

February 19, 2019, BLT Agenda Comments

These comments on Newport Beach Board of Library Trustees (BLT) [agenda](#) items are submitted by:
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Item 1. Minutes of the January 22, 2019 Board of Library Trustees Meeting

The only error I notice in the [minutes](#) is that in the opening sentence of paragraph 5 on page 3 (handwritten page 6), the verb “indicated” is capitalized for no obvious reason.

Although apparently not an error, on the first line of page 6 (handwritten 9), with regard to the status of the Corona del Mar Branch Library replacement project, I found surprising the statement that “*Corona del Mar Branch Librarian Annika Helmuth has taken ownership of the new building.*” I would have guessed the City of Newport Beach continued to own the building. Have I missed a recent real estate transaction?

With regard to the Irvine Company’s control over BLT decisions (page 5, handwritten 8), the papers transferring the property at 1000 Avocado to the City are archived by the City Clerk in contract [C-2823](#) - **Library Transfer, Exchange for Central Library**, as well as [C-2823\(A\)](#) - Development Agreement No. 4 (Library Exchange). The restriction alluded to in the January 22 minutes would seem to be that on [page 3](#) of the Declaration of Special Land Use Restrictions: “*No portion of the Land, or any improvements thereon, or any portion thereof, shall be used for retail, commercial, quasi- retail or quasi - commercial facilities that materially compete with the retail and commercial facilities in the Center or otherwise improved, developed, used, operated or maintained with any facilities or for any purpose whatsoever except as set forth above unless expressly approved by Declarant, which approval may be granted or withheld by Declarant in its sole discretion.*” As is probably already understood, it might be noted that [Exhibit 2](#) to that document limits development to a **single** free public library building of at most 50,000 square feet, so some special agreement would presumably be needed before a lecture hall could be built.

Item 3. Library Activities

On handwritten page 17, in the next to last sentence under “Writing Workshops,” someone’s name seems to be missing in “*Programming Library Assistant ?? created this unique series with Ms. Cleeland, a Newport Beach resident.*”

Item 6. Annual Budget Review

In connection with the following item (Council Policy I-7, Library Meeting Rooms Policy) it seems important for the Trustees to have clarity as to whether the Vincent Jorgensen Room at Mariners is: (1) a library meeting room under the purview of the BLT, but used, under some agreement, mostly by the Recreation and Senior Services Department, or (2) a youth/community room under the purview of the City Council, used on occasion for library activities.

In particular, are expenses related to it treated differently from similar expenses related to the Friends Room at Central and other library facilities? For example, the Jorgensen Room was recently repainted and re-carpeted, but this seemed separate from, and unrelated to, the re-carpeting project at Mariners. Did the library budget pay for any of this? Who pays for the utilities and cleaning?

More generally, it seems important for the Trustees (and public) to understand how upkeep and repair expenses for library facilities are treated in comparison to similar expenses at non-library City facilities, such as at Marina Park, OASIS, the Community Youth Center in Corona del Mar and the police and fire stations. How much of library upkeep and repair comes out of the library budget? Are the other facilities treated similarly, with expenses charged to those department's budgets?

Item 7. Review of the Library Meeting Rooms Policy (Council Policy I-7)

Despite the recommendation in the staff report ("*Staff thinks that the current policy and fee structure work well to manage the use of the Friends Room. Staff recommends no revisions.*"), this policy, last revised in 2006, is extremely out of date and badly in need of revision.

Much has happened since 2006: an expanded OASIS Center opened in 2010; a Civic Center with a Community Room opened in 2013; Marina Park opened in 2015. Statements that may have been true in 2006 (such as "*The City has a shortage of large meeting space*") are no longer at all true. And it is not at all clear why the Trustees would want to continue to make the meeting rooms unavailable for use on Sundays, even though the libraries are now open on Sundays.

It is also not clear that the revisions made in 2006 made a lot of sense, even then.

[Policy I-7](#) was formerly the "**Central Library Friends Meeting Room**" policy, and applied only to the Friends Meeting Room. In 2006, when the new Mariners Branch opened, the new **Vincent Jorgensen Room** at Mariners and the existing **Conference Room** at Central were rather summarily slipped in, but the policy doesn't really apply to the Jorgensen Room, which the City Council regards as subject to [Policy B-13](#) ("**Public Use of City Facilities**") and for which the City Council created its own special set of Recreation and Senior Services Department administered rules, adopted simultaneously with the revised Policy I-7 in 2006 as [Policy B-5](#) ("**Vincent Jorgensen Community Room in Library**"). Having policies I-7 and B-5 not reference the existence of each other is a little strange.

It is also strange that staff does not want the Board to revise I-7 to include rules for the **Charles Sword Room** at Central, which it has recently declared to be an additional meeting room (or possibly something between a meeting room and a study room?). Page 4 of the September 17, 2018, BLT [minutes](#) says that in response to questions from the Trustees "*Library Services Director Hetherington indicated the Charles Sword Meeting Room is reserved for groups of six or more who want to hold discussions. The Library does not have a separate policy for it, but staff can develop one.*" Indeed, such a policy appears to have been developed without oversight

from the Board, for it is described in detail on NBPL's [Study/Meeting Rooms page](#). – although that page does not mention the existence of the Central Library Conference Room, which would also appear to be available for similar purposes per Policy I-7.

The staff report also fails to remind the Trustees of the peculiar status of Policy I-7. Of the many library policies the City Council considered in their [Item 18](#) on August 8, 2017, this is the only one the Council neither divested itself of further interest in, nor changed (without consulting the BLT). Hence, it seems to be co-adopted by the BLT and the Council, and would seem to need the Council's consent to change. Since the City Charter gives the BLT the power and duty to set the regulations for use of all the City's library facilities, it is not clear, and was not explained, why the Council would think it has the authority to retain control over Policy I-7. Possibly it is due to the mention, in it, of the Vincent Jorgensen Room, which, although it has always been architecturally attached to a library building, seems to have an ambiguous status in the City Council's mind.

As indicated above, the City Council appears to regard the Jorgensen Room as something under the primary control of the Recreation and Senior Services Department – a status it may have had at its former location, especially during the time when the library and recreation divisions were merged under a single "Community Services" Director.

However, a review of the documents approved by the City Council in 2002 in connection with the construction of the current Mariners Library, archived by the City Clerk under contract [C-3496\(B\)](#) (**Cooperative Agreement for Mariners Library Joint Use Project**), the Jorgensen Room was designated as a 110-seat Community Meeting Room within the library facility, and the agreement made clear that per our City Charter, the entire facility would be "*under the administrative control of the Board of Library Trustees, as defined in Section 708 of the City Charter*" (Cooperative Agreement, page 3, Section 2.1; see also page 8, Section 4). The Policies I-7 and B-5 adopted by the Council upon the new building's opening in 2006, giving administrative control of a portion of it to the R&SS Department, appear to be in conflict with the 2002 agreement. The Agreement further says (page 8, Section 6) that pursuant to the Field Act, "*the Community Meeting Room will serve as classrooms for the students, and for student groups of 24 or more during school hours*" (the students being referred to presumably being those attending the Mariners Elementary School). Again, it is not clear that's what's happening. The BLT may be happy to know the separate deed restrictions approved by the Council in 2008 (last pages at above link) further restrict the use of the entire 6.89 acre Mariners Park area (including the library and fire station sites) to library uses through 2046 and prohibit any other uses on the land without the state's consent.

The Council's inclusion in 2006 of the references to the Jorgensen Room in Policy I-7 is actually quite confusing, since it conflicts with the title (if, in the Council's view, it is not a Library Meeting Room to which library staff can provide access), and since none of the rules enumerated in Policy I-7 actually apply to it, at least in the Council's eyes.

I believe that if it is to truly be a comprehensive Library Meeting Rooms policy, Policy I-7 needs extensive revisions. I would suggest the following:

1. Re-establish control of the library-related parts of Policy I-7 as a BLT policy with a NBPL number, not requiring Council approval.
2. Clarify the status of the Jorgensen Room, and the BLT's authority over its use.
3. Establish BLT-approved policies for use the Charles Sword Room.
 - a. Since this seems to be something between a meeting room and a study room, this might logically involve merging the Study Room and Meeting Room policies into a single comprehensive "Library Rooms" policy.
4. Consider the inclusion of other meeting spaces in the library, such as the "staff" conference room adjacent to the Media Lab. This seems to be an underutilized asset in a very public area, and why it is not made available for public use remains unclear.
5. Update the library's [Study/Meeting Rooms](#) web page to include *all* the rooms to which library staff can provide access, and reference the BLT policies applicable to each.

For the Trustees' reference, [prior versions of I-7](#) that have been approved by the City Council are archived by the City Clerk as promised at the top of her [Council Policy Manual](#) page.

Regarding the **Joint Mariners Library Project Cooperative Agreement** with the Newport-Mesa Unified School District, the BLT may wish to know that the 20-year joint use portion of that agreement (page 8, Section 7) expires in about seven years, in April 2026. It may be good to know what the significance of that is (the 40-year commitment to provide free library service to the public in general continues through 2046). The BLT may also wish to know that the Agreement called for the establishment (page 4, Section 2.5) of a **Joint Advisory Committee** which was to meet regularly to review the status of the Agreement. The BLT may wish to ask for a clarification of their role in that, and why they have not been kept informed about it.

Item 8. Review of the Display and Distribution of Materials Policy (NBPL 8)

The statement at the bottom of the current policy ([Attachment A](#)), that it was "*Amended – February 17, 2015*," is correct. The statement that it was "*Adopted – February 17, 2015*," is misleading. Since **NBPL 8** has a much longer pedigree than that, is this a typo?

Formerly known as the library's "**Public Give Away Policy**," the document whose name was changed to its present one and whose body was extensively revised (after many delays and tablings) as Item 5.B.6 at the Trustee's [February 17, 2015, meeting](#) said it was "***Adopted - April 19th, 2005, Last Updated - April 25th, 2005***". I assume that is the correct date, and quite likely the original adoption.

As to the substance of policy NBPL 8, it has, from the beginning, restricted the hand-out areas to material prepared by government agencies. Since the government is not the only source of information in a free society, I continue to think this is overly restrictive and inconsistent with the

library's mission as the information center of the community. As some of the Trustees observed in 2015, NBPL 8 as currently written prohibits Hoag Hospital from placing flyers announcing free public educational events on their campus (or probably even if it was held at a library facility, but not sponsored by the City). Likewise, civic clubs and organizations are prohibited from announcing their events, even if free and open to the public, issuing calls for volunteers, or anything else – even though they can do so at many other public libraries, and even though the public would expect them to be able to. Rather than helping the library act as an information center, NBPL 8 deprives the public of potentially useful information.

As I understand it, the current NBPL 8 restrictions are based on fears that: (1) “inappropriate” material would be displayed, and (2) the display area would be overwhelmed with offerings. I believe these are false fears, and, even if real, could be largely overcome by devoting a limited portion of the shelf space to community announcements on a first-come/first-served basis subject to a strict limit on how long materials could be displayed.

Item VII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

According to the minutes of the January 22, 2019, meeting, the Board adopted revisions to three library policies: NBPL Internet Use Policy (**NBPL 5**), Laptop Borrowing Policy (**NBPL 10**) and Rules for Acceptable Use of Wireless Internet Connections (**NBPL 11**).

As of February 18, revised versions of **NBPL 10** and **NBPL 11** have been [posted](#) on the library website, but **NBPL 5** has not been updated.

This also raises the question of whether NBPL staff is systematically archiving, for reference by future Boards, the revision history of the NBPL policies, as the City Clerk does with policies adopted by the City Council.