

## August 19, 2019, BLT Agenda Comments

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

### **Item 1. Minutes of the July 15, 2019 Board of Library Trustees Meeting**

1. **Page 4** (handwritten 7), top paragraph: “*The peer libraries are located in cities that are similar to Newport Beach and include the two closest independent city libraries, Huntington Beach and Mission Viejo.*”

Comment: for the Trustees’ reference, the [California State Library](#) is aware (in its “Summary Data”) of the following eleven public library systems in Orange County:

- Anaheim Public Libraries
- Buena Park Library District
- Fullerton Public Library
- Huntington Beach Library
- Mission Viejo Library
- Newport Beach Public Library
- Orange County Public Library
- Orange Public Library
- Placentia Library District
- Santa Ana Public Library
- Yorba Linda Public Library

2. **Page 4** (handwritten 7), Item 7, paragraph 1: “*Between Christmas and New Year’s, most visits occur during the day.*”

Comment: Considering that on those days in recent years the NBPL has been open *only* during the day, it is difficult to see how the recent holiday pattern could be different. This does not demonstrate that being closed evenings is the patrons’ preference.

3. **Page 6** (handwritten 9), Item 12, next to last sentence, word missing: “*Another sale of 50 percent **off** all inventory for members only is planned for August 10.*”
4. **Page 6** (handwritten 9), Item 13, first sentence: “*Vice Chair Watkins advised that Literacy Services has funds of approximately \$377,000 and 38 **unsigned** learners but no tutors.*” [meant to read “**unassigned**” ??]

### **Item 2. Patron Comments**

**Comment 1:** “Add books in Braille and Children’s Texture Books.”

I agree it is “a little sad” that NBPL does so little to raise awareness regarding the [National Library Service for the Blind and Physically Handicapped](#) (to the best of my knowledge, the Braille Institute serves as a delivery agent for their products, rather than an independent provider). Before we had a Central Library, the NBPL’s Newport Center Branch carried a limited selection of NLS materials, which at least made the public with handicapped acquaintances or family members aware this totally free [program](#) exists.

### ***Item 3. Library Activities***

Handwritten **page 15**, Facilities: I am surprised to hear about the donor wall at the Mariners Branch being covered over. I have not heard what was wrong with the original, beautiful carved wood wall, or why it is being replaced with something different.

### ***Item 4. Expenditure Status Report***

I notice NBPL's total expenditures on "programming" for FY19 are reported to have been \$23,003.

Although exact details are a bit difficult to decipher, it appears from their most recent IRS [Form 990](#) (from a [Tax Exempt Organizations Search](#)) that the NBPL Foundation spends well over \$200,000 on *its own* programming.

This mix seems more than a little odd to me, since the Foundation's stated purpose is to raise money to help fund the *library's* programming – not to use the contributions it receives to independently provide programming on its own.

In relevant part, the Foundation's January 13, 2000, Restated Articles of Incorporation (following the Cooperative Agreement at Tab V in the "BLT Manual") say: "***The specific purpose of this corporation is to engage in the solicitation, receipt, and administration of monies and other property, and from time to time to disburse such monies and/or property and the income therefrom, solely to or for the benefit of the City of Newport Beach Public Library, its branches, and its related activities and services. Such disbursements shall be used for the following and related purposes: (1) maintaining the central library of the Newport Beach Public Library and the branches of the Newport Beach Public Library, (2) renovation of facilities, (3) capital expenditures, (4) equipment acquisition and maintenance, (5) acquisition, maintenance, repair and restoration of books and other library materials, (6) staff education, (7) community programs, (8) any other needs of the Newport Beach Public Library system; and (9) operating expenses of the corporation.***"

My reading of this is Items (1) through (8) are things **NBPL** (under the direction of the BLT per City Charter Section 708) may do with the monies disbursed to it by the Foundation. In other words, they are the primary things the money is being collected to pay for, including **NBPL/BLT-directed** "community programs."

Aside from forwarding the money to the NBPL for those purposes, Item (9) is, by my reading, the only *other* thing the Foundation can its income for: namely, "operating expenses" such as salaries, office expenses, cost of mailers, other contribution-soliciting advertising and fundraisers.

Reading it any other way would mean the Foundation can itself, independent of the City, use its income directly to maintain the libraries, renovate facilities, construct buildings educate staff and so on, on its own, in whatever ways it sees fit.

**A review and understanding of the Foundation on the part of the BLT would seem essential** (see next item).

Although the BLT has heard differently in recent years, operations such as the Witte Lecture Series appear to me to be independent programming rather than fundraisers. Indeed, the Foundation website says “**Ticket sales** supplement these sponsorships, but they **only cover a small portion of each event**. Since there is no NBPL or NBPLF budgeted funding for this series, generous donors are the sole funding source.” To me, that does not sound like a very effective way of raising money for the library. The absence of “budgeted NBPLF funding” is also curious since the Witte organization does not seem to be listed as a separate non-profit entity.

### **Item 5. Board of Library Trustees Monitoring List**

It seems unusual to see nothing planned for the November and December meetings.

Conversely, I'm not sure why a “Review of San Diego Library's Proposed Library Fines Policy” would be an ongoing annual item. I would suspect this was intended more as a periodic review of the NBPL fine policy (regarding which, see also my comment on the next item).

Some things that might be considered for the slack time:

1. Discussing the future of the Balboa Branch and the needs assessment related to that.
2. Fulfilling the Board's responsibilities per the agreements in the BLT Manual – including reviewing and understanding the activities of the NBPL Foundation. In addition to attempting to understand that organization's IRS Form 990 filings (see comment on previous item), under the February 1, 2000, Cooperating Agreement (at Tab V in the Handbook), the BLT has the right and responsibility to:
  - a. Review the annual revenue and expense budget of the Foundation, including complete and separate financial data for each of the Foundation's accounting funds, as well as monthly statements regarding the same and quarterly disclosures of investments.
  - b. Review the annual financial audit, including any management recommendation letter.
  - c. Review solicitation materials to see what donors are being told their donations are being requested for.
  - d. Verify that operating expenses don't exceed 30% of the funds raised.
  - e. Ensure that restricted and unrestricted donations are being disbursed (less operating expenses) on a **quarterly** basis, **with use of the unrestricted donations to be determined by the BLT**.
  - f. Ensure that at least 5% of the market value of the endowment fund is being disbursed to the library annually.
  - g. Review and approve any endowment fundraising campaigns.

## ***Item 6. Information Technology Update***

With no advance report, it's difficult to know what will be discussed, but I understand NBPL plans to purchase a new "system" to replace "Millennium." I assume the BLT will be updated on that and what it might do different from the current system.

As I indicated at the last meeting, the Board may wish, in keeping with other libraries, to consider insisting on a more secure way of logging into patron accounts (where the patron's personal information and borrowing history can be viewed) – for example, by requiring a PIN.

### **Login**

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Please enter the following information:

Last Name:   
For example, type "Smith" and hit the tab key

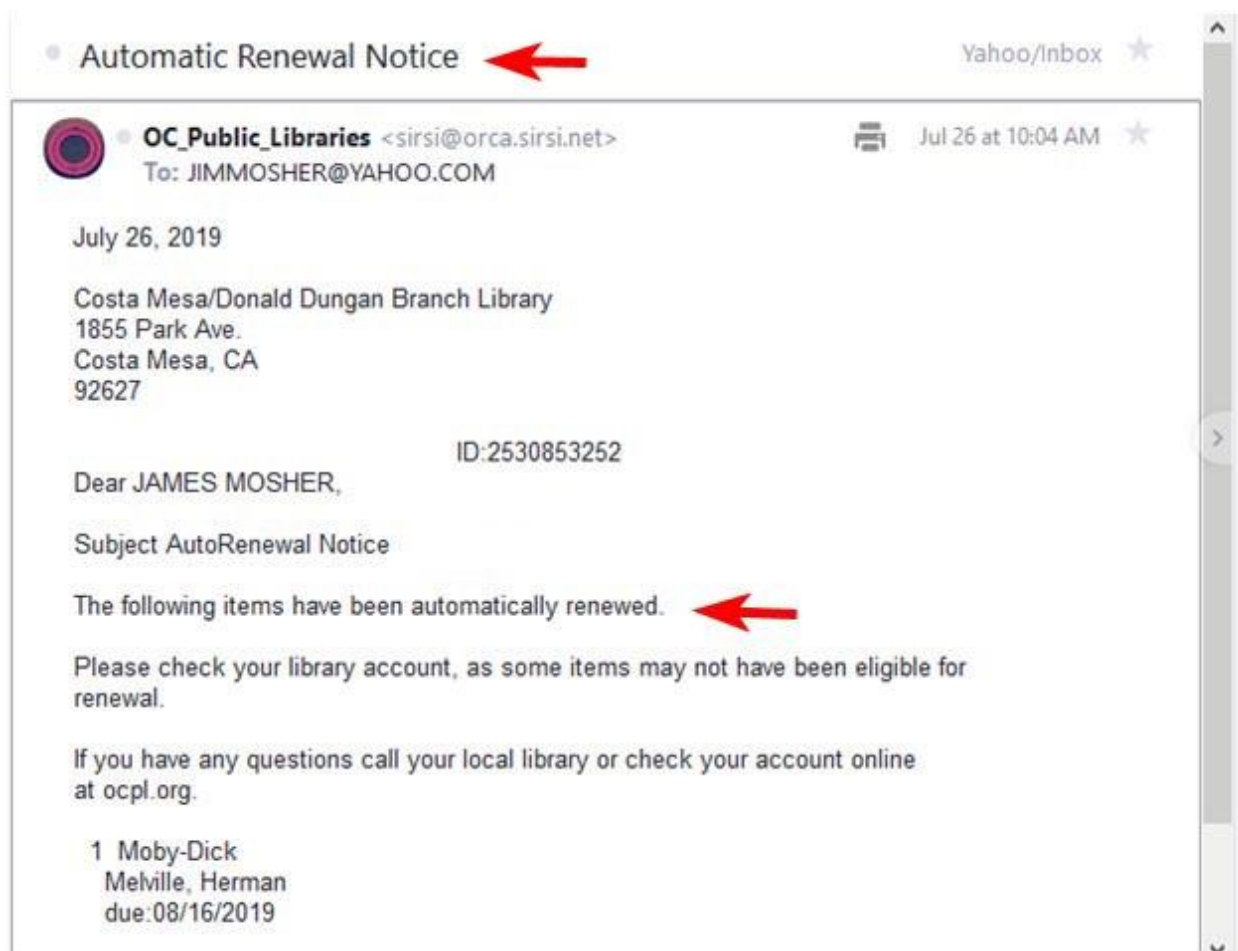
Library card #:   
For example, "2325400..."

I might also suggest the Board consider insisting on a "auto-renewal" system, such as the Orange County Public Library has.

At NBPL, 3 days before an item is due, patrons receive a single emailed message informing them of that fact. If they forget to renew on or before that date, they hear nothing further from NBPL until about 4 days *after* the due date, when they receive a message notifying them that an unspecified amount of fines is piling up: "*The following materials **are** overdue. If you still have them, return them to avoid **increasing** fines. Customers with fees of \$5 or more may not checkout materials from the library.*".

At a minimum, patrons should receive a follow-up reminder on the due date, to give them a final chance to return the item *before* fines start to accrue.

The OCPL system is much better. Patrons receive by email a 2-day advance reminder of items coming due, much like NBPL. However, on the morning of the day the item is due, if it is renewable, they receive a message it has been *automatically* renewed for them:



**That is much more patron-friendly than the overdue/fine messages sent out, days later, by NBPL.**

If an item is *not* renewable, I would guess that on the due date OCPL sends a message telling the patron they must return the item on that day to avoid a fine – although I'm not sure they do. I can also imagine the initial message might warn patrons if there is already (at the time of the message) a hold on their item, so it will *have* to be returned by the due date -- but, again, I don't know if they do that.

Since borrowing periods run for a fixed number of days starting on the day of renewal, NBPL patrons who might want to maximize their reading time have to guess at the time of the initial email reminder if there is a hold that will require them to return the item, or if they can gamble on waiting till the due day to renew, knowing they will face fines if they forget to renew or return on that day.

### ***Item 7. Corona del Mar Branch Project Update***

At its July 15 meeting the Board was told (see the draft minutes, Item 1, above) that although the CdM Branch would *not* be fully functional in time for its July 20 grand opening, it *might* be ready by the week of July 29.

The implication was that all that was left was some cabinet work that had to be finished before IT could install cabling.

From this month's report, it appears the "punch list" of uncompleted items was much more extensive. At least now the possible opening is predicted to be one week off rather than two.

### **Item 8. Lecture Hall Update**

As I indicated at the last BLT meeting, whether intentionally or not, the BLT appears to have been completely cut out of all decision-making with regard to the [possible future lecture hall](#).

This (to me) strange turn of events seems to have originated from the Board's unanimous approval on January 22 of a motion to (in relevant part) "*ask the Council to proceed with a Request For Proposal based on needs that have been identified by the Board of Library Trustees, to review reply bids leading to the selection of an architect for architectural services for the planning and design of the Lecture Hall, and to fund such architectural services.*"

One might have guessed the Library Trustees would have been called on to assist the Council with its review of the reply bids, but the motion was not clear on that point.

At the May 20 BLT meeting, former Trustee Jill Johnson-Tucker reported "*The Mayor will probably appoint a committee to review responses to the RFP.*" At her final meeting as a Trustee on June 17 she reported "*The Mayor will appoint a group of stakeholders and Board of Library Trustees to review the bids during a public meeting.*"

The committee was created and members appointed, without comment, discussion or advertisement for membership, as [Item 8](#) on the Council's July 9 consent calendar (with [Council member Duffield voting no](#)). I submitted [comments](#) at the time, but do not know the reason for the "no" vote.

It would appear the idea for how the committee should be constituted was Jill's, rather than the BLT's, and by appointing "Board of Library Trustees" she apparently had in mind mostly *former* Trustees, based on a feeling that when one's official term on the BLT ends, an unofficial one continues for life.

In fact, when I asked at the July 19 meeting of the new [Library Lecture Hall Design Committee](#) if the current BLT would have *any* involvement in the decision making, such as reviewing the LLHDC recommendations, or making their own independent recommendations to the Council, Jill indicated such consultation did not seem appropriate since (1) the current BLT members would be too busy with other responsibilities to have time to give adequate thought to the lecture hall, and (2) the former and current BLT chairs dominating the LLHDC were more experienced, had a better grasp of the issues and could make better decisions.

By the time of the present BLT meeting, the LLHDC will have [met again](#) on the morning of August 19 as announced on the City website. They will be reviewing the responses to the RFP.

Should they wish to, Government Code [Sec. 54952.2\(c\)\(4\)](#) may allow all interested Library Trustees to attend that meeting and participate as members of the public without it being

regarded as an illegal unnoticed meeting of the BLT. That section of the Brown Act says the following is not a “meeting”: “*The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.*”

I find it a strange result, but it would be especially true that this would *not* be an unnoticed meeting of the BLT if the Council and BLT have agreed that City Charter [Section 708](#) (“Board of Library Trustees. Powers and Duties.”) does not place any matters related to possible construction of a library lecture hall “*within the subject matter jurisdiction*” of the BLT, either in its role administering the library or in recommending the annual budget for library purposes.

In other words, meeting to discuss non-BLT business is OK. But I find it hard to believe the design of a Library Lecture Hall is *not* BLT business.

Incidentally, at the July 19 LLHDC meeting, Jill’s husband, Larry Tucker, made it known that the subject matter jurisdiction of the LLHDC is *itself* limited to discussion of **design** issues. Larry will be privately overseeing City staff’s handling of the other aspects of getting a lecture hall built, including negotiations with the Irvine Company and the entitlement process. Again, it appears the BLT will have no role in any of that.

My primary concern about the lecture hall proposal is that it is being envisioned not as a new amenity for the *City* library, but rather as a facility for benefit of the Library Foundation and the independent activities it conducts.

### ***Item VII. PUBLIC COMMENTS ON NON-AGENDA ITEMS***

From the preceding comments on Items 4, 5 and 8, it can probably be detected I have some misgivings about the function of the Newport Beach Library Foundation. I personally feel that since people wanting to support NBPL financially are told to make contributions to the Foundation (see NBPL 3, [Gifts Policy](#)), the Foundation’s proper role should be to support the library’s activities, not to supplement or replace them with library-like functions privately put on by them. I am also uncomfortable with them soliciting “members” when their corporate structure is one without (voting) members.

In any event, if the Foundation has become something that collects money primarily for its own purposes, rather than the library’s, and that can’t be changed, then perhaps the older organization – the Friends – should be re-identified as the proper conduit for those wanting to make monetary contributions for the direct benefit of the library. That – rather than selling used books – was, as I understand it, one of their original functions.