

**St. Tammany Parish Library
Board of Control Special Meeting
July 13, 2023
St. Tammany Parish Council Chambers
21490 Koop Dr.,
Mandeville, LA 70471
10:00 A.M.**

MINUTES

The meeting was scheduled as a Rules and Regulations Committee meeting. Due to a quorum of the Library Board of Control, the meeting became a special board meeting.

The meeting was called to order by Rebecca (Becky) Taylor, President. Kelly LaRocca, Director, called the roll and declared that a quorum was present.

Present: Jake Airey, Bill McHugh, Anthony Parr, Becky Taylor
Absent: Carmen Butler, Mary Reneau, Ann Shaw

Emily Couvillon with the Civil Division of the District Attorney's Office was also present as legal counsel for the library.

B. Taylor explained the rules for public comment. A three-minute time limit is established for each member of the public wishing to speak (for or against) an item on the Agenda. This is a special board meeting with only one item on the agenda. Public comments were accepted by email (lboc@stpl.us) until 8:00 a.m. on the morning of the meeting.

1. New Business

A. Challenged Materials Process

Discussion:

The committee discussed Section 407: Statements of Concern About Library Resources. Suggestions from the last Rules and Regulations meeting were added to the working document, which shows revised comments highlighted in yellow. K. LaRocca read part A. *General* aloud. The committee discussed the suggestion of adding a statement that STPL does not acquire any resources which violate La R.S. 14:91.11. There was discussion about whether or not the statement should be part of the challenged materials policy or the collection development policy.

A. Parr asked if content and appropriateness of the material is considered when purchasing items for the collection. K. LaRocca confirmed that is correct. B. McHugh stated that it is a collection policy topic and is not necessary in Section 407. K. LaRocca noted the topic will be revisited when the committee reviews the Collection Development policy.

K. LaRocca read part *B. Process* aloud. The committee discussed Act 436, formerly Senate Bill No. 7. The act defines a library patron as "a person residing in the parish in which the parish or municipal library is located who has reached the age of majority and who holds a library card from the library." The phrase was added to part *B. Process*.

The committee discussed the phrasing of the cost associated with processing a Statement of Concern (SOC). K. LaRocca noted that \$400 is a conservative estimate. The committee agreed that it is important to convey that processing a SOC form entails significant costs and time commitments.

There was discussion about how confirming residency in St. Tammany Parish can help rule out fraudulent SOCs. E. Couvillon asked if it is a violation of privacy laws to cross-check the name and address on a SOC with a library card on file. K. LaRocca stated that we can cross-check to confirm if the person has a library card, but cannot check to see what materials the person has borrowed. B. McHugh noted that the law now requires that a complainant hold a library card. The wording implies that we would verify that they have a library card. K. LaRocca noted that there is a spot on the SOC form for the library card number. The committee agreed that the phrase "Statements of Concern that do not meet the submission criteria will not be considered" should be added to the policy.

The committee discussed and agreed to remove the phrase that states that a complainant may only submit five SOCs per year.

K. LaRocca reviewed the suggestion that, "Any SOC seeking to restrict access by a minor to a resource, solely available digitally and/or categorized as Adult, and thus only available to Adult, Juvenile, and Juvenile Unrestricted cards, shall not be considered." K. LaRocca reviewed the tiered card system, which was included in the Board packet. There are four options for juveniles and a parent must choose what type of card their child receives.

There was discussion regarding how often parents have complained that their child pulled a book from the shelf that they did not agree with. K. LaRocca stated that it is an unusual occurrence and recalls approximately two or three occasions in the past. There was discussion about complainants asking for items to be restricted from the shelves when the item is only available as a digital resource and thus already restricted.

The committee discussed the suggestion to include the resolution from December 13, 2022, to the policy. The resolution places challenged materials under review behind the circulation desk. It was suggested that there should be a uniform location for challenged books behind the desk.

T. DiMaggio noted that the library is in the process of putting “dummy books” on the shelf so that patrons can have spontaneous discovery of the item along with a notification that the book is behind the desk. There have been requests from the public to provide copies of the challenged books for review at the Covington and Slidell branches. Two copies of the challenged books were purchased to implement that suggestion. Some titles were not available to purchase. The items will be non-circulating and can be reviewed in-house only. T. DiMaggio also noted that all of the redacted SOCs are available for viewing on the website, as requested by the public. K. LaRocca noted that the website has a list of the challenged books that link to the catalog so patrons can search for a circulating copy of the item for checkout.

There was also a suggestion to repeal the December 13, 2022, resolution and leave the challenged books on the shelves. A. Parr noted that the December 13, 2022, resolution is a contradiction to the following statement in the library’s policy: “An individual may not exercise censorship to restrict the freedom of others to read, see, or hear.” A. Parr asked for clarification on why the resolution was adopted. K. LaRocca explained that there was a lot of upset at the time. Staff were being questioned about the materials and whether or not they were legal. There were issues with individuals going to the library and calling the police on staff members. K. LaRocca noted that December was a stressful time for both the staff and the Board and they were trying to make the best decisions for everyone.

A. Parr reiterated that the above-mentioned statement in the policy is not true since the December 13th resolution was adopted. J. Airey stated that he does not think it is correct, in terms of the law, that no one has the right to say what others read or hear, as that is the whole purpose of the Board. He suggested adding verbiage to clarify that the LBOC has the power and authority to review all materials in the library based on the processes established herein. B. McHugh reminded the Board of the letter from the Tulane University Law Clinic and a statement from the ACLU, which asserts that holding challenged books behind the circulation desk violates the Constitution.

K. LaRocca noted that the Board as a whole would have to make the decision whether or not to continue with the adopted resolution of December 13, 2022, but the committee has to know which one to put in the policy. E. Couvillon confirmed that the Board would have to make a motion to vacate the policy. In terms of moving forward to the policy revisions, she suggested writing alternative versions for the Board to consider. B. McHugh suggested discussing it at a full board meeting and then drafting a new resolution based on what the Board decides. He suggested another option of drafting two resolutions for the Board to vote on.

J. Airey stated that the Board would need its own legal counsel to weigh in on the issue. E. Couvillon stated that the District Attorney’s Office reviewed the December 13th resolution before it was adopted and felt that it comported with the law and noted that a temporary restriction has not been tested by the courts. A. Parr noted that the addition of the verbiage that J. Airey suggested still includes restriction of some type.

There was discussion about the suggestion to make an *in globo* decision on SOC's when the only complaint is that the book violates R.S. 14:91.11. The committee decided not to include this in the policy.

There was discussion about the committee review process, the possibility of returning to an internal committee and appeal process, and decisions vs. recommendations. K. LaRocca noted that the previous policy change happened in December 2022. The review process went from a staff committee decision to a recommendation and Board review for a final decision. The policy could be revised to return to a staff committee making the final decision with the option for the complainant to appeal that decision to the Board. The policy change would have to be voted on by the Board.

B. McHugh noted that Act 436 includes an extensive list of what is considered sexual conduct. Each library in Louisiana has to have a requirement that a request for reconsideration of a library material that may include sexually explicit material be reviewed by the LBOC. This will need to be included in the policy. In that case, staff would continue the committee review process, make a recommendation, and the Board would make the final decision.

J. Airey spoke of the Parish Council's process of conducting zoning appeals. The initial review and decision-making takes place in an open meeting. If appealed, both sides of the matter in question are given 10 minutes to address their issues to the Council. Oftentimes, two or three people take the lead and speak within the 10 minutes. J. Airey spoke of the amount of time it takes for 30 people to speak for three minutes on one book and how the 10-minute limit would streamline the process. E. Couvillon clarified that the LBOC implementing the 10-minute limit would leave one layer of due process missing, since the initial committee review is not in an open meeting. J. Airey acknowledged that it may not be workable. E. Couvillon stated that she is meeting with K. LaRocca and B. Taylor to review Act 436 to determine what changes need to be made to library policies in order to comply with the new law. The committee decided to defer this policy revision until Act 436 is reviewed.

Other revision suggestions on the list are contingent upon whether or not the library returns to an appeals process. Those suggestions are deferred until that is decided.

The committee spoke about the five-year period of time that decisions on a SOC about specific materials, programs, or displays will remain in effect. The committee agreed that five years is acceptable.

The committee reviewed the *Statement of Concern about Library Resources* form. K. LaRocca suggested providing the policy and form as one packet. T. DiMaggio suggested also including the Collection Development policy in the packet. The committee agreed. B. McHugh suggested adding a link to the policies on the form or on the same page where the form is located on the library's website. He also suggested adding a check box that must be selected stating that the

patron has read the policies in order to submit the form. Check boxes could also be added to the paper forms.

There was discussion about the number of digital copies of challenged materials being available to patrons. K. LaRocca explained how licensing for digital materials for libraries works. Overdrive allows our tiered card system restrictions, but does not allow multiple simultaneous checkouts for one item. Hoopla allows multiple simultaneous checkouts, but does not allow our tiered card system restrictions. All of the challenged digital materials are moved to Overdrive to allow the tiered card system restrictions. There are some metered copies of books available, which means that we pay a certain amount for 100 checkouts. The number of checkouts of that digital item is displayed in the catalog, not the number of available copies. The pricing and licensing that the publishers have arranged with Overdrive are out of our control.

K. LaRocca noted that J. Riecke put together a *Materials Under Review* list on our website that shows each challenged item in the catalog. Each item is linked to the catalog and shows how many copies are available. Patrons can place a hold on the item directly from that list. T. DiMaggio noted that physical copies of books that were only available in the digital collection were purchased for the non-circulating in-house review sections at the Covington and Slidell branches.

There was discussion about the language placement and phrasing on the *Statement of Concern about Library Resources* form. B. McHugh again suggested adding a link to the policies on the form or on the same page where the form is located on the website. The word “number” will be added after STPL Library Card. B. Taylor noted that the name and card number should match to the same person in the system. Question three asks where the patron encountered the material (which branch library or electronic resource). K. LaRocca explained that the review committees are populated based on where the challenged item is located.

B. McHugh thanked the staff for all the work they are doing.

Public Comment:

Cynthia Weatherly – Covington, LA. Stated that one private citizen should not have the power to restrict access to books for an entire community. Asked for reasonable limits on the amount of complaints that one person can submit, as one could easily submit enough complaints to sequester the entire library. Stated that the books should be returned to the shelves. Spoke of filing a lawsuit to test the legalities of restricting books. Asked the Board not to allow Ms. Miner to continue threats of drowning by a millstone or to harass teen volunteers in the library.

Patricia Farris – Covington, LA. Thanked the library for the additions to the website and for planning to have a copy of the books available for viewing. Requested that the LBOC meeting agendas be posted on the website sooner. Stated there is no agenda or packet posted yet for the July 24th meeting and she does not know which books will be reviewed. K. LaRocca explained that the board meeting packet has to be posted 24 hours in advance by law and there

is a lot of information that goes into the packet besides the upcoming books. Stated that the books scheduled for discussion will be posted ahead of time on the website under the list of board meetings. P. Farris asked the Board to follow their own February 28, 2023, resolution regarding graphic novels or implement Act 436. Asked about the cost of a book challenge being \$400 and whether or not it is a true cost or the value of staff time. K. LaRocca clarified that a portion of it is the value of staff time that would otherwise be spent providing services to the public. K. LaRocca clarified that anyone serving on the committees and reading the books are volunteering their time to do so, as there is not enough time in the workday to sit and read.

Terri Lewis Stevens – Covington, LA. Asked if the challenged books have to be read in their entirety. Asked about an enforcement policy regarding stolen books. Asked if filming patrons within the library is allowed, as she has seen this online and it is concerning. Spoke of the complainant not showing up to the meetings. Used an analogy of not liking a jacket and asking for it to be removed. Stated that one person should not have that power.

Ruth Terry Sipos – Suggested a wording change in section 1 under *B. Process*. Suggested removing “cost of” in the second sentence. Stated that the complainants should be encouraged to speak to a branch manager, not just any staff member. Asked if the dummy books include the book cover. T. DiMaggio confirmed that they do. Stated that placing books behind the counter is a privacy and shame issue. Noted that she was not aware of the level of privacy the library maintains regarding items people check out. Stated she appreciates the Board’s efforts.

Johanna Miner – Asked to be allowed to ask questions before her three minutes starts. Complained that the clock started. B. Taylor advised J. Miner that she has 30 seconds to state her questions. J. Miner asked what Act 436 is and asked for a copy. Asked how it is determined that a SOC is fraudulent. K. LaRocca stated that Act 436 was formerly Senate Bill No. 7 and was signed into law by the Governor on June 30, 2023. B. McHugh informed J. Miner that she can read about Act 436 on the Louisiana State Legislature website. To answer J. Miner’s second question, K. LaRocca explained that the library received SOCs with names and addresses that were not legitimate. She gave an example of the name Mickey Mouse with the address of the Mandeville Library. B. McHugh noted that Act 436 requires that a complainant possess a library card, which will make it easier to confirm the legitimacy of the names and addresses on the SOC. J. Miner asked if that means that a person cannot submit a SOC if they do not have a library card. B. McHugh confirmed that is correct. J. Miner accused the library of sending her personal information to the American Library Association (ALA) after submitting a SOC in 2022. Stated that she saw it on Twitter and is considering a lawsuit. Stated that she is the “watchman on the wall.” Issued the Board a warning that their blood is on their own hands and when it happens it will be so swift and fast that they will not know what hit them. Stated that was not a threat and there is a higher power watching every move they make. Stated she does not know how they sleep at night knowing the filth in the library continues.

Jamie Segura – Covington, LA. Stated that challenged books should not be removed from the shelves. Stated that the whole process is designed by religious anarchists to bankrupt the

library. Stated that the primary complainant is costing the library thousands of dollars. Referenced comments regarding public involvement and noted that LBOC members are the public, they live here, and are not elected. Noted that Mr. Airey is an elected member of the Parish Council who serves the public. Thanked the Board for their efforts. Spoke of possibly challenging the Bible.

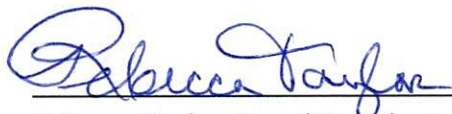
Sonnet Ireland – Slidell, LA. Stated that shots have been fired and chaos is about to come. Stated that people are going to file SOC's with their real names and addresses and there will be thousands of books challenged. Stated that one side's goal is to defund the library and the other side will retaliate and break the system. Stated that books are restricted in other libraries for their own protection, not due to their content.

Kathy Wiley – Thanked the Board for hearing her concerns. Stated that she has worked for 16 years in public schools. Stated she is not concerned with adult content, as adults should have intelligence to discern for themselves. Stated she loves the library and children. Spoke of child development and critical thinking. Concerned about books with sexual content in words and pictures. Stated that ancient religions used children for sex and used the rainbow in June. Stated the library is indoctrinating children. Stated that strong moral principles are lost in this community.

J. Airey noted that if you send a document or email to a government agency, it becomes a public record. K. LaRocca stated that we have had public records requests for all SOC's and the complainant's personal information is redacted for privacy. The redacted SOC's are on the library's website. K. LaRocca stated that the library did not submit SOC's to the ALA. The ALA only asks for statistics, not names, and the library has not even sent them statistical data regarding SOC's. E. Couvillon suggested adding a note to the website or SOC informing patrons that information submitted to a public body may become public record pursuant to the provisions of the Louisiana Public Records Law, located at La R.S. 44:1, et seq.

2. Adjournment

There being no further business, a motion to adjourn was made by J. Airey and seconded by A. Parr. The motion carried.



Rebecca Taylor, Board President