



CITY OF NEWPORT BEACH BOARD OF LIBRARY TRUSTEES AGENDA

Newport Beach Public Library
1000 Avocado Avenue, Newport Beach, CA 92660

Monday, August 20, 2018 - 5:00 PM

Board of Library Trustees Members:

Janet Ray, Chair
Paul Watkins, Vice Chair
Douglas Coulter, Secretary
Kurt Kost, Board Member
Jill Johnson-Tucker, Board Member

Staff Members:

Tim Hetherton, Library Services Director
Elaine McMillion, Administrative Support Specialist

The Board of Library Trustees meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Board of Library Trustees agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Board and items not on the agenda but are within the subject matter jurisdiction of the Board of Library Trustees. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact Tim Hetherton, Library Services Director, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 717-3801 or thetherton@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Library Services Department 24 hours prior to the scheduled meeting.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. NOTICE TO THE PUBLIC

The City provides a yellow sign-in card to assist in the preparation of the minutes. The completion of the card is not required in order to address the Board of Library Trustees. If the optional sign-in card has been completed, it should be given to the Administrative Support Specialist.

The Board of Library Trustees of Newport Beach welcomes and encourages community participation. Public comments are generally limited to three (3) minutes per person to allow everyone to speak. Written comments are encouraged as well. The Board of Library Trustees has the discretion to extend or shorten the time limit on agenda or non-agenda items. As a courtesy, please turn cell phones off or set them in the silent mode.

IV. PUBLIC COMMENTS ON CONSENT CALENDAR

Public comments are invited on agenda items. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Board of Library Trustees has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

V. CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered to be routine and will all be enacted by one motion in the form listed below. The Board of Library Trustees has received detailed staff reports on each of the items recommending an action. There will be no separate discussion of these items prior to the time the Board of Library Trustees votes on the motion unless members of the Board of Library Trustees request specific items to be discussed and/or removed from the Consent Calendar for separate action. Members of the public who wish to discuss a Consent Calendar item should come forward to the lectern upon invitation by the Chair.

A. Consent Calendar Items

1. Minutes of the July 16, 2018 Board of Library Trustees Meeting

[2 MINUTES](#)

2. Customer Comments

Monthly review of evaluations of library services through suggestions and requests received from customers.

[3 Comments](#)

3. Library Activities

Monthly update of library events, services and statistics.

[4 Library Activities Report](#)

4. Expenditure Status Report

Monthly expenditure status of the library's operating expenses; services, salaries and benefits by department.

[5 Financials FY End Aug 2018](#)

[6 Financials FYTD 2018-19](#)

5. Board of Library Trustees Monitoring List

List of agenda items and dates for monthly review of projects by the Board of Library Trustees.

[7 Monitoring List](#)

VI. CURRENT BUSINESS

A. Items for Review

6. Appeal to Board of Library Trustees

Mr. Kenneth Lundy will appeal his suspension to the Board of Library Trustees.

7. Informational Technology Update

Mr. Avery Maglinti, City Information Technology Applications Supervisor, will provide an update on Library IT services and projects.

8. Corona del Mar Branch Project Update

Staff will update the Board on the Corona del Mar Branch Library replacement project.

[8 VI A 8 - CdM Report](#)

9. Board of Library Trustees Policy Review

The Library Policy Ad Hoc Subcommittee requests that the Board of Library Trustees approve the following:

a) Add the *Memorandum of Understanding relating to the shared governance of the Newport Beach Library Director, Cooperating Agreement Between the Newport Beach Public Library Board of Library Trustees and the Newport Beach Public Library Foundation, to policy binder;*

b) Revise the Board Policy binder table of contents to reflect a separate listing of Council Policies and Library policies;

c) Adopt a labeling scheme for former Council Policies and Library policies;

d) Combine the Gift and Donor Policy and Newport Beach Public Library Gift Policy into a single policy;

e) Add, at the end of each posted Library policy, the following language: "This policy will be periodically reviewed by the Board of Library Trustees on the first to occur of (i) as circumstances may require or (ii) every two years from the date of adoption, last amendment, or last review. Last reviewed by the Board of Library Trustees on _____, 20__.";

f) Update each binder with tabs and replacement pages for the Table of Contents, City Council Policies, and Library policies.

[9 2018-08-20 - VI A 9 Staff Report - Board of Library Trustees Policy review](#)

[10 2018-08-20 - VI A 9 A MOU Shared Governance](#)

[11 2018-08-20 - VI A 9 B Cooperative Agreement](#)

[12 2018-08-20 - VI A 9 C FOL Articles of Incorporation](#)

[13 2018-08-20 - VI A 9 D BY LAWS](#)

[14 2018-08-20 - VI A 9 E Gift and Donor Policy](#)

[15 2018-08-20 - VI A 9 F NBPL Gift Policy](#)

[16 2018-08-20 - VI A 9 G REDLINED](#)

[17 2018-08-20 - VI A 9 H FINAL](#)

10. Collection Development Policy

Staff requests that the Board review and approve the Newport Beach Public Library Collection Development policy.

[18 VI A 10 - Collection Development Policy August 2018](#)

[19 VI A 10 - A Current](#)

[20 VI A 10 - B Redlined](#)

[21 VI A 10 - C Revised](#)

11. Lecture Hall Update

Chair Johnson-Tucker will provide an update on activities related to efforts to integrate a lecture hall on the Central Library site.

12. Library Services

Report of Library issues regarding services, customers and staff.

B. Monthly Reports

13. Friends of the Library Liaison Report - DC

Trustee update of the most recently attended Friends of the Library Board meeting.

14. Library Foundation Liaison Report - JJT

Trustee update of the most recently attended Library Foundation Board meeting.

15. Witte Lectures Committee Liaison Report - KK

Trustee update of the most recently attended Witte Lectures Committee's meeting.

16. Literacy Services Liaison Report - TH & PW

Trustee update of the most recently attended Literacy Services Advisory Board meeting.

17. Library Live Lectures Liaison Report - JR

Trustee update of the most recently attended Library Live Lectures Committee's meeting.

VII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Board of Library Trustees. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Board of Library Trustees has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

VIII. BOARD/COMMITTEE/COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

IX. ADJOURNMENT

CITY OF NEWPORT BEACH

**Board of Library Trustees
Newport Beach Public Library
1000 Avocado Avenue, Newport Beach 92660
Meeting Minutes
July 16, 2018 - 5:00 p.m.**

I. **CALL MEETING TO ORDER** – Chair Johnson-Tucker called the meeting to order at 5:03 p.m.

II. **ROLL CALL** - Roll call by Administrative Support Specialist Elaine McMillion

Trustees Present: Chair Jill Johnson-Tucker, Vice Chair Janet Ray, Secretary Paul Watkins, Board Member Kurt Kost, Board Member Douglas Coulter

Trustees Absent: None

Staff Present: Library Services Director Tim Hetherton
Administrative Support Specialist Elaine McMillion
Assistant City Manager Carol Jacobs
Circulation & Technical Processing Coordinator Melissa Hartson
Branch & Youth Services Coordinator Debbie Walker

III. **ELECTION OF OFFICERS**

Motion made by Board Member Watkins, seconded by Board Member Coulter, and carried (5-0-0-0) to elect Board Member Ray to the office of Chair.

AYES: Johnson-Tucker, Ray, Watkins, Kost, Coulter

NOES:

ABSTENTIONS:

ABSENCES:

Motion made by Board Member Coulter, seconded by Board Member Johnson-Tucker, and carried (5-0-0-0) to elect Board Member Watkins to the office of Vice Chair.

AYES: Johnson-Tucker, Ray, Watkins, Kost, Coulter

NOES:

ABSTENTIONS:

ABSENCES:

Motion made by Board Member Watkins, seconded by Board Member Johnson-Tucker, and carried (5-0-0-0) to elect Board Member Coulter to the office of Secretary.

AYES: Johnson-Tucker, Ray, Watkins, Kost, Coulter

NOES:

ABSTENTIONS:

ABSENCES:

IV. NOTICE TO THE PUBLIC

V. PUBLIC COMMENTS

None

VI. CONSENT CALENDAR

A. Consent Calendar Items

1. Minutes of the June 18, 2018 Board of Library Trustees Meeting

Vice Chair Watkins revised the Minutes to add "in the Central Library" to the end of the first sentence of the first full paragraph on page 3 of the Minutes.

Motion made by Board Member Coulter, seconded by Board Member Johnson-Tucker, and carried (3-0-2-0) to approve the Minutes of the June 18, 2018 meeting as amended.

AYES: Watkins, Coulter, Johnson-Tucker

NOES:

ABSTENTIONS: Ray, Kost

ABSENCES:

2. Customer Comments

Monthly review of evaluations of library services through suggestions and requests received from customers.

3. Library Activities

Monthly update of library events, services and statistics.

4. Expenditure Status Report

Monthly expenditure status of the library's operating expenses, services, salaries, and benefits by department.

5. Board of Library Trustees Monitoring List

List of agenda items and dates for monthly review of projects by the Board of Library Trustees.

Motion made by Board Member Coulter, seconded by Board Member Johnson-Tucker, and carried (5-0-0-0) to approve the Consent Calendar.

AYES: Ray, Watkins, Coulter, Kost, Johnson-Tucker

NOES:

ABSTENTIONS:

ABSENCES:

VII. CURRENT BUSINESS

A. Items for Review

6. Corona del Mar Branch Project Update

Staff will update the Board on the Corona del Mar Branch Library replacement project.

Library Services Director Hetherton reported the slab has been poured for the new Corona del Mar Branch and the contractor is expecting delivery of steel beams. The Public Works Department continues to evaluate options for sound abatement. He will have a more detailed report in August.

Vice Chair Watkins advised that work is progressing at the site. The anticipated completion date is the summer of 2019.

7. Statistical Comparison Report of Peer Libraries/meeting Spaces

Staff will provide a statistical comparison of the Newport Beach Public Library and regional peer libraries.

Library Services Director Hetherton indicated the Newport Beach Library is at the top of its class in comparison to peer public libraries. The California State Library report does not include circulation statistics even though staff reports the data. The Library continues to spend a significant amount of its materials budget on print materials. The number of visits to the Cerritos library is unbelievable for the size of the city, but Cerritos' libraries are considered destinations. Information for lecture halls shows they are well used. He did not understand why the Newport Beach Public Library did not rate four stars when the Library is competitive with other libraries across all categories. The Newport Beach Library lags in the category of internet use probably because most households in Newport Beach have internet access and electronic devices.

Chair Ray requested a comparison of Newport Beach Public Library with other three-star libraries.

Vice Chair Watkins remarked that the Library will continue to improve its services with the support of the Library Board of Trustees regardless of its star rating.

After some discussion of population, program attendance, and visitors to the Cerritos library, Board Member Johnson-Tucker suggested the Library Board of Trustees visit the Cerritos library to see the facilities and programs.

Ronnie Watkins remarked that 44 percent of lower socioeconomic households rely on libraries for internet access.

Jim Mosher suggested a virtual visit to the Cerritos library or inviting a member of Cerritos' staff to a meeting. He concurred that staff and Board Members should not be concerned with the star rating and encouraged Board Members to review all data reported by the Library Journal.

8. Proposed Library Closures for Winter Holidays 2018

Staff recommends a proposed Library holiday schedule for Board approval.

Library Services Director Hetherton requested the Board of Library Trustees approve early closure on December 26-29, 2018, for all Library locations. Based on a labor agreement, all locations will close at 1:00 p.m. on December 24 and 29.

In response to Board Member Johnson-Tucker's question, Library Services Director Hetherton advised that the proposed closures are similar to closures approved in past years.

Motion made by Vice Chair Watkins, seconded by Board Member Coulter, and carried (5-0-0-0) to approve the 2018 winter holiday schedule as proposed.

AYES: Ray, Watkins, Coulter, Kost, Johnson-Tucker

NOES:

ABSTENTIONS:

ABSENCES:

9. Board of Library Trustees Manual and Policy Review

The Board of Library Trustees will be given a Board of Library Trustees Manual and discuss a plan to review each Library policy.

Library Services Director Hetherton reported staff placed all current Library policies and current and former Council policies applicable to the Library in the binders for Board Members. Once the Board of Library Trustees has reviewed or revised a Library policy, staff will provide hard copies with the appropriate annotation for inclusion in the binders. The subcommittee needs to develop a strategy for ongoing review of Library policies.

Vice Chair Watkins advised that the subcommittee will focus on all policies and recommend an ongoing schedule for reviewing policies.

Karen Clark recommended the manual contain the agreement between the City and the Library Board of Trustees for selection of the Library Services Director as the agreement is not well known. Board Member Johnson-Tucker concurred. Vice Chair Watkins suggested the Charter provision mentioning the agreement, if it exists, also be included in the manual. Library Services Director Hetherton noted the agreement is mentioned in the Bylaws for the Library Board of Trustees.

Jim Mosher shared his belief that the Library Board of Trustees' decisions should be memorialized in the form of a resolution with copies provided online and at the Central Library reference desk. In addition, copies of previous Library Policies should be retained for future reference.

10. Newport Beach Public Library Collection Development Policy

Staff requests that the Board review and approve the Newport Beach Public Library Collection Development Policy.

Circulation & Technical Processing Coordinator Melissa Hartson reviewed proposed changes to revise the title of "Request for Book Purchase Form" to "Suggest a Title;" to

include the California Library Services Act language in universal borrowing information; and to add or refer to the American Library Association's Freedom to Read Statement. Language from the California Library Services Act should be included in the Collection Development Policy rather than the Circulation Policy because it allows customers to check out materials from any California public library that participates in universal borrowing.

Vice Chair Watkins supported staff's proposed changes and suggested the Freedom to Read Statement be included as an attachment to the Collection Development Policy. Board Member Johnson-Tucker and Board Member Coulter preferred staff include links to the Freedom to Read Statement and Library Bill of Rights in language of "the Newport Beach Public Library strives to achieve the principles set forth in the Library Bill of Rights and the Freedom to Read Statement." Incorporating the two documents into the policy would make them Library policy. Board Member Kost concurred with including links to both documents.

In response to questions, Circulation and Technical Processing Coordinator Hartson explained that universal borrowing is referenced in the Circulation Policy. The Collection Development Policy could contain language such as "the Newport Beach Public Library endorses the principles contained in the Library Bill of Rights and the Freedom to Read Statement."

Karen Clark believed most people are not interested in reading lengthy policies. If individuals are interested in the American Library Association's documents, they can follow the links contained in the policy.

Library Services Director Hetherington indicated staff will draft language to reference both documents and present a final policy draft for approval in August. Board Member Johnson-Tucker agreed to work with Circulation & Technical Processing Coordinator Hartson to craft language.

Jim Mosher suggested combining the two paragraphs regarding requesting a title. The Collection Development Policy does not explain universal borrowing. Staff can utilize the Freedom to Read Statement to explain why staff cannot remove material from the Library's collection. Language for the Collection Development Policy could be "the Library Board of Trustees directs staff to seek guidance in policies attached hereto." The Collection Development Policy is broad and does not provide much guidance as to materials staff should obtain for the Library collection.

Board Member Johnson-Tucker preferred a policy that is broad and allows new staff members to create an approach to collecting materials.

11. Lecture Hall Update

Chair Johnson-Tucker will provide an update on activities related to efforts to integrate a lecture hall on the Central Library site.

Board Member Johnson-Tucker reported the team will meet on August 6 to hear opinions, develop ideas, and provide guidance to the architects. Lecture halls in association with libraries are common. Lecture halls are frequently located adjacent to libraries even when lecture halls are not a function of libraries.

12. Library Services

Report of Library issues regarding services, customers, and staff.

Library Services Director Hetherington advised that staff is adjusting to Melissa Kelly's retirement, and administrative staff has assumed her responsibilities. Recruitment for a Librarian III will launch in the next week or so. The Friends of the Library will present its check to the City Council on August 14.

B. Monthly Reports

13. Friends of the Library Liaison Report

Trustee update of the most recently attended Friends of the Library Board meeting.

Board Member Coulter reported the Friends sold 68 books on Amazon and earned \$1,325 in June 2018, an increase over June 2017 sales of 48 books for \$804. The book sale special for the previous Thursday and Friday was buy two books on the subjects of humor, religion, or self-help and the third was free. The Friends hope to have 750 boxes of books for sale on August 3 and 4. At the Newport Beach Art Exhibition, the Friends sold \$1,530 in art books. During the July 18-20 book sale, transportation books will be buy one, get a second one for 1 cent. In June, book sales totaled \$17,325. The Friends are doing a nice job.

14. Library Foundation Liaison Report

Trustee update of the most recently attended Library Foundation Board meeting.

Board Member Johnson-Tucker reported the Library Foundation's Interim Director is terrific, and Cathy Voreyer is the new Foundation Board Chair. The Foundation held a reception for Dorothy Larson after the last meeting. The value of the Foundation's donation to the Library is closer to \$750,000 because of the Foundation's support for programs not included in the wish list. The Foundation Board discussed quarterly donations for the wish list, a mandatory donation for Foundation Board Members, increasing the donation amount for inclusion on the donor wall, and implementing some or all changes at the current time. The Foundation's donor reception is scheduled for September 13.

Karen Clark, Newport Beach Library Foundation Board Member, clarified that the Board voted to begin quarterly donations for the wish list. The Board of Library Trustees has to agree to changing the amount of the donation to be listed on the donor wall because the donor wall is a joint project. The Foundation is rethinking ways to honor donors. She noted the departure of the Executive Director and Director of Programs and the retirement of Janis Dinwiddie from the Board.

18. Witte Lectures Committee Liaison Report

Trustee update of the most recently attended Witte Lectures Committee's monthly meeting.

Chair Ray reported all but one contract has been signed by guest lecturers.

VIII. PUBLIC COMMENTS ON NON-AGENDA ITEMS

None

IX. BOARD OF LIBRARY TRUSTEES ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

With the agreement of Board Members, Board Member Johnson-Tucker will serve as liaison to the Newport Beach Library Foundation, Board Member Kost to the Witte Lectures Committee, and Board Member Watkins to the Friends of the Library. Library Services Director Hetherington and Vice Chair Watkins will report on Newport/Mesa ProLiteracy events and board meetings. Chair Ray will learn more about Library Live and share information with the Board of Library Trustees.

Vice Chair Watkins congratulated Board Member Johnson-Tucker on a successful year as Chair of the Library Board of Trustees and welcomed Board Member Kost. Receptions for Melissa Kelly and Dorothy Larson went well.

Vice Chair Watkins will not be present for the August meeting, and Chair Ray will not be present for the October meeting.

X. ADJOURNMENT – 6:44 p.m.

**NEWPORT BEACH PUBLIC LIBRARY CUSTOMER COMMENTS
JULY 2018**

<p>COMMENT # Date Received Source of Comment Staff Member Staff Member Title Date Responded to Customer</p>	<p align="center">COMMENT</p>	<p align="center">RESPONSE</p>
<p><u>1 part 1</u> <u>7/16/2018</u> <u>Email</u> <u>Tim Hetherton</u> <u>Library Services Director</u> <u>7/16/2018</u></p>	<p>Hi, today at 11am at the main library, top floor, around the middle, a black homeless man who commits various problems here followed me and threatened me loudly while I was trying to move out of the way. I have never interacted with him, nor spoken to him and certainly do not stalk nor follow him or anyone, anywhere. This black man has followed me all over the library and you should notice what is going on! If this happened in my classroom (I am a retired teacher, credential still valid, *NO discipline,) I would move heaven and earth to stop one child or teenager from harassing another and their parents could say whatever in the parking lot; and I would call the police. Hey, I haven't been doing anything wrong and you and the city staff and library staff do notice me, I try to support everyone I can and I don't remember having any other problem with any other patron. When I first started coming here about two years ago, regularly, but moving from library to coffee house to McDonald's to Denny's in different towns to minimize my impact; the police came every day. To be clear. When I first started coming here the NewB Police Dept. who does know me was called everyday, they parked right out front and watched me through the cameras. Maybe we should go back to that! I don't mind! But when they leave, it leaves me vulnerable after all the attention has been placed on me and this is what happens - I get criminally stalked and threatened. And my protected categories are vast; senior, handicapped, male, white and vulnerable, poor and indigent (that doesn't give me special rights but it sure shouldn't make me a target) We should talk or write. Please don't forget Blaze Bernstein (because of the case and that's what some of us experience) - it's much more ugly than most people know! - I was there in L.F. and F.H.R. area the morning it was announced ! I have been to the site many times now.</p>	

COMMENT # Date Received Source of Comment Staff Member Staff Member Title Date Responded to Customer	COMMENT	RESPONSE
<u>1 part 1 continued</u>	Any problems with me? Let me know and I will take care of it, but we cannot be afraid to do what is right or else violence will occur here. I am 60 years of age; and I was a target during busing in the 70's but have managed to overcome that and live in integrated areas like San Bernardino (six years while working) and South Chicago in the 70's. * I hope you do the right thing and protect the vulnerable while not trampling the homeless in your WONDERFUL (New Port Beach) community, obviously it is very special even for South Orange County! I have lived through too much; I talk to the various police agencies about once a week! (against advice) and saw and heard Sheriff Sandra Hutchins speak here who I have written and contacted. I obviously like being here, and cause no problems, as anyone who has observed me can testify to! Sincerely and best regards, grateful patron.	
<u>1 part 2</u>	Today, at 11 am 7.16.2018, I was stalked and harrassed by a bald black man that must be familiar to you and the library and staff. He is here every day stalking me and talking oddly and making threats. Yet you have done nothing. YOU NEED to remove him from the library and yet your staff ignores almost everything he does; he eats everywhere, and sleeps anywhere and is dirty and a general nuisance WHO just threatned me in the library. I am here a lot but move around from city to city so as not to inconvenience the same place while being a 14 year county resident. If your staff cannot or will not report threats, than tell me where the police are they should take care of it, and the same will come to you. *** When I first starting coming here, 30 years ago, a great privledge indeed; you called the POLICE everytime I was here, during my recent visits starting about two years ago, and they watched me from the admin. office parked right out front. I am well known. You should continue having the police here - they are Willing! And YOU cannot allow a black homeless patron follow and threaten a white, senior, handicapped person or this will come to you house also. - David A. Austin (retired teacher and famous person). Still NO RECORD of crime and I am not a first step senior. *** I was just threatnd by the big bald man, in a dark jacket who is here every day, you must act, or this will get out of hand! Also, YOUR city staff following me makes me a target and I will openly photograph this and make a civil rights complaint. Remember; teacher, retired, no record!	

COMMENT # Date Received Source of Comment Staff Member Staff Member Title Date Responded to Customer	COMMENT	RESPONSE
<u>1 part 3</u>	I know the homeless are difficult but you cannot allow crime in the Library especially if you know of it or you will be civilly liable. DAA * I will call you today to confirm Please call the NewB Police and let me report simple assault. * it has been very good for me here but I cannot allow someone to follow me who is knowan to be dangerous and I do not know when he will "go off". And you are violating the law by letting him smoke out front - I know he is unpleasant to deal with but you have Security and a great city police dept. (ask them about me, they know my situation) but this library is precious to me and I will do nothing to mess that up. Also, I pay my fees and support many of the local merchants around here; whereas the black is being given food that I pay for. Sincerely, -DAA (Social Studies Teacher and author)	Please do not hesitate to contact the police directly to report a crime. If you have an incident with another library patron, please inform staff who will evaluate the situation and intervene on your behalf if necessary. Thank you
<u>1 part 4</u>	I cannot because it makes me the complainer like the snitch in school, and then things get worse. If I am harrassed or violated violence will occur - I have kept all my rights. You had no problem calling the police on me and if I had a dollar for everytime a public servant passed the buck and shirked their written, contractual duties - I could retire! YOU watch the Libray, YOU and YOUR staff can do the discipline or get a guard or I will sue you and I will read the books - count on it. (Courts records are public)	Staff cannot report a crime they did not witness. The police will always ask to speak to the person who was victimized.
<u>1 part 5</u>	Let us never meet nor speak in person. You are still responsible because the evidence is on your cameras and there is a lot of it and the responsibility is yours. I don't run the library and I am not tasked, paid, nor contracted to do so. I reported a crime to you. I don't have a phone because I am indigent and I am not going to call-in the police to take the wrap so that you can shirk your unpleasant duties. Make sure to report the crime I reported to you, by the end of today to the New Port Beach Police Dept., and give them the video evidence I do not have or I will sue the library and city. An unpleasant but necessary duty that the vulnerable must do (me). And if you hide or suppress it - I will inform DOJ (that's the protected category stuff) and the county social workers. You should count your blessings, Mr. H., not think of new ways and old methods to avoid doing your job. Remember, by today, 7.16.2018 or I will sue as money and ability allows, but eventually it will come. * You also seem to have some kind of bias against me, so I will go on record at the next city hall meeting. Sincerely, * And do stop the smoking outside on the benches this is easy to see and photograph.	You are welcome to use our telephone to make a report, and you are welcome to use the telephone in the Library Administration offices for privacy purposes. Please contact the Newport Beach Police Department at (949) 644-3717 to speak to an officer. You might want to ask the officer if your report can remain confidential. Library staff cannot access video. Police may access video after receiving a report from a citizen based on the details provided. Thanks.

COMMENT # Date Received Source of Comment Staff Member Staff Member Title Date Responded to Customer	COMMENT	RESPONSE
<u>2</u> <u>7/9/2018</u> <u>Email</u> <u>Natalie Basmaciyar</u> <u>Library Services Manager</u> <u>7/9/2018</u>	The AC seems doesn't work today. what's the problem with it?	Thank you for inquiring about the air conditioning. A pipe broke which circulates the coolant. The repair staff is onsite adding new pipe and servicing the system. We estimate to have the air on by sometime tomorrow. The Mariners and Balboa libraries do have air conditioning. We apologize for the inconvenience. Sincerely
<u>3</u> <u>7/30/2018</u> <u>Email</u> <u>Tim Hetherton</u> <u>Library Services Director</u> <u>7/30/2018</u>	Hi Newport Beach Library, How do you become a member so you can attend the Friends of the Library book sale a day early? Thank you	Thanks for your interest in the Friends of the Library. Print and complete the attached membership application and return to the Friends of the Library. Benefits of membership: <ul style="list-style-type: none"> • Shop on the first day of the Quarterly Book Sale for best selection. • A free lunch in June with a noted author as speaker. • Supporting the library and its fabulous programs Thanks
<u>4</u> <u>7/30/2018</u> <u>Email</u> <u>Tim Hetherton</u> <u>Library Services Director</u> <u>7/30/2018</u>	Hello, To whom it may concern. I absolutely love using Lynda.com and wanted to write to thank you! As a business professional, it's a fantastic way to stay on top of cutting edge trends and develop/enhance my skills while adding new ones. Accessing the courses and videos has been wonderful. Thank you again, and to the foundation's generous contribution, thus making this valuable resource available.	You're welcome! We are pleased that you find this resource so valuable, and appreciate your kind words. I will pass your comments on to the Foundation as well. Best regards.

COMMENT # Date Received Source of Comment Staff Member Staff Member Title Date Responded to Customer	COMMENT	RESPONSE
<p style="text-align: center;"> <u>5</u> <u>7/23/2018</u> <u>Email</u> <u>Natalie Basmaciyen</u> <u>Library Services Manager</u> <u>7/31/2018</u> </p>	<p>7/23/2018 12:47 ~ women's bathroom upstairs - I waited while he woman (new? it is usually the same man cleaning at noon) with her company yellow cart was doing noon cleaning. The, when she was "finished", she went to the men's room because she already had that room blocked off with an A-frame "caution" (not a bad idea, actually) . When I went into the handicap stall, there was fresh liquid pee on the floor and flowing over the grout to the wall. It was n the small area between the toilet and the paper dispenser. Also, there was dry poop on the inside of the toilet bowl. I understand she is not supposed to clean the built-up crud that has been on the floor rail areas for more than a year. However, I can not understand why, if she has gloves and cleaning solution, she has to leave the wet pee and #2 there after cleaning. I wet a towel and cleaned both areas with just water. I did not want to look at it or happen to have any of my clothing fall into the wet pee. She had finished and gone when I was done. When I went to make a report of it at the front desk, I waited almost five minutes while a gal helped someone at the printing machine. Then, when I reported it, she said, "Oh," and kind of hummed about that for a minute. Then she said maybe she didn't even see it or go in there. So, I told her that I had cleaned it with water so others did not have to see it or get soiled by it, but I think a report should be made about. She then hummed again, "Well, gee, maybe she didn't see it." I would have liked her to say thank you, I will make a report. Or, sorry for your inconvenience, I will make a note. Not "Oh well, there is another bathroom downstairs." I would have liked her to be more professional. Please tell the cleaning company and see if they can clean better. Maybe they don't know how. Thanks.</p>	<p>Good morning,thank you for contacting the Newport Beach Public Library regarding the condition of the restroom you experienced. The City has retained a new janitorial service and we will ensure they know how to maintain the restrooms. Please let me know if you have any other concerns regarding the janitorial service. Sincerely.</p>

NEWPORT BEACH PUBLIC LIBRARY

To: Board of Library Trustees
From: Tim Hetheron, Library Services Director
Re: Report of Library Activities – August 20, 2018 Meeting

TIM HETHERON, LIBRARY SERVICES DIRECTOR

“Bad libraries build collections, good libraries build services, great libraries build communities.”
–R. David Lankes

Busy!

July has been an extremely busy month. Because of the 2-week closure of the Mariners Branch for carpeting, many patrons used the Central Library instead. Many other patrons took advantage of the City’s libraries as designated cooling stations as summer heat and humidity rose. Our summer reading programs for children, teens, and adults are also drawing crowds. In terms of programs, in July, we have hosted Wake Up Newport, “The Bridges” photography exhibition by Diane Blaisure, “How to Avoid Media Overwhelm and the New Digital Advertising Blitz” by Phil Dunn, book discussion groups, Polynesian dancers, children’s programs on Africa, South America, and Asia, “Behind the Brushstrokes” by local painter James Strombotne, “Let’s Talk Tech” in the Media Lab, and Flights of Fancy story theatre. Truly, it seems that we have an event or activity for all ages and sensibilities. In an effort to make sure as many patrons take advantage of our offerings as possible, our Literacy Department has put forth the time, money, and energy to improve its programming to assist nascent learners and tutors. Our Media Lab and Sound Lab allow patrons to engage in active learning, experience new media and information formats, and collaborate in technology-rich spaces. The Media Lab also plays an important role in educating our patrons about software and hardware, helping them build skills to find jobs or simply become tech-literate in our increasingly technology-driven world. The Library remains an important hub in the City, a gathering spot for learning and recreation. This role nurtures a heightened sense of community.

Board of Library Trustees’ Wheelhouse list:

- Tuesday, September 11: Foundation check presentation, 4:00 p.m., City Council Chambers
- Wednesday, September 12: Library Foundation Donor’s reception, Bamboo Courtyard, Central Library, time TBD.
- Thursday, September 13: International Literacy Day, 10 a.m. in the Friends Room.
- Saturday, October 6: Newport Mesa ProLiteracy presents Happy Hour with best-selling author Aimee Bender, Bamboo Courtyard, Central Library, 6 to 8 p.m.

NATALIE BASMACIYAN, LIBRARY SERVICES MANAGER

Staffing

Interviews were conducted to fill three Library Assistant/Part Time vacancies at the Central Library. Daisy Hernandez earned a promotion from Library Clerk/Part Time and two external candidates were selected.

Carpeting Project

Thank you to our Public Works and IT partners, and library staff for completing the carpeting project on time and with few complications. At the Central Library, staff retrieved materials for customers as sections were closed for the project. At the Mariners branch library, staff assisted customers in the lobby with checking materials in, retrieving holds, and providing SRP prizes. The Mariners staff handled close to 70,000 items to facilitate the project.

DEBBIE WALKER, BRANCH AND YOUTH SERVICES COORDINATOR

Branches

Summer Reading continued to be popular at all locations. A highlight was the Polynesian Paradise Dance group who performed to enthusiastic crowds at Mariners and Balboa. The Asian and African inspired craft programs also drew in healthy numbers.

In personnel news, part-time clerk Daisy Hernandez, who was a welcome and regular presence at Balboa, interviewed for and was selected to fill one of the vacant part-time Library Assistant positions. She began training at Central in late July. Everyone is very pleased that Daisy is taking on this new role and happy to have her as part of the Adult Reference team.

Mariners was closed from July 14th through July 27th to facilitate the installation of new carpet throughout the entire building. Branch Librarian Rebecca Lightfoot worked with her entire staff to create an excellent schedule and work-plan that coordinated with both the carpeting and furniture moving teams. Kathyne Cho and Brandon Spencer from Public Works were often on-site and made sure that the project went forward as planned. A table manned by staff in the lobby allowed customers to pick up holds, turn in materials, pick up SRP prizes, etc. Because the Jorgenson Room had been recarpeted very recently in a Recreation sponsored project, SRP programming was able to go on as usual. A big shout-out to the entire Mariners staff and Public Works for a project very well done.

Youth Services

As at the branches, Polynesian dancing and the African and Asian craft programs drew large crowds. Teen volunteers continued to be a huge help in manning the table in Children's and/or helping with craft and performer events.

Teen Services

This is a quiet time for Teen Services. A volunteer training class was held in early July and additional teens are working with Nadia as part of the STARS program.

MELISSA HARTSON, CIRCULATION AND TECHNICAL PROCESSING COORDINATOR

Staffing

Library Page interviews took place this month. We are moving forward with two candidates, conducting reference, background and fitness checks.

Training

Our Quarterly Clerk Training Meetings were held at the end of the month. Library Clerk II, Emily Chiu, showed staff ways to interpret item record data to more efficiently serve customers. We also reviewed other ILS functions and workflows.

Proquest Articles Retrieved 2018-2019

	July	AVG.
Business Databases	1433	1433
Newspapers--Current	1005	1005
Newspapers--Historical	1579	1579
Magazines	212	212

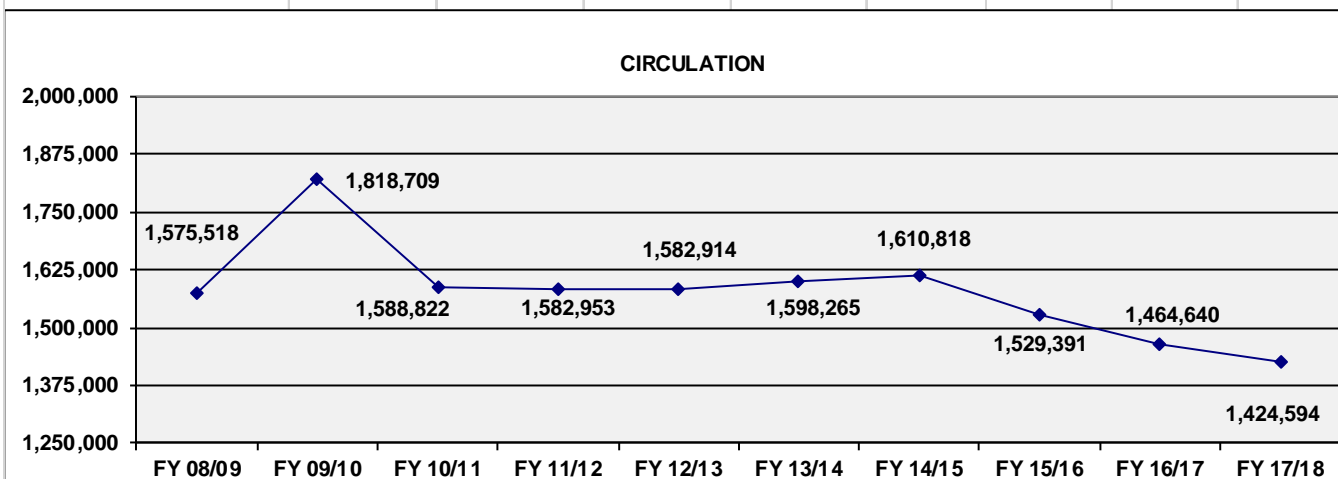
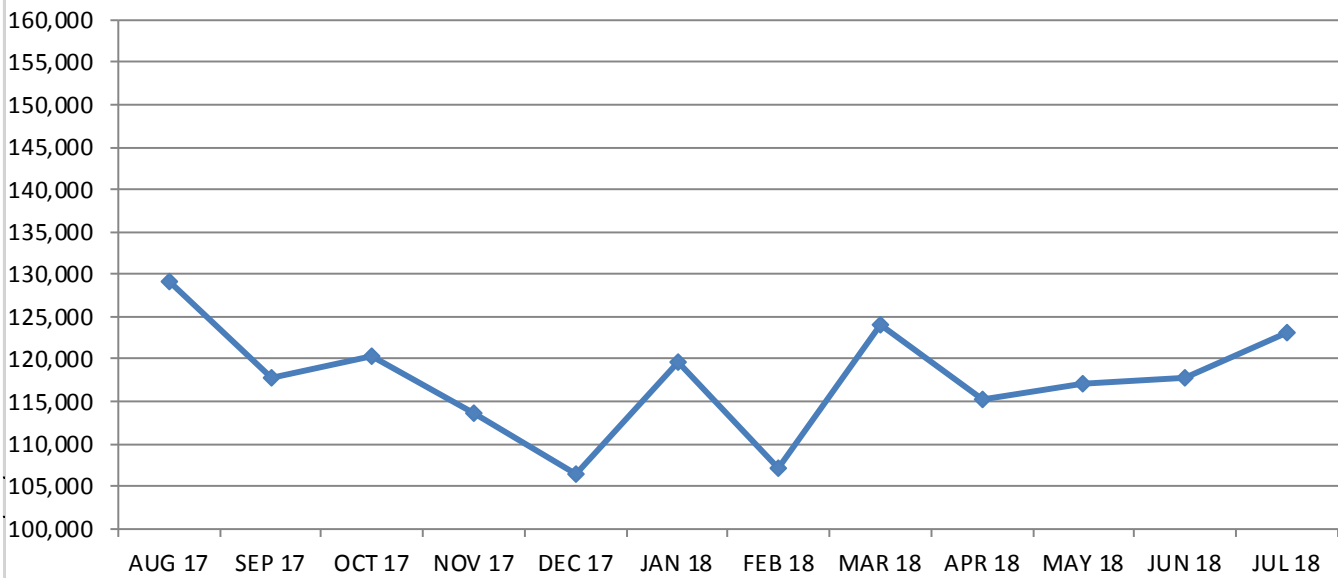
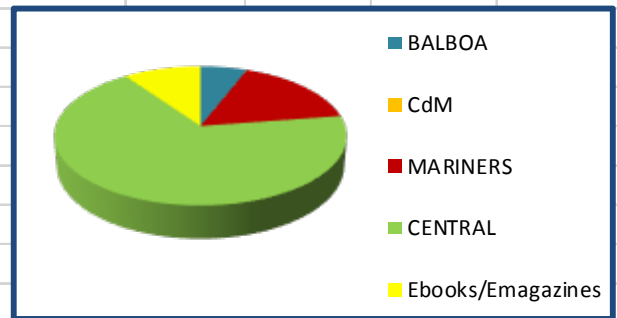
Database FY Comparisons	JUL 2018	YTD 18/19
Tracked by #searches		
Ancestry	520	520
A to Z Databases	1005	1005
AskART	228	228
BioResCtr*	35	35
FoF Ancient Hist	260	260
GDL	31	31
GURL	43	43
HeritageQuest	2183	2183
Kids InfoBits	28	28
Lynda.com	6214	6214
LitResCtr	13	13
Opposing Vpts*	6	6
Nat Geo	9	9
Nat Geo Kids	6	6
NoveList Plus	197	197
NoveList K-8 Plus	15	15
ProQuest	4069	4069
Ref USA Bus.	1868	1868
Ref USA Res.*	87	87
World Book Online	6	6
Tracked by #sessions		
Cypress Resume	10	10
Kanopy	565	565
ScienceFLIX	4	4
Testing & EdRefCtr	46	46
Universal Class	83	83
Tracked by #page views		
Consumer Reports	1263	1263
CultureGrams	154	154
Morningstar	20950	20950
NetAdvantage	4391	4391
RealQuest	112	112
Tumblebooks	186	186
Value Line	14836	14836
Tracked by Hours Used		
Rosetta Stone	40.1	40.1

Notes: ScienceFLIX moved from the "Searches" group to the "Sessions" group because search numbers are no longer provided.
 Tumblebooks has been moved from "Searches" to "Page Views". Each view is a book view.

NEWPORT BEACH PUBLIC LIBRARY - JULY 2018

CIRCULATION

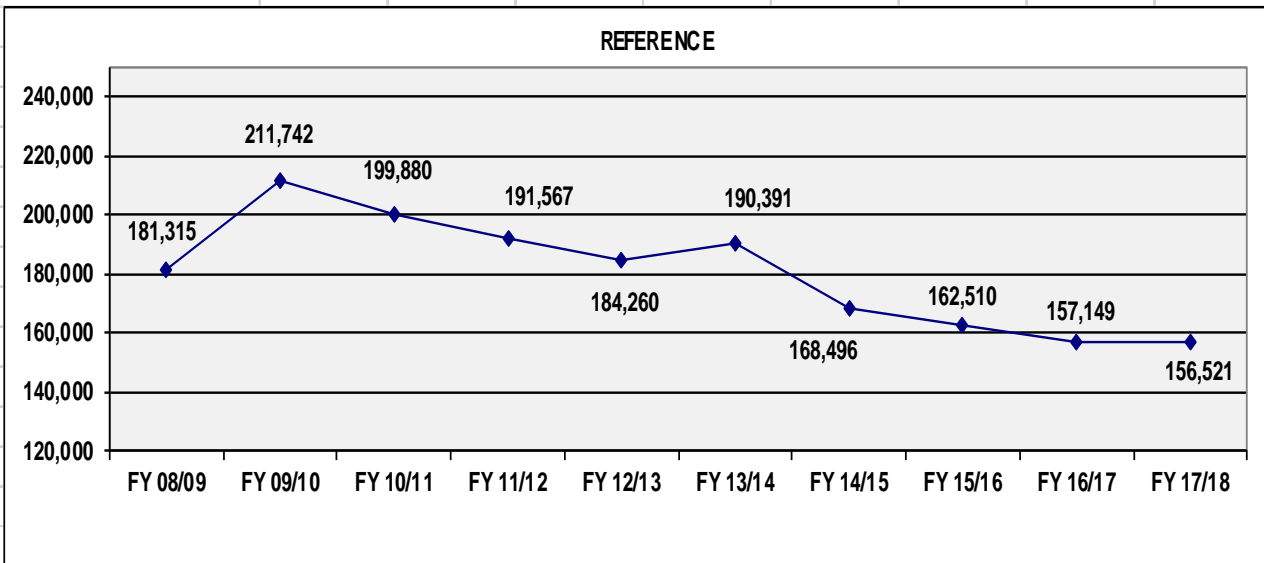
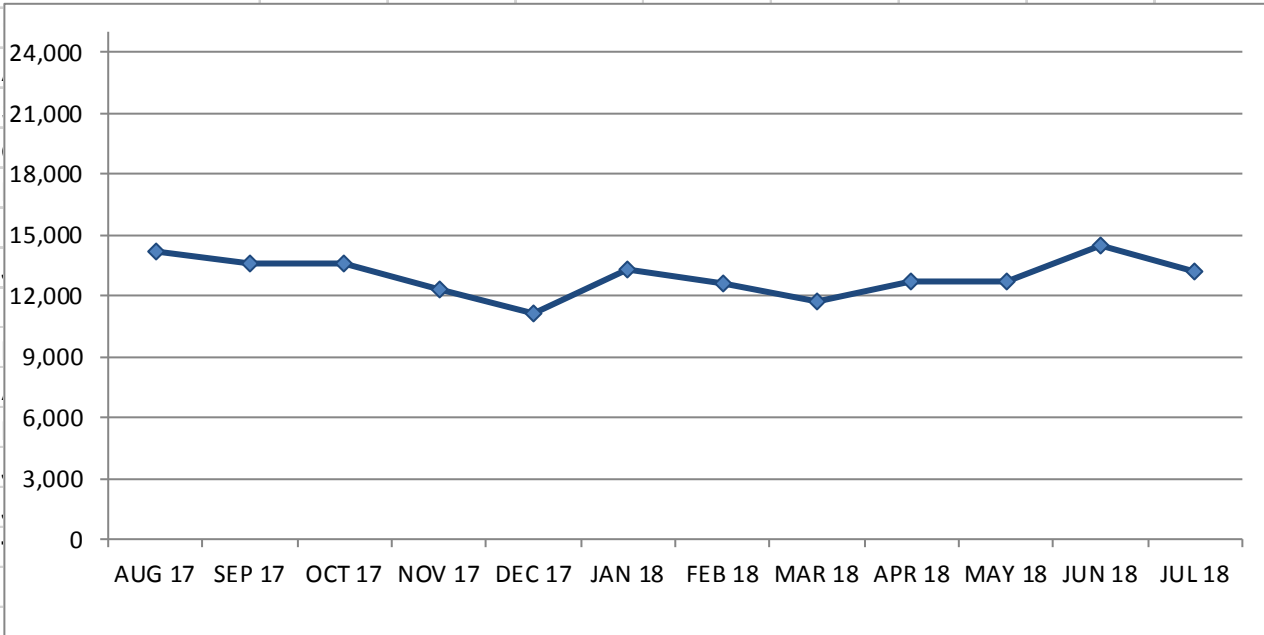
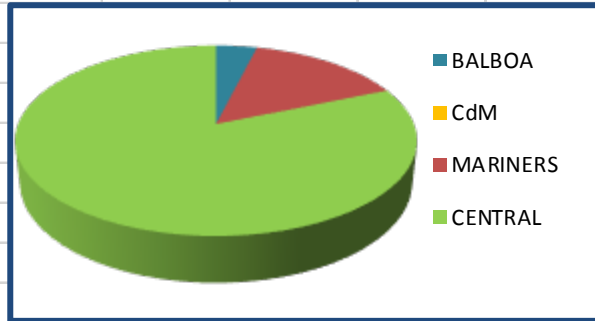
	Jul-18	YTD 18/19	YTD 17/18
BALBOA	7,303	7,303	7,427
CdM	11	11	4,275
MARINERS	20,523	20,523	30,994
CENTRAL	83,303	83,303	82,392
Ebooks/Emagazines	12,089	12,089	10,551
TOTAL	123,229	123,229	135,639



NEWPORT BEACH PUBLIC LIBRARY - JULY 2018

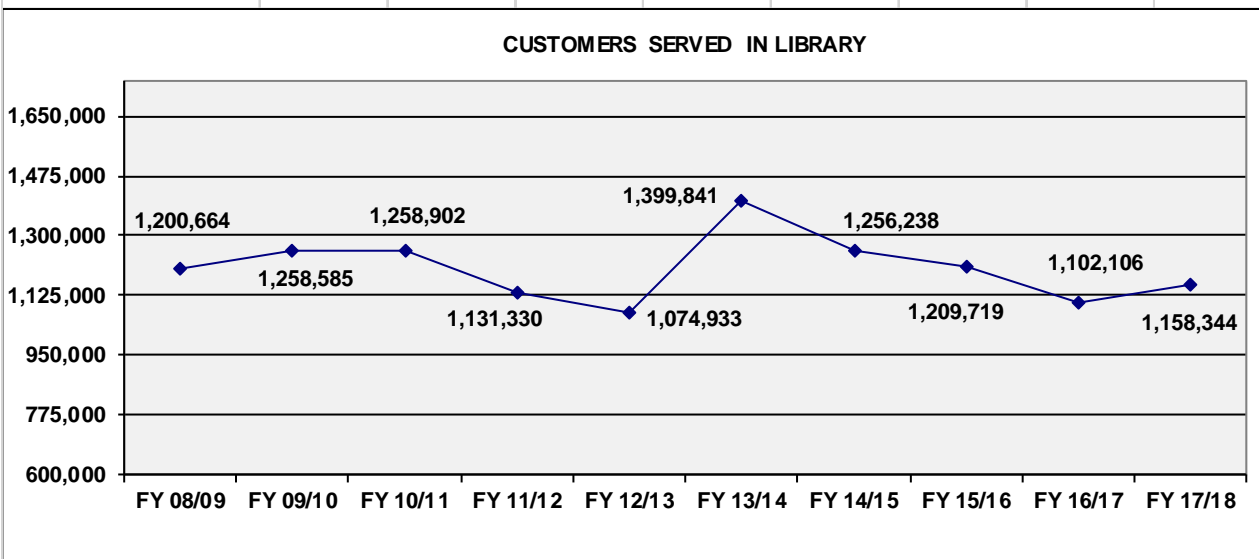
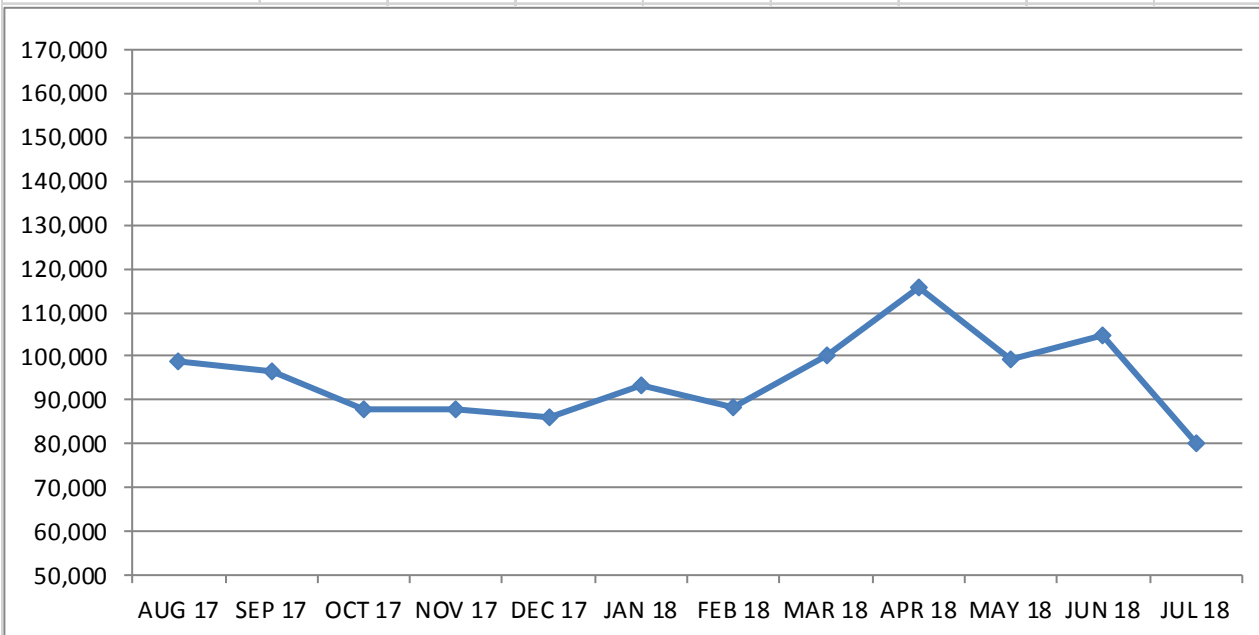
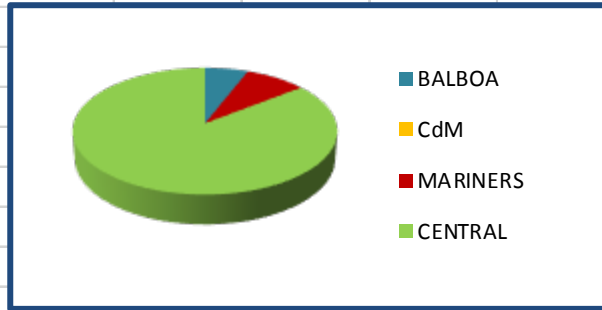
REFERENCE

	Jul-18	YTD 18/19	YTD 17/18
BALBOA	515	515	523
CdM	0	0	545
MARINERS	1,950	1,950	3,236
CENTRAL	10,743	10,743	9,745
TOTAL	13,208	13,208	14,049



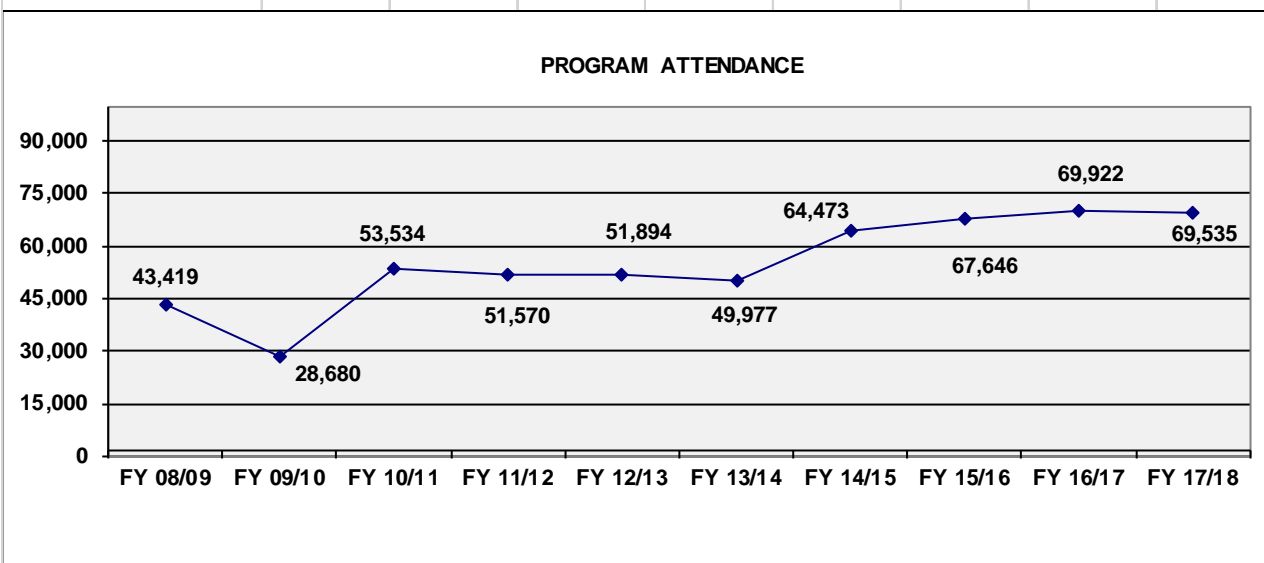
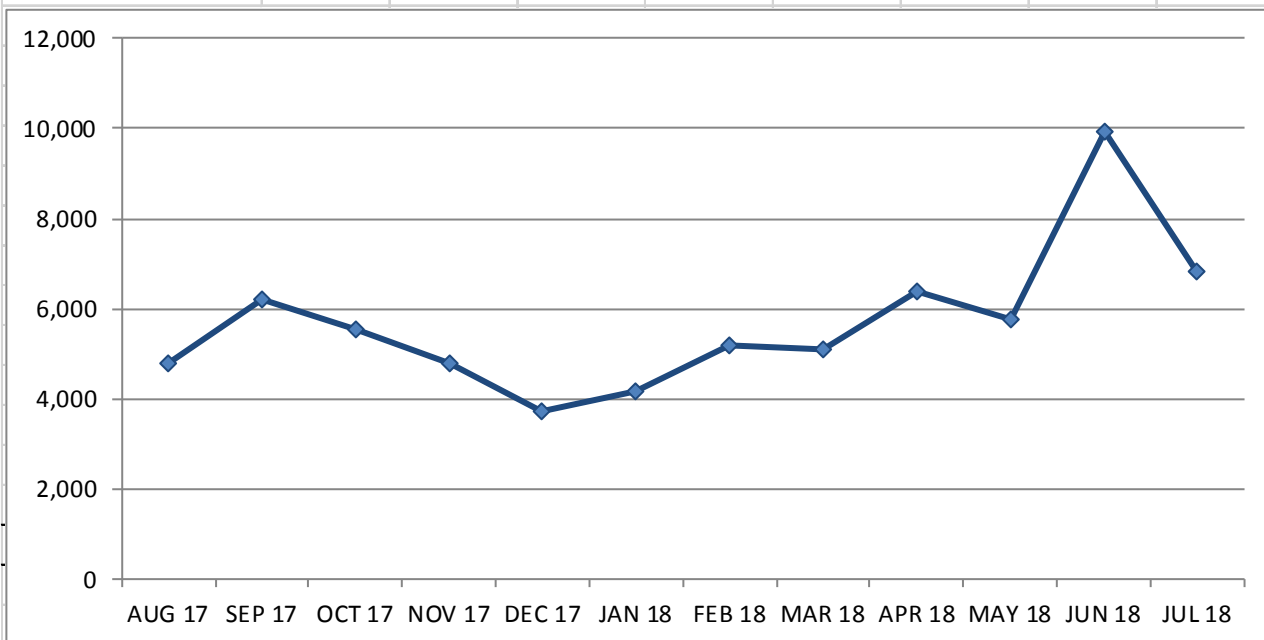
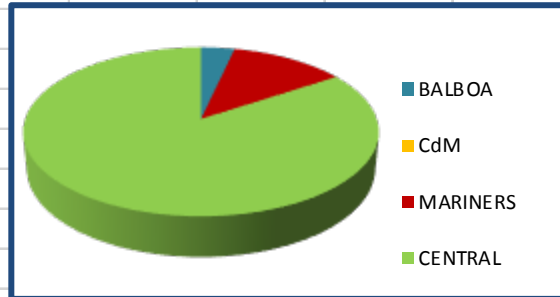
NEWPORT BEACH PUBLIC LIBRARY - JULY 2018
CUSTOMERS SERVED IN LIBRARY

	Jul-18	YTD 18/19	YTD 17/18
BALBOA	4,770	4,770	4,691
CdM	0	0	3,277
MARINERS	6,795	6,795	21,862
CENTRAL	68,597	68,597	69,439
TOTAL	80,162	80,162	99,269



NEWPORT BEACH PUBLIC LIBRARY - JULY 2018 PROGRAM ATTENDANCE

	Jul-18	YTD 18/19	YTD 17/18
BALBOA	242	242	241
CdM	0	0	718
MARINERS	831	831	1,343
CENTRAL	5,767	5,767	5,682
TOTAL	6,840	6,840	7,984



LIBRARY EXPENDITURES
(August 1, 2018)

2017-2018

ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MONTHLY EXPENDED	AVAILABLE BUDGET
I SALARY & BENEFITS					
SALARY FULL-TIME REGULAR	2,718,341	2,718,341	2,657,798	58,899	60,543
SALARY PART-TIME	994,727	1,056,389	814,422	16,531	241,967
BENEFITS	2,297,473	2,297,473	2,374,844	13,491	-77,371
SALARY & BENEFITS TOTAL	6,010,541	6,072,203	5,847,064	88,921	225,139
II MAINT & OPERATION					
PROFESSIONAL SERVICE*	137,577	137,577	114,505	25,381	23,073
UTILITIES	274,350	274,350	313,637	29,233	-39,287
PROGRAMMING	5,500	14,300	16,769	5,443	-2,469
SUPPLIES**	82,170	83,548	79,823	945	3,725
LIBRARY MATERIALS	619,740	621,881	621,580	1,211	301
FACILITIES MAINTENANCE	174,747	175,271	164,575	2,754	10,696
TRAINING AND TRAVEL	15,075	17,352	12,066	432	5,286
GENERAL OPERATING EXPENSES***	24,200	25,101	21,208	3,152	3,893
PERIPHERALS	7,500	7,500	2,411	1,855	5,089
INTERNAL SERVICE FUNDS	993,745	993,745	993,745	0	0
OFFICE EQUIPMENT	2,000	2,000	0	0	2,000
MAINT & OPERATION TOTAL	2,336,604	2,352,625	2,340,317	70,407	12,308
LIBRARY BUDGET TOTAL	8,347,145	8,424,828	8,187,381	159,328	237,447

*PROFESSIONAL SERVICES - INCLUDE OUTSIDE PRINTING, JANITORIAL, WINDOW SERVICE

**INCLUDES OFFICE , PROCESSING AND JANITORIAL SUPPLIES

***INCLUDES, ADVERTISING, DUES, EVENT INSURANCE

LIBRARY EXPENDITURES**2018-2019**

(August 1, 2018)

ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MONTHLY EXPENDED	AVAILABLE BUDGET
I SALARY & BENEFITS					
SALARY FULL-TIME REGULAR	2,768,340	2,768,340	143,901	143,901	2,624,439
SALARY PART-TIME	967,642	967,642	41,284	41,284	926,358
BENEFITS	2,278,603	2,278,603	63,783	63,783	2,214,820
SALARY & BENEFITS TOTAL	6,014,585	6,014,585	248,968	248,968	5,765,617
II MAINT & OPERATION					
PROFESSIONAL SERVICE*	137,577	137,577	277	277	137,300
UTILITIES	274,885	274,885	1,399	1,399	273,486
PROGRAMMING	5,500	5,500	0	0	5,500
SUPPLIES**	83,170	83,170	7,635	7,635	75,535
LIBRARY MATERIALS	619,740	619,740	164,527	164,527	455,213
FACILITIES MAINTENANCE	174,951	174,951	7,697	7,697	167,254
TRAINING AND TRAVEL	15,075	15,075	0	0	15,075
GENERAL OPERATING EXPENSES***	24,200	24,200	405	405	23,795
PERIPHERALS	5,000	5,000	0	0	5,000
INTERNAL SERVICE FUNDS	1,419,637	1,419,637	0	0	1,419,637
OFFICE EQUIPMENT	2,000	2,000	0	0	2,000
MAINT & OPERATION TOTAL	2,761,735	2,761,735	181,940	181,940	2,579,795
LIBRARY BUDGET TOTAL	8,776,320	8,776,320	430,908	430,908	8,345,412

*PROFESSIONAL SERVICES - INCLUDE OUTSIDE PRINTING, JANITORIAL, WINDOW SERVICE

**INCLUDES OFFICE , PROCESSING AND JANITORIAL SUPPLIES

***INCLUDES, ADVERTISING, DUES, EVENT INSURANCE

BOARD OF LIBRARY TRUSTEES MONITORING LIST

Previous Agenda Date	AGENDA ITEM	Scheduled Agenda Date
Ongoing	Corona del Mar Branch Project Update	Ongoing
Ongoing	Lecture Hall Update	Ongoing
Aug 21, 2017	Information Technology Update	Aug 20, 2018
Sep 18, 2017	Literacy Program Update	Sep 17, 2018
Oct 16, 2017	Branch Update - Mariners	Oct 15, 2018
Oct 16, 2017	Youth Services Update	Oct 15, 2018
Jan 16, 2018	Review Holidays / Meeting Schedule	Jan 22, 2019
Jan 16, 2018	Newport Beach Public Library eBranch & Database Review	Jan 22, 2019
Feb 27, 2018	Annual Budget - Preliminary Review	Feb 19, 2019
Feb 27, 2018	Arts & Cultural Update	Feb 19, 2019
Mar 19, 2018	Branch Update - Balboa	Mar 18, 2019
Mar 19, 2018	Annual Budget - Approval	Mar 18, 2019
Mar 19, 2018	WiFi Usage Compared to Other Libraries	Mar 18, 2019
Mar 19, 2018	Assign a Lecture Hall Capital Campaign Committee	Mar 18, 2019
Mar 19, 2018	Review of San Diego Library's Proposed Library Fines Policy	Mar 18, 2019
Apr 16, 2018	Library Material Selection & Downloadable Services	Apr 15, 2019
Apr 16, 2018	Further Review of Library Fines	Apr 15, 2019
May 21, 2018	Media Lab Update	May , 2019
Jun 18, 2018	Marketing Update & Social Networking Update	Jun 17, 2019
CLOSED 2018	Branch Update - Corona del Mar	Jun 17, 2019
Jun 18, 2018	Financial Report Comparison of Beginning Budget to End of the Year Amended Budget (Every June)	Jun 17, 2019
Jun 18, 2018	Adult and Reference Services Update	Jun 17, 2019
Jul 16, 2018	Statistical Comparison Report of Peer Libraries/Meeting Spaces	Jul 15, 2019
Jul 16, 2018	Election of Board of Library Trustees Officers/Trustee Liaisons	Jul 15, 2019
Jul 16, 2018	Proposed Library Closures for Winter Holidays 2018	Jul 15, 2019

LAST REVIEWED	POLICY REVIEW	
	<i>Library Service Policy (City Council Policy I-1)</i>	Aug 19, 2019
May 12, 2015	Library Use Policy (formerly City Council Policy I-2)	Feb 18, 2019
Mar 04, 2013	Collection Development Policy (formerly City Council Policy I-3)	Jul 16, 2018
Feb 03, 2014	Library Gift and Donor Policy (formerly City Council Policy I-4)	Nov 19, 2018
Feb 06, 2012	Newport Beach Public Library Gift Policy (formerly City Council Policy I-5)	Nov 19, 2018
Jan 17, 2017	Children in the Library Policy (formerly City Council Policy I-6)	Mar 18, 2019
Oct 10, 2006	<i>Library Meeting Rooms Policy (Council Policy I-7)</i>	Jul 16, 2018
Jun 16, 2014	Newport Beach Public Library Internet Use Policy (formerly City Council Policy I-8)	Apr 20, 2019
Jun 16, 2014	Media Lab Use Policy	Dec 17, 2018
Jun 16, 2014	Sound Lab Use Policy	Dec 17, 2018
Feb 17, 2015	Display and Distribution of Materials Policy	Jan 21, 2019
Dec 15, 2014	Expressive Use Areas	Aug 20, 2018
Oct 07, 2013	Laptop Borrowing Policy	Oct 15, 2018
Feb 21, 2017	Rules for Acceptable Use of Wireless Internet Connections	Apr 20, 2019
Feb 27, 2018	Circulation Policy	Feb 17, 2020
Apr 01, 2013	Study Room Policy	Sep 17, 2018

TO: BOARD OF LIBRARY TRUSTEES

FROM: Library Services Department
Tim Hetherton, Library Services Director
949-717-3810, thetherton@newportbeachca.gov

PREPARED BY: Debra Walker, Branch and Youth Services Coordinator

TITLE: Corona del Mar Branch Project Update – August 2018

DISCUSSION:

As reported by Project Manager Peter Tauscher of Public Works the project is currently running at least one week ahead of schedule. In the past few weeks shear walls have been framed to enclose the building. The beams are in and interior steel is being connected to the foundation. By the end of the month interior walls on both the first and second floor will be framed.

In terms of sound abatement, Mr. Tauscher said that Public Works continues to look at various options but the use of cork still appears to be the frontrunner.



Finally, on both Friday, August 3 and Friday, August 10, members of Library Staff, Board of Library Trustees, City Council, Fire and other City Departments had the opportunity to sign a beam that will be used on the roof of the new structure.

The official “Topping Out” ceremony was held at the site on August 10, which involved the placement of the last structural beam for the new building. In the Public Works Department report in the most recent City Manager’s Newsletter, Mr. Tauscher wrote up a nice explanation of “Topping Out”. The “Topping Out” term refers to the installation of the last beam of a

structure, or the completion of a building's roof, bridge or other large structure, signifying the structure has reached its maximum height but not yet the completion of the project. The final structural piece is often painted white, and then signed by members of the construction team and community leaders. Sometimes an evergreen tree is attached to the beam. Topping Out symbolizes positive things such as good luck for future occupants, continued growth, a safe job- and celebrates an important milestone in a building's construction."

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Board of Library Trustees considers the item).

TO: Board of Library Trustees

FROM: Library Services Department
Tim Hetherton, Library Services Manager
949-717-3810, thetherton@newportbeachca.gov

PREPARED BY: Tim Hetherton

TITLE: Board of Library Trustees Policy Review

RECOMMENDATION:

Staff requests that the Board of Library Trustees approve the following:

- a) Add the *Memorandum of Understanding Relating to the Shared Governance of the Newport Beach Library Director, the Cooperating Agreement between the Newport Beach Public Library Board of Library Trustees and the Newport Beach Public Library Foundation, Articles of Incorporation of Friends of the Newport Beach Public Library, and By-Laws, Rules, and Regulations – Friends of the Newport Beach Public Library* to policy binder;
- b) Revise the Board Policy binder table of contents to reflect a separate listing of Council Policies and Library policies;
- c) Adopt a labeling scheme for former Council Policies and Library policies;
- d) Combine the Gift and Donor Policy and Newport Beach Public Library Gift Policy into a single policy;
- e) Add, at the end of each posted Library policy, the following language: “This Policy will be periodically reviewed by the Board of Library Trustees on the first to occur of (i) as circumstances may require or (ii) every two years from the date of adoption, last amendment, or last review. Last reviewed by the Board of Library Trustees on _____, 20__.”;
- f) Update each binder with tabs and replacement pages for the Table of Contents, City Council Policies, and Library policies.

DISCUSSION:

Appointed by the Newport Beach City Council, the Board of Library Trustees is a policy-making board responsible for the administration of City libraries. As mandated by Article VII, Section 708 of the Newport Beach City charter, reviewing and setting policy for the Newport Beach Public Library system is one of the most important duties of the Board.

Since 2014, the Board has examined and revised policies dealing with children in the Library, circulation of materials, the display of materials in the Library, and Wi-Fi access in the Library. Policy review

enables the Board to take an in depth look at existing policies to:

- Determine whether the purpose and goal of the policy is still being met;
- Determine if changes are required to improve the effectiveness or clarity of the policy; and,
- Ensure that appropriate monitoring and ongoing review of the policy is occurring.

Policy review also serves to educate newer members of the Board and members of the public on Library policy.

In order to address a number of policy issues, Vice Chair Watkins and Trustee Johnson-Tucker met with staff on Tuesday, July 24, and made a number of recommendations, subject to approval by the Board of Library Trustees.

The *Memorandum of Understanding Relating to the Shared Governance of the Newport Beach Library Director* memorializes important information regarding the appointment, suspension, or removal of the City Librarian. Inclusion of the memorandum makes this procedure readily available to both Trustees and the public. The *Cooperating Agreement between the Newport Beach Public Library Board of Library Trustees and the Newport Beach Public Library Foundation* details the Board’s relationship with Library Foundation. *Articles of Incorporation of Friends of the Newport Beach Public Library*, and *By-Laws, Rules, and Regulations – Friends of the Newport Beach Public Library* are also essential documents. Staff recommends that these documents be included in the Trustee binders, to facilitate quick reference.

Staff recommends a separate listing of Council policies and Library policies in each Trustee’s binder and the Library website, and adopting a labelling scheme with the prefix “NBPL” that clearly identifies library policies. Policies will be listed and labelled as follows:

CITY COUNCIL POLICIES

Policy #	TITLE
City Council Policy I-1	Library Service Policy
City Council Policy I-7	Library Meeting Rooms Policy

LIBRARY POLICIES

Policy #	TITLE
NBPL 1	Library Use Policy
NBPL 2	Collection Development Policy
NBPL 3	Library Gift and Donor Policy
NBPL 4	Children in the Library Policy
NBPL 5	Newport Beach Public Library Internet Use Policy
NBPL 6	Media Lab Use Policy
NBPL 7	Sound Lab Use Policy
NBPL 8	Display and Distribution of Materials Policy
NBPL 9	Expressive Use Areas
NBPL 10	Laptop Borrowing Policy
NBPL 11	Rules for Acceptable Use of Wireless Internet Connections
NBPL 12	Circulation Policy
NBPL 13	Study Room Policy

For the purposes of consolidation, the staff recommends combining two policies, Library Gift and Donor Policy (formerly Council Policy I-4), and Newport Beach Public Library Gift Policy (formerly Council Policy I-5) into a single policy. This entails adding the entire contents of the Newport Beach Public Library Gift Policy (formerly Council Policy I-5) to the final section (“Library Gifts”) of the Library Gift and Donor Policy (formerly Council Policy I-4):

“All donations of gifts and property to the Newport Beach Public Library not covered by the Collection Development Policy must be approved by the Board of Library Trustees. The Board reserves the right to decide the time and place for display and use of any gift. The ultimate disposition of the gift lies within the sole province of the Board of Library Trustees.”

This language addresses gifts to the Library not covered by the Collection Development Policy. The first part of the existing section, “Library Gifts”, addresses gifts that are governed by the Collection Development Policy, used to fund specific collections or areas of the Library.

Pending Board approval, this policy will be called NBPL-3, *Library Gift and Donor Policy*.

Staff, with the goal of regularly and consistently submitting Library policies for review to the Trustees on an ongoing basis, recommends the addition, at the end of each posted Library policy, the following language: *“This Policy will be periodically reviewed by the Board of Library Trustees on the first to occur of (i) as circumstances may require or (ii) every two years from the date of adoption, last amendment, or last review. Last reviewed by the Board of Library Trustees on _____, 20__.”*

The Committee requests that staff update each Trustee binder with tabs and replacement pages for the Table of Contents, City Council Policies, and Library policies.

ATTACHMENT A: Memorandum of Understanding Relating to the Shared Governance of the Newport Beach Library Director

ATTACHMENT B: Cooperating Agreement between the Newport Beach Public Library Board of Library Trustees and the Newport Beach Public Library Foundation

ATTACHMENT C: Articles of Incorporation of Friends of the Newport Beach Public Library

ATTACHMENT D: By-Laws, Rules, and Regulations – Friends of the Newport Beach Public Library

ATTACHMENT E: Gift and Donor Policy

ATTACHMENT F: Newport Beach Public Library Gift Policy

ATTACHMENT G: NBPL-3, Library Gift and Donor Policy [redlined]

ATTACHMENT H: NBPL-3, Library Gift and Donor Policy [final]

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Board of Library Trustees considers the item).

Memorandum of Understanding
Relating to

SHARED GOVERNANCE
of the NEWPORT BEACH LIBRARY DIRECTOR

Newport Beach Public Library Trustees

Newport Beach City Manager

Effective November 2002

Memorandum of Understanding

between the Newport Beach City Manager and the Newport Beach Public Library Trustees
relating to the Shared Governance of the Newport Beach Library Director

Foundation

1. The purpose of this Memorandum is to establish the operating procedures governing the appointment, suspension, or removal of the City Librarian and to assure frequent and effective communication between the Trustee Board and the City Manager relative to the management and administration of the Newport Beach Public Library. The goal of both the City Manager and the Trustee Board is to achieve a highly effective operation of the Library so that it maintains its status of being the cultural, educational, and informational center for the City of Newport Beach.
2. It is the intention of the signers of this memorandum that this Memorandum shall be the operating guide for the Newport Beach City Manager and for the Newport Beach Public Library Board of Trustees now and in the future. Nothing in this Memorandum is intended to modify or supercede provisions of the Newport Beach City Charter.

A. Selection of the City Librarian

1. Upon a vacancy in the position of City Librarian, the Library Trustees and the City Manager will meet to discuss the desired attributes of the successor City Librarian. A written list of criteria shall be developed.
2. Both the City Manager, or his delegate, and the Library Trustee Board shall be involved at all stages of establishing candidate criteria, recruiting a pool of strong candidates, and selecting the City Librarian.
3. The City Manager and the Trustees shall agree on the advertising and recruitment process, assuring that a national, talented, diverse, pool of candidates is produced. A search firm may be retained if the City Manager and Trustees agree that such would be advantageous.
4. Based upon materials submitted by candidates or obtained from candidates, a small number of top candidates to be invited to the city for personal interviews shall be selected jointly by the City Manager and the Library Trustees. The interview process shall include persons deemed appropriate by the City Manager and the Trustees. A copy of this memorandum shall be included in any materials provided to candidates who are interviewed.
5. At the conclusion of the interviews, the Trustees and the City Manager shall meet to discuss the candidates and all information now available upon which to evaluate the top candidates. Discussion and consideration of the top candidates shall continue until the City Manager and the Library Trustees reach agreement upon a person to be offered the position of City Librarian. The formal offer to hire (and all related employment contracts) shall be administered by the City Manager, with any appropriate input sought from the Trustees.

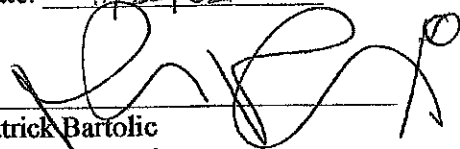
B. Interactions Between the Trustee Board and the City Manager Relative to the City Librarian

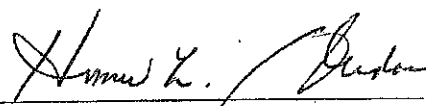
1. The Library Trustees and City Manager agree to communicate openly and regularly on all matters relative to the job performance of the City Librarian and the effective operation of the Newport Beach Public Library.
2. An annual performance program shall be developed by the City Manager, focused on managerial aspects of the position, and shared with the Library Trustees. An annual performance program also shall be developed by the Library Trustees, focused on administrative aspects of the position, and shared with the City Manager. To the greatest extent possible, input from each entity shall be considered by the other in developing the separate performance programs. When practical and possible, the two evaluations based on these two performance programs shall be conducted during the same time period.
3. The City Librarian will be formally evaluated annually by both the City Manager and the Library Trustees (or on another more frequent timetable agreed to by both entities) based on the stated Performance Program. The results of each evaluation shall be shared with the other entity in a timely manner.
4. Beginning four months after initial appointment and continuing thereafter for one year, the Library Trustees and the City Manager shall meet together every four months to discuss the performance of the City Librarian and the operation of the Newport Beach Public Library. Thereafter, such meetings will be held every six months. Matters of commendation and/or concern shall be aired and methods of communicating them to the appropriate persons shall be agreed to. Trustees shall be informed of any disciplinary actions authorized by the City Manager against the City Librarian.
5. Library staff members are to be informed that they are to share concerns about Library operations to the City Librarian for attention, but they may at any time communicate these concerns to the Trustees if they feel they have not been adequately addressed.
6. If the City Manager or Library Trustees learn that Library staff members are experiencing difficulties in working under the supervision of the City Librarian, this information shall be shared with the other entity in a timely fashion. Staff problems not involving the City Librarian or not impacting the ability of the City Librarian to administer the Library need not be shared with the Trustees.
7. Policy for the operation of the Newport Library shall be developed and controlled by the Library Trustees. The policy shall be implemented by the City Librarian and the Library staff. Trustees shall solicit input from Library employees in establishing policy. The City Manager, other city employees, and members of the Newport Beach community are welcome to submit policy ideas for consideration by the Trustees.

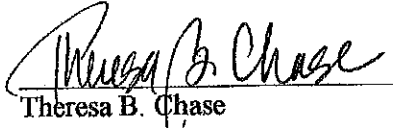
C. Suspension or Removal of the City Librarian


1. Both the City Manager and the Library Trustee Board shall be involved in the consideration of information that forms the basis for suspending or removing the City Librarian
2. The City Manager and the Library Trustees will share with each other all information, except that prohibited by law, which is considered a serious enough performance failure to warrant suspension or removal of the City Librarian from that position. Human Resource personnel, attorneys, and/or other specialists may be consulted as needed. If after thorough collection and discussion of the information, there is agreement that suspension or removal is in the best interests of the Newport Beach Public Library, the City Manager and the Library Trustees shall discuss and agree to an implementation plan for the suspension or removal of the City Librarian that shall be deemed supportive of the interests of the NBPL. The notification of suspension or removal of the City Librarian as a Newport Beach City employee shall rest with the City Manager.
3. Actions to be taken by the Trustees and the City Manager in reporting the suspension or removal to the public shall be discussed and agreed upon.

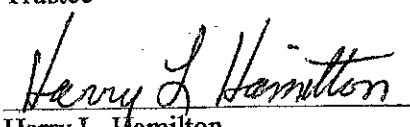
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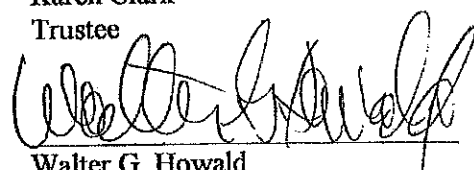

Patrick Bartolic
Chair, Board of Trustees


Homer L. Bludau
Newport Beach City Manager


Theresa B. Chase
Trustee


Karen Clark
Trustee


Harry L. Hamilton
Trustee


Walter G. Howald
Trustee

COMMUNITY SERVICES DEPARTMENT

Arts ft Cultural - Library - Recreation - Seniors

To: Mayor and Members of City Council
From: LaDonna Kienitz, Community Services Director/City Librarian
Re: Authority of the Board of Library Trustees and City Arts Commission;
Information on Related Foundations

At the City Council meeting of January 11, 2000, Council Member Glover requested that staff review the responsibilities of the Board of Library Trustees and the precepts of the Newport Beach Library Foundation, and of the City Arts Commission and the Newport Beach Arts Foundation.

Staff has compiled basic information on each of these organizations. Community Services Department staff and representatives of the respective organizations will be available at the Study Session to respond to any questions which the Council may have.

I. APPOINTMENT OF LIBRARY TRUSTEES AND ARTS COMMISSIONERS

Appointment of Boards and Commissions are governed by Article VII of the City Charter. Specifically, Section 702 gives the City Council authority to appoint members to boards or commissions from qualified electors of the City for terms of four years.

Section 704 provides the rules under which the boards and commissions operate, e.g. election by the members of a presiding officer, a requirement for meetings on a monthly frequency, and requirement for meetings to be open to the public.

Both the Board of Library Trustees and the City Arts Commission conduct their meetings in accordance with these regulations. Both have also adopted Bylaws for conduct of their meetings, as permitted by Section 704.

II. BOARD OF LIBRARY TRUSTEES

The responsibilities of the Board of Library Trustees are established in Section 708 of the City Charter. The specific powers, in addition to having charge of the administration of the City Libraries, are enumerated in Section 708.

Section 708 - Board of Library Trustees
Powers and Duties

There shall be a Board of Library Trustees consisting of five members which shall have the power and duty to:

- (a) Have charge of the administration of City libraries and make and enforce such by-laws, rules and regulations as may be necessary therefor.
- (b) Designate its own secretary.

- (c) Consider the annual budget for library purposes during the process of its preparation and make recommendations with respect thereto to the City Council and City Manager.
- (d) Purchase and acquire books, journals, maps, publications and other supplies peculiar to the needs of the library, subject, however, to the limitations of the budget for such purposes. The expenditure and disbursement of funds for such purposes shall be made and approved as elsewhere in this Charter provided.
- (e) Approve or disapprove the appointment, suspension or removal of the Librarian, who shall be the department head.
- (f) Accept money, personal property or real estate donated to the City for library purposes, subject to the approval of the City Council.
- (g) Contract with schools, county or other governmental agencies to render or receive library services or facilities, subject to the approval of the City Council.

The current chair of the Board of Library Trustees is Jim -Wood.

Library Board - Foundation *Cooperating Agreement*

During the past months, representatives of the Board of Library Trustees and of the Foundation have spent more than thirty hours working together to draft a *Cooperating Agreement*, establishing guidelines for mutual cooperation. Some meetings have been private with the City Manager as mediator; others, public sessions of the Board of Library Trustees. The issue has been on the agenda of the Board of Library Trustees for several months. The attached *Cooperating Agreement* was approved by the Board of Library Trustees at the meeting of January 18, 2000 (Exhibit 1). To date it has not been approved by the Foundation.

The *Cooperating Agreement* is similar to the document which the Board of Library Trustees and the Friends of the Newport Beach Public Library [another non-profit 501(c)3 organization which provides support for the library], approved in November 1993, to guide the relationship of the two entities with respect to the Friends of the Library Bookstore in the Central Library. That agreement has been helpful in maintaining a strong positive relationship between the Board of Library Trustees and the Friends.

III. NEWPORT BEACH PUBLIC LIBRARY FOUNDATION

The Newport Beach Public Library Foundation was incorporated in 1989 to solicit funds for construction of the new Central Library. That entity was officially dissolved in 1994. A second Foundation under new leadership, officially named the Newport Beach Library Foundation but commonly referred to as the Newport Beach *Public* Library Foundation, was incorporated in 1993, to raise ongoing funds for the library.

The purpose of the Foundation, as indicated in the new Articles of Incorporation, is to solicit funds and properties and disburse monies for the benefit of the Newport Beach Public Library. The Foundation promotional materials state that it "shall raise tax-deductible funds beyond those available through City funding, to enable the Newport Beach Public Library to acquire collections, equipment and enrichments beneficial to the community." In recent months the Board of Library Trustees has publicly questioned the low percentage of collected funds disbursed to the library. No gift has been made in FY 1999/2000.

The City Council has no appointive or directive authority over the non-profit Library Foundation. The new Articles of Incorporation, January 13, 2000, and the Bylaws, revised November 1, 1999, are attached (Exhibits 2 and 3). On January 13, 2000, the Foundation adopted a Statement of Policy on the relationship of the Foundation to the library (Exhibit 4).

The president of the Newport Beach Public Library Foundation is David Carmichael.

For the past three years and one-half years, the library has provided office space in the Central Library and numerous support services for the Foundation. The Foundation serves as the fiscal agent for the annual Distinguished Speaker Lecture Series (DSLSS); funds for the program are raised in the name of the Foundation by the committee, comprised of community members, Library Trustees, and Foundation Board members. The DSLSS program events are coordinated and implemented by 25 City staff members.

IV. CITY ARTS COMMISSION

The role of the City Arts Commission is defined in Section 712 of the City Charter. The responsibilities include acting in an advocacy capacity to the City Council in all matters pertaining to artistic, aesthetic and cultural aspects of the City.

Section 712 - City Arts Commission

There shall be a City Arts Commission with the number of members to be established by ordinance or resolution and it shall have the power and duty to:

- (a) Act in an advisory capacity to the City Council in all matters pertaining to artistic, aesthetic, and cultural aspects of the City.
- (b) Recommend to the City Council the adoption of such ordinances, rules and regulations as it may deem necessary for the administration and preservation fine arts, performing arts, historical, aesthetic and cultural aspects of the community.
- (c) On behalf of the City, actively encourage programs for the cultural enrichment of the community.

- (d) Perform such other duties relating to the Arts as the City Council may require. (As added by amendment effective June 6, 1974, and November 3, 1992.)

The Arts Commission has seven members, as established by City Council Resolution in 1999. The current chair is Kathleen Harrison.

V. NEWPORT BEACH ARTS FOUNDATION

The Newport Beach Arts Foundation was officially incorporated August 7, 1998, and held the first organizational meeting October 5, 1998, at which Directors were appointed, officers elected, and Bylaws adopted. The Foundation has held eight meetings of the Board of Directors since its incorporation for the purpose of establishing goals and future planning. The Foundation has received \$1,725 in donations; no fundraising or Foundation sponsored events have been conducted. City staff has provided clerical support for the Foundation.

The president of the Newport Beach Arts Foundation is Howard Herzog.

The purpose of the Arts Foundation, as indicated in the Articles of Incorporation, is to further the objectives of the arts programs of the City of Newport Beach. The Articles of Incorporation provide that the City Council has authority to approve (1) the disposition of any funds held by the Foundation upon dissolution; and (2) any amendments to the Articles. Amendments to the Foundation Bylaws are also subject to the approval of the City Council. The Bylaws also provide that all meetings of the Board of Directors shall be open to the public in conformity with the California Open Meeting Act.

The City Council has no appointive authority to the Board of Directors of the Foundation. The Arts Commission, however, has appointive authority for three Directors of the Foundation. The Chair of the Arts Commission and two Arts Commissioners also serve as non-voting members of the Foundation Board.

The Articles of Incorporation and Bylaws are attached (Exhibits 5 and 6).

COOPERATING AGREEMENT
BETWEEN THE
NEWPORT BEACH PUBLIC LIBRARY BOARD OF LIBRARY TRUSTEES
AND THE
NEWPORT BEACH PUBLIC LIBRARY FOUNDATION

This Cooperating Agreement is entered into between the Board of Library Trustees of the Newport Beach Public Library ("Board of Library Trustees") and the Newport Beach Public Library Foundation ("Foundation"), effective February 1, 2000, and is the culmination of a series of meetings, and other communications, between representatives of both organizations which have identified the following matters which provide the background for this Cooperating Agreement:

- A. Each has the fervent desire to make the Newport Beach Public Library system ("Library") the best possible library for the community.
- B. Each wants to carry out their affairs in such a way as to facilitate the Library reaching its greatest potential.
- C. Each recognizes the distinctly different roles of the other organization with the Trustees setting policy and governing the Library on the one hand and the Foundation raising funds for the Library from the community to provide the extra margin of services not otherwise funded or available through taxes, on the other hand.
- D. Each recognizes that the other has domain over its role and that this separation of roles and duties is in accord with current City policy and mutually beneficial.
- E. Each recognizes the good will and competency that the other has achieved in carrying out its respective role.
- F. Each recognizes that while there is a separation of entities, mutual cooperation is essential to the success of both.
- G. Both intend that the changes regarding handling of funds, disbursements to the Library, and financial statement formats outlined and specified in this agreement will lead to a better understanding of the operations of the Foundation by the Board of Library Trustees.
- H. Both organizations will seek ways to enhance communications between the two organizations.
- I. In entering into this agreement each organization acknowledges the commitment of the other to excellence of the Library and the positive effects that the efforts of each body has had towards achieving this goal.

Therefore, the organizations agree as follows:

A. MANAGEMENT OF FUNDS AND FINANCIAL REPORTING

1. Funds (cash and investments) of the Endowment Fund will be kept separate from all other Foundation funds. Funds and/or earnings of the Endowment Fund shall not be used to pay the operating expenses of the Foundation with the exception of those expenses referred to in Item D. 3.
2. Separate accounting shall be maintained in the books and records of the Foundation to account for the financial activity of the Endowment Fund.
3. Foundation shall annually provide the Board of Library Trustees with a copy of the investment policy prepared by investment managers retained by the Foundation.
4. Prior to the beginning of each fiscal year, an annual revenue and expense budget of the Foundation shall be provided to the Board of Library Trustees. This budget shall separately indicate complete financial data of each of the Foundation's accounting funds (operating, endowment, etc.).
5. By March 1st of each year, the Foundation will notify the Board of Library Trustees of the anticipated amount of the Foundation's contribution for the following fiscal year.
6. Monthly financial statements of the Foundation will be provided to the Board of Library Trustees within 45 days following the end of each month. These statements shall include, but are not limited to, a balance sheet and income statement (or equivalent statements). All statements shall separately indicate financial information of each of the Foundation's accounting funds (operating, endowment, etc.) and shall disclose assets, liabilities, equity, revenues, and expenses in accordance with accepted accounting practices. In addition, a schedule of investments shall also be provided quarterly with or as a part of the monthly financial statements.
7. The annual independent audited financial report of the Foundation will be provided to the Board of Library Trustees within 90 days following the end of each fiscal year. This auditor's report shall be prepared in accordance with generally accepted auditing standards. Any management recommendation letter accompanying this report shall also be provided.

• COOPERATING AGREEMENT

Page 3

B. GENERAL COOPERATING PROCEDURES AND COSTS

1. Foundation's annual budgeted operating expenses will not exceed 30% of the total funds expected to be raised in that fiscal year, including membership fees, but exclusive of funds raised for, and income derived from the Endowment Fund.
2. Foundation solicitation materials shall be promptly reviewed prior to printing by the Board of Library Trustees or their designee. Such materials shall explain to donors the options of making unrestricted, restricted, Endowment Fund or other gifts.
3. The Library will designate an area within the Central Library for the Foundation administrative staff to operate and will make available the equipment necessary to conduct normal business affairs, such as telecommunications; Library postage meter; and Library copying equipment. The Foundation will annually reimburse the Library and the City only for the cost of telecommunications; use of Library postage meter; and use of Library copying equipment.

C. DISBURSEMENT OF FUNDS

The Foundation will disburse to the Library on a quarterly basis the restricted funds, (with a list of donor names), and the unrestricted funds received by the Foundation, less the 30% annual budgeted operating expenses as identified in B.1. The use of unrestricted funds to be determined by the Board of Library Trustees.

D. ENDOWMENT FUND AND ENDOWMENT CAMPAIGN

1. For clarity of accounting, the Endowment Fund shall be kept separate from monies in the operating funds.
2. The end date for the current Endowment Campaign will be established by the Foundation by December 31, 1999.
3. No Funds shall be taken from the Endowment Fund for operating costs of the Foundation, other than those involved with direct managing, monitoring and reporting.
4. Annual disbursement to the Library from the Endowment Fund shall be 5% of the market value of the total assets of the Fund at the end of the fiscal year.
5. Annual disbursements to the Library shall be made within 60 days of the end of the fiscal year.

6. When an Endowment Campaign is contemplated by the Foundation, plans and timelines will be reviewed and jointly approved by the Board of Library Trustees and the Foundation.
7. Campaign costs during the period of the Endowment Campaign shall not exceed 30% of the Endowment Funds intended to be raised in that campaign.
8. The Foundation shall review the amount of the annual distribution from the Endowment Fund every five years taking into account the intent of donors, the investment experience of the Endowment Fund, overall economic conditions and such other factors as the directors of the Foundation deem necessary in discharging their fiduciary obligations with regard to the Endowment Fund.

E. COMMUNICATION

1. The City's Community Services Director/City Librarian shall continue as an ex-officio member of the Foundation's Board of Directors and be entitled to all rights and privileges offered to any other Foundation director except that of voting.
2. In addition to monthly financial statements (mentioned in Section I), minutes of meetings of the Foundation's Board of Director's shall be forwarded to the Community Services Director/City Librarian in a timely manner so that they may be distributed to the Board of Library Trustees. In turn, minutes of all Board of Library Trustees meetings shall be forwarded in a timely manner to the Foundation for distribution as they deem appropriate.
3. Both the Board of Library Trustees and the Foundation Board of Directors shall designate one or more of their members to regularly attend the publicly noticed meeting of the other organization. It will be the responsibility of these designated individuals to briefly report on their organization's activities, discuss common goals, answer pertinent questions and report on projects currently underway.
4. The above is not intended in any way to limit the communication between Board of Library Trustees and the Foundation. To the contrary, every effort shall be made by members of both organizations to attend the regularly scheduled events of the other.

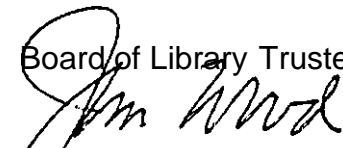
F. CONCLUSION

This Cooperating Agreement is undertaken with the goal of attaining the greatest degree of cooperation, communication and resulting synergy between Board of Library Trustees of the Newport Beach Public Library and the Board of Directors of the Newport Beach Public Library Foundation. The organizations agree that this Cooperating Agreement be reviewed jointly every two years, beginning at the end of fiscal year 2001 /02, to assure that its purposes are being carried out and to explore ways in which the communication between both organizations could be enhanced.

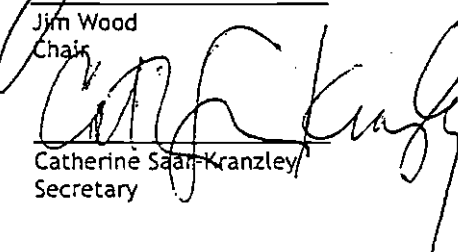
Executed this 18th day of January, 2000, City of Newport Beach, California on behalf of each organization by their respective duly authorized officers.

By:

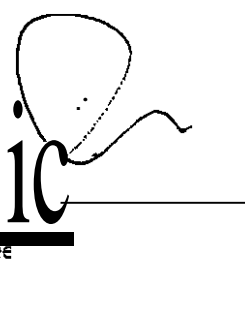
Board of Library Trustees



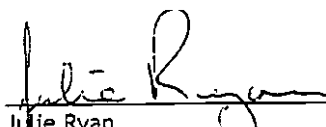
Jim Wood
Chair



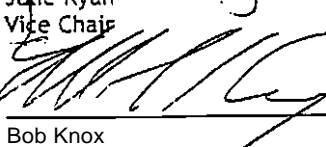
Catherine Saar-Kranzley
Secretary



Bob Knox
Trustee



Julie Ryan
Vice Chair



Bob Knox
Trustee

By:

Newport Beach Public Library Foundation

David Carmichael, President

RESTATED ARTICLES OF INCORPORATION

OF

THE NEWPORT BEACH LIBRARY FOUNDATION

(henceforth to be known as THE NEWPORT BEACH PUBLIC LIBRARY FOUNDATION)

David R. Carmichael and James L Rubel, Jr. certify that:

I. They are President and Secretary, respectively, of The Newport Beach Library Foundation (the Foundation), henceforth to be known as The Newport Beach Public Library Foundation, a California nonprofit public benefit corporation.

2. The following restatement of the Foundation's Articles of Incorporation has been approved by the Board of Directors:

I

The name of this corporation is The Newport Beach Public Library Foundation.

II

A. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

B. 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.

III

A. This corporation is organized and operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code.

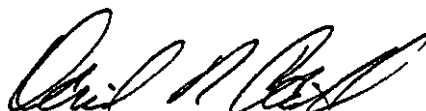
B. Notwithstanding any other provision of these articles, this corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code.

C. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate in or intervene in any political campaign (including the publishing or distribution of statements) on behalf of, or in opposition to, any candidate for public office.

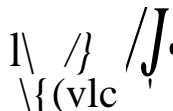
IV

The property of this corporation is irrevocably dedicated to charitable purposes, and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer or member thereof or to the benefit of any private person. Upon the dissolution or winding up of the corporation, its assets remaining after payment or provision for payment of all debts and liabilities of this corporation shall be distributed to the Orange County Community Foundation to establish an endowment fund, the income from which shall be distributed annually to or for the benefit of the City of Newport Beach Public Library.

3. The Foundation has no members.

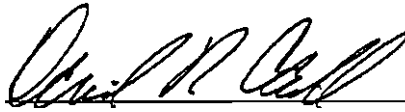


David R. Carmichael, President

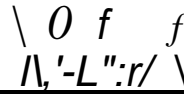


James L/Rubel, Jr., Secretary

Each of the foregoing hereby declares under penalty of penalty that the statements contained in the foregoing certificate are true and correct of his or her own knowledge, and that this declaration was executed on January 13, 2000, at Newport Beach, California.



David R. Carmichael



Jame L. Rubel, Jr.

BYLAWS
of
THE NEWPORT BEACH LIBRARY FOUNDATION
a California nonprofit public benefit corporation

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BYLA\VS
of
The Newport Beach Library Foundation,
a California nonprofit public benefit corporation

ARTICLE 1
OFFICES

Section 1.1 Principal Office. The Corporation's principal office shall be fixed and located at such place as the Board of Directors (the "Board") shall determine. The Board is granted full power and authority to change said principal office from one location to another.

Section 1.2 Other Offices. Branch or subordinate offices may be established at any time by the Board at any place or places.

ARTICLE 2
MEMBERSHIP

Section 2.1 No Statutory Members. The Corporation shall have no members as defined in Section 5056 of the California Nonprofit Corporation Law (the "Law"). Any action which would otherwise require approval by a majority of all members or approval by the members shall require only approval of the Board. All rights which would otherwise vest in the members shall vest in the directors.

Section 2.2 Members. Nothing in this Article 2 shall be construed as limiting the right of the Corporation to refer to persons associated with it as "members" even though such persons are not members, and no such reference shall constitute anyone a member within the meaning of Section 5056 of the California Nonprofit Corporation Law (the "Law"). The Corporation may confer by amendment of its Articles or of these Bylaws some or all of the rights of a member, as set forth in the Law, upon any person or persons who do not have the right to vote for the election of directors or on a disposition of substantially all of the assets of the Corporation or on a merger or on a dissolution or on changes to the Corporation's Articles of Incorporation (the "Articles") or Bylaws. but no such person shall be a member within the meaning of said Section 5056.

Section 2.3 Memberships. Memberships shall be divided into two (2) classes: Regular and Honorary.

(a) **Regular Memberships.** Regular Members are those persons making an annual contribution in an amount established, from time to time, by the Board of Directors. Upon paying the amount, a person shall be a member for one (1) year commencing on the date of contribution and ending one (1) year later. Regular members renewing their annual memberships will be considered as having renewed as of the most recent prior expiration date of their membership within the previous year, regardless of when the contribution is actually received.

Members shall also be entitled to make their annual contributions in advance of the end of their membership year to apply toward the next year.

(b) Honorary Memberships. Honorary members are those persons who have been designated as such by a majority of the Board of Directors acting at a regular meeting, or a special meeting called for the purpose of designating such a person. Honorary members may be business organizations. No contributions shall be required for Honorary membership.

(c) Miscellaneous. Memberships are not transferable. A husband and wife may together constitute a "member".

ARTICLE 3 DIRECTORS

Section 3.1 Powers. Subject to the Limitations of the Articles and these Bylaws, the activities and affairs of the Corporation shall be conducted and all corporate powers shall be exercised by or under the direction of the Board. The Board may delegate the management of the activities of the Corporation to any person or persons, a management company or committees, however composed, provided that the activities and affairs of the Corporation shall be managed and all corporate powers shall be exercised under the ultimate direction of the Board. Without prejudice to such general powers, but subject to the same limitations, it is hereby expressly declared that the Board shall have the following powers in addition to the other powers enumerated in these Bylaws:

(a) To select and remove all officers, agents and employees of the Corporation, prescribe powers and duties for them as may not be inconsistent with Law, the Articles or these Bylaws, fix their compensation and require from them such security, if any, for faithful service as the Board may deem appropriate.

(b) To conduct, manage and control the affairs and activities of the Corporation, and to make such rules and regulations therefor not inconsistent with Law, the Articles or these Bylaws, as they may deem appropriate.

(c) To adopt, make and use a corporate seal and to alter the form of such seal from time to time as they may deem appropriate.

(d) To borrow money and incur indebtedness for the purposes of the Corporation, and to cause to be executed and delivered therefor, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations or other evidences of debt and securities therefor.

Section 3.2 Number of Directors. The authorized number of directors shall be not less than three (3) nor more than twenty-five (25) until changed by amendment of the Articles or these Bylaws. The exact number of directors shall be fixed, within the limits specified, by resolution duly adopted by the Board. The initial number of directors shall be eighteen (18) until

changed as provided in this Section. Directors shall have an affiliation with the Newport Beach community.

Section 3.3 Selection and Term of Office.

(a) In an organizational meeting of the Board, following the adoption of these Bylaws, the Board shall divide itself into three groups of as nearly equal size as possible. The terms of office for each group of directors shall be staggered. The first group of directors shall hold office until the next following annual meeting of the Board, the second group shall hold office until the second following annual meeting of the Board, and the third group shall hold office until the third following annual meeting of the Board. Thereafter the directors in each group shall hold office until the third ensuing annual meeting of the Board following their election and until their respective successors are elected and qualified. At each annual meeting of the Board, a number of directors shall be elected by the entire Board equal to the number of directors whose terms shall have expired at the time of such meeting, unless the authorized number of directors has been changed by amendment or resolution pursuant to Section 3.2, in which case the number of directors to be elected shall be equal to the number so determined pursuant to Section 3.2.

(b) In addition to the directors selected pursuant to Section 3.3(a), there shall be at least one(!) ex-officio director designated by the Board, who shall be the City Librarian of the City of Newport Beach. The Board may, from time to time, by majority vote, designate persons other than the City Librarian as ex-officio directors. Each ex-officio director shall hold office until he or she resigns or is removed by the Board. Ex-officio directors shall have the right to notice of all meetings of the Board, and to attend and participate in all meetings of the Board except when the Board meets in executive session for voting members only. Ex-officio directors shall not vote, be counted toward a quorum of the Board or nominate directors for election to the Board.

Section 3.4 Interested Persons. Not more than 49 percent of the persons serving on the Board at any time may be interested persons. For purposes of this Section 3.4, an interested person is:

(a) Any person being compensated by the Corporation for services rendered to it within the previous twelve months, whether as a full-time or part-time employee, independent contractor, or otherwise, excluding any reasonable compensation paid to a director as a director; or

(b) Any brother, sister, ancestor, descendant, spouse, brother-in-law, mother-in-law, or father-in-law of any such person.

Any violation of the provisions of this Section 3.4 shall not affect the validity or enforceability of any transaction entered into by the Corporation.

Section 3.5 Transactions in Which Directors Have Personal Interest.

(a) Any transaction of the Corporation in which any of its directors have a material financial interest shall be entered into or consummated only if:

(1) The transaction is fair and reasonable as to the Corporation at the time the Corporation enters into the transaction;

(2) The Corporation enters into the transaction for its own benefit; and

(3) Prior to consummating the transaction or any part thereof the Board authorizes or approves the transaction in good faith by a vote of the majority of the directors then in office without counting the vote of the interested director or directors (although such director or directors may be counted for purposes of determining the presence of a quorum at the meeting at which such action is taken), and with knowledge of the material facts concerning the transaction and director's interest in the transaction.

(b) If it is not reasonably practicable to obtain such approval by the Board prior to entering into the transaction, a committee or person authorized by the Board may approve the transaction in a manner consistent with the standards of Section 3.5(a); provided, however, that at its next meeting the Board:

(1) Determines that it was not reasonably practicable to obtain approval by the Board prior to entering into the transaction;

(2) Determines that the committee or person authorized by the Board approved the transaction in the required manner; and

(3) Ratifies the transaction by a vote of the majority of the directors then in office without counting the vote of the interested director or directors (although such director or directors may be counted for purposes of determining the presence of a quorum at the meeting at which such action is taken).

(c) Sections 3.5(a) and 3.5(b) shall not apply to:

(1) An action of the Board fixing the compensation of a director as a director or officer of the Corporation;

(2) A transaction which is part of a public or charitable program of the Corporation if it:

(i) Is approved or authorized by the Corporation in good faith and without unjustified favoritism; and

(ii) Results in a benefit to one or more directors or their families because they are in the class of persons intended to be benefited by the public or charitable program.

(3) A transaction of which the interested director or directors have no actual knowledge and which does not exceed the lesser of one percent of the gross receipts of the Corporation for the preceding fiscal year or \$100,000.

(d) Any contract or other transaction (other than transactions subject to Sections 3.5(a) or Section 3.5(c) above) between the Corporation and any corporation, firm, association, or entity of which one or more of this Corporation's directors are directors shall be entered into or consummated only if:

(1) The material facts relating to the transaction and to such director's other directorship are fully disclosed or known to the Board or committee, and the Board or committee authorizes, approves or ratifies the contract or transaction in good faith by a vote sufficient without counting the vote of the common director or directors; or

(2) The contract or transaction is just and reasonable as to the Corporation at the time it is authorized, approved or ratified.

Section 3.6 Resignation and Vacancies.

(a) Subject to the provisions of Section 5226 of the Law, any director may resign effective upon giving written notice to the Chairman of the Board, the President, the Secretary or the Board, unless the notice specifies a later time for the effectiveness of such resignation. If the resignation is effective at a future time, a successor may be selected before such time, to take office when the resignation becomes effective.

(b) A vacancy on the Board shall be deemed to exist in case of the death, resignation or removal of any director or an increase in the authorized number of directors. Vacancies on the Board shall be filled in the same manner as the director whose office is vacant was selected, provided that any vacancy to be filled by election by directors may be filled by a majority of the remaining directors, although less than a quorum, or by a sole remaining director at any regular or special meeting of the Board. Each director so selected shall hold office until the expiration of the term of the replaced director and until a successor has been selected and qualified.

Section 3.7 Removal. Any director or directors may be removed from office without cause if such removal is approved by a majority of the directors then in office. The Board may declare vacant the office of a director who has been declared of unsound mind by a final order of court, or convicted of a felony, or been found by a final court or judgment of any court to have breached any duty arising under Sections 5230 through 5238 of the Law. No reduction of the authorized number of directors shall have the effect of removing any director prior to the expiration of the director's term of office.

Section 3.8 Place of Meeting. Meetings of the Board shall be held at any place within or without the State of California which has been designated from time to time by the Board. In the absence of such designation, regular meetings shall be held at the principal office of the Corporation.

Section 3.9 Annual Meetings. The Board shall hold an annual meeting for the purposes of organization, selection of directors and officers and the transaction of other business. Annual meetings of the Board shall be held on such dates and at such times as may be fixed by the Board.

Section 3.10 Regular Meetings. Regular meetings of the Board maybe held without call or notice on such dates and at such times as may be fixed by the Board.

Section 3.11 Special Meetings. Special meetings of the Board for any purpose or purposes may be called at any time by the Chairman of the Board, the President, the Vice President, the Secretary or any two directors.

Section 3.12 Notice.

(a) Annual and special meetings of the Board shall be held upon at least four days' notice by first-class mail or forty-eight hours' notice given personally or by telephone, facsimile, telex or other similar means of communication. Any such notice shall be addressed or delivered to each director at such director's address as it is shown upon the records of the Corporation or as may have been given to the Corporation by the director for purposes of notice or, if such address is not shown on such records or is not readily ascertainable, at the place where the meetings of the directors are regularly held.

(b) Notice by mail shall be deemed to have been given at the time a "Titten notice is deposited in the United States mails, postage prepaid. Any other written notice shall be deemed to have been given at the time it is personally delivered to the recipient or is delivered to a common carrier for transmission, or actually transmitted by the person giving the notice by electronic means, to the recipient. Oral notice shall be deemed to have been given at the time it is communicated, in person or by telephone, to the recipient or to a person at the office of the recipient who the person giving the notice has reason to believe will promptly communicate it to the receiver.

Section 3.13 Quorum. One-third (1/3) of the number of directors then serving constitutes a quorum of the Board for the transaction of business, except to adjourn as provided in Section 3.16. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the Board, unless a greater number be required by law, by these Bylaws or by the Articles, and except as provided in the next sentence. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for such meeting.

Section 3.14 Participation in Meetings by Conference Telephone. Directors may participate in a meeting of the Board, or a committee meeting, through use of a conference telephone or similar communications equipment, so long as all members participating in such meeting can hear one another.

Section 3.15 waiver of Notice. Notice of a meeting need not be given to any director who signs a waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or who attends the meeting without protesting, prior thereto or at its commencement, the lack of notice to such director. All such waivers, consents and approvals shall be filed with the corporate records or made a part of the minutes of the meeting.

Section 3.16 Adjournment. A majority of the directors present, whether or not a quorum is present, may adjourn any directors' meeting to another time and place. Notice of the time and place of holding an adjourned meeting need not be given to absent directors if the time and place be fixed at the meeting adjourned, except as provided in the next sentence. If the meeting is adjourned for more than twenty-four hours, reasonable notice of any adjournment to another time or place shall be given prior to the time of the adjourned meeting to the directors who were not present at the time of the adjournment

Section 3.17 Action Without Meeting. Any action required or permitted to be taken by the Board may be taken without a meeting if all members of the Board shall individually or collectively consent in writing to such action. Such consent or consents shall have the same effect as a unanimous vote of the Board and shall be filed with the minutes of the proceedings of the Board.

Section 3.18 Rights of Inspection. Every director shall have the absolute right at any reasonable time to inspect and copy all books, records and documents of every kind and to inspect the physical properties of the Corporation.

Section 3.19 Executive Committee.

(a) The Board may, by resolution adopted by a majority of the number of directors then in office, establish an executive committee consisting of such number of directors as may be determined by the Board which, except when the Board is in session, and except as its powers may be otherwise limited by the Board shall have and may exercise the powers of the Board in the management of the business and affairs of the Corporation and may authorize the seal of the Corporation to be affixed to all papers which may require it. The executive committee shall also have the power of general supervision, management, and control of the business of the Corporation and over its several officers.

(b) Appointments to the executive committee shall be by a majority vote of the directors then in office. A majority of all the members of the executive committee may determine its rules of procedure unless the Board shall otherwise provide. The Board shall have the power to change the members of the executive committee at any time, either with or without cause and to fill vacancies; provided that all appointments to the executive committee shall be by a majority vote of

the directors then in office. Any action which under the provisions of the Law may be taken at a meeting of the executive committee, may be taken without a meeting if authorized by a writing signed by all members of the executive committee who would be entitled to vote at a meeting for such purpose and filed with the Secretary of the Corporation. The executive committee shall meet prior to the Board meetings to set the agenda and review any matters it deems appropriate.

Section 3.20 Standing or Special Committees.

(a) The term "standing committee" or "special committee" shall mean any committee appointed by the Board which is authorized by specific delegation, without further Board action, to make and implement decisions on behalf of the Board, or to implement, with some degree of discretion, decisions of the Board pursuant to guidelines established by the Board. Notice of, and procedures for, meetings of standing or special committees shall be as prescribed by the chairman of each such standing or special committee, and meetings of standing or special committees may be called by the Board or the chairman of the standing or special committee.

(b) In the event that the Board determines that the management of the Corporation would be benefited by the establishment of one or more standing or special committees in addition to the executive committee, the Board, may from time to time establish one or more such committees. The establishment of a standing or special committee shall be effected by a resolution of the Board approved by the vote of the majority of the directors then in office, which specifically sets forth the powers and duties delegated to such committee. Each such committee shall consist of two or more directors and shall be presided over by a director selected by the Board.

Section 3.21 Limitations upon Committees of the Board.

(a) No committee of the Board shall have any of the authority of the Board with respect to:

- (1) the filling of vacancies on the Board or on any committee which has the authority of the Board;
- (2) the fixing of compensation of the directors for serving on the Board or on any committee which has the authority of the Board;
- (3) the amendment or repeal of Bylaws or the adoption of new Bylaws;
- (4) the amendment or repeal of any resolution of the Board which by its express terms is not so amendable or repeatable;
- (5) the appointment of other committees of the Board or the members thereof if such committee will have the authority of the Board;

(6) the expenditure of corporate funds to support a nominee for director after there are more people nominated for director than can be elected; or

(7) the approval of any self-dealing transaction, except that when it is not reasonably practicable to obtain approval of the Board prior to entering into such a transaction, a committee authorized by the Board may approve the transaction in a manner consistent with the standards set forth in Section 5233(d) of the Law subject to ratification by a majority of the directors then in office (without counting the vote of any interested director) at the next meeting of the Board.

(b) The Board shall have the power to prescribe the manner in which proceedings of any committee of the Board shall be conducted. In the absence of any such prescription, such committee shall have the power to prescribe the manner in which its proceedings shall be conducted. Unless the Board shall otherwise provide, the regular and special meetings and other actions of any committee of the Board shall be governed by the provisions of this Article 3 applicable to meetings and actions of the Board. Minutes shall be kept of each meeting of each committee. Written and/or verbal reports from individual committees shall be made at the next ensuing meeting of the Board.

Section 3.22 Advisory Commissions. The Chairman of the Board, the President, the Board or the executive committee (if there be such a committee) may from time to time appoint such advisory commissions as deemed appropriate, consisting of directors or persons who are not directors, but such advisory commissions shall not be deemed committees of the board and shall not exercise any powers of the Board. Advisory commissions may only investigate, deliberate and make recommendations to the Board. Notice of, and procedures for, meetings of advisory commissions shall be as prescribed by the chairman of each such advisory committee, and meetings of advisory commissions may be called by the Chairman of the Board, the Board, the executive committee, the President or the chairman of the advisory commission.

Section 3.23 Fees and Compensation. Directors or members of committees or commissions shall receive no compensation for their services as such. The directors shall be entitled to reimbursement for expenses, as may be fixed or determined by the Board. Tiris Corporation shall not make any loan of money or property to, or guarantee the obligation of, any director or officer, unless approved by the Attorney General; provided, however, that the Corporation may advance money to a director or officer of the Corporation for expenses reasonably anticipated to be incurred in the performance of the duties of such officer or director, provided that in the absence of any such advance, such director or officer would be entitled to be reimbursed for such expenses by the Corporation. Subject to the provisions of Section 3.4, nothing contained in this Section 3.23 shall be construed to preclude any director from serving the Corporation in any other capacity as an officer, agent, employee or otherwise, and receiving compensation therefor.

Section 3.24 Supermajority Approval Required. Notwithstanding anything contained in these Bylaws, action on the following matters shall be effective only if approved by two-thirds (2/3) of those directors present at a meeting at which a quorum is present:

- (a) Amendment of these Bylaws (subject to the provisions of Section 5.4);
- (b) Amendment of the Articles;
- (c) A change in the general character of the operations of the Corporation;
- (d) The purchase, sale, mortgage or lease of real property of the Corporation or the sale of all or substantially all of its assets;
- (e) Consolidation of the Corporation with another corporation; and
- (f) Dissolution of the Corporation.

ARTICLE 4 OFFICERS

Section 4.1 Officers. The officers of the Corporation shall be a President, a Vice-President, a Secretary, Chief Financial Officer, Assistant Treasurers and Assistant Secretaries (if any) and the chairmen of the standing committees (if any). The Corporation may also have, at the discretion of the Board, an Executive Director, a Chairman of the Board, and such other officers as may be elected or appointed in accordance with the provisions of Section 4.3.

Section 4.2 Election. The officers of the Corporation, except such officers as may be elected or appointed in accordance with the provisions of Section 4.3 or Section 4.5, shall be chosen annually by, and shall serve at the pleasure of, the Board, and shall hold their respective offices until their resignation, removal, or other disqualification from service, or until their respective successors shall be elected.

Section 4.3 Additional Officers. The Board may elect, and may empower the President to appoint (except as set forth in Section 4.12), such other officers as the business of the Corporation may require, each of whom shall hold office for such period, have such authority and perform such duties as are provided in these Bylaws or as the Board may from time to time determine.

Section 4.4 **Removal and Resignation.**

(a) Any officer may be removed, either with or without cause, by the Board at any time or, except in the case of an officer chosen by the Board, by any officer upon whom such power of removal may be conferred by the Board. Any such removal shall be without prejudice to the rights, if any, of the officer under any contract of employment of the officer.

(b) Any officer may resign at any time by giving written notice to the Corporation, but without prejudice to the rights, if any, of the Corporation under any contract to which the officer is a party. Any such resignation shall take effect at the date of the receipt of such

notice or at any later time specified therein and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

Section 4.5 Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or any other cause shall be filled in the manner prescribed in these Bylaws for regular election or appointment to such office, provided that such vacancies shall be filled as they occur and not on an annual basis.

Section 4.6 Chairman of the Board. The Chairman of the Board, if there be such an officer, shall, if present, preside at all meetings of the Board and exercise and perform such other powers and duties as may be from time to time assigned by the Board.

Section 4.7 President. Subject to such powers, if any, as may be given by the Board to the Chairman of the Board, if there be such an officer, the President is the general manager and chief executive officer of the Corporation and has, subject to the control of the Board, general supervision, direction and control of the business and officers. The President shall be elected from among the directors of the Corporation. In the absence of the Chairman of the Board, or if there be none, the President shall preside at all meetings of the Board. The President has the general powers and duties of management usually vested in the office of president and general manager of a corporation and shall have such other powers and duties as may be prescribed by the Board.

Section 4.8 Vice Presidents. In the absence or disability of the President, the Vice Presidents, in order of their rank as fixed by the Board or if not ranked, the Vice President designated by the Board, shall perform all the duties of the President and, when so acting, shall have all the powers of, and be subject to all the restrictions upon, the President. The Vice Presidents shall have such other powers and perform such other duties as from time to time may be prescribed for them respectively by the Board.

Section 4.9 Secretary. The Secretary shall keep or cause to be kept, at the principal office or such other place as the Board may order, a book of minutes of all meetings of the Board and its committees, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Board and committee meetings, and the proceedings thereof. The Secretary shall keep, or cause to be kept, at the principal office in the State of California the original or a copy of the Corporation's Articles and Bylaws, as amended to date. The Secretary shall give, or cause to be given, notice of all meetings of the Board and any committees thereof required by law or by these Bylaws to be given, shall keep the seal of the Corporation in safe custody, and shall have such other powers and perform such other duties as may be prescribed by the Board.

Section 4.10 Chief Financial Officer. The Board shall designate a person, who need not be a member of the Board, to serve as the Chief Financial Officer of the Corporation. The Chief Financial Officer shall keep and maintain, or cause to be kept and maintained, adequate and correct accounts of the properties and business transactions of the Corporation. The books of account shall at all times be open to inspection by any director. The Chief Financial Officer shall deposit all moneys and other valuables in the name and to the credit of the Corporation with such

depositories as may be designated by the Board. The Chief Financial Officer shall disburse the funds of the Corporation as may be ordered by the Board, shall render to the President and the directors, whenever they request it, an account of all transactions as Chief Financial Officer and of the financial condition of the Corporation, and shall have such other powers and perform such other duties as may be prescribed by the Board. The Chief Financial Officer shall give a bond for the faithful discharge of his duties in such sum and with such surety as the Board shall determine.

Section 4.11 Assistant Treasurers and Secretaries. The Assistant Treasurers and the Assistant Secretaries, if there be such officers, shall perform such duties as shall be assigned to them by the Chief Financial Officer, the Secretary, or the Board.

Section 4.12 Executive Director. The corporation may, in the Board's discretion, employ an Executive Director of the Corporation. The Executive Director shall be selected by the Board and shall serve until he or she resigns or is removed by the Board. The Executive Director may attend meetings of the Board, but may not vote. The Executive Director shall be an employee of the Corporation and shall have general overall supervision of all the business affairs of the Corporation subject to the policies, approval and control of the Board, as set forth herein. The responsibilities of the Executive Director shall include, but not be limited to, the following:

- (a) Long-range planning.
- (b) Making policy proposals to the Board.
- (c) Assigning overall responsibility for corporate management.
- (d) The day-to-day administration of the Corporation.
- (e) Employment of professional consultants, including, without limitation, attorneys, accountants and professional fundraisers.
- (f) Selection, employment, control, and discharge of employees; and, subject to the approval of the Board, development and maintenance of personnel policies and practices for the Corporation.
- (g) Supervision of the business affairs of the Corporation so as to insure that funds are collected and expended to the best possible advantage.
- (h) Acting as a representative of the Corporation to governmental and voluntary organizations.
- (i) Preparing an annual budget and periodic reporting on the financial affairs of the Corporation to the Board.
- U) Maintenance of the physical properties of the Corporation in a good state of repair and good operating condition.

(k) Performance of other duties, as specified by the Board, that may be necessary or appropriate in the best interests of the Corporation.

(l) Reporting to the Board on the performance of corporate functions.

The Board of Directors may require the Executive Director to give a bond for the faithful discharge of the Executive Director's duties in such sum and with such surety as the Board shall determine. The Executive Director shall be compensated in an amount to be determined by the Board. The amount of the compensation of the Executive Director shall be reviewed and adjusted annually, or at such shorter intervals as the Board shall determine.

Section 4.13 Compensation. The officers, other than the Executive Director, shall receive no compensation for their services as such. The officers shall be entitled to reimbursement for expenses in accordance with corporate policy.

ARTICLES OTHER PROVISIONS

Section 5.1 Endorsement of Documents; Contracts. Subject to the provisions of applicable law, any note, mortgage, evidence of indebtedness, contract, conveyance or other instrument in writing and any assignment or endorsement thereof executed or entered into between the Corporation and any other person, when signed by the Chairman of the Board, the President or any Vice President and the Secretary, any Assistant Secretary, the Treasurer or any Assistant Treasurer of the Corporation shall be valid and binding on the Corporation in the absence of actual knowledge on the part of the other person that the signing officers had no authority to execute the same. Any such instruments may be signed by any other person or persons and in such manner as from time to time shall be determined by the Board, and, unless so authorized by the Board, no officer, agent or employee shall have any power or authority to bind the Corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or amount.

Section 5.2 Representation of Shares of Other Corporations. The President, or any other officer or officers authorized by the Board or the President, are each authorized to vote, represent and exercise on behalf of the Corporation all rights incident to any and all shares of any other corporation or corporations standing in the name of the Corporation. The authority herein granted may be exercised either by such officer in person or by any other person authorized to do so by proxy or power of attorney duly executed by said officer.

Section 5.3 Construction and Definitions. Unless the context otherwise requires, the general provisions, rules of construction and definitions contained in the General Provisions of the California Nonprofit Corporation Law and in the California Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws.

• **Section 5.4 Amendments.** These Bylaws may be amended or repealed by the approval of the Board in accordance with Section 3.24, except that the requirement as set forth in Section 3.3(b) that the City Librarian of the City of Newport Beach be an ex-officio director may not be amended or repealed without the unanimous consent of the Board.

Section 5.5 Maintenance of Certain Records. The accounting books, records, minutes of proceedings of the Board and the Executive Committee of the Board shall be kept at such place or places designated by the Board, or, in the absence of such designation, at the principal business office of the Corporation. The minutes shall be kept in written or typed form, and the accounting books and records shall be kept either in written or typed form, or in any other form capable of being converted into written, typed or printed form.

Section 5.6 Annual Report. The Board shall cause an annual report to be furnished to the directors not later than 120 days after the close of the Corporation's fiscal year. The annual report shall be accompanied by any report thereon of independent accountants or, if there is no such accountant's report, the certificate of an authorized officer of the Corporation that such statements were prepared without audit from the books and records of the Corporation. The annual report shall contain in appropriate detail the following:

(a) The assets and liabilities, including the trust funds, of the Corporation as of the end of the fiscal year;

(b) The principal changes in assets and liabilities, including trust funds, during the fiscal year;

(c) The revenue or receipts of the Corporation, both unrestricted and restricted to particular purposes, for the fiscal year;

(d) The expenses or disbursements of the Corporation, for both general and restricted purposes, during the fiscal year; and

(e) Any information required by Section 5.7 of these Bylaws.

Section 5.7 Annual Statement of Certain Transactions and Indemnifications.

(a) The Corporation shall furnish annually to its directors a statement of any covered transaction or indemnifications described below, if such covered transaction or indemnification took place. Such annual statement shall be affixed to and sent with the annual report described in Section 5.6 of these Bylaws. A covered transaction under this Section 5.7 is a transaction in which the Corporation was a party, and in which either of the following interested persons had a direct or indirect material financial interest (excluding a mere common directorship):

(i) Any director or officer of the Corporation, or its parent or subsidiary.

(2) Any holder of more than 10 percent of the voting power of the Corporation, its parent or its subsidiary:

(b) The statement required by this Section 5.7 shall describe briefly:

(1) Any covered transaction (including compensation of officers and directors) during the previous fiscal year involving more than \$50,000, or which was one of a number of covered transactions in which the same interested persons had a direct or indirect material financial interest and which transactions in the aggregate involve more than \$50,000.

(2) The names of the interested persons involved in such transactions, stating such person's relationship to the Corporation, the nature of such person's interest in the transaction, and, where practicable, the amount of such interest; provided that in the case of a transaction with a partnership of which such person is a partner, only the interest of the partnership need be stated.

(3) The amount and circumstances of any indemnifications or advances aggregating more than \$10,000 paid during the fiscal year to any officer or director of the Corporation pursuant to Article 6 of these Bylaws.

ARTICLE 6 INDEMNIFICATION

Section 6.1 **Definitions.** For the purposes of this Article 6, the following definitions shall apply:

(a) "agent" means any person who is or was a director, officer, employee or other agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another foreign or domestic corporation, partnership, joint venture, trust or other enterprise, or was a director, officer, employee or agent of a foreign or domestic corporation which was a predecessor corporation of the Corporation or of another enterprise at the request of such predecessor corporation;

(b) "proceeding" means any threatened, pending or completed action or proceeding, whether civil, criminal, administrative or investigative; and

(c) "expenses" includes without limitation attorneys' fees and any expenses of establishing a right to indemnification under Sections 6.4 or 6.5(b).

Section 6.2 Indemnification in Actions by Third Parties. The Corporation shall, to the maximum extent permitted by law, indemnify any person who was or is a party or is threatened to be made a party to any proceeding, (other than an action by or in the right of the Corporation to procure a judgment in its favor, an action brought under Section 5233 of the Law,

or an action brought by the Attorney General or a person granted relator status by the Attorney General for any breach of duty relating to assets held in charitable trust) by reason of the fact that such person is or was an agent of the Corporation, against expenses, judgments, fines, settlements and other amounts actually and reasonably incurred in connection with such proceeding if such person acted in good faith and in a manner such person reasonably believed to be in the best interests of the Corporation and, in the case of a criminal proceeding, had not reasonable cause to believe the conduct of such person was unlawful. The termination of any proceeding by judgment, order, settlement, conviction or upon a plea of *nolo contendere* or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which the person reasonably believed to be in the best interests of the Corporation or that the person had reasonable cause to believe that the person's conduct was unlawful.

Section 6.3 Indemnification in Actions by or in the Right of the Corporation. The Corporation shall, to the maximum extent permitted by law, indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action by or in the right of the Corporation, or brought under Section 5233 of the Law, or brought by the Attorney General or a person granted relator status by the Attorney General for breach of duty relating to assets held in charitable trust, to procure a judgment in its favor by reason of the fact that such person is or was an agent of the Corporation, against expenses actually and reasonably incurred by such person in connection with the defense or settlement of such action if such person acted in good faith, in a manner such person believed to be in the best interests of the Corporation and with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances. No indemnification shall be made under this Section 6.3:

(a) In respect of any claim, issue or matter as to which such person shall have been adjudged to be liable to the Corporation in the performance of such person's duty to the Corporation, unless and only to the extent that the court in which such proceeding is or was pending shall determine upon application that, in view of all the circumstances of the case, such person is fairly and reasonably entitled to indemnity for the expenses which such court shall determine;

(b) Of amounts paid in settling or otherwise disposing of a threatened or pending action, with or without court approval; or

(c) Of expenses incurred in defending a threatened or pending action which is settled or otherwise disposed of without court approval, unless it is settled with the approval of the Attorney General.

Section 6.4 Indemnification Against Expenses. To the extent that an agent of the Corporation has been successful on the merits in defense of any proceeding referred to in Sections 6.2 or 6.3 or in defense of any claim, issue or matter therein, the agent shall be indemnified against expenses actually and reasonably incurred by the agent in connection therewith.

Section 6.5 **Required Determinations.** Except as provided in Section 6.4, any indemnification on this Article 6 shall be made by the Corporation only if authorized in the specific case, upon a determination that indemnification of the agent is proper in the circumstances because the agent has met the applicable standard of conduct set forth in Sections 6.2 or 6.3, by:

(a) A majority vote of a quorum consisting of directors who are not parties to such proceeding; or

(b) The court in which such proceeding is or was pending upon application made by the Corporation or the agent or the attorney or other person rendering services in connection with the defense, whether or not such application by the agent, attorney or other person is opposed by the Corporation.

Section 6.6 **Advance of Expenses.** Expenses incurred in defending any proceeding may be advanced by the Corporation prior to the final disposition of such proceeding upon receipt of an undertaking by or on behalf of the agent to repay such amount unless it shall be determined ultimately that the agent is entitled to be indemnified as authorized in this Article 6.

Section 6.7 **Other Indemnification.** No provision made by the Corporation to indemnify its or its subsidiary's directors or officers for the defense of any proceeding, whether contained in the Articles, Bylaw-s, a resolution of members or directors, an agreement or otherwise, shall be valid unless consistent with this Article 6. Nothing contained in this Article 6 shall affect any right to indemnification to which persons other than such directors and officers may be entitled by contract or otherwise.

Section 6.8 **Forms of Indemnification Not Permitted.** No indemnification or advance shall be made under this Article 6, except as provided in Sections 6.4 or 6.5(b), in any circumstances where it appears:

(a) That it would be inconsistent with a provision of the Articles, these Bylaws, or an agreement in effect at the time of the accrual of the alleged cause of action asserted in the proceeding in which the expenses were incurred or other amounts were paid, which prohibits or otherwise limits indemnification; or

(b) That it would be inconsistent with any condition expressly imposed by a court in approving a settlement.

Section 6.9 **Insurance.** The Corporation shall have power to purchase and maintain insurance on behalf of any agent of the Corporation against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the Corporation would have the power to indemnify the agent against such liability under the provisions of this Article 6, provided, however, that a Corporation shall have no power to purchase and maintain such insurance to indemnify any agent of the Corporation for a violation of Section 5233 of the California Nonprofit Public Benefit Corporation Law.

Section 6.10 Nonapplicability to Fiduciaries of Employee Benefit Plans. This Article 6 does not apply to any proceeding against any trustee, investment manager or other fiduciary of an employee benefit plan in such persons's capacity as such, even though such person may also be an agent of the Corporation as defined in Section 6.1. The Corporation shall have power to indemnify such trustee, investment manager or other fiduciary to the extent permitted by subdivision (f) of Section 207 of the California General Corporation Law.

ARTICLE 7 DISPOSITION OF FUNDS

Any funds contributed to the Corporation, less operating expenses authorized by the Board of Directors, shall be contributed to the Newport Beach Public Library within two years after the Corporation's fiscal year in which such funds are received; provided, however, that the Corporation may accumulate funds for a longer period pursuant to any plan established by the Board of Directors for disposition of such funds for the benefit of the Newport Beach Public Library. Notwithstanding the foregoing, upon resolution adopted by a majority of the Board of Directors, funds of the Corporation may be contributed to the Newport Beach Public Library or its designees as grants to fund designated projects or programs pursuant to such practices, guidelines and procedures as are established from time to time by the Board of Directors, subject to such approvals and controls as the Board of Directors determines are appropriate in the . circumstances."

STATEMENT OF POLICY
BY THE NEWPORT BEACH PUBLIC LIBRARY FOUNDATION

This Statement of Policy is adopted by The Newport Beach Public Library Foundation (the "Foundation"), effective January 13, 2000, in order to memorialize certain ongoing practices of the Foundation for the benefit of the City of Newport Beach Public Library (the "Library"). This Statement of Policy is adopted in recognition of the desire of the Foundation to provide for the continuing excellence of the Library. It recognizes the distinctly different and separate roles and authority of each of the Foundation in raising funds for the benefit of the Library, on the one hand, and the Newport Beach Public Library Board of Library Trustees (the "Library Board") in setting policy for and governing the Library, on the other hand.

Therefore, the following Statement of Policy reaffirming such practices is hereby adopted by the Foundation for general publication:

I.

~~POLICIES REGARDING MANAGEMENT OF FUNDS~~
~~AND FINANCIAL REPORTING~~

AND COMMUNICATIONS WITH THE LIBRARY BOARD OF TRUSTEES

The Newport Beach Public Library Foundation ("the Foundation") will:

- A. Continue to serve the best interests of its donors, the public, and the Newport Beach Public Library.
- B. Continue to operate within the guidelines established by the Internal Revenue Service and the Attorney General of the State of California for not-for-profit corporations and the by-laws of the Foundation.
- C. Continue to retain a qualified investment advisory firm, currently Canterbury Consulting, to assist the Foundation in the selection of investment managers, to measure results and provide quarterly reports on portfolio performance in comparison to relevant benchmarks, to update its investment policy, and to advise the Foundation on issues related to the management of investments by not-for-profit organizations.

- D. Continue to retain an independent accountant to perform an audit of the books of the Foundation within a reasonable period after each year end. Copies of future audited financial statements will be made available to the Library Board and to interested members of the public as is currently available.
- E. Continue to provide the Library Board with copies of approved Foundation minutes and financial statements through the Library Board's *ex-officio* member on the Foundation's Board of Directors.
- F. Continue to provide the Library Board with a copy of the Foundation's annual budget within thirty days of the beginning of the Foundation's fiscal year. The budget of the Foundation will set forth the amount of the minimum contribution which the Foundation considers will be available to transfer to the Library by the end of the Foundation's fiscal year. The Foundation is aware of the Library's need for a regular stream of revenue to provide support for programs which the Foundation has undertaken, e.g. CD-ROM subscriptions.
- G. Continue to use the "wish list" provided by the Library Board to the Foundation at the beginning of each fiscal year of the Foundation to solicit funding for the projects identified by the Library Board as having a high priority and as not having been previously funded by the City of Newport Beach.
- H. Continue to reimburse the City of Newport Beach for costs of photocopying, telephone, internet access, and use of library postage meter promptly when billed.
- I. Continue to maintain the Endowment Fund and General Fund separately in its books and records and in the preparation of the budget.
- J. Continue to solicit the comments and views of the Library Board as to Foundation fund raising/solicitation materials.

II

POLICY REGARDING DISBURSEMENT OF FUNDS

The Foundation will continue to disburse funds to the Library in accordance with the following:

- A. Not less often than semi-annually those funds restricted by donors for specific uses within the Library will be distributed to the Library.

- B. After receipt of the annual request for disbursement from the Library Board, funds available for distribution will be distributed to the Library for the purposes as approved by the Foundation. Annual distributions will include an amount equal to not less than 5 % of the calculated market value of the Endowment Fund.
- C. The Foundation will review the amount of the annual distributions from the Endowment Fund not less often than every five years, taking into account the intent of donors, the investment return from the Endowment Fund, overall economic conditions, and such other factors as the Foundation deems appropriate in its administration of the Endowment Fund.

III.

POLICY REGARDING CAMPAIGNS FOR ENDOWMENT

When an Endowment Campaign is contemplated by the Foundation, the Foundation will inform the Library Board of its campaign plan, including timeline(s), and periodic revisions, and will solicit the comments and views of the Library Board.

IV.

POLICY REGARDING LIBRARY REPRESENTATION ON
FOUNDATION BOARD OF DIRECTORS AND AT MEETINGS.
AND FOUNDATION REPRESENTATION AT
LIBRARY BOARD MEETINGS

- A. The Newport Beach City Librarian will continue to be an ex-officio member of the Foundation's Board of Directors as provided for in the Bylaws of the Foundation.
- B. Members of the Library Board will continue to be welcome to attend any noticed meetings of the Foundation that are open to the public for the purpose of reporting on the Library's activities and plans, providing information, and requesting pertinent information.
- C. The Foundation Board of Directors will designate one or more of its members to regularly attend the publicly noticed meetings of the Library Board for the purpose of reporting on the Foundation's activities and plans, providing information, and requesting pertinent information.

By: Newport Beach Public Library Foundation

ARTICLES OF INCORPORATION
OF
NEWPORT BEACH ARTS FOUNDATION

U-7
ALL BONDS, SECRETARY OF STATE

ARTICLE I
Name

The name of this Corporation is Newport Beach Arts Foundation.

ARTICLE II
Corporate Status

This Corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for charitable purposes.

ARTICLE III
Purposes

This Corporation is organized exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986. The charitable purposes for which this Corporation is organized are to further the purposes and objectives of the arts programs of the City of Newport Beach, California.

ARTICLE IV_
Exempt Status and Limitations on Activities

No substantial part of the activities of this Corporation shall consist of the carrying on of propaganda, or otherwise attempting to influence legislation, nor shall this Corporation participate or intervene in any political campaign (including publishing or distribution of statements) on behalf of or in opposition to any candidate for public office. Notwithstanding any other provision of these articles, this Corporation shall not carry on any other activities not permitted to be carried on (a) by a Corporation exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code of 1986 or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code of 1986.

ARTICLE V
Initial Agent for Service of Process

The name of the initial agent of this Corporation for service of process is:

John W. Francis
2600 East Nutwood Avenue, Suite 120
Fullerton, California 92831-3106

ARTICLE VI
Members

This Corporation shall have no members other than the persons constituting its Board of Directors. The persons constituting its Board of Directors shall, for the purpose of any statutory provision or rule of law relating to nonprofit corporations otherwise, be taken to be the members of such corporation and exercise all the rights and powers of members thereof.

ARTICLE VII
Voting

Each member of the Board of Directors shall have one vote. There shall be no proxy voting permitted for the transaction of any of the business of this Corporation.

ARTICLE VIII
Irrevocable Dedication and Dissolution

The property of this Corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this Corporation shall inure to the benefit of any director or officer thereof or to the benefit of any private person. Upon dissolution or winding up of this Corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this Corporation shall be distributed to one or more nonprofit corporations organized and operated for the benefit of the City of Newport Beach, California, to be selected by the Board of Directors and approved by the City Council of said City. Such nonprofit corporation or corporations must be qualified for Federal income tax exemption under Section 501(c)(3) of the

Internal Revenue Code of 1986, and be organized and operated exclusively for charitable purposes. In no event shall any assets be distributed to any director or officer of this Corporation or to any private person.


ARTICLE IX
Disposition of Funds

The Board of Directors shall request annually from the City of Newport Beach Arts Commission a statement of funding priorities. Any funds contributed to the Corporation, less operating expenses authorized by the Board of Directors, shall be contributed to the City of Newport Beach Arts Commission within two years after the Corporation's fiscal year in which such funds are received; provided, however, that the Corporation may accumulate funds for a longer period pursuant to any plan established by the Board of Directors for disposition of such funds for the benefit of the City of Newport Beach Arts Commission. Notwithstanding the foregoing, upon resolution adopted by a majority of the Board of Directors, funds of the Corporation may be contributed to the City of Newport Beach Arts Commission or its designees as grants to fund designated projects or programs pursuant to such practices, guidelines and procedures as are established from time to time by the Board of Directors, subject to such approvals and controls as the Board of Directors and the Arts Commission determine are appropriate in the circumstances.

ARTICLE X
Amendment

The Articles of Incorporation of this Corporation shall be amended only by the vote of a majority of the total voting membership of the Board of Directors, subject to the approval of the City Council of Newport Beach, California.

IN WITNESS WHEREOF, for the purpose of forming this nonprofit corporation under the laws of the State of California, I, the undersigned, constituting the Incorporator of this Corporation, have executed these Articles of Incorporation this 5th day of June, 1998.



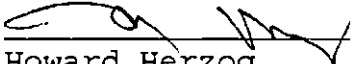
Howard Iterzog
Incorporator

DECLARATION

I am the person whose name is subscribed below. I am the Incorporator of the Newport Beach Arts Foundation. I have executed these Articles of Incorporation. The foregoing Articles of Incorporation are my act and deed.

Executed on June 5, 1998 at Newport Beach, California.

I declare that the foregoing is true and correct.



Howard Herzog

BYLAWS
OF
NEWPORT BEACH ARTS FOUNDATION

ARTICLE I

Purpose

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 Arts Commission, and its related activities and services.

ARTICLE II

Powers

The corporation shall have such powers as are now or may hereafter be granted by the Nonprofit Corporation Law of the State of California, except as limited by the provisions of its Articles of Incorporation or these Bylaws.

ARTICLE III

Offices

The corporation shall have and continuously maintain in the City of Newport Beach, State of California, a principal office for the transaction of the corporation's business.

ARTICLE IV

Members

Section 1. No Regular Members. In accordance with Section 5310 of the California Nonprofit Public Benefit Corporation Law, the corporation shall have no members within the meaning of Section 5056 of that law. All action which would otherwise require approval by a majority of all members or approval by members shall

require only approval of the Board of Directors. All rights which would otherwise vest in members shall vest in the Directors.

Section 2. Persons Associated With the Corporation. By resolution, the Board of Directors may create any advisory boards, councils, honorary memberships or other bodies as it deems appropriate. The Board of Directors may also, by resolution, confer upon any such class or classes of such persons some or all of the rights of a member under the California Nonprofit Public Benefit Corporation Law other than the right to vote:

- (a) for the election of a Director or Directors or an officer or officers; or
- (b) on a disposition of all or substantially all of the assets of the corporation; or
- (c) on a merger; or
- (d) on a dissolution; or
- (e) on changes to the corporation's Articles of Incorporation or Bylaws.

All such voting rights are vested exclusively in the Board of Directors.

ARTICLE V

Board of Directors

Section 1. Definition of Terms. For the purpose of these Bylaws, "Board of Directors" or "Board" refers to the Board of Directors of the corporation, unless otherwise specifically indicated.

Section 2. General Powers. All the business and affairs of the corporation shall be managed and controlled by the Board of Directors.

Section 3. Number. The number of Directors shall not be less than five (5) nor more than twenty (20), the exact number to be specified from time to time by action of the Board of Directors. All Directors shall have an affiliation with the Newport Beach community.

Section 4. Selection and Tenure. The Chair of the City of Newport Beach Arts Commission shall be an ex-officio, non-voting Director

of the corporation. Two (2) members of the Arts Commission, appointed by the Arts Commission shall be non-voting Directors and shall serve one (1) year terms. In addition, the Arts Commission shall appoint three Directors who are not members of the Arts Commission who shall serve one (1), two (2) or three (3) year initial terms as determined by the Arts Commission. All other voting Directors shall be appointed by the Board of Directors and shall serve one (1), two (2) or three (3) year initial terms as determined by the Board of Directors. All subsequent terms for appointed voting Directors shall be three (3) years. Appointed voting Directors shall have as many successive three (3) year terms as the appointing entity deems appropriate.

Section 5. Resignation and Removal. Any Director may resign from the Board at any time by giving written notice to the President or the Secretary of the corporation and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective. Directors may be removed from office by majority vote of the Board of Directors. A Director shall automatically be removed from office if he or she fails to attend three consecutive meetings of the Board of Directors without being excused therefrom.

Section 6. Vacancies. Any vacancy occurring on the Board of Directors of the corporation shall be filled by the Board of Directors.

Section 7. Compensation of Directors. No Director shall receive any salary or other similar compensation for any services as a Director; however, the Board of Directors may authorize the reimbursement of actual and necessary expenses incurred by individual Directors performing duties as Directors.

Section 8. Inspection by Directors. Each Director shall have the right at any reasonable time to inspect all books, records, and documents of every kind and the physical properties of the corporation for a purpose reasonably related to such person's interest as a Director, provided that such Director shall not have the right to inspect those books, records or documents made privileged or confidential by law. This inspection must be made by the Director in person, provided that the Director may be accompanied by an agent or attorney, and the right of inspection includes the right to copy and make extracts of documents. Nothing in this section shall affect the right of the Board of Directors to conduct the business of the corporation as set forth *in* these Bylaws.

ARTICLE VI

Meetings of the aoad of Directors

Section 1. Place of Meeting. All meetings of the Board of Directors shall be held at the principal office of the corporation or at such other place as may be designated for that purpose from time to time by the Board.

Section 2. Annual Meeting. An annual meeting of the Board of Directors shall be held in June of each year prior to the meeting of the Board of Directors. Such meeting shall be held at the principal office of the corporation or at such other time and place as the Board of Directors may from time to time designate. Such meeting shall be for the purpose of electing officers of the corporation and for the transaction of such other business as may come before the meeting.

Section 3. Regular Meetings. Regular meetings of the Board of Directors shall be held upon notice in accordance with Section 5 of this Article VI.

Section 4. Special Meetings. Special meetings of Directors may be called by, or at the direction of, the President or by one-third of the voting Directors then in office, to be held at such time and place as shall be designated in the notice of meeting.

Section 5. Notice of Meeting.

(a) Notice of the time and place of any meeting of the Board of Directors other than special meetings shall be given at least ten (10) days previous thereto delivered personally or sent by mail or facsimile to each Director at his or her address or facsimile number as shown in the records of the corporation. If mailed, such notice shall be deemed to be delivered the next day during which regular mail deliveries are made after the day such notice is deposited in the United States Postal Service in a sealed envelope so addressed, with postage thereon prepaid. If notice be given by facsimile, such notice shall be deemed delivered when the facsimile is transmitted. The business to be transacted at any regular or special meeting of the Board shall be specified in the notice of such meeting.

(b) The attendance of a Director at any meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

Section 6. Open Meeting Law. All meetings of the Board shall be open and public, and all persons shall be permitted to attend any meeting of the Board, in conformity with the California statutes governing the corporation, commencing with Section 54950 of the Government Code. However, the Board may hold closed sessions during any meeting to consider those matters that may lawfully be considered in such sessions.

Section 7. Validation of Meeting. The transactions of the Board of Directors at any meeting, however, called or noticed, or wherever held, shall be as valid as though at a meeting duly held after call and notice if a quorum be present and if, either before or after the meeting, each Director not present signs a written waiver of notice or a consent to the holding of such meeting, or an approval of the minutes thereof. All such waivers, consents or approvals shall be filed with the corporate records and made a part of the minutes of the meeting.

Section 8. Quorum and Manner of Actina. A majority of the number of Directors in office or three (3) Directors, whichever is greater, shall constitute a quorum of the Board of Directors for the transaction of business, except to adjourn as provided in Section 9 of this Article VI. A meeting at which a quorum is initially present may continue to transact business notwithstanding the withdrawal of a Director or Directors, if any action taken is approved by at least a majority of the required quorum for that meeting. Each member of the Board of Directors shall have one vote. There shall be no proxy voting permitted for the transaction of any of the business of this corporation.

Section 9. Adjourned Meetings. A quorum of the Directors may adjourn any Directors meeting to meet again at a stated day and hour; provided, however, that in the absence of a quorum, a majority of the Directors present at any Directors meeting, either regular or special, may adjourn from time to time until the time fixed by the next regular meeting of the Board of Directors. Notice of the date, time, place and the business to be transacted at such meeting shall be given to any Directors who were not present at the time of the adjournment.

Section 10. Minutes of Meetings and Conduct. Regular minutes of the proceedings of the Board of Directors shall be kept in a book provided for that purpose. The President shall preside at meetings of the Board of Directors. The Board of Directors may adopt its own rules of procedure insofar as such rules are not inconsistent with, or in conflict with, these Bylaws, the Articles of Incorporation of the corporation or with the law.

ARTICLE VII

Officers

Section 1. Officers. The Officers of the corporation shall be a President, a Vice President, a Secretary, and a Treasurer. The corporation, at the discretion of the Board of Directors, may have additional officers. All Officers shall be selected from among the Directors. One person may hold two or more offices, except that one person may not hold both the offices of President and Secretary or Treasurer.

Section 2. Election and Term of Office. Initially, the Officers of the corporation will be appointed by the Board of Directors at the organizational meeting and subsequently will be elected annually by the Board of Directors at its annual meeting. If the election of Officers shall not be held at such meeting, such election shall be held as soon thereafter as may conveniently be scheduled. Vacancies may be filled or new offices created and filled at any meeting of the Board of Directors. Except as provided in the case of Officers appointed under Section 4 of this Article VII herein, each Officer shall hold office for a term of one (1) year and until his or her successor shall have been elected, unless he or she shall sooner resign, be removed, or become ineligible to continue to serve in such capacity. "Elected Officers may serve as many successive one (1) year terms as the Board of Directors deems appropriate.

Section 3. Removal and Resignation. Any Officer elected by the Board of Directors may be removed by the Board of Directors at which a quorum is present whenever, in their judgment, the best interests of the corporation would be served thereby. Any Officer may resign at any time by giving written notice to the President or the Secretary of the corporation and unless otherwise specified therein the acceptance of such resignation shall not be necessary to make it effective. Any resignation is without prejudice to the rights, if any, of the corporation under any contract to which the Officer is a party.

Section 4. Vacancies. A vacancy in any office may be filled by the Board of Directors for the unexpired portion of the term.

Section 5. President. The President shall be elected from among the Directors of the corporation and shall be chairman of and preside at all meetings of the Board of Directors and of the Executive Committee. The President shall be an ex-officio member of all committees which may be from time to time elected or appointed and may serve as chairman of the Executive Committee.

The President may sign, with the Secretary or Treasurer or any other proper officer of the corporation authorized by the Board of Directors, any deeds, mortgages, bonds, contracts, or other instruments which have been authorized to be executed on behalf of the corporation, except in cases where the signing thereof shall be expressly delegated by the Board of Directors, or by these Bylaws, or by statute to some other officer or agent of the corporation; and, in general, he or she shall perform all duties incident to the functions of the President of the Board of a corporation and such other duties as may be prescribed by the Board of Directors from time to time.

Section 6. Vice President. In the absence of the President the Vice President shall perform the duties of the President. The Vice President shall have such other powers and perform such other duties as may be assigned to him or her by the President or by the Board of Directors.

Section 7. Secretary. The Secretary shall keep or cause to be kept a book of minutes at the principal office or at such other place as the Board of Directors may order of all meetings of the Directors and of the Executive Committee, with the time and place of holding, whether regular or special, and if special, how authorized, the notice thereof given, the names of those present at Directors meetings. The Secretary shall give or cause to be given notice of all the meetings of the Board of Directors required by these Bylaws or by law to be given.

Section 8. Treasurer. The Treasurer, subject to the direction of the President, shall have charge and custody of and be responsible for all funds and securities of the corporation; receive and give receipt for moneys due and payable to the corporation from any source whatsoever; deposit all such moneys in the name of the corporation in such banks, trust companies, or other depositories as the Board of Directors shall select, and, in general, perform all the duties incident to the office of Treasurer. If required by the Board of Directors, the Treasurer shall give a bond for the faithful discharge of his or her other duties in such sum and with such surety as the Board of Directors shall determine.

ARTICLE VIII

Committees

Section 1. Committees. The Board may appoint one or more committees, each consisting of two or more Directors, and delegate to such committees any of the authority of the Board except with respect to:

- (a) The filling of vacancies on the Board or on any committee;
- (b) The fixing of compensation of the Directors for serving on the Board or on any committee, should Article V, Section 7, be amended to allow such compensation;
- (c) The amendment or repeal of Bylaws or the adoption of any new Bylaws;
- (d) The amendment or repeal of any resolution of the Board which by its express terms is not so amendable or repealable;
- (e) The appointment of other committees of the Board or the members thereof; or
- (f) The approval of any self-dealing transaction, as such transactions are defined in Section 5233(a) of the California Nonprofit Public Benefit Corporation Law.

Any such committee must be created, and the members thereof appointed, by resolution adopted by a majority of the Directors then in office, provided a quorum is present. Any such committee may be designated an Executive Committee or by such other name as the Board shall specify. The Board may appoint, in the same manner, alternate members of any committee who may replace any absent member at any meeting of the committee. The Board shall have the power to prescribe the manner in which proceedings of any such committee shall be conducted. In the absence of any such prescription, such committee shall have the power to prescribe the manner in which its proceedings shall be conducted. Minutes shall be kept of each meeting of each committee.

Section 2. Committee Procedures. The Board of Directors may prescribe appropriate rules, not inconsistent with the Bylaws, by which proceedings of any committee shall be conducted.

ARTICLE IX

Indemnification of Directors. Officers. and Other Agents

Section 1. Right of Indemnity. To the fullest extent permitted by law, the corporation shall indemnify its Directors, Officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any 'proceeding,' as that term is used in

that Section, and including an action by OR in the right of the corporation, by reason of the fact that the person is OR was a person described in that section. 'Expenses,' as used in this bylaw, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 2. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the Board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or section 5238(c) has been met and, if so, the Board shall authorize indemnification.

Section 3. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification under these Bylaws in defending any proceeding covered by those Sections shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by OR on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 4. Insurance. The corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Officers, Directors, employees, and other agents, against any liability asserted against OR incurred by any Officer, Director, employee, or agent in such capacity OR arising out of the Officer's, Director's employee's OR agent's status as such.

ARTICLE X

Contracts. Loans. Checks. Deposits, and Gifts

Section 1. Contracts. The Board of Directors may authorize any officer OR agent of the corporation, in addition to the Officers so authorized by these Bylaws, to enter into any contract OR execute and deliver any instrument in the name of and on behalf of the corporation, and such authority may be general OR confined to specific instances.

Section 2. Loans. The Board of Directors shall not make any loan of money OR property to OR guarantee the obligation of any Director OR officer, unless approved by the Attorney General. The above provisions do not apply to a loan of money to OR for the benefit of

an officer in circumstances where the loan is necessary, in the judgment of the Board, to provide financing for the purchase of the principal residence of the officer in order to secure the services or continued services of the officer and the loan is secured by the real property purchased with the loan.

Section 3. BOrrowing. No loan shall be contracted on behalf of the corporation and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board of Directors.

Section 4. Checks. Drafts. Etc. All checks, drafts, or other orders for payment of money, and all notes or other evidence of indebtedness issued in the name of the corporation shall be signed by such officer or officers, agent or agents of the corporation and in such manner as, from time to time, shall be determined by resolution of the Board of Directors.

Section 5. Deposits. All funds of the corporation shall be deposited from time to time to the credit of the corporation in such banks, trust companies, or other depositories as the Board of Directors may select.

Section 6. Gifts. The Board of Directors may at their discretion accept on behalf of the corporation any contribution; gift, bequest, or devise for the general purposes or for any specific purpose of the corporation.

ARTICLE XI

Miscellaneous

Section 1. Fiscal Year. The fiscal year of the corporation shall begin on the first day of July and end on the last day of June in each year unless otherwise determined by resolution of the Board of Directors.

Section 2. Rules. The Board of Directors may adopt, amend, or repeal rules not inconsistent with these Bylaws for the management of the internal affairs of the corporation and the governance of its officers, agents, committees, and employees.

Section 3. Books and Records. The corporation shall keep correct and complete books and records of account and minutes of the proceedings of the Board of Directors and committees. Copies of the minutes of the Board of Directors and of the committees shall be regularly distributed to each member of the Board of Directors.

Section 4. Corporate Seal. The Board of Directors may provide a corporate seal, which shall be in the form of a circle and shall have inscribed thereon the name of the corporation, the date of its incorporation, and the word "California."

Section 5. Waiver of Notice. Whenever any notices are required to be given under the provisions of the Nonprofit Corporation Act of the State of California, or under the provisions of the Articles of Incorporation of the corporation, or these Bylaws, a waiver thereof in-writing signed by the persons entitled to such notice, whether dated before or after the time stated herein, to the extent permitted by law, shall be deemed equivalent to the giving of such notice.

ARTICLE XII

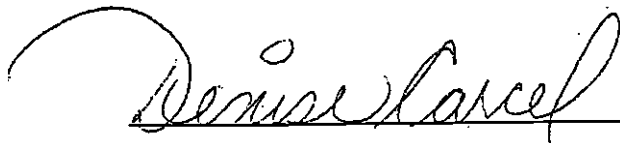
Amendment to Bylaws

Subject to the approval of the City Council of Newport Beach, these Bylaws may be amended at any regular meeting of the Board of Directors by a majority vote of the total voting membership of the Board of Directors, provided that the amendment has been submitted in writing at the previous regular meeting, or has been submitted in writing to the Directors at least thirty (30) days before such regular meeting.

SECRETARY'S CERTIFICATE

THIS IS TO CERTIFY that the foregoing Bylaws of the NEWPORT BEACH ARTS FOUNDATION were duly adopted by the Board of Directors of said corporation at a meeting of said Board held on October 5, 1998.

IN WITNESS WHEREOF, the undersigned, Secretary of said corporation, has signed this Certificate hereon this day of
1998.



Secretary

COMMUNITY SERVICES DEPARTMENT

Arts ft Cultural - Library - Recreation - Seniors

To: Mayor and Members of City Council
 From: LaDonna Kienitz, Community Services Director/City Librarian
 Re: Authority of the Board of Library Trustees and City Arts Commission;
 Information on Related Foundations

Comparison of Articles of Incorporation and Bylaws of the two Foundations.

<u>Comparisons</u>	Newport Beach Public Library Foundation	Newport Beach Arts Foundation
Proposes, as stated in Articles of Incorporation	'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.'	"To further the purposes and objectives of the arts programs of the City of Newport Beach, California."
Incorporation Date	December 22, 1993; Reincorporated January 13, 2000.	August 7, 1998
Powers Given to City Council of Newport Beach	None	Approval of changes to the Articles of Incorporation, the Bylaws, and the disbursement of funds upon dissolution.
Appointment Powers of City Council to Board of Directors	None Directors nominated and elected by current Board of Directors.	No authority to City Council. On initiation of Board, City Arts Commissioners had authority to appoint three members to Board.
Ex-Officio (Non-Voting) Board Member(s)	City Librarian	Chair of City Arts Commission and two additional Commissioners

<u>Comparisons</u>	Newport Beach Public Library Foundation	Newport Beach Arts Foundation
Requirements to Hold Public Meetings	None Bylaws as revised November 1, 1999, permit Board to hold Executive Sessions excluding non-voting ex-officio member.	Meetings must be conducted under California Open Meeting Act of Government Code, per the Bylaws, with 10-day notice requirement.
Membership Organization	No Per Articles of Incorporation, Article IV.	No Per Articles of Incorporation, Article VI.
Support from City	Foundation office in Central Library, telecommunications provided without charge. Use of City postage machine and copy equipment reimbursed by Foundation at nominal fee. Ongoing support from City library staff.	City Cultural Arts Coordinator has provided approximately 20 hours of support since incorporation in 1998.
Current Assets	\$1,568,016, per June 30, 1999 statement.	\$1,745 on January 10, 2000
Distribution of Assets upon Dissolution	Distribution "... to the Orange County Community Foundation to establish an endowment fund, the income from which shall be distributed annually to or for the benefit of the City of Newport Beach Public Library" (per revised Articles of Incorporation, January 13, 2000). Original Articles, December 23, 1993, provided for funds to be dispersed "... to the City of Newport Beach.	Distribution "... to one or more nonprofit corporations organized and operated for the benefit of the City of Newport Beach, California, to be selected by the Board of Directors and approved by the City Council of said City."

ARTICLES OF INCORPORATION
OF

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

APR 12 1961

FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY

FRANK M. JORDAN, Secretary of State
By F. C. VOGEL
Deputy

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, have this day associated ourselves together for the purpose of forming a Corporation under the laws of the State of California, as a non-profit corporation under the provisions of Part 1 of Division 2, Title 1, of the Corporations Code, as set forth in its Articles of Incorporation:

AND THAT WE HEREBY CERTIFY:

FIRST: That the name of the corporation is FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY.

SECOND: That the primary purposes for which this corporation is formed are:

A. To conduct an educational program to promote interest in, and use of, public library facilities.

To promote the knowledge of the functions, resources, services and needs of libraries.

To establish closer relations between the Newport Beach public library and the residents of Newport Beach, California.

To enrich the library resources through funds derived from memberships and to encourage gifts of desirable collections of books, publications, works of art, music, endowments and bequests, for the use and enjoyment of the public.

B. The corporation shall have the power to do any lawful acts necessary, appropriate or helpful to carry out the specific and primary purposes hereinabove set forth, including:

To engage in any activity, undertaking, business, or venture as shall assist or be pertinent to the carrying out of the objects and purposes of this corporation.

To own, hold, possess, purchase, acquire, rent, lease, install, maintain, and operate, and from time to time to sell, dispose of, exchange and replace such equipment, facilities and other personal property as may be required for the uses and purposes aforesaid.

To engage, employ, retain and/or discharge, subject to the approval of the Executive Board of Directors, such instructors, managing directors, specialists and/or personnel as may be necessary for the proper conduct of the business for which this corporation is organized.

To receive and hold by gift, devise, bequest or grant, donations or contributions for scientific, educational and charitable purposes, or for the benefit or endowment of any of the activities of this corporation.

To receive any donation or bequest made for particular purposes accordant with the objects and purposes of this corporation and in such case or cases to receive such donations or devises and to hold and use the same in conformity with the express conditions of the donors or devisors.

~~To act as trustee under any trust created to furnish funds for the principal objects of the corporation and to receive, hold, administer and expend funds and property subject to such trust.~~

To take in by affiliation or otherwise any other similar or other organization or association on such terms and conditions as may be agreed upon and to make the same a branch or adjunct of this corporation or to maintain the same as a separate organization.

To purchase, lease, acquire and operate property, including real estate, buildings and equipment and to sell, convey, exchange, lease, transfer upon trust, give liens upon by way of mortgage and/or trust deeds, lease and otherwise dispose of all real estate, personal estate, property, buildings and equipment.

To conduct a bureau or bureaus for disseminating information pertaining to the activities of this corporation, and to publish, sell and distribute such literature as may be advisable to promote the main object and purpose for which this corporation is formed and to contract for the employment of persons and writers to compile literature pertaining thereto and to conduct clinics, lectures and programs in connection therewith.

To improve, manage, develop, sell, assign, transfer, lease, mortgage, pledge or otherwise dispose of or turn to account or deal with all or any part of the property of the corporation and from time to time to vary any investment or employment of capital of the corporation.

To provide for the payment of all necessary operating expenses and other bills as may be from time to time determined to be necessary by the Board of Directors.

To borrow money and to make and issue notes, bonds, debentures, obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise, without limit as to amount and to secure the same by mortgage, pledge or otherwise; and generally to make and perform agreements and contracts of every kind and description.

To To make contracts; to purchase or otherwise acquire, operate, control, sell or otherwise dispose of, lease, hold, own, let, sublet, rent, hypothecate, manage, improve, develop and generally to deal in and deal with lands and other property, improved and unimproved, construct buildings thereon, and to change and generally improve the same.

To apply for, obtain, register, purchase, lease, or otherwise to acquire and to hold, own, use, develop, operate and introduce, and to sell, assign, grant licenses or territorial rights in respect thereto, or otherwise to turn to account or dispose of, any copyrights, trade-marks, trade names, brands, labels, patent rights, letters patent of the United States or of any other country or government, inventions, improvements and processes, whether used in connection with or secured under letters patent or otherwise.

To do all and everything necessary, suitable, and proper for the accomplishment of any of the purposes or the attainment of any of the objects or the furtherance of any of the powers hereinbefore set forth, either alone or

in association with other corporations, firms or individuals, and to do every other act or acts, thing or things incidental or appurtenant to or growing out of or connected with the aforesaid business or powers or any part or parts thereof, provided the same be not inconsistent with the laws under which this corporation is organized.

The business or purpose of the corporation is from time to time to do any one or more of any of the acts and things hereinabove set forth and to do all things and every and any thing that a non-profit corporation organized under the aforesaid title may lawfully do and generally to do all things, requisite, necessary and expedient for the administration and attainment of the purposes of this corporation.

To conduct and carry on the said business or any part thereof and to have one or more offices and to exercise any or all of its corporate powers and rights as a non-profit corporation in the State of California or in any of the states, districts, territories or colonies of the United States and in any and all foreign countries, subject to the laws of such state, district, territory, colony or country.

THIRD: That the county in the State of California where the principal office for the transaction of the business of this corporation is to be located is Orange County.

FOURTH: That the number of directors of this corporation shall be Nine (9) and said number may be changed by a duly adopted amendment to the By-Laws.

The names and addresses of the persons who are appointed to act as the first directors and the Executive Board of this corporation, and to continue to act as such directors and the Executive Board until the election and qualification of their successors, are as follows:

NAMES

Mrs. Duncan Stewart	183 Shorecliff Rd., Corona del Mar, Cal.
Mrs. Milo Lacy	535 El Modena, Newport Beach, Calif.
Mrs. Challen Landers	819 W. Bay Avenue, Newport Beach, Cal.
Mrs. Oliver Howell	204 S. Bay Front, Balboa Island, Cal.

Mrs. M. G. Sheely 420 Catalina Dr., Newport Beach, Cal.
Mrs. John Echternach 1633 Cornwall Lane, Newport Beach, Cal.
Mrs. Roy Holm 1400 Mariners Dr., Newport Beach, Cal.
Mrs. Dorothy Harry 302 Evening Canyon Rd., Corona del Mar, Cal.
Mrs. Richard Lawrence 1321 Sussex Lane, Newport Beach, Calif.

That the authorized number and qualifications of the directors and members of this corporation may be such as may be set forth in the By-Laws of the corporation and the different classes of membership in the corporation, if any, together with the respective voting and other rights and privileges of each class of said membership, are to be set forth and provisions therefor made in the By-Laws of this corporation and the By-Laws are to set forth and make provision for the election and the term of office of the Board of Directors and shall provide for the adoption, approval and use by this corporation of membership certificates setting forth thereon the rights and privileges of said members.

FIFTH: That these articles are incorporating an existing unincorporated association whose name is "Friends of the Newport Beach Public Library", an unincorporated association.

SIXTH: That this corporation does not contemplate pecuniary gain or profit to the members thereof and no part of the earnings of which is to inure to the benefit of any member or individual.

SEVENTH: That the private property of the members of this corporation shall not be subject to the payment of corporate debts.

EIGHTH: No member shall have any proprietary interest whatever in or to any of the assets of the corporation and no income, increment, or any other pecuniary or proprietary gain, benefit or advantage of any kind in any way arising from or growing out of the assets of the corporation or its operations, will inure to or in any way go to or vest in any member of this corporation. Upon dissolution or winding up of the corporation, after paying or adequately providing for the debts and obligations of the corporation, any remaining assets shall be distributed to any fund, foundations or corporations organized and operated for religious, educational,

scientific or charitable purposes or to such public school, public library or educational institution of collegiate grade, none of which funds, foundations or corporations are conducted for profit, and all of which are exempt from taxation under the California Bank and Franchise Tax Act and as provided in the Revenue and Taxation Code of the State of California, and which are exempt from federal income tax under the Internal Revenue Code of the United States, as shall be determined by the directors, or in the absence of such determination, then to such of said funds, foundations or corporations as may be determined by the Superior Court of the State of California in and for the County of Orange.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 24 day of March, 1961.

Mrs. Duncan Stewart
MRS. DUNCAN STEWART, President

Mrs. Challen Landers
MRS. CHALLEN LANDERS, Secretary

AFFIDAVIT

STATE OF CALIFORNIA)

) ss.

County of Orange)

Mrs. DUNCAN STEWART and Mrs. CHALLEN LANDERS
being first duly sworn, depose and say:

1. That Mrs. Duncan Stewart is the presiding officer of Friends of the Newport Beach Public Library, an unincorporated association.

2. That Mrs. Challen Landers is the secretary of Friends of the Newport Beach Public Library, an unincorporated association.

3. That said association has duly authorized its incorporation and has authorized affiants to execute the Articles of Incorporation.

s/ Mrs. Duncan Stewart
Mrs. Duncan Stewart

s/ Mrs. Challen Landers
Mrs. Challen Landers

Subscribed and sworn to before
me this 24th day of March, 1961.

Bernice M. Ott
Notary Public in and for said County
and State.

(SEAL)

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

On this 24th day of March, 1961, before me,
the undersigned, a Notary Public in and for said County
and State, personally appeared MRS. DUNCAN STEWART, known
to me to be the President ~~of the corporation~~ that executed
the within instrument and MRS. CHALLEN LANDERS, known to
me to be the Secretary ~~of the corporation~~ that executed
the within instrument, and acknowledged to me that ~~such~~ they
~~corporation~~ executed the same.

WITNESS my hand and official seal the day and
year first above written.

Robert R. Hurwitz
ROBERT R. HURWITZ, Notary Public
in and for said County and State/

Notarial
Seal

2016 - final copy

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

**Article I
Name & Objects**

- Section 1. The name of the Corporation shall be Friends of the Newport Beach Public Library.
- Section 2. The objects of the Corporation shall be those set forth in the Articles of Incorporation.

**Article II
Administration**

The affairs of this Corporation shall be administered by the Executive Board who shall be elected by the members of this Corporation.

The Board shall also consist of such additional Committee Chairpersons and appointed officers as shall be determined from time to time. The Board may also include one (1) member from the Board of Trustees of the Library, chosen by such Board, and may also include the Librarian of the City of Newport Beach Public Library; both serving as non-voting members.

**Article III
Officers**

The elected Officers of the Corporation, herein referred to as the Executive Board (the Board), shall consist of a President, three (3) Vice Presidents, Recording Secretary, Treasurer, Bookstore Manager, Volunteer Coordinator, and an Historian/Publicist.

Section 1 Officers shall be nominated by a nominating Committee consisting of five (5) members selected by the Board, three (3) of whom shall be of the Board and two (2) of whom shall be regular members but not officers nor committee chairpersons. One (1) alternate shall be appointed by the Board to sit with the five (5) members of the Nominating Committee.

Section 2. The slate of nominees shall be submitted in writing to the Membership prior to June 1st. Additional nominations are permitted if the previous consent of the candidates has been secured, and if notice of intent to secure such consent has been filed with the Recording Secretary at least five (5) days prior to the date of the Annual Meeting.

Section 3. Officers shall be elected by a majority of voting Members. The term of office shall be for one (1) year commencing July 1st and ending the following June 30th. Officers shall not be eligible for election in the same office for more than four (4) consecutive terms without a majority vote of the Membership.

Section 4. Vacancies shall be filled by appointment by the Board until the next regular election.

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

Article IV
Duties of Officers

Section 1. President

The President shall preside over all meetings of the Board and shall have such other powers and perform such other duties as may be required by the Board. The President shall also preside over all general meetings of the Membership and shall appoint the Parliamentarian and any other committees hereafter created by the Board. The President shall define the duties of such committees.

Section 2. Vice Presidents

The First Vice President shall, in the absence of the President, perform all the duties and have all the powers of the President, and serve as Program Chairperson. The Second Vice President shall serve as Membership Chairperson and shall keep an accurate account of all dues collected and transfer those dues to the Treasurer. The Third Vice President shall serve as Book Sale Events Chairperson.

Section 3. Recording Secretary

The Recording Secretary shall keep a record of the proceedings of the Board and of the Members, and shall serve all notices required by laws or the By-laws of the Corporation. In the event of absence, refusal or inability to act, the duties may be performed by any member whom the Board may select.

Section 4. Treasurer

The Treasurer shall prepare, furnish, and keep a full set of books of accounts, showing every detail of the business and the Corporation's accounts, and all receipts and disbursements of every name and nature, the amount of cash on hand, and the amount of money owed by the Corporation or owing to it, and such other information as may be, in the judgment of said Treasurer, pertinent, or such as may be required by the Board. The Treasurer shall receive and record in writing the funds received by all sources, all gifts and their value, and keep an itemized record of all assets and liabilities of the Corporation, keep an accurate account of all dues collected, pay, after authorization of the Board, all claims or bills due and make a report of all collections and expenditures and the balance of funds on hand at such other times as requested by the Board.

The Treasurer shall deposit all funds in a bank and/or Savings and Loan Association selected by the Board.

The signature cards of the Savings and Checking accounts shall require three (3) signatures which shall be the President, Treasurer, and an Officer selected by the Board. Two (2) of these three (3) signatures shall be required for withdrawal of funds or any check over \$1,000.00 from any account.

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

All checks shall be signed by the Treasurer or, in the absence of the Treasurer, first the President and then the selected third Officer. Any expenditure exceeding \$500 must be approved in advance by the Board.

An Audit committee consisting of three Members selected and agreed to by a Board majority, shall audit the books of the Corporation annually or upon resignation of the Treasurer, or at any time deemed necessary, and render written reports to the Corporation.

Section 5. Bookstore Manager

The Bookstore Manager shall be responsible for all activities relating to the collection and disposition of all books donated to the Friends of the Newport Beach Public Library. The Bookstore Manager is also responsible for workroom and store facilities and implementation of store procedures and policies.

Section 6. Volunteer Coordinator

The Volunteer Coordinator shall coordinate and be responsible for training, scheduling, and supervising the work of the volunteers and provide volunteer information needed to support Board activities.

Section 7. Historian/Publicist

The Historian/Publicist shall assemble and preserve a record of the activities and achievements of the Corporation and shall be custodian of records and other materials pertinent to the history of the Corporation. The Historian shall also provide press releases for sales and special events and maintain a book of all publicity generated.

Section 8. Non-Voting Assistant

Any of the Officers above, with Board approval, may select a non-voting assistant who will perform such duties as directed by the Officer.

Section 9. Parliamentarian (Appointed)

The Parliamentarian shall attend all meetings of the Corporation, give necessary advice in parliamentary procedure when requested, call the first meeting of the Nominating Committee and attend the meetings as a non-voting member.

Section 10. Past President

After completion of serving their term, the most recent past President will remain a non-voting Board member for one (1) year.

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

**Article V
Termination of Board Member**

Any Board member not performing their specified duties and/or whose behavior or actions are detrimental to the Corporation may be removed from their position by a majority vote of the Board. In the case of a tie, the President shall determine the result.

**Article VI
Powers of the Executive Board**

Section 1. The Board shall manage the business of the Corporation and may exercise all of the powers of the Corporation subject to the restrictions imposed by law, by the Articles of Incorporation or by these By-laws.

Section 2. Specific powers of the Board shall be:

- a. To adopt and alter a common seal of the Corporation
- b. To make and change regulations not inconsistent with these By-laws, for the management of the Corporation's business and affairs.
- c. To designate the time and place of its meetings or to authorize the President to do so.
- d. To appoint such committee or committees on any subject within the powers of the Corporation's Articles of Incorporation and to define the powers and duties of such committee.
- e. To select and designate such bank or Savings and Loan Association as the Board may deem advisable, as official depository of the funds of the Corporation and to prescribe and order the manner in which such deposits shall be made and/or withdrawn.

**Article VII
Committees**

The Board may, by resolution or resolutions, passed by a majority of the Board, designate and appoint such committee or committees on any subject within the powers of the Corporation, such committee or committees to have such powers, to exercise such duties to perform such services as may be prescribed by the Board and/or by the President. Such committee or committees shall have such name or names as may be stated in these By-laws, or by the Board when required.

**Article VIII
Membership and Dues**

Section 1. The Membership of this Corporation shall be open to all persons who have a constructive interest in the Newport Beach Public Library.

Section 2. There shall be six classes of Membership with dues to be determined by the Board (see Attachment A).

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

Section 3. Each individual member shall be entitled to one vote. A Benefactor or Life Membership may be held in the name of an individual or a family, in which case one (1) adult member is entitled to one (1) vote. All dues, other than Benefactor or Life Member, shall be payable annually.

**Article IX
Annual Meeting of Members**

There shall be an annual meeting of Members of this Corporation, to be held in the City of Newport Beach, County of Orange, State of California, in June of each year. At the Annual Meeting of the Members of this Corporation there shall be an election and installation of the Board of this Corporation for the ensuing year. Each Member shall be entitled to one (1) vote. Such business may be transacted as may be found necessary, desirable or useful. Notification of the Annual Meeting shall be given to the Membership 14 days prior to the date of the meeting. Such notification may be by written or electronic means.

**Article X
Meetings of Executive Board**

The Board shall set the dates for the regular meetings of the Board for the following fiscal year and shall notify the Membership of such dates. A quorum of such meetings shall consist of five (5) of the nine (9) elected Board members. Special meetings of the Board may be called by the President and/or any five (5) Board members.

**Article XI
Termination of Membership**

Section 1. The Corporation may terminate any Membership of whatever class, for any infraction of the By-laws, rules and/or regulations of this Corporation, or for other good and valid reason, including nonpayment of dues, as the Board of this Corporation shall determine.

**Article XII
Liability of Members**

No Member of the Board shall be personally or otherwise liable for any of the debts, liabilities and/or obligations of this Corporation.

**Article XIII
Honorary Members**

The Board shall have power to admit by invitation as honorary members of this Corporation and for such period as they elect, such persons of prominence or note, as it may think proper, or such persons that may render this Corporation any significant benefit or service which it may wish to recognize in this manner, and to renew such invitations at its discretion. Such members shall enjoy

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

such privileges and benefits as may be provided by the Board, except that they shall not vote or hold office.

**Article XIV
Donations**

The Corporation may accept gifts, legacies, donations and/or contributions and in any amount and any form.

**Article XV
Miscellaneous Provisions**

Section 1. Corporate Seal – The Corporate Seal of the Corporation shall be in such form as the Board shall determine and shall contain the name of the Corporation, the date and state of its creation and such other items as the Board, at its discretion may determine. Said Seal may be used by causing it or a facsimile to be impressed, affixed, reproduced or otherwise.

Section 2. Principal Office – The principal office of the Corporation shall be established and maintained in the City of Newport Beach, County of Orange, State of California.

Section 3. Other offices – Other offices of the Corporation may be established at such places as the Board may designate or as the business of the Corporation may require.

**Article XVI
Amendments**

The Members, by the affirmative vote of the majority of the Members present at any meeting of the Membership, may amend or alter any of these By-laws, provided that notice of the proposed amendment has been sent to all the Members at least 14 days prior to such meeting in writing or electronically.

**Article XVII
Parliamentary Authority**

Robert's Rules of Order, as revised, shall determine the proceedings of this organization, where not regulated by these By-laws.

Revision approved June 14, 2016

**BY-LAWS, RULES, AND REGULATIONS
FRIENDS OF THE NEWPORT BEACH PUBLIC LIBRARY**

Attachment A

Classes of Membership and Dues:

Benefactor	\$500
Life	\$200

Annual Dues

Patron	\$30
Family	\$20
Individual	\$15
Senior (62 and over)	\$10

Gift and Donor Policy

The Newport Beach Public Library Board encourages and welcomes gifts and bequests to the Library. Gifts may be given to the Newport Beach Public Library, to the Newport Beach Public Library Foundation and to the Friends of the Newport Beach Public Library. It is the position of the Board of Library Trustees that gifts and bequests given to the Library shall be used to supplement those funds appropriated for use by the Library, and shall not in any way supplant such funds appropriated for Library salaries and maintenance and operations of the Library.

Foundation Gifts

A. The NBPL Foundation is a 501(c)3 organization. All donors who contribute \$1,000 or more to the Foundation shall be permanently recognized on a donor recognition system as follows:

Donor Levels

1. \$ 1,000 to \$ 2,499
2. \$ 2,500 to \$ 4,999
3. \$ 5,000 to \$ 9,999
4. \$ 10,000 to \$24,999
5. \$ 25,000 to \$49,999
6. \$ 50,000 to \$99,999
7. \$100,000 and above

B. A special section of the donor recognition system shall be titled "Memorials" recognizing gifts of \$1,000 or more made in memory of an individual.

C. All service clubs, PTA'S, schools or other organizations who collectively donate \$1,000 or more shall be recognized by the organizational name.

Dedication opportunities exist for those donors who make gifts to specific areas of the Library. Gifts to fund specific collections or areas of the Library must be reviewed and approved by the Board of Library Trustees and be compatible with the Collection Development Policy of the Library. Items purchased for a specific subject will not be kept separately, but will be integrated into the collection.

Recognition of pledges shall be based upon the total amount pledged. Gifts of \$5,000 or greater shall have five (5) years to complete the pledge, and recognition shall be implemented after the pledge has been fulfilled. Appropriate recognition items will be given to donors at the discretion of the Newport Beach Public Library Foundation Board. The cost of such items may not exceed one to two percent (1 - 2%) of the total amount of the gift. Any exception to this policy will require the express approval of the Newport Beach Library Board of Trustees.

Friends Gifts

The Friends of the Newport Beach Public Library is a 501(c) 3 organization.

- The Friends accept donations of used books to be sold in the Friends Book Store. The disposition of donated books is determined by the Bookstore Manager.
- Other gifts offered to the Friends will be reviewed and considered for acceptance by the Friends Board.
- Recognition of donations shall be recommended by the Friends Board and considered for approval by the Board of Library Trustees.

Library Gifts

Gifts offered directly to the Library will be reviewed and considered for acceptance by the Board of Library Trustees. Gifts to the Library are also tax deductible. Recognition of donations by plaques, signage or other permanent display shall be approved by the Board of Library Trustees.

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Adopted - March 11,1991

Amended - October 28,1991

Amended - February 10, 1992

Amended - January 24,1994

Amended - March 9, 1998

Reassigned - April 8, 2003

Amended - October 18. 2005

Amended - October 10, 2006

Formerly 0-8

Formerly 1-17

Reviewed by Board of Library Trustees Feb 3, 2014 - no Revisions

NEWPORT BEACH PUBLIC LIBRARY GIFT POLICY

All donations of gifts and property to the Newport Beach Public Library not covered by the Collection Development Policy must be approved by the Board of Library Trustees. The board reserves the right to decide the time and place for display and use of any gift. The ultimate disposition of the gift lies within the sole province of the Board of Library Trustees.

Adopted by Board of Library Trustees - October 27, 1992

Adopted - January 24, 1994

Reassigned - April 8, 2003

Reviewed no revisions - BLT 2-6-12

Formerly I-19

Library Gift and Donor Policy

The Newport Beach Public Library Board encourages and welcomes gifts and bequests to the Library. Gifts may be given to the Newport Beach Public Library, to the Newport Beach Public Library Foundation and to the Friends of the Newport Beach Public Library.

It is the position of the Board of Library Trustees that gifts and bequests given to the Library shall be used to supplement those funds appropriated for use by the Library, and shall not in any way supplant such funds appropriated for Library salaries and maintenance and operations of the Library.

Foundation Gifts

A. The NBPL Foundation is a 501(c) 3 organization. All donors who contribute \$1,000 or more to the Foundation shall be permanently recognized on a donor recognition system as follows:

Donor Levels

1. \$ 1,000 to \$ 2,499
2. \$ 2,500 to \$ 4,999
3. \$ 5,000 to \$ 9,999
4. \$10,000 to \$24,999
5. \$ 25,000 to \$49,999
6. \$ 50,000 to \$99,999
7. \$100,000 and above

B. A special section of the donor recognition system shall be titled "Memorials" recognizing gifts of \$1,000 or more made in memory of an individual.

C. All service clubs, PTA'S, schools or other organizations who collectively donate \$1,000 or more shall be recognized by the organizational name.

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TO: BOARD OF LIBRARY TRUSTEES

FROM: Library Services Department
Tim Hetherton, Library Services Director
949-717-3810, thetherton@newportbeachca.gov

PREPARED BY: Melissa Hartson, Circulation and Technical Processing Coordinator

TITLE: Collection Development Policy

RECOMMENDATION:

Staff requests that the Board review, make suggested revisions, and approve the Newport Beach Public Library Collection Development Policy.

DISCUSSION:

The purpose of the Collection Development Policy is to provide guidelines for the selection of a variety of print and non-print materials to meet the informational, educational and recreational needs of the community. The selection of materials is inclusive rather than exclusive, in which staff, guided by Board policy, develops collections to support the needs of an informed public, reinforcing the Library’s mission, “to be the cultural, educational and informational heart of Newport Beach.” In selecting materials, library staff use professional judgement, knowledge of literature and resources, training, and experience to select materials representing differing points of view in a variety of formats, thus creating a balanced collection.

Staff recommends that the Board eliminate references to the “Request for Book Purchase Form” and replace it with the “Suggest a Title” form located on the Library’s website. In the past, the Library provided a hard copy form to customers requesting acquisition of a specific item. The form is no longer available in a hard copy. It has moved online and the title changed to allow for different material formats.

Staff also recommends revising the language regarding universal borrowing to include the California Library Services Act language to state that Newport Beach residents are entitled to borrow materials from other California public libraries:

“Many items which are not in the collection are available to library customers, through established interlibrary loan practices. Concurrently, the Library participates in universal borrowing, established by the California Library Services Act, Article 4, Section 18731, which states, “A public library participating in universal borrowing shall not exclude the residents of any jurisdiction maintaining a public library.” This allows Newport Beach Public Library customers direct access to materials housed in other participating public libraries in Orange County and throughout the State of California.”

Lastly, based on Board recommendation, staff removed the Library Bill of Rights as an attachment to the policy, keeping it as a reference and adding an additional reference to The Freedom to Read Statement within the document:

“In support of the above principles, the Library endorses the Library Bill of Rights and The Freedom to Read Statement as adopted by the American Library Association Council.”

The inclusion of both references support the principles set forth in the Collection Development Policy. They coincide with the Library’s intent to provide access to a collection of diverse views without censorship and allowing customers the liberty to choose materials for themselves.

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Board of Library Trustees considers the item).

ATTACHMENTS:

- A. Library Collection Development Policy
- B. Library Collection Development Policy – red-lined version
- C. Library Collection Development Policy – revised version

NEWPORT BEACH PUBLIC LIBRARY COLLECTION DEVELOPMENT POLICY

It is the intent of the Board of Library Trustees that the Newport Beach Public Library provide a variety of print and nonprint materials to meet the informational, educational and recreational needs of the entire community.

The Library seeks to provide breadth and depth within the collection, various points of view, and differing formats. The Library endeavors to balance materials of permanent value with those of current interest. Materials are selected based on their content as a whole, not on selected excerpts. Race, nationality, or political, social, moral, or religious views of an author will not affect the selection of materials.

Selection is based on merit of the work; value of the work within the collection; and the needs and interests of the community. Consideration is given to specific types of material; to materials for specific age groups; to materials for special interests of clientele; and to differing formats of materials. These selection criteria will apply equally to materials purchased and to those accepted as gifts.

The selection of materials is made by Library staff. Customers making requests that items be added to the permanent collection will be referred to the "Request for Book Purchase Form." Suggestions from Library customers are encouraged and receive serious consideration.

Many items which are not in the collection are available to library customers, through established interlibrary loan practices. Concurrently, the Library's participation in universal borrowing, established by the California Library Services Act, Article 4, Section 18731, provides Newport Beach Public Library customers direct access to materials housed in other participating public libraries in Orange County and throughout the State of California.

The Library believes that the use of Library materials is an individual and private matter. All customers are free to select or reject materials for themselves; they may not restrict the freedom of others to read or inquire. Parents have the primary responsibility to guide and direct the use of Library materials by their own minor children.

In support of the above principles, the Library incorporates the **Library Bill of Rights** as adopted by the American Library Association Council on January 23, 1980, as Attachment I to the Collection Development Policy.

Library customers with concerns about a specific title in the collection shall be provided with a copy of the Library's "Collection Development Policy" and asked to complete the "Customer's Request for Evaluation" form.

Library staff shall evaluate the material, based on the "Collection Development Policy" established by the Board of Library Trustees. A recommendation shall be forwarded to the Library Services Director who shall respond in writing to the customer. Any unresolved concerns shall be referred to the Board of Library Trustees for final decision.

Library customers requesting specific titles be added to the collection will be provided with a "Request for Book Purchase" form. Library staff shall evaluate the request based on the "Collection Development Policy" established by the Board of Library Trustees. Customer's "Request for Evaluation of Library Resources" form is attached as Attachment II.

[Attachment I - Library Bill of Rights]

[Attachment II - Collection Development Policy]

Adopted - October 22, 1990

Amended - October 28, 1991

Amended - January 24, 1994

Reassigned - April 8, 2003

Corrected (Att. II) - October 10, 2006

Revisions Approved - November 16, 2010

Amendments Approved by City Council - September 27, 2011

Formerly I-16

ATTACHMENT I

LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- A. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- B. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- C. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- D. Libraries should cooperate with all persons and groups concerned with resisting abridgement of free expression and free access to ideas.
- E. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- F. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939.

Amended October 14, 1944; June 18, 1948; February 2, 1961;
June 27, 1967; and January 23, 1980;

inclusion of "age" reaffirmed January 23, 1996, by the ALA Council.

ATTACHMENT II

NEWPORT BEACH PUBLIC LIBRARY - COLLECTION DEVELOPMENT POLICY

CUSTOMER'S REQUEST FOR EVALUATION OF LIBRARY RESOURCES

We appreciate your interest in the materials which have been selected for inclusion in the collection of the Newport Beach Public Library. If you have a concern about a specific item, we would appreciate your assistance in addressing the matter. **Please fill out this form and return it to the Site Manager.** The staff will evaluate the material and forward a recommendation to the Library Services Director.

Name _____ Date _____
Address _____
City _____ State ____ Zip _____ Phone _____

Resources on which you were commenting:

- | | |
|-----------|----------------------------|
| Book | Audiovisual Resource |
| Magazine | Content of Library Program |
| Newspaper | Other |

1. Title _____
2. Author/Producer _____
3. What brought this title to your attention? _____

4. Have you seen or heard reviews of this material? _____
5. Please comment on the resource as a whole. _____

6. Please note your **specific** objections. _____

7. What resource(s) would you suggest to provide additional information on this topic? _____

Please use the back of this form if additional space is needed. Thank you for taking the additional time to complete this form. Your Request for Evaluation will be given careful consideration and a response provided.

Newport Beach Public Library

Newport Beach, California

Corrected - October 10, 2006
Revisions made – November 16, 2010

NEWPORT BEACH PUBLIC LIBRARY COLLECTION DEVELOPMENT POLICY

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The selection of materials is made by ~~Library~~ library staff. Customers making requests that items be added to the permanent collection will be referred to the ~~"Request for Book Purchase Form."~~ ~~"Suggest a Title" form located on the~~ Library's website. Suggestions from ~~Library~~ library customers are encouraged and receive serious consideration.

Many items which are not in the collection are available to library customers, through established interlibrary loan practices. Concurrently, the Library's ~~participation~~ participates in universal borrowing, established by the California Library Services Act, Article 4, Section 18731, which states, "A public library participating in universal borrowing shall not exclude the residents of any jurisdiction maintaining a public library." ~~provides~~ This allows Newport Beach Public Library customers direct access to materials housed in other participating public libraries in Orange County and throughout the State of California.

The Library believes that the use of ~~Library~~ library materials is an individual and private matter. All customers are free to select or reject materials for themselves; they may not restrict the freedom of others to read or inquire. Parents have the primary responsibility to guide and direct the use of ~~Library~~ library materials by their own minor children.

In support of the above principles, the Library ~~incorporates~~ endorses the Library Bill of Rights as adopted by the American Library Association Council on January 23, 1980, as Attachment I to the Collection Development Policy and The Freedom to Read Statement as adopted by the American Library Association Council.

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I-3

III-C

Library customers with concerns about a specific title in the collection shall be provided with a copy of the Library's "Collection Development Policy" and asked to complete the "Customer's Request for Evaluation of Library Resources" form, Attachment I of the Collection Development Policy.

Library staff shall evaluate the material, based on the "Collection Development Policy" established by the Board of Library Trustees. A recommendation shall be forwarded to the Library Services Director who shall respond in writing to the customer. Any unresolved concerns shall be referred to the Board of Library Trustees for final decision.

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~~[Attachment I - Library Bill of Rights]~~

~~[Attachment II - Collection Development Policy Customer's Request for Evaluation of Library Resources]~~

Adopted - October 22, 1990

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Formerly I-16

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-

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-

ATTACHMENT H

newport Beach public library – collection development policy

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Name _____ Date _____

Address _____

City _____ State ____ Zip _____ Phone _____

Resources on which you were commenting:

- | | |
|-----------|----------------------------|
| Book | Audiovisual Resource |
| Magazine | Content of Library Program |
| Newspaper | Other |

1. Title _____

2. Author/Producer _____

3. What brought this title to your attention? _____

4. Have you seen or heard reviews of this material? _____

5. Please comment on the resource as a whole. _____

6. Please note your **specific** objections. _____

7. What resource(s) would you suggest to provide additional information on this topic? _____

Please use the back of this form if additional space is needed. Thank you for taking the additional time to complete this form. Your Request request for Evaluation-evaluation will be given careful consideration and a response provided.

Newport Beach Public Library

Newport Beach, California

Corrected - October 10, 2006
Revisions made - November 16, 2010

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[Attachment I - Customer's Request for Evaluation of Library Resources]

Adopted - October 22, 1990

Amended - October 28, 1991

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Reassigned - April 8, 2003

Corrected (Att. II) - October 10, 2006

Revisions Approved - November 16, 2010

Amendments Approved by City Council - September 27, 2011

Formerly I-16

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