

Lawsuit filed against Escondido City Council for Outsourcing Library *Alan Geraci, consumer advocate files suit to stop contract with LS&S*

FACT SHEET ON LAWSUIT

- This action challenges the City of Escondido's decision, Resolution 2017-139, through its City Council, on October 18, 2017, to employ a private contractor to operate its public library, as void as a matter of law. Roy Garrett and Mary Garrett claim that the Municipal Library Act requirement, codified at California Education Code § 18910, that its public library shall be managed by a board of library trustees and such lawful management responsibility may not be usurped by the City Council. The action is called "Writ of Mandate" asking the court to order the City to comply with the law.
- The Escondido Public Library Association was established in 1893. The library's collection contains 166,629 volumes, circulates 514,792 items per year and serves a population of 151,613 residents.
- The Municipal Library Act of 1901 declared that "(e)very library established under this act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by boards of trustees. The Act was codified as the California Education Code in 1943. Education Code §18910 provides that a public library established under the act "shall be managed by a board of library trustees, consisting of five members,. . ." This duty is absolute and nondelegable by law. The City Council violated this law by ignoring the Escondido Board of Trustees rejection of the proposed outsourcing of the library and voting instead to approve the proposed outsourcing to Maryland-based Library Systems & Services LLC.
- Other counties are unhappy with privatization with the Maryland-based LS&S: <http://www.mailtribune.com/news/20160527/library-officials-want-to-break-free-of-contract-with-private-firm>
- Consumer Attorney Alan Geraci has defended over 300 families from foreclosure against the big banks whose predatory practices caused the last great recession in 2008. By forcing privatization of our library, the City Council failed the community, failed the library workers, and failed to follow the law."