

November 18, 2019, BLT Closed Session Comments

These comments on a Newport Beach Board of Library Trustees (BLT) [agenda](#) item are submitted by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229)

Item IV.A. Discuss The Library Services Director's Appointment, Employment, and Evaluation of Performance (Government Code § 54957)

I am pleased to see the Board of Library Trustees taking seriously its responsibility under Part B of its Shared Governance agreement with the City Manager dated November 22, 2002, to conduct an annual performance evaluation of the Library Director, and presumably to appoint someone to share its conclusions with the City Manager (see *BLT Manual*, Tab IV).

It should be noted that while California Government Code [Section 54957\(b\)](#) allows that evaluation to be conducted out of public view, it does not require that. Moreover, although the agreement refers to the evaluation being based on a (presumably written) "performance program," the closed session is not the place for developing that document. The closed session is for *evaluating* the Director's managerial ability to *execute* goals, not to *set* the goals. In particular, it is not a place for the Board to privately negotiate a vision for the library's future with its Director. That is supposed to be done in public.

As a model, I would suggest to the Board the procedure used by the Costa Mesa Sanitary District (which I also monitor, as I live in their service area). Each year, the President of the CMSD Board (the equivalent of the BLT Chair) develops with the General Manager (the equivalent of the Director) a set of goals for the year that are refined by the full Board at a public meeting. At the end of the year they privately discuss his managerial successes and failures in meeting those goals, and publicly develop a new set of goals for the coming year. See, for example, their [March 28, 2019, agenda](#), in which as [Item B.1](#)¹ they met in closed session to evaluate their General Manager's execution of the previous year's goals and as [Item G.3](#) they publicly discussed, and invited public input on, a set of goals for the General Manager to achieve in the coming year. Finally, as [Item J.1](#), they, again with public input, considered revisions to the GM's contract, with compensation adjustments based on his success or failure in executing the publicly agreed-upon goals.

I am not entirely sure why the evaluation would be held in private if the employee did not object to it being held in public, but I think this approach provides a good mix of privacy and transparency.

As an example of a goal, if the BLT had a concern about the rate of turnover among library employees, it could set a goal of reducing turnover in the following year by some stated percentage. Or, as another example, if replacement of the Balboa Branch library (or the creation of a new branch elsewhere in an expanding area of the city) is not in the City's Capital Improvement Program, and the Board thinks it should be, it could set a goal of getting it on the list in the next year.

¹ Note: the CMSD agenda announces its Board will be meeting in closed session *solely* to discuss the GM's performance evaluation. The BLT agenda, by contrast, suggests the Board may be considering terminating the Director's appointment or employment. I trust the inclusion of those legal possibilities for a closed session was inadvertent.