

MINUTES
PLACENTIA LIBRARY DISTRICT
REGULAR DATE MEETING OF THE BOARD OF TRUSTEES
AUGUST 16, 2021

CALL TO ORDER

President Martin called the Regular Date Meeting of the Placentia Library District (PLD) Board of Trustees to order on August 16th, 2021 at 6:32 p.m.

Members Present: President Jo-Anne Martin, Secretary Gayle Carline, Trustee Sherri Dahl, Trustee Hilaire Shioura, Trustee Al Shkoler.

Members Absent: None.

Staff Present: Jeanette Contreras, Library Director; Yesenia Baltierra, Assistant Library Director; Fernando Maldonado, Business Manager; Alyssa Stolze, Administrative Assistant; Jon Legree, Systems Librarian; Sabrina Rosengren, Library Assistant.

Counsel Present: David DeBerry, Woodruff, Spradlin & Smart.

Guests: Laura De Leon, Library Clerk; Sally Federman, Library Assistant; Megan Tolman, Librarian; Estella Wnek, Circulation Supervisor; Shari Hawkins, Theresa Kintz, Placentia Resident; Phil Kintz, Placentia Resident; Thea Calhoun, Sheila Jordan, Placentia Resident; Ward Smith, Councilmember; (657) 217-1223, Placentia Resident.

ADOPTION OF AGENDA

It was motioned by President Martin to adopt the agenda as presented. It was moved by Secretary Carline and seconded by Trustee Dahl to adopt the agenda (Item 3). Trustee Shkoler entered the meeting at 6:36 p.m.

AYES: Martin, Carline, Dahl

NOES: Shioura

ABSENT: Shkoler (arrived late)

ORAL COMMUNICATION

None (Item 4).

BOARD PRESIDENT REPORT

President Martin attended the Financial Partner's Credit Union Meeting, Joint Use Meeting, Employee of the Year selection meeting, and the Staff Appreciation Event. President Martin also volunteered at the PLFF Blowout Sale, Charity's Closet, and continues to meet with her Literacy Learner.

**TRUSTEE &
ORGANIZATIONAL
REPORTS**

Secretary Carline attended the Joint Use Committee Meeting, a LAFCO meeting, Employee of the Year selection meeting, and the Staff Appreciation Event.

Trustee Dahl attended the PLFF Board Meeting, Placentia Round Table Women's Club meeting, the Orange County Council of Governments Meeting, and the Staff Appreciation Event. Additionally, Trustee Dahl volunteered at the District's Lunch at the Library program and with soup packing for the Placentia Round Table Women's

Club. The Placentia Round Table Women’s Club President will present at the September Library Board of Trustees Meeting.

Trustee Shioura spoke with Placentia residents regarding the ALLY Teen Program.

Trustee Shkoler attended the Staff Appreciation Event.

**LIBRARY DIRECTOR
REPORT**

Library Director Contreras reported on her activities with the Library Director’s Forum, Public Record Requests, staff evaluations, and how the Summer Reading Program surpassed its goals. Library Director Contreras also attended the Joint Use Committee Meeting, Staff Appreciation Event, ISDOC Meeting where Assistant Library Director Baltierra presented, and a retirement event at Santa Ana Library.

**FRIENDS FOUNDATION
REPORT**

Placentia Library Friends Foundation (PLFF) President Naydia Chantarasompoth provided updates on upcoming PLFF Fundraisers, changes in the Second Sunday Sales, and fundraising community partnerships. PLFF President Chantarasompoth also attended the Staff Appreciation Event and plans to present at an upcoming Rotary Meeting.

CONSENT CALENDAR

It was moved by Trustee Shkoler and seconded by Secretary Carline to approve Agenda Items 9-22 as amended. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**MINUTES FOR JUNE 21,
2021 REGULAR DATE
MEETING.**

The minutes for the June 21, 2021 Regular Date Board Meeting were received, reviewed and filed as amended (Item 9).

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**CASH FLOW ANALYSIS
AND
TREASURER’S REPORTS**

Check Registers for June & July 2021 (Item 10)
Fund 707 Balance Report for June & July 2021 (Item 11)

Financial Reports through June & July 2021 for Placentia Library District Accounts on Deposit with the Orange County Treasurer and Placentia Library District General Ledger: Summary of Cash and Investments. (Item 12)

Balance Sheets for June & July 2021 (Item 13)
Acquisitions Report for June & July 2021 (Item 14)
Service Revenue Report for June & July 2021 (Item 15)

**GENERAL CONSENT
REPORTS
STAFF REPORTS**

Personnel Report for June & July 2021 (Item 16)
Circulation Report for June & July 2021 (Item 17)
Review of Shared Maintenance Costs with the City of Placentia (Item 18)
Administration Report for June & July 2021 (Item 19)
Children’s Services Report June & July 2021 (Item 20)
Adult Services Report for June & July 2021 (Item 21)
Placentia Library Website Technology Report for June & July 2021 (Item 22)

**LITERACY SERVICES
RECOGNITION REPORT
FROM SABRINA
ROSENGREN, LITERACY
COORDINATOR.**

Sabrina Rosengren, Literacy Coordinator, provided a report on the end of fiscal year Literacy Program statistics. The Literacy Recognition event recording is available on the Adults page of the website. No other action was taken.

**GALE ANALYTIC REPORTS
FROM JON LEGREE,
SYSTEMS LIBRARIAN.**

Jon Legree, Systems Librarian, provided a report on the District’s activities from the Gale Analytics database. This was a free service offered by the California State Library to assess library usage dataset with demographic visualizations of the library’s community. Program helps to better analyze household segmentation using existing data through the District’s integrated library system (ILS). The report will be posted on the website and presented on a quarterly basis to the Board.

**APPROVE CONTRACT FOR
AN INTERIM IT
CONSULTANT.**

Library Director Contreras announced that the Systems Librarian, Jon Legree, will be retiring on August 26, 2021. Administration has determined that Mr. Jeremy Yamaguchi has the appropriate skills and experience to provide interim IT services. The interim IT Consultant will ensure that the business of delivering library services, in-person and virtually and implementing library projects will continue uninterrupted while the District reassess and studies long-term solutions to fulfill the District’s IT needs.

Director Contreras clarified that the agreement with Mr. Yamaguchi is structured to commence August 17, 2021 until the District can enter into an agreement with a consultant through the Request for Proposal process. Moreover, the presented hourly rate of the IT Consultant is \$65.00 per hour, with a work week not to exceed 20 hours. The consultant will not receive retirement or medical benefits. The source of funding for the contract is the District’s salaries wages budget line item, from the Systems Librarian position, reallocated to the supplies and services line item – specialized services.

President Martin opened the item for discussion. Trustee Shioura inquired regarding cost and concern about not being consulted with or meeting Mr. Yamaguchi prior to the contract presentation. President Martin clarified it is only a six month contract and requested additional cyber security and increased security monitoring verbiage be included in the agreement. Director Contreras also clarified that per legal counsel, Jeremy Yamaguchi’s position as a City Council Member is not a conflict

of interest and should an item regarding the library be on the City of Placentia Agenda, Mr. Yamaguchi will recuse himself.

After additional discussion, it was then motioned by Secretary Carline to waive the competitive bidding requirement and authorize the Library Director to execute the interim IT Consultant Agreement between the District and Mr. Jeremy Yamaguchi as presented, inclusive of input received from the Library Board of Trustees. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**REVIEW OF LIBRARY
IMPACT FEE.**

Director Contreras presented a brief summary on the Library Impact Fee in 2008, adopted by Resolution No. 08-10 and pursuant to the authority in the Fee Mitigation Act, Government Code §§ 66000, et seq. (the “Act”). The Act permits local agencies to impose fees on new development which are reasonably related to the development’s impacts on local agency facilities. Typical impact fees go toward improving and expanding roads, parks, police and fire facilities, and in this case, library facilities. In order to increase the current Impact Fee, the District would need to retain a consultant through the Request for Proposal process to prepare a report which established a reasonable relationship between the proposed impact fee and the new development on which it is imposed. The District must identify the improvements the District anticipates would be financed by the increased impact fee.

President Martin opened the item for discussion. Secretary Carline asked for an estimated cost the consultant services. Director Contreras provided an estimate of \$35,000 for consultant services. After additional discussion, it was motioned by Secretary Martin to authorize Library Staff to develop a Request for Proposal for a Nexus Study for the District to be presented to the Library Board of Trustees at a future meeting. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**TRADEMARK OF PLACENTIA
LIBRARY.**

Director Contreras presented that staff is seeking the approval of the Board of Trustees to trademark the name of the Placentia Library District. The District has been looking into the cost and potential of trademarking the name of the Placentia Library District (“District”). The primary purpose of the trademark would be to ensure that persons not authorized to do so, do not use the name in a manner which may misrepresent to the public that they are officially speaking on behalf of the District. Under common law, the District does have some protection against others using its name, but its rights are more limited than they would be if the name was registered with the California Secretary of State. Trademarking Placentia Library District will prevent use of the District’s name by an individual, organization, or company, in association with a product or service similar to the District.

Library Director Contreras also presented that a trademark lawyer, Mr. Jeff Van Hoosear, who in a conversation with District Counsel David DeBerry, generously offered that his firm, Knobbe Martens, a well-known trademark/patent law firm, would register the District’s trademark with the State on a pro bono basis. Should the Board wish to move forward with trademarking the District, the District would only be responsible for the cost of the trademark itself, which is \$75 in California and between \$225 - \$600 to register with the U.S. Patent and Trademark Office (USPTO). Trustee Shioura stated that this would be a waste of tax funds.

Trustee Shioura inquired what wording would be included in the trademark. Director Contreras confirmed it would be anything that is “Placentia Library” or “Placentia Library District”. Director Contreras also noted that Trustee Shioura’s campaign website www.placentialibrary.com has been asked to be taken down for this reason since appointed as a trustee. The request has not been honored.

After additional discussion, it was motioned by Trustee Shkoler and seconded by Trustee Dahl to authorize library staff to pursue trademarking the District’s name with Knobbe Martens Law Office. A roll call vote was taken:

AYES:	Martin, Carline, Dahl, Shkoler
NOES:	Shioura
ABSENT:	None

**INFORMATION ON THE
CENSURE PROCEDURE OF
AN ELECTED OFFICIAL AND
DISCUSSION OF A
PROPOSED POLICY.**

At its meeting on June 21, 2021 the Board of Trustees requested a staff report concerning the procedure for censure. District Counsel, Mr. DeBerry explained that censure is an official expression of disapproval of the conduct of a member of a legislative body. Censures are typically based on and should be based on, conduct that violates established policies, regulations, or laws or otherwise detrimental to the Library District. Mr. DeBerry clarified that a censure cannot, however, reach a point where it disciplines a Trustee in a manner that restricts the exercise of his or her constitutional right to free speech or significantly interferes with the Trustee’s ability to perform the duties of office, such as voting on agenda items, asking questions at meetings, or obtaining information necessary to perform the Trustee’s duties. Such restrictions may not survive a legal challenge because they may have the effect of impinging on the Trustee’s First Amendment rights.

Mr. DeBerry explained a censure is essentially an act of the Board, acting as the legislative body of the District, exercising its own First Amendment rights to express disapproval of the conduct of one of its members. Numerous cases have held that a legislative body merely expressing disapproval of the conduct of one of its members does not violate the First Amendment and presented a first reading of Policy 4078- Censure Policy for the Board’s consideration.

President Martin opened the item for discussion. Trustee Shioura stated that the First Amendment rights are crucial as long as a meeting remains peaceful and this policy is an infringement on these rights. District Counsel reiterated the proposed censure policy does not infringe on a board member’s first amendment rights. The Board discussed this item in length followed by Secretary Carline making the motion

to approve the proposed Policy 4078 – Censure Policy as a First Reading and present Policy 4078- Censure Policy at the next Board Meeting for final adoption. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**REVIEW OF POLICY 2275 -
SOCIAL MEDIA POLICY.**

Director Contreras provided the background of how the District adopted Policy 2275 – Social Media Policy on November 15, 2010. Since then Governor Newsom signed AB 992 – Open meetings: local agencies: social media, into law, with an effective date of January 1, 2021. AB 992 amendments are in place until January 1, 2026. Director Contreras presented amendments to Policy 2275 – Social Media Policy inclusive of AB 992 verbiage.

President Martin opened the item for discussion. Trustee Shioura voiced concern regarding First Amendment rights. District Counsel, Mr. DeBerry, clarified this is California State Law and provided examples of when a disclaimer would need to be used for social media platforms. District Counsel further explained AB 992 does not prevent a member from engaging in separate conversations or communication, rather it prohibits a majority of the members of a legislative body to use social media to discuss, deliberate, or take action on district business, outside a public meeting, in accordance to the Brown Act. After additional discussion, it was motioned by Trustee Shkoler and seconded by Trustee Dahl to approve amendments to Policy 2275 – Social Media Policy as presented, inclusive of input received from the Library Board of Trustees and District Counsel. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**CONFERENCE
AUTHORIZATION FOR
TRUSTEES AND LIBRARY
STAFF TO ATTEND THE
UNITED FOR LIBRARIES
VIRTUAL 2021
CONFERENCE, AUGUST 17-
19, 2021.**

Director Contreras presented the 2021 United for Libraries Conference will be held virtually, August 17-19, 2021. Sample of programs scheduled for this year’s conference includes: Auditing Diversity in Library Collections, How to Be an Inclusive Leader: Your Role in Creating Cultures of Belonging Where Everyone Can Thrive, Policies and Practices for LGBTQIA+ Inclusive Libraries: What Trustees Need to Know, and more. President Martin opened the item for discussion. No comments were made. It was motioned by Secretary Carline and seconded by Trustee Shkoler to approve library staff to attend the 2021 United for Libraries Virtual Conference, August 17-19, 2021. A roll call vote was taken:

AYES: Martin, Carline, Dahl, Shkoler
NOES: Shioura
ABSENT: None

**DISCUSSION OF TEEN
LIBRARY PROGRAMMING.**

On June 7, 2021, the District received an email from a patron expressing her concerns about a teen program – Becoming an Ally, an LGBTQ program. The virtual program was offered to teens, ages 14-18. President Martin and Library Director Contreras met with the patron on June 25, 2021 to listen to patron’s concerns regarding sensitive topic teen programs offered by the District, and the question of parental consent.

President Martin opened the item for public comment. Public comments were received from residents Theresa Kintz, Thea Calhoun and Phil Kintz requesting the Board of Trustees require parental consent for future teen programs. During Mrs. Kintz’s public comment, a motion was requested to provide her two additional minutes. Secretary Carline moved the motion and it was seconded by Trustee Shioura. A roll call vote was taken:

AYES:	Martin, Carline, Dahl, Shioura, Shkoler
NOES:	None
ABSENT:	None

An additional member of the public, who would not identify themselves via video conference call, addressed the Board regarding their lack of respect for Trustee Shioura. At the direction of the Board President, the speaker was stopped as their comments did not reflect the agenda item being discussed.

President Martin then opened the discussion for the Board of Trustees. After taking into consideration the comments of the public and disagreements among the Board, Trustee Shioura requested President Martin to make a motion to discontinue the ALLY Program and all future ALLY Programs until further notice. President Martin made the motion to cancel all future ALLY Programs. Trustee Shioura moved the motion. The motion did not receive a second.

President Martin then made the motion to create a working committee comprised of Trustees, library staff, and community members to present recommendations at the October board meeting. Secretary Carline moved the motion and Trustee Dahl seconded. A roll call vote was taken:

AYES:	Martin, Carline, Dahl, Shkoler
NOES:	Shioura
ABSENT:	None

**REPORT OF THE JOINT-USE
COMMITTEE MEETING BY
PRESIDENT MARTIN.**

President Martin reported out on the August 12th Joint-Use Committee Meeting. The City’s report included updates on the upcoming State of the City, Heritage Parade, Veteran’s Village one year anniversary, opening of the Marriott, park projects, status on the \$5 million construction projects throughout Placentia, approval of the senior center, rehabilitation of existing buildings, and the plan to create a public safety building for first responder trainings, parking and equipment storage

**LEGISLATIVE UPDATES
FROM SECRETARY CARLINE.**

Secretary Carline presented legislative updates from the Independent Special Districts of Orange County (ISDOC), California Special District Association (CSDA) & (CLA) California Library Association. Upcoming legislation included SB274, which requires digital agendas to be available by request. Per current practices, the District has the agenda available digitally on the website and by request.

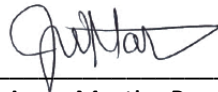
REVIEW OF ACTION ITEMS

Trustee Shioura motioned to cancel the ALLY Program be added to the September agenda. President Martin clarified the Board voted on a working committee, as discussed and approved under the “Discussion of Teen Library Programming” agenda item. Committee will report out at the October Meeting. As a result of the Board’s previous vote, Trustee Shioura’s motion failed.

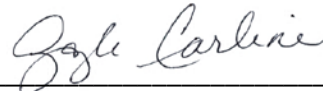
The next Board Meeting will be on September 20th, 2021 at 6:30 p.m.

ADJOURNMENT

The Board of Trustees Regular Date Meeting of August 16th, 2021 was adjourned at 8:30 p.m.



Jo-Anne Martin, President
Library Board of Trustees



Gayle Carline, Secretary
Library Board of Trustees

