting, the Board appoints a Delegate.

June 20 On or before this date, the Director shall inform the Director of MCLS of the appointment of District Delegate.

- b. - No SAB Delegate at this time.



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

BYLAWS

F. Board Responsibilities and Guidelines

The Board of Library Trustees determines the operating policies of the District, appropriates all monies to be expended and works closely with the Director to insure a well run operation which fulfills the needs of the community.

1. District Director

The District Director shall be appointed at a regular meeting from a list of qualified candidates as the result of an open competitive oral and/or written examination. A committee of three (3) Trustees shall be appointed to screen all applications if appropriate. No fewer than four (4) Trustees must be present when each applicant is being interviewed. An applicant must receive at least three (3) affirmative votes to be appointed District Director. The Board secretary shall certify the appointment in the usual manner.

In the temporary absence or disability of the District Director, the Principal Librarian shall act as District Director for a reasonable time without additional compensation. In the case of the prolonged absence, resignation, death or dismissal of the District Director, the Board of Trustees shall immediately appoint an Acting District Director and establish the appropriate compensation.

While the Board retains authority under the law to conduct all library business, it shall be Board policy to delegate responsibility for the operation of the library to the District Director and to endorse his/her policies and practices as long as they continue in the library's best interest. It is the District Director's responsibility to keep the Board informed of library activities and to make recommendations for Board action in all matters as required by law.

2. Administration Leeway in Absence of Board Policy

In situations arising where there are no policies or guidelines for administrative action, the Director shall have the power to act; however, the Director's decisions shall be subject to review and action by the Board of Library Trustees at its next regular meeting.

It shall be the duty of the Director to inform the Board of Trustees promptly of such situations and of the need for policy.

3. Board Requests of Staff

Any request by a Trustee for services from staff, or for library supplies, should be made through the Director. The Director shall be the line of official communication between the Board and all District personnel.

Except for the purpose of inquiry, the Board of Trustees shall deal with the administrative service under the Director solely through the Director; and neither the Board nor its members shall attempt to influence or to direct any subordinates of the Director.

The Director may, from time to time, assign specific members of the staff or request a staff member to work directly with a Board member, a Board Committee or on a Board Project.



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4. Expense Reimbursement Policy

a. Activities and Expenses Covered by the Policy

(1) Membership Dues

Membership dues for each Trustee in the California Association of Library Trustees and Commissioners (CALTAC) and the California Library Association (CLA) will be paid by the District.

(2) Conferences, Meetings, and Workshops

With prior approval of the Board, Trustees attending conferences, meetings, or workshops related to their responsibilities as Trustees of the District will be reimbursed for their actual and necessary expenses according to the guidelines listed.

(3) Special Projects

With prior approval of the Board, Trustees and the Director attending conferences and meetings, or travel as needed for special library projects, will be reimbursed for their actual and necessary expenses according to the guidelines listed.

(4) Community Activity or Visibility

With prior approval of the Board, Trustees attending community sponsored functions, where the presence of a representative is requested or important, will be reimbursed for their actual and necessary expenses according to the guidelines listed.

(5) Legislative Activity

With prior approval of the Board, Trustees attending or participating in legislative activities, such as CLA Legislative Day, will be reimbursed for their actual and necessary expenses.

G. Board Meeting Policies

1. Regular Meetings

Regular Board of Trustees meetings are held the fourth Monday of each month at -5:00 p.m. in the Community room of the Main Library. (Amended 2/25/08)

All meetings are subject to the Ralph M. Brown Act. The District shall post the agenda for its regular meeting 72 hours prior to the meeting.



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2. Special Meetings

Pursuant to Education Code Section 19429, a special meeting may be called at any time by three members of the legislative body of a local agency, or by a majority of the members of the legislative body, by delivering personally or by mail written notice to each member of the legislative body and to each local newspaper of general circulation, radio or television station requesting notice in writing. The notice shall be delivered personally, by mail, or e-mail and shall be received at least 24 hours before the time of the meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted or discussed. No other business shall be considered at these meetings by the legislative body. The written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the clerk or secretary of the legislative body a written waiver of notice. The waiver may be given by telegram. The written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

The call and notice shall be posted at least 24 hours prior to the special meeting in a location that is freely accessible to members of the public.

In the case of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, a legislative body may hold an emergency meeting without complying with either the 24-hour notice requirement or the 24-hour posting requirement of Section 54956 of the Brown Act or both of the notice and posting requirements.

For purposes of this section, "emergency situation" means any of the following:

- a. Work stoppage or other activity which severely impairs public health, safety, or both as determined by a majority of the members of the legislative body.
- b. Crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the members of the legislative body. However, each local newspaper of general circulation and radio or television station which has requested notice of special meetings pursuant to Section 54956 shall be notified by the presiding officer of the legislative body, or designee thereof, one hour prior to the emergency meeting by telephone and all telephone numbers provided in the most recent request of such newspaper or station for notification of special meetings shall be exhausted. In the event that telephone services are not functioning, the notice requirements of this section shall be deemed waived, and the legislative body, or designee of the legislative body, shall notify those newspapers, radio stations, or television stations of the holding of the emergency meeting, the purpose of the meeting, and any action taken at the meeting as soon after the meeting as possible.

Notwithstanding Section 54957, the legislative body shall not meet in closed session during a meeting called pursuant to this section.



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All special meeting requirements, as prescribed in Section 54956 shall be applicable to a meeting called pursuant to this section, with the exception of the 24-hour notice requirement.

The minutes of a meeting called pursuant to this section, a list of persons who the presiding officer of the legislative body, or designee of the legislative body, notified or attempted to notify, a copy of the roll call vote, and any actions taken at the meeting shall be posted for a minimum of 10 days in a public place as soon after the meeting as possible.

3. Closed Sessions

The Ralph M. Brown Act allows private executive sessions for discussion of personnel and legal matters. The Meyers-Millias-Brown Act also allows executive sessions for discussion of matters related to recognized employee organizations. A Board member may participate in the discussion via telephone; however, he/she may not be counted as part of the quorum and may not vote on the matter at hand. These sessions require the same notice as special meetings.

4. Quorum

A quorum consists of three members of the Board. An affirmative vote by a majority of the members present and voting is required to approve any action. The Chair shall, after calling the meeting to order, recognize the arrival or departure of any Board member before adjournment. This information shall be included in the minutes of that meeting.

5. Teleconference

The Brown Act says the Library "may use teleconferencing for the benefit of the public..." [Gov. Code Section 54953(b)(1)], " if the legislative body of the local agency elects to use teleconferencing..." [Gov. Code Section 54953(b)(3)]. Therefore the Board adopts a policy that teleconferencing is disfavored and will not be utilized by the Board in the regular course of Board business. However, teleconferencing may be permitted in extraordinary circumstances, and upon request by a Board member, subject to approval by the Board Chair and written confirmation that all conditions required in the Brown Act are met. Such circumstances include, but are not limited to: a) illness of the Board member; b) Board member is more than fifty (50) miles from the meeting site; or c) an emergency situation involving Board member or his/her immediately family.

(Incorporated as Amendment by Board of Trustees – November 27, 2006)



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H. Presenting Matters to the Board

1. Agendas

- a. Every Trustee, staff member and committee member of Altadena Library District, and every citizen, individual, corporation, committee, or civic group having reports, communications, proclamations, resolutions or any other matter of business to be presented at a Board meeting, shall notify the District Director of the fact in writing before or at least eight business days prior to the date of that meeting. The District Director and the President of the Board shall determine which of such items, other than those requested by a Trustee, are to be placed on the agenda. All items requested to be placed on an agenda by a Trustee shall appear on the agenda, except that the District Director shall place no item on the agenda, including those requested by a member of the Board, without a brief general description of the item for inclusion in the agenda.
- b. The District Director shall prepare the agenda. The District Director shall deliver to members of the Board a complete copy of such agenda not later than 72 hours preceding the meeting. The Agenda shall be prominently displayed at the Board meeting. The agenda shall contain a brief, general description of each item of business to be transacted or discussed at the meeting. The agenda shall specify the time and location of the meeting and a copy thereof shall be posted on a business day at least seventy-two (72) hours before the meeting in a location that is freely accessible to members of the public and designated by the Board of Trustees.
- c. Each agenda item must be marked ACTION or INFORMATIONAL. No matters other than those on the agenda shall be acted upon by the Board; provided, however, that the Board may take action on a matter not appearing on the posted agenda (1) upon a determination by a majority vote that an emergency situation exists, as defined in Government Code Section 54956.5; or (2) upon a determination by a two-thirds (2/3) vote of the Board, or if less than two-thirds (2/3) of the members are present, a unanimous vote of the members present, that the need to take action arose subsequent to the posting of the agenda for the meeting and is time critical per Government Code Section 54956.5. No action will be taken on agenda items for which there are review attachments unless the attachments have been provided to each Trustee at least 24 hours prior to the Board meeting. Documents which are public records and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the District or after the meeting if prepared by another party, in accordance with the Ralph M. Brown Act.
- d. Any Trustee may remove an item from the agenda, except an item specifically requested by another Trustee, by placing written notice in the office of the Director prior to 10:00 a.m. on the Monday of the week preceding the Board meeting. The President may thereafter have the matter included on the agenda by requesting the District Director prior to 3:00 p.m. on the Monday preceding the meeting to include said item on the agenda. No item may be removed from the agenda after 3:00 p.m. on the Monday preceding the week of the meeting except by a vote or consent of the Board at the meeting for which the agenda was prepared.



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- e. Any Trustee may add an item at the time of the Board meeting for inclusion on a future agenda. No action shall be taken on these future agenda items at the meeting at which they are added.

2. Order of Business

The order of business as set forth in the Agenda may be adjusted during the meeting with the approval of the Board members. As a permanent agenda item following the Consent Calendar, there will be an opportunity for communication and comments from the public concerning items not on the agenda.

3. Minutes

Minutes of Board meetings are a matter of public record. The official written Minutes are filed in the Office of the Director and are available for public inspection and review during normal business hours.

Audiotapes and videotapes of Board meetings are considered official records and are kept for a period of six months.

4. Agenda Items from the Public

Members of the public wishing to place an item on the agenda should send a written request to the District Director dealing with the subject and the reasons for the request. The Director will review the request with the Board President, who then decides whether and how the subject will be placed on the agenda of a future meeting.

5. Adequate Information to Precede Action

Except in emergencies, the Board shall not attempt to decide upon any question before examining and evaluating information any person requests the Board to consider.

6. Trustee Suggestions

Trustee suggestions for library services and operations should be referred to the District Director for evaluation as part of the District's total programs prior to final Board consideration.

7. Official Reports

Whenever a Board member attends a meeting for which the Board has designated such member as an official representative of the Board or District, a written or oral report should be made available to the other Board members.



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8. Conduct of Business

- a. All measures shall be passed by a majority of those present and voting. Voting shall be by voice vote unless a member specifically requests a roll call vote.
- b. Roberts Rules of Order shall govern the conduct of Board meetings with the following exceptions:
 - (1) A member proposing a motion may speak briefly in behalf of the proposal prior to making the formal motion. However, there shall be no further debate or discussion until the motion is made and seconded.
 - (2) While the president must vacate the chair prior to making or seconding a motion, in all other matters the officers shall be considered equal in privilege and responsibility to the other Board members. They shall be encouraged to participate in debate and discussion and to vote on all matters brought before the Board, the same as the other members.

9. Guidelines for Addressing the Board of Trustees by Members of the of the Public

The Board recognizes its responsibility to openness in governing and the importance of public input. However, in order to conduct its business in an orderly and efficient manner, the Board will require reasonable policies regarding public presentations to the Board.

- a. Those wishing to address the Board should fill out a request card for each agenda item they wish to speak on and hand it to an appropriate staff member. The President may waive this policy if he/she deems it appropriate to do so.
- b. When called to speak, speakers should identify themselves by name and give their city of residence.
- c. Remarks shall be limited to three minutes per person and to twelve minutes per topic. This applies to both non-agenda and agenda items.
- d. All remarks are to be directed to the President. Dialogue between members of the public and between the public and Trustees is not permitted. Board members may briefly respond to comments or questions from the public.
- e. Remarks by any person addressing the Board or Staff must pertain to the Agenda item being discussed or for general comments (Public Communication) to the Library business in general. -The Board encourages the public to comment on items in a civilized manner. The Board cannot prohibit public criticism of policies, procedures, programs or services of the District or the acts or omissions of the Board itself. (Gov. Code 54954.3(c)) (The law provides no immunity for defamatory statements.)



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- f. The President shall rule on the appropriateness of the subject being presented and whether presentation is within the time limits specified.
- g. Persistent violations of these rules shall be grounds for the Chair to terminate the person's privilege of addressing the Board.

10. Agenda Attachments

All items indicated as attachments to the agenda for any items to be considered by the Board will be available at least 72 hours prior to the commencement of the meeting at which Board deliberation is required, and when possible, at the time of agenda distribution. Documents which are public records and which are distributed during a public meeting shall be made available for public inspection at the meeting if prepared by the District or after the meeting if prepared by another party, in accordance with the Ralph M. Brown Act.

I. Correspondence

Board members, acting in their capacity as an officer, committee chair, or liaison, may issue correspondence on District letterhead stationery as it relates to the office, committee, or liaison function. Board members shall provide a copy to the Director for file and distribution to the Board as required. Correspondence representing or advocating a District position on an issue (e.g., ballot measure) requires prior Board approval. No personal business or opinions shall appear on District letterhead stationery.

J. Awards and Honors Policy

1. Staff Recognition Policy

The Board will honor staff by:

- a. presenting a Certificate of Recognition upon completion of:
 - 10 years employment
 - 15 years employment
 - 20 years employment
 - 25 years employment
 - 30 years employment
- b. placing proper notice of these awards in the minutes of the meeting, and
- c. releasing suitable publicity to local media.

2. District Volunteers

The Board will recognize volunteers who have contributed significant hours of service to the District by holding an annual Volunteer Luncheon in their honor. Such recognition may include a Certificate of Appreciation and small gift.



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3. Board Procedures for Implementing Recognition of Persons Distinguishing Themselves
 - a. Any Board Member may nominate an individual for consideration of an Award. Together with this nomination, the Board member shall recommend to the full Board a book be placed in the library's collection in honor of the nominee.

K. Communications

1. Media Policy
 - a. Responsibility
 - (1) The District's Director shall coordinate the release of information concerning the District and the actions of the Board of Trustees.
 - (2) Individual Board members who speak to media representatives should clarify to media representatives that any comments they choose to make are their own personal viewpoints and do not represent a consensus of or position taken by the Board unless such position was passed by a motion of the Board. In such a case, the motion should be quoted exactly. Individual Board members are encouraged to report all media contacts to the District's Director.
 - (3) District employees shall refer media inquiries to the District's Director. District employees and/or volunteers shall clarify to media representatives that any comments they choose to make are their own personal viewpoints and do not represent the official position of the District. District employees and/or volunteers should report all media contact to the District's Director.
 - b. Cooperation with Media
 - (1) The District shall cooperate with media representatives in an effort to provide accurate information in response to media interests and for dissemination to the public through the media.
 - c. Visits to District Facilities
 - (1) When visiting District libraries in an official capacity, media representatives shall notify staff of their presence and activity. Staff so noticed shall inform the District's Director of the presence of media representatives at a District facility.
 - (2) Media wishing to photograph District facilities shall adhere to guidelines set forth in the District's Filming, Videotaping, and Still Photography on the District Property Policy.



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d. Crisis Communications

During crisis situations, all media inquiries shall be routed to the office of the Director or his/her designee, who shall prepare and update an official statement responding to the situation as events unfold.

e. Confidentiality

The District shall not release information which is private or confidential as identified by law and Board policy.

L. Prohibitions

1. No member of an immediate family of a Board member shall - be hired as an employee of the District.
2. The Board is precluded by the conflict of interest laws from entering into a contract with a member of the Board or a member of his/her immediate family. "Immediate family" includes the Board member's spouse, registered domestic partner, and dependent children. Accordingly, bids or proposals received from those individuals will be rejected.
3. No Board member or Staff shall represent himself/herself as representing the Library in any public forum or publication without prior Board approval.

M. Emergencies

Whenever an emergency arises requiring a decision normally requiring Board action, the District Director, or the Acting District Director, will attempt to reach Board members by telephone to apprise them of the situation and obtain their endorsements. If the emergency is of such nature as to require immediate action, or if Board members are not available, the District Director, or the Acting District Director, will take whatever action is needed and will notify Board members at the next regular meeting, or sooner if he considers it appropriate.

(See definition of "Emergency Situation", Section G. 2. (a))

N. Conflicts

If any section of these bylaws are in conflict with The State Education Code, other state or local statutes, the applicable section shall be considered void until amended to conform.

O. Amendments to Bylaws

These bylaws may be amended at any regular meeting of the Board, provided the amendment was proposed at the previous meeting and a copy given to all Board members.



ALTADENA LIBRARY DISTRICT

BOARD OF TRUSTEES

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P. Ethics Training -

1. Training

Government Code §53234-53235.2 mandates AB1234 Chaptered in October 2005 ethics training for the governing bodies of local agencies. Each Board member must complete at least two hours of training in general ethics principles and ethics laws every two years. Government Code § 53235(b) and § 53234(d) outline the topics that are to be covered by each training. The first completion date for training depends upon when each Board member took office:

<i>Term Begin Date</i>	<i>Ethics Training Completion Date</i>
Prior to January 1, 2006	December 31, 2006 (first training) and every two years thereafter
January 1,2007, forward	Before the one-year anniversary of their service (first training) and every two years thereafter

If a Board member serves more than one local agency, he/she is not required to attend training for each agency. (§53235.1(c).)

The Library must provide information on available training to the Board members at least once per year. (§53235(f).)

2. Records of Ethics Training

The Library must maintain records which indicate the dates on which the Board members fulfilled the ethics training requirements and the entity that provided the training. (§53235.2(a).) These records must be kept for at least five years and are subject to disclosure under the California Public Records Act. (§53235.2(b).)

Any entity which provides training must also provide the participants with proof of participation. (§53235(e).)

3. Reimbursement

Refer to Administrative Policy 2601 approved by the Board on 9/25/06.



ALTADENA LIBRARY DISTRICT

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APPENDIX A Administrative Policy 2601, District Reimbursement Policy for Travel, Lodging, Mileage and Miscellaneous Expenses, approved 10/30/06 Board meeting.

APPENDIX B County of L.A., Office of the County Counsel – Opinion dated 4/13/06
RE: Assembly Bill 1234 (Reimbursement Policy and Ethics Training)

Approved and Adopted this 27th day of November 2006.

By 
-Dale E. LaCasella, President

BY: 
-David Datz, Secretary

Supersedes

Revision Update Approved 2/25/08

Revision Update Approved 5/24/04

Approved 6/23/80

Amended 7/25/83

Amended 9/5/95

EXHIBIT E:

10/27/08

POSITION DESCRIPTION

DISTRICT DIRECTOR



ALTADENA LIBRARY DISTRICT

Position Description

DISTRICT DIRECTOR

FLSA: Executive Exempt

Summary

The District Director is responsible for the operation and continuous improvement of the Altadena Library District (ALD). Reporting to the District's elected Board of Trustees, the District Director's responsibilities include operation of the Main and branch libraries and all management and administrative functions associated with ALD operations (including planning and budgeting; financial, facilities, and human resources management; community and public relations; and administrative support).

Core Responsibilities

- **Board of Trustees**

- Develop and maintain effective working relationships with the Board of Trustees.
- Oversee administration of Board of Trustees business including preparation and distribution of agendas, board packets, minutes, and other official documents in compliance with the Brown Act and other relevant legislation and regulations.
- Participate in Board of Trustees meetings.
- Provide the Board with monthly reports summarizing District operations and activities.
- Monitor legislative, legal and other developments of significance to District operations and advise The Board with regard to the implications for ALD.
- Monitor trends in library management and advise the Board regarding opportunities to enhance library services, programs, and operations.

- **Management and Leadership**

- Provide management and leadership to District staff and volunteers, including ensuring the District has effective systems and processes for:
 - Recruiting, selecting and training employees and volunteers
 - Recommending promotion/demotion or other change in status of staff members
 - Planning and directing the work/duties of staff members and volunteers
 - Providing staff members with feedback on their work performance through informal coaching and the annual review process
 - Engaging all employees and volunteers in continuously improving the operation of the Library District
 - Ensuring employees and volunteers are well informed about District services, operations, policies, programs, events, etc.
 - Ensuring employees have appropriate training and professional development opportunities
 - Identifying opportunities for volunteer support and developing appropriate volunteer role descriptions and program parameters
 - Maintaining volunteer service records and recognizing/reward volunteer service

- **Planning and Development**

- Participate with the Board in the development of the District's Mission Statement and Strategic Plan.

- Work with the Board to develop and execute financial and fundraising strategies to support ALD's strategic plan and operational requirements.

- Work with the Board to develop multi-year financial and operational plans and forecasts, including library service plans, asset replacement and capital plans, facilities management plans, technology plans, etc.

- Work with the Board to establish annual goals and objectives for the Library District and for the District Director.

- **Library Operations**

- Develop and implement library service plans based on ALD's mission and strategic goals.

- Develop and implement policies, procedures, and standards to support the effectiveness and continuous improvement of all aspects of library services, operations and programs including collection development, technical services, reference services, circulation, and programs for all groups.

- Establish policies and procedures to ensure that ALD's library collections are responsive to community needs, current, and of high quality.

- Ensure that ALD computer and telecommunications systems support the District's strategic goals and library service objectives. Develop and enhance ALD's website and web based services.

- Ensure that all ALD facilities are safe, clean, and maintained in good working order.

- Advise the Board of Trustees regarding the need for expansion, remodeling, space reallocation, significant updating or repair of District facilities.

- **Financial and Risk Management**

- Oversee ALD's fiscal management program, including budget preparation and monitoring, collection and disbursement of revenues, accounting, financial reporting and auditing, and investment of funds in accordance with policies established by the Board of Trustees.

- Establish internal controls, policies, and procedures to ensure the fiscal well being of the District and compliance with all relevant laws, ordinances, accounting standards, rules and regulations.

- Ensure that ALD maintains adequate and appropriate insurance coverage.

- Serve as ALD's primary contact with legal counsel. Review contracts and service agreements between ALD and legal service providers. Recommend changes to legal service providers or contractual arrangements to the Board of Trustees.

- Ensure ALD's procedures for the procurement of goods and services comply with all relevant legal requirements and Board policies.

- **Human Resource Management**

- Develop and implement staffing plans to support achievement of ALD's strategic goals and library service objectives. Develop succession strategies for key positions. Assess opportunities for outsourcing and make recommendations to the Board regarding outsourcing vs. in-house performance of the activities and functions that support District operations.

- Maintain a performance management system for all employees encompassing current and accurate position descriptions, establishment of annual objectives, and performance reviews.

- Ensure that ALD has effective and legally compliant policies, procedures, and systems for personnel administration including recruitment and selection, assignment, orientation and training, reclassification and promotion, supervision, payroll, and employee discipline.

- Monitor trends in compensation and employee benefits. Recommend changes to compensation design or benefit plan design to the Board of Trustees.

- Ensure that ALD has an effective volunteer program. Identify opportunities to use volunteers to supplement staff resources. Develop policies and procedures for the recruitment, placement, training, management, and recognition of volunteers.

- **Public and Community Relations**

- Maintain effective working relationships with all library support groups.

- Maintain a positive public image for the District with local government agencies, community organizations, and the public.

- Conduct media relations for the District and serve as ALD's media liaison.

- Represent ALD in library organizations and associations (particularly MCLS, CLA, and PLA).

- Actively promote and market ALD's services and programs.

QUALIFICATIONS

Knowledge, Skills and Abilities

Knowledge of the principles and, practices of library management. Knowledge of strategic planning, policy development, financial management and budgeting, information technology management, and personnel administration.

Ability to: plan and direct Library District activities; supervise, train and monitor employees; develop and implement strategic and operational plans; maintain financial record-keeping systems; analyze complex problems and develop solutions; communicate effectively both orally and in writing; establish and maintain effective working relationships with the Board of Trustees, other employees, volunteers, vendors, other District departments, and the general public.

Education and/or Experience

An ALA accredited degree in library/information science is preferred. Broad management experience in library services, financial management, and public or business administration is required. A Master's degree in public administration or business administration is desirable

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and am not a party to the within action; my business address is 1490 Colorado Blvd., Eagle Rock, California 90041. On April 22, 2018, I served the foregoing document(s) described as on the interested party(s) in this action.

BY MAIL OR PERSONAL SERVICE

XX by emailing the following persons at their email addresses:

Ryan Roy, Interim Director, Altadena Library District

Board of Trustees, Altadena Library District, c/o Trustee Betsy Kahn, Trustee Ira Bershatsky, Trustee Armando Zamarando, Trustee Gwen McMullinsg,

Katherine Bowser, Office of the Los Angeles County Counsel

Special District Risk Management Authority c/o Dennis Timoney

(BY MAIL) I sealed and placed such envelope for collection and mailing following ordinary business practice. I am "readily familiar" with this firm's practice of collection and processing correspondence for mailing. Under that practice it is deposited with U.S. Postal Service on that same day with postage thereon fully prepaid at Eagle Rock, California in the ordinary course of business. I am aware that on motion of the party served, a service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing stated in this affidavit.

STATE

XX I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 22, 2018, at Eagle Rock, California.

Dale L. Gronemeier
Type or Print Name


(Signature)