

CLEVELAND PUBLIC LIBRARY

Finance Committee

October 19, 2021

**RESOLUTION APPROVING PUBLIC LIBRARY FUND ALLOCATION AGREEMENT
COMMENCING JANUARY 1, 2022 AND TERMINATING DECEMBER 31, 2022**

WHEREAS, On January 1, 2009, the nine (9) independent free public library systems in Cuyahoga County entered into an agreement with the Cuyahoga County Budget Commission setting forth the percentage of the total County Public Library Fund ("PLF") that each library was to receive annually during the period commencing on January 1, 2009 and terminating on December 31, 2013; and

WHEREAS, On January 1, 2014, the nine library systems entered into another agreement with the Budget Commission extending the same percentage of the total PLF each library was to receive annually commencing on January 1, 2014 and terminating on December 31, 2017; and

WHEREAS, On January 1, 2018, the nine library systems again entered into an agreement with the Budget Commission extending the same percentage of the total PLF each library was to receive through December 31, 2021; and

WHEREAS, The Directors of the nine (9) independent free public libraries recently met and agreed, subject to the approval of each library's respective Board of Trustees and the Cuyahoga County Budget Commission, to enter into a new agreement that extends the current percentage allocation for an additional year through December 31, 2022; and

WHEREAS, The percent of PLF to be allocated to the Cleveland Public Library under the new agreement remains at **41.18430%** of the entire amount distributed for all of the public library systems in Cuyahoga County; and

WHEREAS, The Board of Trustees has determined that the allocation set forth above is fair and reasonable; now therefore be it

RESOLVED, That subject to the approval of the Cuyahoga County Budget Commission and the approval of the Board of Trustees of each of the other independent free library systems in Cuyahoga County, this Board hereby approves an agreement commencing on January 1, 2022 and terminating on December 31, 2022 on the terms and conditions set forth in the agreement, which substantially conforms with the agreement attached to this Resolution and incorporated herein by reference, which provides that the percentage of

PLF to be allocated to the Cleveland Public Library under the new agreement is **41.18430%**; and be it further

RESOLVED, That the President of this Board of Trustees is authorized to execute any agreements, amendments, or other documents necessary or appropriate to effectuate the agreement which is the subject of this Resolution.

M_____ introduced the resolution and moved for passage;

M_____ seconded the motion and, after discussion a roll call vote was taken and the results were

Ayes:

Nays:

CERTIFICATE

The undersigned Fiscal Office of the Board of Trustees of the Cleveland Public Library hereby certifies that the foregoing is a true copy of a resolution duly adopted by said Board on October 21, 2021.

Carrie Krenicky, Fiscal Officer
Cleveland Public Library

**CUYAHOGA COUNTY
PUBLIC LIBRARY FUND
ALLOCATION 2022**

**PLF AGREEMENT BETWEEN THE NINE
LIBRARIES OF CUYAHOGA COUNTY
2022**

This Agreement (“Agreement”) is entered into in Cuyahoga County, Ohio by and between the various free public libraries in Cuyahoga County, Ohio, including: Cleveland Heights-University Heights Public Library, Cleveland Public Library, Cuyahoga County Public Library, East Cleveland Public Library, Euclid Public Library, Lakewood Public Library, Porter (Westlake) Public Library, Rocky River Public Library, Shaker Heights Public Library (“the libraries”) and the Cuyahoga County Budget Commission, pursuant to resolutions duly adopted by the above-referenced Boards of Library trustees, and the Cuyahoga County Budget Commission (copies of which are attached).

WHEREAS, the libraries constitute all of the libraries in Cuyahoga County entitled to participate in the fund presently referred to in R.C. 5705.28 and R.C. 5705.32 as the county Public Library Fund, formerly known as the county Library and Local Government Support Fund (hereinafter referred to as the “Fund”); and

WHEREAS, the libraries have in the past found that the statutory framework for allocating that fund has not always resulted in satisfactory allocations, and has led to appeals and litigation involving the libraries; and

WHEREAS, trustees and directors of the various libraries have met together in good faith to agree upon specific percentage allocations of the Fund for each library in order to eliminate disputes and litigation with regard to such allocations; and

WHEREAS, the libraries have agreed that for the one-year period commencing January 1, 2022 through December 31, 2022, the libraries will receive percentage allocations with regard to distributions from the Fund as set forth in this Agreement;

NOW, THEREFORE, subject to the approval of the Cuyahoga County Budget Commission, the libraries hereby agree that the Budget Commission shall order an allocation of the Fund for the year 2022 (the “subject year”) in accordance with the following percentages of Funds distributed for the 2022 calendar year:

CLEVELAND HEIGHTS – UNIVERSITY HEIGHTS PUBLIC LIBRARY
4.80750 %

CLEVELAND PUBLIC LIBRARY
41.18430 %

CUYAHOGA COUNTY PUBLIC LIBRARY
38.23690 %

EAST CLEVELAND PUBLIC LIBRARY
2.59000 %

EUCLID PUBLIC LIBRARY
3.30830 %

LAKESWOOD PUBLIC LIBRARY
3.64400 %

PORTER (WESTLAKE) PUBLIC LIBRARY
2.14310 %

ROCKY RIVER PUBLIC LIBRARY
1.25070 %

SHAKER HEIGHTS PUBLIC LIBRARY
2.83520 %

When a budget for each library has been adopted in accordance with Ohio Revised Code 5705.28, the Budget Commission shall fix the amount of the fund to be distributed to each library board of trustees pursuant to § 5705.32 for the ensuing calendar year in accordance with this Agreement, or as otherwise unanimously agreed to in writing by the libraries and the Budget Commission.

When the Budget Commission orders an allocation distribution of the Fund in accordance with the terms of this agreement and any agreement of the libraries provided for herein, each library shall refrain from challenging and/or appealing the distribution of the fund to the Board of Tax appeals, or to any other agency or court of competent jurisdiction. The only basis upon which any library may challenge any such distribution shall be on the basis that the Budget Commission failed to follow the provisions of this Agreement and any agreement of the libraries provided for herein for any of the subject years.

In the event that during the term of this agreement one library should cease to operate or be included with another, the libraries and the Cuyahoga County

Budget Commission agree to meet to discuss any revision to the allocation set forth above and amend the agreement accordingly.

In addition to the foregoing, the libraries agree that they will do the following:

- (a) The directors of each library will attend a meeting to be held at least once during calendar year 2022 in order to discuss the percentage share of the Fund to be allocated amongst the libraries after 2022 and to foster continued good faith and cooperation between the libraries. The directors will also explore ways and opportunities to utilize more effectively their resources to better serve their patrons and to achieve the goals of this agreement;
- (b) The libraries will collaborate and work together to create two (2) committees focusing on 1) the sharing of resources amongst the libraries and 2) addressing the various disparities between the libraries. The goal of the committees is to address the libraries' outstanding issues and concerns. The committees will meet periodically during the term of this Agreement and will report their progress to the libraries' directors at the meetings described in (a) above.
- (c) The libraries will work together through available political, civic and media channels to maintain and increase the level of financial support Ohio law provides for public libraries in Ohio; and
- (d) The libraries will work jointly to meet the needs of users in the present and in the future, with careful attention to population growth, circulation and particular requirements of different communities and neighborhoods.

This Agreement is executed by each of the libraries and the Budget Commission by their appropriately designated representatives for the purpose of effecting an agreed allocation and distribution of the Fund of the year 2022. This Agreement shall be introduced into evidence at the Board of Tax Appeals without objection by any library or the Budget Commission when it is claimed that any library has attempted an appeal pursuant to Ohio Revised code 5705.37 or when it is claimed that the Budget Commission has failed to make an allocation and distribution of the Fund in accordance with the terms of this agreement. Any amendment to this Agreement must be made in writing and be signed by the libraries and the Cuyahoga County Budget Commission.

This Agreement may be executed in counterparts, each of which, when executed and delivered, shall be deemed an original, but such counterparts together shall constitute but one and the same instrument.

Signed and acknowledged:

CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Cleveland Heights-University Heights Public Library Board of Trustees]

CLEVELAND PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Cleveland Public Library Board of Trustees]

CUYAHOGA COUNTY PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Cuyahoga County Public Library Board of Trustees]

EAST CLEVELAND PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by East Cleveland Public Library Board of Trustees]

EUCLID PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Euclid Public Library Board of Trustees]

LAKESWOOD PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Lakewood Public Library Board of Trustees]

PORTER (WESTLAKE) PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Porter (Westlake) Public Library Board of Trustees]

ROCKY RIVER PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Rocky River Public Library Board of Trustees]

SHAKER HEIGHTS PUBLIC LIBRARY

By: _____
President, Board of Trustees

[Attach resolution duly adopted by Shaker Heights Public Library Board of Trustees]