

## October 7, 2013 BLT Agenda Item Comments

Comments on the Newport Beach Board of Library Trustees agenda items, submitted by:

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### **Item 4. Approval of Minutes (September 4, 2013, Meeting)**

1. Page 1, in the preamble under the horizontal line at the top the page:
  - a. The electronic bulletin board is actually located in ***the vestibule*** to the Council Chambers proper, which are normally locked.
  - b. Since the electronic bulletin board is not yet fully functional, the “official” Brown Act posting location is a three-ring binder made available for public inspection next to the electronic display, which should probably be mentioned here.
2. Page 1, under “3) *Public Comments Regarding Closed Session*”: the final sentence (“*Members of the public and staff vacated the meeting room.*”) does not make clear who actually attended the Closed Session. Although the Brown Act provides no clear guidance as the responsibility for reporting such information, my impression is that in addition to the four Trustees, at least Assistant City Attorney Leonie Mulvihill and Municipal Recruiter Teri Black remained in the room. I do not recall if then Library Services Director Cynthia Cowell left or stayed.
2. Page 2, under “6) *Roll Call*”: I believe the result of the roll call taken upon reconvening to open session was different from that reported on page 1. I seem to recall Teri Black had disappeared, and as reflected in the subsequent minutes, I believe the staff persons present now included at least Debbie Walker and Melissa Kelly.
3. Page 2, under “8) *Public Comments on Agenda Items*”: In the final sentence summarizing my comments, I believe a word or words must be missing, such as: “***There may be*** details that come up during the presentation, ...”
4. Page 3, under “3. *Circulation Policy*,” line 5: I think “.25 cents per day” should read “**25 cents per day**” (as Trustee Prichard may have pointed out in the draft policy, with the decimal point it could be taken to mean “one quarter cent”)

### **Item 5.B.2. Early Closure on December 23 and 26, 2013**

5. I could be mistaken, but I seem to recall an era when closing early on December 24 (and all day on December 25), and likewise on December 31/ January 1, were the only concessions to those two holidays.
6. I thought the “*Circulation Transactions by Hour (December 2012)*” table at the top of page 2 of the staff report might refer to transactions with patrons at the circulation desks, until I noticed 13.4% of the events happening between 9 p.m. and 9 a.m. when no facilities are ever open to the public. Having seen that, I don’t know what the table represents. In any event, to get an idea of library facility usage at different hours, wouldn’t it be better to use the counts of patrons entering and leaving the buildings?

7. To convince me the demand for library facilities is lower in December the “*Circulation Transaction Totals by Month, 2012*” chart would have to be corrected to reflect the closures noted in the staff report. That is, usage should be expressed per “branch-hour” open (that is, divided by the number of hours open totaled over all the branches).

### **Item 5.B.3. Statistical Reports**

1. Staff seems to me to have made a good selection: the Omaha Public Library style pie charts are helpful, but their effort to jazz up the line graphs by filling in the space below the lines with colors is much more confusing than the traditional style chosen here.
2. The readability of the tabular data would be enhanced by consistently using commas to set off the thousands in the numbers (in the samples commas are confusingly sometimes used, and sometimes not).

### **Item 5.B.4. Laptop/iPad Borrowing Policy**

1. At least in my view, this policy is still not “right.” See previous comments.
2. In Point 3, why is the number of iPad renewals limited to two? After two renewals is one banned for the rest of the day even though multiple devices are available? Or is one allowed to start a new cycle?
3. In the first sentence of Point 4 it should not be necessary to repeat “*reference desk.*”
4. In Point 6, the opening statement (“*Customers must present a valid NBPL card*”) could be deleted since it is contradicted by the following statement that any photo ID will do.
5. Point 8 duplicates exactly the second sentence of Point 7. One or the other should be deleted.
6. In Point 11, as explained in more detail in earlier comments, the mandatory 30 minutes before closing return policy is much longer than necessary at the smaller branches.

### **Item 5.B.5. Allocation of the \$5,000 Balboa Branch Library Donation**

1. The draft minutes from the previous meeting suggested the Trustees might also be considering “*Donation/gift amount thresholds for approval by the City Manager and City Council*” in view of past donations recommended for acceptance by the Trustees (or perhaps even without a Trustee recommendation) having apparently been approved by the City Manager without involving the City Council if under a certain dollar amount.
2. In my view, neither the Trustees nor the Council have the discretion to alter the library donation procedure, which as set out in City Charter [Section 708\(f\)](#) gives the Trustees the power and duty to “*Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council*” but provides no mechanism to alter that procedure short of amending the Charter. Since the acceptance of donations is one of the stated reasons for the existence of the Board of Library Trustees, I read it to mean that **all** donations for library purposes, no matter how small, must be recommended for acceptance by the Trustees and then approved by the

Council. In particular, I cannot see where the people gave the City Manager the power to grant such approvals, or the Council the authority to delegate that power to him.

3. If there is a problem with small donations, I should think staff could aggregate them prior to presentation to the Trustees and Council.

### ***Item 5.B.6. Update on Library Services Director Recruitment***

1. I continue to be disappointed by the level of transparency and public participation in the director recruitment process, including the absence of public discussion of it by the Trustees. My impression is that very few library patrons, or City residents in general, have been given a meaningful chance to weigh in on what they would like to see in a Director, or are even aware of the process.
2. The placement of this item on the agenda under "*Monthly Reports*" (as opposed to under "*Items for Review and Possible Action*") adds to that sense of disappointment. The public generally understands routine monthly oral reports to be strictly informational items in which board interaction is limited to asking brief questions for clarification, and in which if an item brought up merits discussion among the board members it must be agendaized for a future meeting. In my view, until a selection has been made the status of the recruitment and selection of the new Library Director is a topic that merits serious public discussion among the Trustees and public at every board meeting, and should be a full agenda discussion item, not just a report.
3. Among my specific concerns, what appears to be a 30 day (or less?) open application period [ending October 27](#) is significantly less than the six weeks suggested in the draft recruitment plan distributed by the City Manager at the Board's August 16 Special Meeting. I'm not sure what induced the added rush and don't know if the Trustees concurred in the decision to adopt so brief a recruitment window (see following point regarding closed sessions). I suspect that even six weeks would have been unnecessarily short, particularly in view of statements at the August 16 meeting that the previous recruitment process produced only one or two qualified candidates.
4. I found the hour the Board spent behind closed doors at its September 4, 2013, meeting, supposedly pursuant to the "personnel exception" of California Government Code [Section 54957\(b\)\(1\)](#), particularly troubling, and probably a violation of the Brown Act, since it now appears the Board was not interviewing or discussing candidates, but rather meeting with executive recruiter Teri Black to discuss the recruitment process. My understanding is that the Brown Act exception to open meetings is intended **solely** to provide an opportunity for "candid" discussion by the Board with or about candidates, not about the process by which candidates are found, or the standards by which they should be judged. This is because the process and standards for selection are matters of general public concern, and all decisions regarding them should be made openly, and with public input. This interpretation of the very limited exception provided in the Brown Act is a view shared, for example, by the San Francisco City Attorney, as expressed in his [Good Government Guide](#) (2010-11 edition, page 139, emphasis added):

*“The purpose of the personnel exception is to enable policy bodies to protect the privacy of individuals subject to specific types of personnel decisions, and to foster candid deliberations. Therefore, policy bodies may **not** meet in closed session to discuss a department’s general personnel operations or policies. **Accordingly, as a general rule, a policy body may not hold a closed session to discuss the process or criteria for the selection of a department head, or the general criteria for evaluating a department head. These issues typically do not focus on a particular individual.**”*

5. Since the August 16 Special Meeting I have heard no public discussion by the Trustees of the candidate search process, or the standards by which candidates will be evaluated.
6. In addition to more closely and openly monitoring and participating in the recruitment process, I would hope the Trustees would be pushing for Council approval of a binding agreement between the Trustees and City Manager giving a clear understanding of their respective roles in future matters related to the Director, along the lines of what the City Manager now says is the non-binding *Memorandum of Understanding* from 2002 presented at the August 16 Special Meeting by former Trustee Karen Clark (note: under the City Charter, the Board already has the power and duty to set library administrative policies, but, as indicated by Dave Kiff on August 16, the City Manager would probably need Council approval to make binding a “contract” with the Trustees).

### **Item 7. Public Comments on Non-Agenda Items**

1. If I have not done so before, I would like to suggest the Trustees ask staff to post the recordings of the Board of Library Trustees meetings on the internet with the agendas and written minutes. While the written minutes are very helpful for documenting who spoke and summarizing what they said, “audio minutes” provide a more complete and accurate record of that content. In addition, they can be posted for public review within hours of the meeting, whereas the written minutes, even in draft form, are rarely available until the next meeting. The rapid availability of recordings is especially useful for those who are unable to attend meetings in person, which is particularly relevant in the case of the BLT since the City now has three bodies meeting in different locations at 5:00 pm on the first Monday of the month -- the Board of Library Trustees, the Civil Service Board and the Bicycle Master Plan Oversight Committee.
2. I thought the discussion at the last Board meeting regarding the as yet to be completed “Recording Studio” at the Central Library was telling. At least one Trustee was, like me, under the impression that it was to be a fully equipped studio for recording live musical performances. The departed Director indicated staff had considered that option, but rejected it and settled instead on a voice over/sound editing facility, because the former would have been too expensive. It would seem to me that the proper use of library funds for new projects involves policy decisions that should be made publicly by the Trustees with public input. The entire Media Lab/Sound Studio experience seems to me to be an example of the Board playing catch-up with significant decisions made by library staff without their knowledge or direction. If staff based those decisions on public input, that input must have been collected through other less visible and less official channels, such as meetings with Friends or Foundation officials, and I don’t think that’s proper.