

RESOLUTION NO. 2023-41

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING A POLICY FOR THE REVIEW AND
RECATOLOGING OF LIBRARY MATERIALS CONTAINING SEXUAL CONTENT

WHEREAS, the City Council has observed that there are some children's books and other materials in the City's libraries that contain sexual writings, explicit sexual references, explicit sexual images, and other sexual content, and views and considers much of this "obscene" and/or "pornographic;" and

WHEREAS, "obscenity" is defined as material appealing to prurient interests, portraying sexual content in a patently offensive way without serious literary, artistic, political, or scientific value and "pornography" is commonly defined as the depiction of erotic behavior intended to cause sexual excitement; and

WHEREAS, the City Council is concerned that some of the children's books and other materials ("books and "other materials"" also includes any digital content and/or online content) in the City's libraries contain sexual content that is viewed by the community as obscene and/or pornographic; and

WHEREAS, those books and other materials containing sexual content are presently readily available to children without any parental involvement or requirement for parental involvement; and

WHEREAS, the City Council seeks to protect our community's children by necessarily involving parental oversight and participation regarding children's access to obscene, pornographic, or sexual content in books and other materials at or from the City libraries; and

WHEREAS, the City libraries are funded by taxpayers from the community and children's books and other materials are necessarily procured by taxpayer funds; and

WHEREAS, the content of books and other materials are generally judged by "community standards" per *Miller v. California* (1973) 413 U.S. 15;

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. Children's Accessibility to Library Books:
 - a. No City Library or other City facility shall allow children ready access to books and other materials that contain any content of sexual nature. Books and other materials containing any sexual writings, sexual references, explicit sexual images, and any other sexual content shall not be placed in, or be present in, any section of any City Library or facility other than adult section(s), i.e., those areas/shelves designated for 18-years or older.
 - b. Parental or guardian consent will be required before accessing or checking out any book or other material that contains any sexual writing, sexual references, sexual images, and/or other sexual content by anyone under 18-years of age, whether the books or materials are intended for children or adults.

2. Procurement of New Books and Materials Required to Meet Community Standards:
- a. No City Library or other City facility shall procure (children's) books or materials containing any sexual writing, sexual references, sexual images, and/or other sexual content that are intended for children without first receiving the approval of a community parent/guardian review board.
 - b. A community parent/guardian review board shall be established, comprised of up to twenty-one (21) adult community members, each Council Member appointing three (3) to review all proposed or new children's books and other materials procured by the City Libraries or City Librarians that may contain sexual content before the books or materials are placed in the City Libraries or facilities.
 - c. This community parent/guardian review board shall meet at least twice a year, and more if necessary, to review children's books recommended to the City Libraries to determine by majority vote if the books and materials meet the community standards of acceptance for the City of Huntington Beach. If recommended books or materials do not meet the City's community standards of acceptance, they may be rejected by vote of the community parent/guardian review board.
 - d. The community parent/guardian review board may also recommend books or other materials currently in circulation at City Libraries be subject to the same review process on a case-by-case basis. Should the community parent/guardian review board find a book or material currently in circulation does not meet community standards, it shall be placed in the adult section and subject to parental and guardian consent before being checked out by anyone under the age of 18.
 - e. This section does not modify the requirement in Section 1 of this Resolution that any book containing sexual content be placed in the adult section and require parental or guardian consent for children to access.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 20____.

ATTESTED:

City Clerk

Mayor

Mayor Pro Tempore

APPROVED AS TO FORM:

City Attorney