

Helen Hall Library
Special Board Meeting Minutes
Monday, January 23, 2023
Helen Hall Library Susan Mathews Memorial Theater

1. Call to Order

The meeting was called to order at 6:30 pm.

2. Roll Call of Members

Board member Tommy Frankovich noted that all names were recorded on the attendance sheet and decided not to read them aloud. In attendance from the Board was Tommy Frankovich, Kyrsten Garcia, Roxann Lewis, David Hoffman, Jeanne Avandsalehi, Tina Coker, and Mary Dugie. Also in attendance were City Librarian Teresa Potter, Assistant City Librarians Meredith Layton and Darla Rance, Executive Director Sarah Osborne, Councilman Tom Crews, City Attorney Nghiem Doan, and seven citizens.

3. Opportunity for Citizens to address the Board

No citizens addressed the Board.

4. City Council Comments

No Councilman addressed the Board.

5. Chairman's Comments

Tommy Frankovich welcomed the two new members to the Board and decided to save further comments until the review of procedure was brought up.

6. Executive Director Comments

Executive Director had no comments.

7. Review of Revised Materials Challenge Procedures

Tommy Frankovich started the review off by noting that the new procedure is similar to what the Library Board is tasked with doing currently. Mr. Frankovich also mentioned the creation of a new review committee, and the difficulty they may have reaching a quorum with 15 members. He again mentioned that the new committee would be performing the same duties that the current Library Board performs. Mr. Frankovich also mentioned the struggle of getting signed and completed challenges. Mr. Frankovich noted his involvement with libraries throughout his life, and the distinction public libraries have as compared to private or church libraries. Mr. Frankovich mentioned that when there are complaints about books, staff is quick to follow current procedures, which then allows guardians to choose what material is appropriate for their children. Mr. Frankovich suggested that Council should elect the members to the Library Board that they want and continue procedures like normal without creating a duplicate committee. Mr. Frankovich also stated that regardless of what City Council chooses, the Library Board will be ready and willing to work with whomever is appointed.

Roxann Lewis agreed with Mr. Frankovich, stating that the Library Board is already in compliance with the new resolution, noting the two challenges from the previous year. Mrs. Lewis mentioned her involvement with the Sunset Commission which seeks to weed out unnecessary and redundant boards and committees, and that creating a duplicate of the Library Board does not align with those goals.

Mary Dugie commented that she felt the committee is redundant, and questioned whether the Community Standards Review Board could be housed inside the Library Board and made up of Board members. Her example of this was the Audit Committee inside of the Finance Committee.

City Attorney Nghiem Doan stated that the most recent direction from Council was that the committee would be made up of seven members, three of which would come from the Library Board of Trustees.

Kyrsten Garcia proposed that the committee should consist of the library board of trustees (8 members) plus an additional resident to make an odd number as recommended by the American Library Association. It was also proposed that there be a ninth member to act as a "tiebreaker" and that they be a member of the Friends of Helen Hall Library. Ms. Garcia stated that the proposed policy only covers challenges for materials in youth sections and felt any comprehensive policy should cover materials from the entire library. Ms. Garcia believes that the Community Standards Review Board meetings should incorporate the City Attorney to ensure that all decisions are made in compliance with the policy and legal definitions included therein. Ms. Garcia also noted the importance of the Community Standards Review Board vowing to look at literary works as a whole and not just as excerpts. City Attorney Doan states that the legal standards of obscenity and material harmful to youths requires that the work to be looked at in full. Ms. Garcia reiterated the redundancy of the proposed policy and creation of a Community Standards Review Board. However, she notes that proposed policy may be able to be molded into something effective for the community. Ms. Garcia also complimented the documentation being made by the City Attorney's office.

Mrs. Dugie commented on the written notice of meetings and timeline included in the proposed policy, and asked about the potential for an executive session type of meeting for deliberation.

Attorney Doan replied that The Texas Open Meetings Act (TOMA) allows for executive sessions based on a limited scope of topics. TOMA also requires that all other deliberations be open to the public, unless the deliberation is one of the topics covered by executive session. Mr. Doan indicated it would be difficult to foresee any challenges to library materials that would be covered by the scope of topics included in executive session rules. Attorney Doan also indicated that coming soon the council, board, commission, and committee agendas will no longer include the note limiting the nature of comments.

A citizen asked if the review committee would be under the same city boards and commissions policy regarding consanguinity and city council, and it was confirmed that is the case.

Ms. Garcia continued the conversation about having an odd number of committee members, noting Texas Library Association's recommendation, but including all 8 board members and potentially a

member of the Friends of Helen Hall Library. She also expressed that she would like for this ninth person to be an avid library user, familiar with library operations, and the library's role within the community.

Mr. Frankovich reiterated the importance of committee members having familiarity with library operations and noted that the Library Board is comprised of dedicated library users who should make up the Community Standards Review Board.

Jeanne Avandsalehi agreed with previous comments and emphasized Mrs. Lewis's comments that Helen Hall Library is a public library and should serve the entire community. Mrs. Avandsalehi reiterated that the review committee should have to review the entirety of a challenged item.

Mrs. Lewis continued to agree with previous comments and urged that the committee should not be comprised of random community members who are not aware of library policies and procedures.

Councilman Tom Crews stated that he wanted to read a title under review by the Board and that it was checked out.

Mrs. Dugie raised questions about the timeline in the proposed policy, and wondered if the timeline is feasible especially with the intent to provide access to the challenged items to the review committee.

City Librarian Teresa Potter commented that library staff has sought clarification regarding the library policy which is to not restrict access to challenged materials by changing any waitlist or checkout status. Ms. Potter and Mr. Frankovich continued to discuss the policy regarding the waitlist for a book and whether to propose that the waitlist be put on hold while a book was being challenged. No decision was made.

Tina Coker asked for clarification regarding how the timeline was established. Ms. Garcia sought to outline the timeline and felt that the process could begin to get very drawn out for any single challenge, especially if a book went to an appeal with council. Attorney Doan discussed what he has heard thus far in terms of direction from the Mayor and Council regarding the committee and the timeline. Various members began discussing interlibrary loans in order to meet the constraints of the proposed timeline.

A citizen questioned if the Library Board or Community Standards Review Board would be the one to make a decision about library materials, and questioned the redundancy of a second committee.

Councilman Tom Crews sought to clarify the distinction in the new process stating that if the outcome of the review was not favorable by either, then the challenge would go to council.

Ms. Garcia questioned the restrictions of the appellate process and proposed that the decision by the committee can be appealed by the challenger, city staff, or any resident of League City. Ms. Garcia also voiced concern that the Library Board or Community Standards Review Board would be bypassed completely, and that all challenges, including appeals, would be brought directly to City Council.

Attorney Doan clarified the ruling of a similar case in Wichita, Texas, in which only appeals were allowed to go to City Council. Mrs. Dugie proposed, in order to avoid an excess of appeals to City Council, that the Community Standards Review Board be comprised of the Library Board, City Council, and the Mayor.

Ms. Garcia also questioned the reasoning for the proposed number of committee members and from where the committee members should be selected. She stated that the Community Standards Review Board should be given advice from the City Attorney, and that decision on challenges should then be passed to City Council.

Executive Director, Sarah Osborne, sought to summarize the consensus of the Library Board thus far, stating that the consensus is that the Library Board is the Community Standards Review Board being sought to establish. Mr. Frankovich agreed and confirmed that there does not need to be a separate Community Standards Review Board. Ms. Garcia stated that if City Council wanted to call the Library Board the Community Standards Review Board when it came to special meetings for challenges, that would be fine. Mrs. Osborne further clarified that the addition of an extra person was wanted by the group to make for an odd number when voting. Various members discussed having a City Councilmember be the additional person.

Mrs. Coker asked how a formal recommendation to City Council needed to be submitted. Attorney Doan said he would be comparing notes with Ms. Potter and Mrs. Osborne, and then taking the Library Board's recommendation to City Council for them to do what they please with it. Mrs. Coker also asked if Attorney Doan anticipated many appeals, to which he reiterated the obscenity threshold to be met and stated it would be difficult to find material meeting that threshold in the library. Attorney Doan further discussed the nature of the proposed policy and what an appeal process would look like for the challenger.

Mr. Frankovich confirmed that the application process would be the same if a different committee is formed and it was clarified that the committee members would be appointed by mayor and council like the rest of the boards, commissions, and committees. Furthermore, Attorney Doan stated that it has been recommended that the number of non-Library Board members on the Community Standards Review Board outnumber the members of the Library Board. When asked for clarification about why City Council wants to choose the members, Attorney Doan indicated that the perception is that the current process has not worked well. Mr. Frankovich stated that the process is working and confirmed that the process of appointment to the Community Standards Review Board would be the same as the process of appointment to the Library Board.

Mrs. Dugie brought up that the infrequency of challenges may lead to the creation of a committee that does not review any challenges. Mrs. Lewis reaffirmed that the challenges that have been brought to the Library Board have been handled appropriately, and the books were moved to a more appropriate section of the library.

Mrs. Dugie questioned if the creation of the Community Standards Review Board was to review materials being purchased, and Ms. Garcia and Mr. Frankovich both confirmed that the Library Board

has never reviewed materials being purchased. Ms. Garcia noted the possible perception of a conflict of interest but stated that there is not one. Assistant City Librarian Meredith Layton stated that the Library Board approved the library's collection development policy, and for that reason does not review titles individually. Ms. Potter expanded on the Library Board's advisory position over library operations, stating that major operational changes in are approved by the Library Board and recommended by the Library Board for approval from City Council when necessary. Several board members asked that it be clarified that that the library board approves and guides library policies and procedures but does not review purchases of library materials.

A League City resident asked about the feasibility of the proposed timeline if there are multiple challenges within a 30-day period and how those materials could be reviewed in their entirety.

A second League City resident asked about the appeal process and hoped it would be changed that the appeal could be submitted by any resident. The resident also asked that any agenda for the Community Standards Review Board meeting include the title of the material being challenged.

Ms. Garcia again brought up the waitlist, and discussed other options for how to best provide access to challenged materials without having to purchase more. Staff indicated use of interlibrary loan services to borrow additional copies of any challenged items. Attorney Doan recommended that if there is a waitlist or if the item is checked out by another patron, as staff we cannot restrict access to the item simply because a challenge was submitted for the title. Assistant City Librarian Darla Rance noted that Attorney Doan's comment is in line with the service of a public library and of librarians and that we should not restrict access.

Mr. Frankovich stated that the unanimous decision among the Library Board was that they should comprise the Community Standards Review Board. However, if City Council is unwilling to accept that, changing the number of members to an odd number on the Community Standards Review Board. Ms. Garcia stated that if City Council wants an expanded committee for the Community Standards Review Board, then the majority of the expanded committee should come from the Library Board, and that other elected citizens should not outnumber members of the Library Board. Ms. Garcia stated that she wants to come to a conclusion with City Council on a policy that satisfies what they want while not duplicating the efforts of the Library Board. David Hoffman proposed that members of City Council should attend Library Board meetings to better understand the process and truly identify what the perceived issue is with what the Library Board does.

8. Consider and take action on Revised Materials Challenge Procedures

Mr. Frankovich took votes among the Library Board members, who unanimously voted among the seven present trustees for option A) to establish the Library Board as the Community Standards Review Board or option B) the majority of the committee should be from the Library Board and the other citizens should not outnumber the Library Board Trustees and that all committee members should have library cards with Helen Hall Library. Other factors include: the attendance of the City Attorney at Community Standards Review Board meetings, any decision by the committee can be appealed by the challenger, city staff, or any resident of League City, and the agenda for the review committee meetings should include the title of the item being challenged. The Library Board also

wanted it clarified that the Library Board of Trustees approves and guides library policies and procedures but does not review purchases of library materials.

9. Board Comments

None were made.

10. Review of follow-up items generated during meeting

11. Adjournment

8:00 p.m.