



Review of Councilmember Item 23-532 – Selection, Display, and Circulation of Library Books and Other Materials within Huntington Beach Public Libraries

October 17, 2023

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Review of Councilmember Item 2023-532

On June 20, 2023, City Council directed the City Manager to work with the City Attorney to return to the City Council at a Study Session in September of this year with options to establish safeguards that would prevent minor access to age-inappropriate, obscene, pornographic and/or sexually explicit materials in City libraries.



Review of Councilmember Item 2023-532

On September 4, 2023, City Council redirected staff to return to City Council on October 17, 2023, with actionable policy options regarding City library materials and safeguards.



Research Conducted

- Meeting with California State Librarian
- Meeting with Penguin Random House (Publisher)
- Meeting with Brodart Company (Book Distributor)
- Collaboration with other City Managers and library systems on best practices and resources
- Review of case studies, court cases and legislation
- Participation in online webinars
- Meetings with interested members of the public
- Meetings with City Manager and City Attorney, as directed



Research Findings: Publisher

Penguin Random House (Publisher)

- Nothing is published that will raise red flags on the Miller Test
- Rigid requirements on how books are published
- Typically, will not publish material from authors who are not represented by an agent
- Review Process
 - Multi-level to include the editor, publicist, legal, subject matter experts, and review of illustrations



Research Findings: Publisher

- Children's Books
 - Third party companies are used to identify content levels based on child development phases
 - Pre-publication reviews conducted by teachers, librarians, and subject matter experts
 - Comprehension vs. Content
- Publisher has the right to postpone, reject or decline to publish the book at any time during the process, even after publishing is complete



Research Findings: Publisher

- Ratio of manuscripts published as books: about 1-2%
- The low rate of manuscript acceptance acts as a quality control: publishers select only the best materials for publication and perform the necessary fact-checking, verification, and legal evaluation for each title published



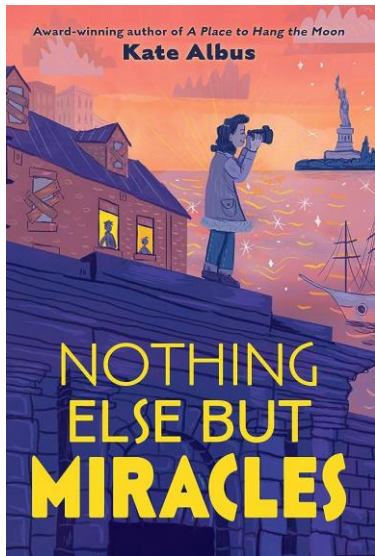
Research Findings: Book Distributor

Brodart (Book Distributor)

- Data is developed and accompanies each book, including recommended age categories, which are provided by the publisher
- Brodart curates their data, constantly reviewing for accuracy, and identifying additional data points to help libraries and readers make informed decisions
- Brodart aims for each book to have a minimum of ten subject headings/data points



Research Finding: Book Distributor



Nothing Else But Miracles **A★R L H**
Author: Albus, Kate

Class: Fiction **LC:** PZ7.1
Age: 8-12 **Grade:** 3-7
Language: English
Demand: High **Print Run:** 75000

ISBN-13: 9780823451630
LCCN: 2022040898
Imprint: Margaret Ferguson Books
Publisher: Random House

Pub Date: 09/05/2023
Availability: Available
In-Stock: 64
List: \$17.99
Net: \$9.89
Ext. Price: \$19.78

Physical Description: 278 pages ; 22 cm H 8.53", W 5.71", D 0.96", 0.8 lbs.

LC Series:

Brodart Sources: Brodart's For Youth Interest Titles
Brodart's TOP Juvenile Titles

Bibliographies:

Awards: Publishers Weekly Starred Reviews

Starred Reviews: Publishers Weekly

TIPS Subjects: Action/Adventure
Family Life
Historical Fiction

BISAC Subjects: JUVENILE FICTION / Action & Adventure / General
JUVENILE FICTION / Family / Siblings
JUVENILE FICTION / Historical / United States / 20th Century

LC Subjects: Hotels, Juvenile fiction
Hotels, motels, etc., Fiction
Lower East Side (New York, N.Y.), Fiction
Lower East Side (New York, N.Y.), Juvenile fiction
Siblings, Fiction
Siblings, Juvenile fiction
World War, 1939-1945, Fiction

S Subjects: Hotels and motels, Fiction
Lower East Side (New York, N.Y.), Fiction
Siblings, Fiction





idea

an author has an idea!
they write a book to
share their idea.



manuscript

the written idea
is submitted to a publisher
as a raw manuscript.



editor

manuscripts are reviewed
by an editor for selection.
only 1-2% are chosen.



revisions

the manuscript is revised
for accuracy, grammar, and
content.



printing

after many edits, the publisher
decides whether or not
to print the book.



website

the book with all of its
data and reviews are added
to the wholesaler website.



reviews

experts in literature write
professional reviews of some,
but not all, of the books.



datapoints

hundreds of descriptors
are added to each book
by librarians.



warehouse

wholesalers order books
from many publishers
and store them in warehouses.



selection

selection librarians read
data and reviews and
select books for purchase.



approval

supervising librarians
review order lists for
accuracy and justification.



purchase

an accounting technician
orders the books from
the wholesaler.



shipping

the books are prepared
and shipped to the library
by the wholesaler.



shelved

books are added to the
library catalog and placed
on the shelf.



readers

readers choose the books
that best fit their
information needs.



Data Analysis

- **Library Card Account Types**

- Adult cards: 82,813
- Teen cards: 2,434
- Minor cards: 17,976

- **Materials Checked Out**

- Adult: 285,427 (FY 22/23)
- Young Adult: 36,203 (FY 22/23)
- Children's: 459,779 (FY 22/23)

- **Library Collection**

- Total items: 290,189
- Books: 134,620
- Materials Procured Annually: Approximately 20,000

- **Book Challenges**

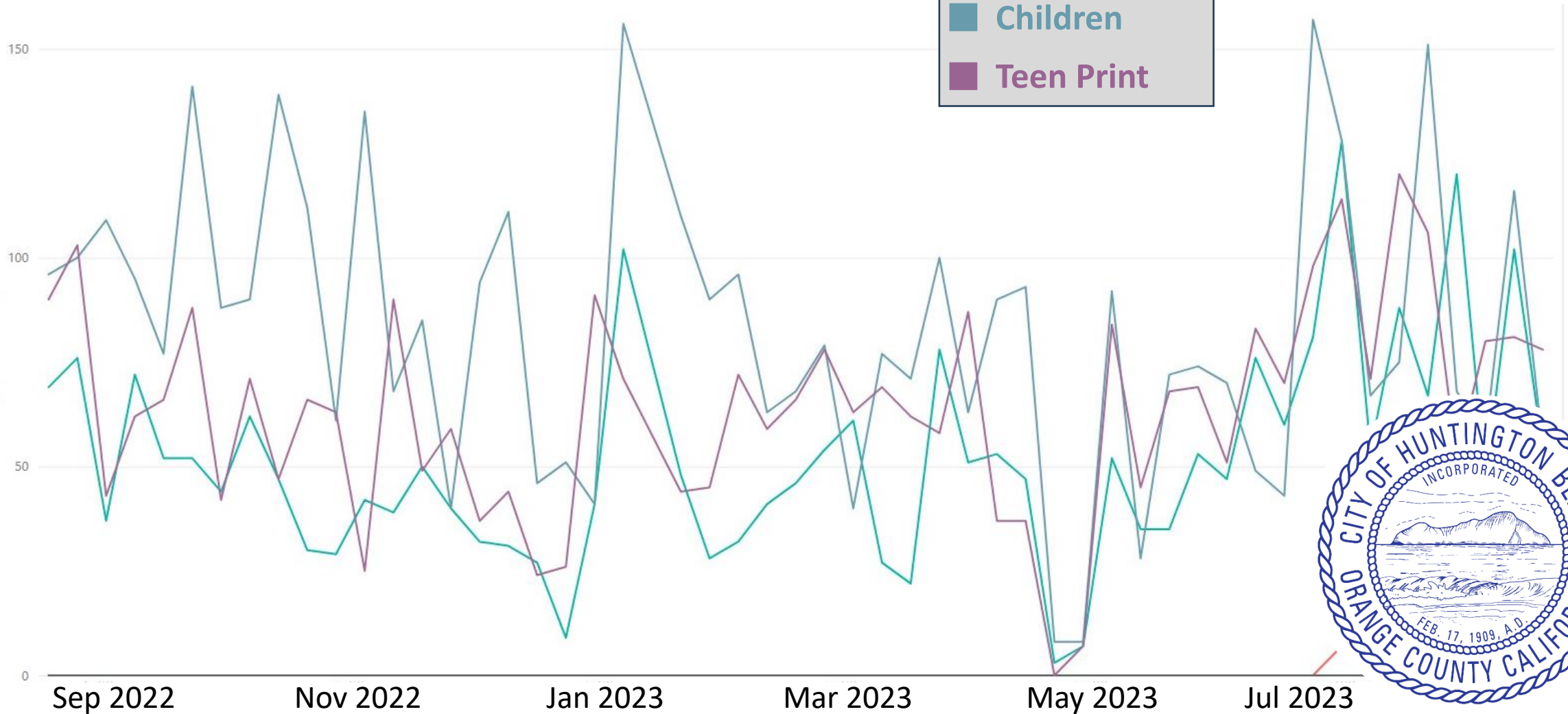
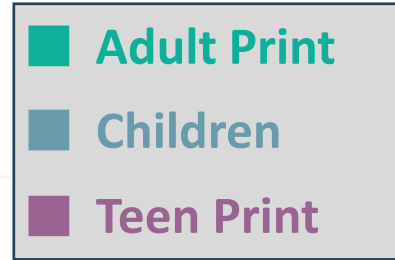
- 5 Challenges in last 5 years
- 0 Challenges in 2023



Data Analysis: Minor Cards



Data Analysis: Teen Cards



Library Policies

- Collection Development Policy
 - Materials Reconsideration Process
- Computer Lab Use Agreement
- Internet Safety/Child Information Protection Act (CIPA)
- Library Card Policy
- Rules of Conduct
- Unaccompanied Minors Policy



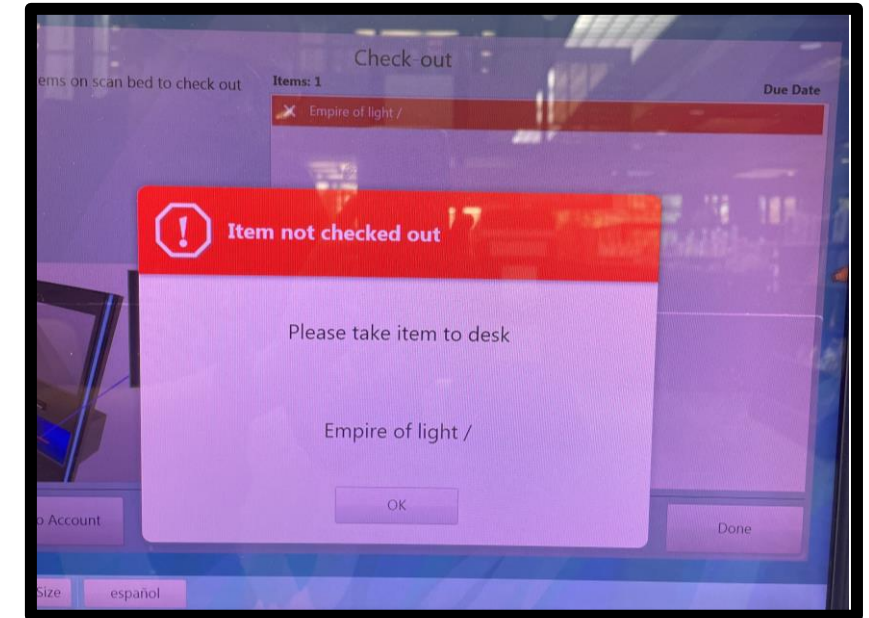
Library Policies: Collection Development

- Specificity added to inform decision making on which items are considered for addition to the collection
- Materials Reconsideration Process
- Council Request: Form a committee to monitor library collections



Library Policies: Library Card Types

- **Minor Card**
 - Require parental permission
 - May only check out printed materials
- **Teen Card**
 - Does not require parental permission
 - May only check out printed materials
- **Adult Card**
 - Full access to the collection and all materials
- **Council Request: Parental Control Card**
 - Require parental permission
 - May only check out Children's Library printed materials



Library Policies: Rules of Conduct

Updates to Include

- Current process for suspension of privileges and appeals process
- Added behaviors not allowed include
 - Damaging, defacing, or altering library material or property
 - Harassment of other patrons or staff or impeding one's use of the library or staff's ability to do their work
- To be reviewed and updated as needed every two years



Library Policies: Unaccompanied Minors

- Current policy reflects minors 10 and younger
- Update would require a responsible adult to accompany minors 12 years old and younger at all times while in the library
- Supports direct parent/caregiver involvement in the choices children are making while at the library, as well as the materials they select



Supporting Parents & Caregivers at HBPL

- Updated new cardholder brochures
- Updated process for providing book recommendations for young readers and families
- Updated book lists, informational flyers, & reading guides



Supporting Parents & Caregivers: New Cardholder Brochure



- Information about the Children's collection
- Library hours & locations
- Card usage restrictions
- Unaccompanied Minors Policy statement
- Purchase suggestion information
- Library policy information
- Children's program information



Supporting Parents & Caregivers: Book Lists & Content Advisory



- "Picture books to read aloud" book lists by subject
- Grade level book lists for grades 1-8
 - *Titles selected based on content & comprehension*
- What's in this book? guide for parents
 - *Online resources to learn more about book content and make informed decisions*
- Book recommendations for children
 - *Conducted by professional librarians*
 - *Incorporate parent input & family values*
 - *"Are there any topics you would like to avoid when finding new books for your family?"*

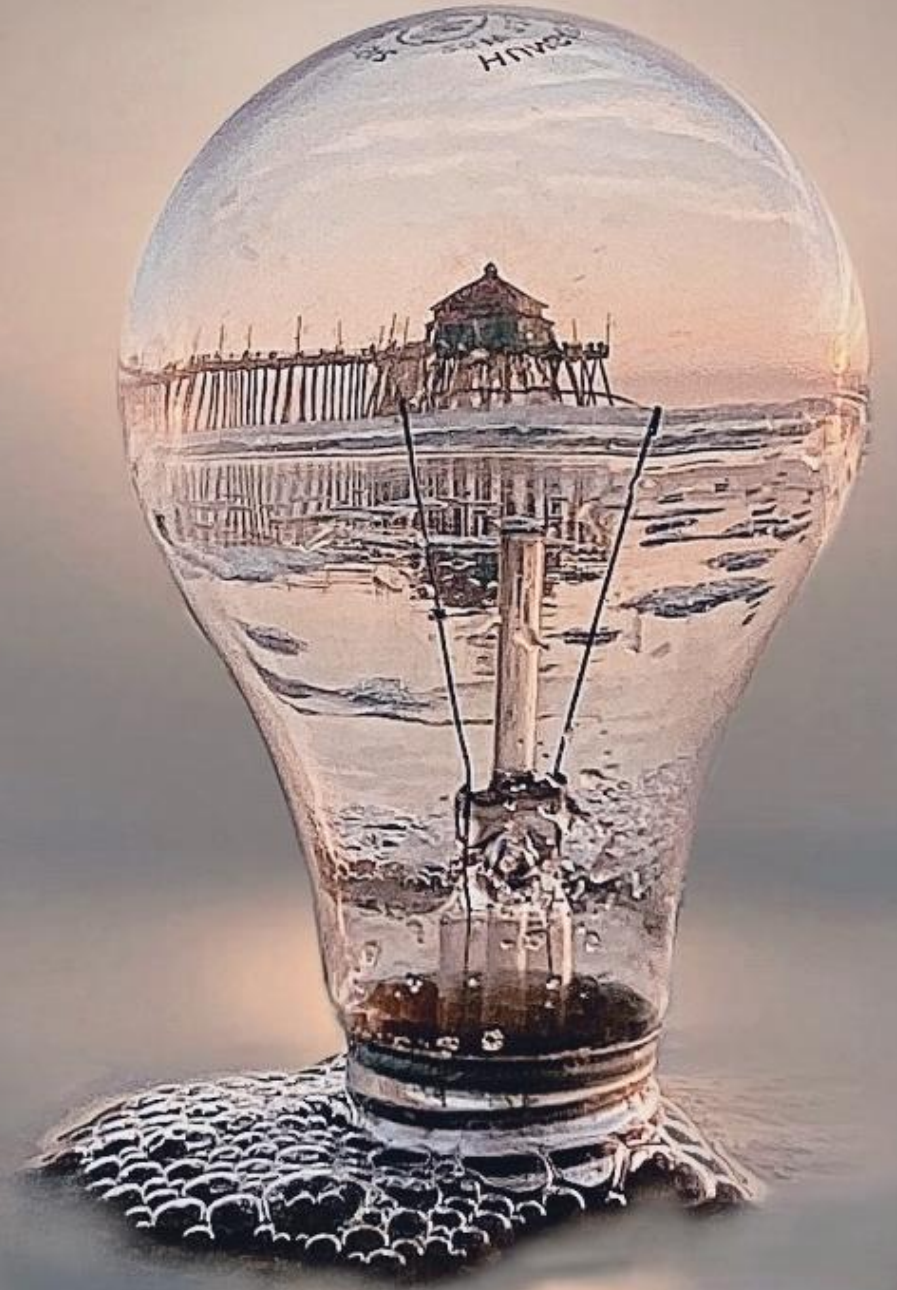


Summary of Final Options

- **Policy Updates**
 - Creation of a Parental Control Library Card Type
 - Adjustment to Unaccompanied Minors Policy Age Limit
- **Support for Parents & Caregivers**
 - Updated informational materials
 - Updated grade level & subject book lists
 - Updated process for making book recommendations for children and families
- **Additional Research Required**
 - Creation of a Collection Development Review Committee



Questions?



References and Links: Definitions and Sources for Additional Information

- **Brodart Books & Library Services:** HBPL's primary book vendor ([LINK](#))
- **Case law & legislation:** UConn Meskill Law Library ([LINK](#)); Middle Tennessee State University Free Speech Center ([LINK](#)); American Library Association Notable First Amendment Court Cases ([LINK](#))
 - **Miller Test:** the test by which materials are evaluated for obscenity. Involves a tripartite standard, evaluating materials on the basis of three criteria:
 - (1) whether 'the average person, applying contemporary standards' would find the work 'taken as a whole' appeals to 'prurient interest;'
 - (2) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law;
 - and (3) whether the work, 'taken as a whole,' lacks serious literary, artistic, political, or scientific value. ([LINK](#))
 - **Obscenity:** defined under the law using the Miller Test; "a work will be found to be obscene if 'taken as a whole, (it) lacks serious literary, artistic, political, or scientific value.'" ([LINK](#)) ([LINK](#)) ([LINK](#))
 - **Pornography:** "material that depicts nudity or sexual acts for the purpose of sexual stimulation... the presence of nudity or sexual acts in a piece of media does not necessarily make that media pornographic if the purpose of that media form is something other than sexual stimulation." ([LINK](#))
- **CA State Librarian:** Greg Lucas, ([LINK](#))
- **Collection Development:** the process by which libraries select and acquire materials. ([LINK](#))
- **Penguin Random House Publishing:** the world's largest book publishing company, ([LINK](#))



Glossary of Terms: Brodart Bibz

- **LC:** Library of Congress
- **ISBN:** International Standard Book Number
- **LCCN:** Library of Congress Control Number
- **Publisher:** A company that sells and distributes books
- **Imprint:** A brand name under the umbrella of a larger publisher
- **LC Series:** A series of books as recognized by the Library of Congress
- **TIPS Subjects:** A Brodart-specific subject heading, Title Information Preview Service
- **BISAC Subjects:** Book Industry Standards and Communications subject headings
- **LC Subjects:** Library of Congress subject headings
- **SEARS Subjects:** A standard authority list for subject cataloging in small and medium-sized libraries

Learn more about cataloging and description terminology on the Cataloging Tools and Resources LibGuide from the American Library Association, [HERE](#).

