

June 20, 2022, BLT Agenda Comments

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

Item 4. Expenditure Status Report

There is a discrepancy between this report and that provided in the “Budget Amendments for Fiscal Year 2021-22” report of Item 8.

The Item 4 report shows a revised budget of \$9,553,841 as of June 2, 2022, which is \$153,211 above the initial budget of \$9,400,630. But the Item 8 report says that \$304,080 of amendments during the year brought the total to \$9,704,710, which does “not include the annual budget for the Cultural Arts division nor do they include donated funds or encumbrances rolled over from the previous year.”

So, Item 8 is showing \$150,869 more additions to the budget than Item 4. That could, conceivably, represent amounts added after June 2, could it is not obvious what that would be as it doesn't match any of the numbers listed in the Item 8 Attachment A.

It might also be noted that the revised budget reported for June 2 is \$7,360 higher than the \$9,546,481 reported (at the last meeting) as of May 2. Again, it is not obvious which addition accounted for this.

Finally, since there is only one month, June, left in the fiscal year, it looks like the “Available Budget” for “Salary & Benefits” is nearly twice the spending on that in May, so the year will end with a substantial excess in that category. But the opposite is the case for “Maint & Operation,” meaning substantially less will be available to spend in June than was spent in that category in May.

Is the Library Department allowed to offset a cost overrun in one category with under-expenditure in another? Or is it expected to stay within budget in the two categories separately?

Item 6. Corona del Mar Branch Update

This is an excellent report with the possible exception of the somewhat confusing time series charts.

The straight lines in the chart of “Corona del Mar Library Circulation” on handwritten page 32 imply CdM has experienced a steady number of checkouts, adding the same number each month to the YTD total, but at a higher monthly rate in 21/22 than in 20/21. Is that the message intended? In other words, that there is no seasonal variation in activity (which would cause bumps and wiggles in the line), but that the level of activity suddenly increased in July 2021?

That would seem a somewhat unexpected result, for the overall NBPL circulation activity, as shown in the “Library Activities” report of Item 3 (dominated by Central), has definite ups and downs.

Item 7. Circulation Policy Review (NBPL 12)

Referring to the proposed policy offered for adoption in Attachment C:

1. The last sentence of the first paragraph of Section 1.0 refers to “guest cards.” I am unable to find an explanation in the policy of what guest cards are.
2. Since Section 1.02 refers to a \$10 charge for non-California residents, shouldn't Section 1.0 be clearer that the cards it describes are issued free of charge?
3. Section 1.05 refers to “lifetime cards.” Per Subsection 5.03, it normal cards (unlike the lifetime ones?) become invalid if the holder moves out of California. Since this penalty is possible, shouldn't Section 1 state a patron's obligation to keep the Library informed of their current contact information?
4. In Section 3.0, the repetition of phrases like “*and may be renewed for four additional XX-day periods if the item has not been reserved*” could be reduced to “*and may be renewed*” since the general rule allowing four renewals unless an item is reserved is stated at the start of the section.
5. Subsections 3.11 and 3.12 fail to state if the items are eligible for renewal, or not.
6. In Section 6.0, the last sentence contains an extraneous comma.
7. Section 7.0 is a bit confusing to read. The part in italics is evidently a quotation from California [Government Code § 6267](#), which is part of the Public Records Act, but readers can only guess this from the unexplained notation they see when they get to the end of the passage. Wouldn't it be better to start the italicized passage with something like “*The Library is bound by California Government Code § 6267, which states:*”

More importantly, the passage cited is scheduled to become obsolete on January 1, 2023, when most of the current Public Records Act will, pursuant to [AB 473](#) from 2021, be repealed and replaced by a new version that will be reorganized and renumbered (but, purportedly, with no substantive changes).

As a result, this will need to be replaced with a reference to California Government Code [§ 7927.105](#) – or possibly [§ 7927.100](#) (and the ones it references) *and* § 7927.105.

Moreover, the new § 7927.105 has been rearranged in a sequence that may make the words even more difficult for a non-attorney to understand.

Wouldn't it be more useful to simply summarize in plain English what confidentiality protections NBPL patrons can expect, and refer them the statute without repeating it in full?

Also, since the code reference will be changing in slightly over six months, wouldn't it make sense for the Trustees defer the effective date of any new policy NBPL 12 (hopefully, with the corrected reference) until January 1?

8. The present and proposed policy, has somewhat confusingly, at least three sections dealing with fees: Section 4.0 (“Fines and Fees”), Subsection 8.01 and 8.03, and Section 9.0 (“Circulation Policies Schedule of Fines/Fees”). Couldn’t those be combined?
9. Those earlier sections refer to the fines and fees as if they are set biennially by the BLT in some other document. But, in fact, Section 9.0 of NBPL seems to be where they are set and the thing that is reviewed.

So, since NBPL 12 states it was last reviewed in 2020, **doesn’t the BLT have a self-imposed obligation to review the fines and fees stated in it, and to decide if they are still appropriate?**

I don’t see that stated in the staff report.

In connection with fees, I would point out the Orange County Library, which all NBPL card holders can use, provides [Interlibrary Loan](#) at **no cost** other than the rare pass-through charge imposed by a lending institution (of which the requesting patron is advised before the transaction is completed).

My understanding (not clearly stated in NBPL 12) is that [NBPL](#) charges a **non-refundable** \$5 per item **requested**, even if the item cannot be procured. I can’t tell from that website link if NBPL promises to absorb, and not pass on, lending library charges, however much those may be (even if much more than \$5). If it does not, the last line of NBPL 12 should probably say: “*Interlibrary Loan Fee (per item): \$5.00 **plus any fees imposed by lender***”

Item 8. Budget Amendments for Fiscal Year 2021-22

See comments on Item 4.