

# Ouachita Parish Public Library

## Board of Control

### MINUTES

January 12, 2023

Library Board of Control Meeting was held on at 12 noon on Thursday, January 12, 2023, at the Main Branch of the Ouachita Parish Public Library.

In attendance were the following members: Mr. Darris Waren, Vice-President; Mr. Wyman Mardis; Mr. Larry Bratton, ex-officio member; Ms. Misti Cordell; and Ms. Kathy Craig. Also attending were Mr. Brad Cammack, OPPJ Treasurer; Mr. Jay Mitchell, OPPJ Assistant District Attorney; Ms. Nancy Green, OPPL Acting Director; Ms. LaKeisha Bosworth, OPPL Assistant Director; and Ms. Casie Castle, OPPL Business Manager.

President Ms. Betty-Ward Cooper and Mrs. Alex Weber were not in attendance.

Vice-President Darris Waren called the meeting to order at 12:06pm and gave the invocation.

There were no changes at this time and the agenda was approved as presented on a motion by Ms. Craig, seconded by Mr. Mardis.

Mr. Waren welcomed guests Ms. Connie Sampognaro, Ms. Vickie Krutzer, Ms. Dilcie McDonald Green, Ms. Larkin, Ms. Norissa Bryant, and Ms. Nancy K. Peters.

Mr. Waren called for public comment.

Ms. Vickie Krutzer was first of the guests to address the Board and presented her Citizen's Request for Reconsideration of Library Materials Form at this time. She indicated that she had come forth now with the book *Let's Talk About It* by Erika Moen and Matthew Nolan due to other library systems in the state dealing with this title. Mrs. Krutzer then began to address her concern about books that she felt were inappropriate to be in the Public Library. She had a copy of the book *Let's Talk About It*, and she mentioned that St. Tammany Parish was involved in a court case currently dealing with this book. She expressed her concerns that the book is very sexually explicit, and she does not feel the book is pertinent to learning nor is it suitable for teens nor should it be in the public library. She displayed her copy of the book to the board and the others present, presenting pages of the book to members of the Board and others to emphasize the sexually explicit and graphic content that she was referring to. Ms. Krutzer then stated that the Ouachita Parish Public Library is responsible to the public to reflect the values of the community it serves, and she requested the board consider removing this title from the Ouachita Parish Public Library's shelves. She also requested that a policy be made that all books

ordered by the library be looked at and reviewed individually before they were placed on the shelves.

At this time, Mr. Jay Mitchell, OPPJ Assistant District Attorney, suggested to the board that they would need to amend the meeting agenda to be able to consider or act upon the Ms. Krutzer's request as the matter was not on the posted Agenda. There was a motion then made by Mr. Bratton and seconded by Mrs. Cordell to amend the agenda to add the Request for Reconsideration and book selection issues presented by Ms. Krutzer. The Motion was approved without opposition. Mr. Bratton spoke to suggest guidelines be made for the library to have an age limit and review process for books ordered that were similar in content to the books being presented for reconsideration.

Mr. Waren then asked Ms. Green and Mrs. Bosworth about the number of books that were ordered and came in at any given time to be processed into the library's system. Ms. Green and Ms. Bosworth both noted that hundreds of titles were ordered and could come into the library at any given time for processing. Mr. Mardis inquired about hiring more staff to review the incoming books.

Mr. Mitchell then mentioned the legal ramifications that could result from removing a book from the library shelves. He stated that removing a book from the shelf was a governmental action that could be subject to a bona fide legal challenge and strict scrutiny by the court. Mr. Mitchell stated that materials on the shelf of a public library are protected by First Amendment Rights. Mr. Bratton asked if the Ouachita Parish Public Library could put the titles being reconsidered behind the desk for requested checkout to with protections in place, without denying First Amendment Rights. Mr. Mitchell expressed the likelihood such that restrictions might not be upheld. Mrs. Cordell spoke up at this time to ask what happens if people become offended by religious texts such as texts on Christianity in response to the removal of *Let's Talk About It*.

Mrs. Connie Sampognaro presented a Citizen's Request for Reconsideration of Library Materials Form that included the titles *Let's Talk About It* and *Drawn to Sex: Our Bodies and Health* both by the authors Erika Moen and Matthew Nolan. Mrs. Sampognaro then addressed the board and requested them to take the community they served into consideration. She expressed her feelings that the books are pornographic, and she mentioned that other areas of the state such as Lafayette and Livingston Parishes have action taken against these books as well. Mrs. Sampognaro suggested that there be a library board review prior to purchase of books with sexual content.

Mrs. Krutzer spoke up to say that she and the other guests present did not want to go to the media and make their actions for reconsideration public. She also mentioned that the library censors magazines such as *Playboy* and *Hustler* as well as the internet. Mr. Mitchell responded that the Supreme Court has upheld filtering the internet in all public libraries and that public libraries do not generally have *Playboy* and *Hustler* on their shelves.

A motion was then made by Mr. Bratton to place the books in question behind the circulation desk to be available for review or check-out when requested by a person over 18 years of age. This motion was seconded by Mr. Mardis.

Mr. Waren asked Mr. Mitchell if the Board could have a book removed if it was considered pornographic. Mr. Mitchell noted that it could be argued that the book, *Let's Talk About It*, did not contain actual photographic pictures of a pornographic nature but that it was a graphic novel with cartoon drawings presented as "educational" material. Mr. Waren suggested the Board needed more time to research and see if the book title could be legally removed from the shelves. Mr. Mitchell then brought to the attention of the board that Ms. Green had already reviewed the title *Let's Talk About It* due to being made aware of concerns about the book in other parish libraries, and she had, prior to the meeting, reclassified the book from the Young Adult to the Adult section of the library. Mr. Bratton restated that he wanted restrictions in place. Mrs. Cordell noted that the library board needs time to research this issue in order to make a sound decision. Mr. Bratton again stated he wanted the titles placed behind the desk. Mr. Waren mentioned that librarians within the Ouachita Parish Public Library system may contact groups in favor of keeping the titles being requested for reconsideration unrestricted.

Ms. Green asked Mr. Bratton for further clarification about the placing of the books in another area of the Library to which Mr. Bratton replied that the books would be available for request by a patron but not on the regular shelf. Mr. Bratton also asked that there be an age limit of 18yrs and older in order to check out the book. Mrs. Sampognaro stated that she agreed with Mr. Bratton's request to place the book behind the desk to be restricted to request-only checkout. Mr. Mitchell commented that his legal research indicated the restrictions being discussed would not survive a court challenge of the action in the context of a public library.

More discussion followed and Ms. Green reviewed with the board the circulation statistics of *Let's Talk About It* since it was acquired on April 21, 2021. At the time of the meeting there had only been 19 circulations of the title at various branches. Ms. Green listed some of the branches and the circulation of the title per branch as follows: Anna Meyer – 2 circulations, Louise Williams – 1 circulation, Ollie Burns – 1 circulation, Carver-McDonald – no circulations, Ouachita Valley – 8 circulations, West Monroe – no circulations, West Ouachita – 2 circulations, and Searcy Memorial – no circulations. Mr. Mardis then stated that he wanted the title removed. Mrs. Craig mentioned that the book reflects what is happening with teens today in schools and she stated that the public library has to provide books requested by the public. She also noted that teens see things on TV, Netflix, etc. Mrs. Craig also noted that parental guidance needs to be a factor as well. Mrs. Krutzer agreed with Mrs. Craig that kids can see things on TV. She stated that she was not requesting censoring people from getting the book from Amazon. She noted that taxpayers fund the public library. Mrs. Sampognaro spoke up that she was not against educational books, but she felt the book's instruction of sexual acts was not appropriate. At this time, Ms. Dilcie McDonald Green suggested that if the book had never checked out at certain Branches, could it be removed from those Branches.

Mr. Bratton then re-stated his motion to provide that all copies of the book be collected and assigned to the Main Branch of the Library and kept behind the circulation desk with an 18 and older age restriction label placed on them. This motion was seconded by Mr. Warren. Ms. Cordell asked that the action proposed by the Motion be considered temporary until the Library Board could obtain a legal opinion on the issue. This clarification was accepted and a vote was called on the Motion. The Motion was adopted without opposition.

The minutes from the previous meeting held on December 8, 2022, were approved on a motion by Mr. Bratton, seconded by Mrs. Craig with all present voting in favor of approval.

Mr. Warren called for Ms. Green to review OPPL's monthly Statistical, Financial, and Personnel Reports from December of 2022.

Ms. Green discussed the Statistical Report, noting that Physical Circulation showed an increase from this time last year. She also noted that eServices totaled 16,106 and fine payments totaled \$1,740.05 across all the branches in the system. Program attendance both in-house and virtual for December 2022 were 5,016 people. Ms. Green then pointed out that there are a total of 445,143 items in the library and for the year 2022 both physical items circulated (366,144) and eService items circulated (130,864) were more (497,008) than the total number of items the library has in its collection. Total visits for the year of 2022 were up as well as total patron use for the year compared to last year.

At this point in the meeting, Mr. Mitchell asked the board to go back to the item of the books that had been requested for reconsideration. He suggested that the Library Board specifically authorize him to request an opinion from the Louisiana Attorney General's Office regarding the legality of the restrictions the board had temporarily placed on these books, including if those restrictions were made permanent. Mrs. Cordell made a motion to authorize and direct Mr. Mitchell to request such an opinion from the Attorney General's office. This was seconded by Mr. Mardis. The Motion was adopted unanimously.

Ms. Green returned to the Statistical Report to state that the total program attendance for 2022 was 41,003 patrons. The Statistical Report was approved on a motion by Ms. Cordell, seconded by Ms. Craig.

Next, Ms. Green discussed the Financial Report for December 2022. She pointed out that there were no major changes or things of note during the month of December. The Financial Report was approved on a motion by Mr. Mardis, seconded by Mr. Bratton.

The Personnel report for December 2022 was then discussed by Ms. Green and was approved on a motion by Ms. Craig, seconded by Mr. Bratton.

## **Other Business/Discussion:**

Mr. Waren asked for an update on the progress of the Stein Mart building. Mr. Cammack stated that Mr. Bill Land of Land 3 Architect was in the process of inspecting the property and had asked for an asbestos testing to be done. Asbestos had been found in the carpet glue and a decision needed to be made as to whether to pull up the carpet or not. Mr. Mitchell noted that it would likely be toward the end of February before the sale could be finalized. He stated that the survey, title opinion, appraisal and inspection were all happening at this time with Mr. Land doing the inspection. Mr. Waren stated that he would like to have Mr. Land attend the February board meeting. Mr. Mitchell noted that the Police Jury will have to vote to adopt any recommendation by the board to purchase the building once the process comes to that point.

The meeting was adjourned at 1:20 pm on a motion by Mr. Mardis, seconded by Mr. Bratton, with all voting in favor.

Respectfully,

A handwritten signature in cursive script that reads "Darris Waren". The signature is fluid and extends to the right with a long horizontal stroke.

Darris Waren, Vice President

A handwritten signature in cursive script that reads "Nancy Green". The signature is fluid and extends to the right with a long horizontal stroke.

Nancy Green, Secretary

Acting Director