

ORDINANCE NO. 4318

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HUNTINGTON BEACH AMENDING THE HUNTINGTON BEACH MUNICIPAL CODE BY ADDING NEW CHAPTER 2.66 ENTITLED "COMMUNITY PARENT-GUARDIAN REVIEW BOARD FOR PROCUREMENT OF CHILDREN'S LIBRARY MATERIALS"

WHEREAS, the City of Huntington Beach is a Charter City and municipal corporation duly created and existing under a charter pursuant to which the City has the right and power to make and enforce all laws and regulations in respect to municipal affairs.

The City Council of the City of Huntington Beach does hereby ordain as follows:

SECTION 1. The Huntington Beach Municipal Code is hereby amended to add new Chapter 2.66 Entitled "Community Parent-Guardian Review Board for Procurement of Children's Library Materials" to read as follows:

"Chapter 2.66 COMMUNITY PARENT-GUARDIAN REVIEW BOARD PROCUREMENT FOR CHILDREN'S LIBRARY MATERIALS

2.66.010 Established

There is hereby established a new Community Parent-Guardian Review Board for Procurement of Children's Library Materials (hereinafter referred to in this Chapter as the "Board") which shall be a decision-making body pursuant to Huntington Beach Charter Section 405.

2.66.020 Definitions

For the purpose of this Chapter, the following definitions apply:

"Children" means persons under the age of eighteen (18) years old.

"Children's Books" means any book, literary work, or other material, whether in hard copy or electronic, intended for anyone under the age of 18 or intended to be placed in the Children's Section(s) within any of the City Libraries or intended for Children's access.

"Community Standards" means the Board's determinations regarding whether books are acceptable for Children's access, including books that may contain Sexual Content or Sexual References.

"Sexual Content" is any content of a sexual nature, whether in the form of written text, or in the form of graphic depictions such as photos, drawings, cartoons, images, etc., for example, textual or graphic content including sex, sexual organs, sex acts, relationships of sexual nature, or sexual relations in any form.

“Sexual Reference” is any reference of a sexual nature, whether in the form of written text, or in the form of graphic depictions such as photos, drawings, cartoons, images, etc., for example, textual or graphic references to sex, sexual organs, sex acts, relationships of sexual nature, or sexual relations in any form.

2.66.030 Purpose

The Board shall serve as a decision-making authority to the City to ensure that books that Children have access to in City Libraries meet the City’s Community Standards for material acceptable for Children’s access, including books that may contain Sexual Content or Sexual References, before such Children’s Books are purchased by the City prior to placement in circulation or made accessible to Children without parental consent.

Additionally, the Board may nominate Children’s Books currently in circulation for review by the Board for determination of whether those Children’s Books meet the Community Standards for material acceptable for Children’s access, or whether those books require parental consent and are to be placed in the Adult Section of the City’s Library.

2.66.040 Composition

A. The Board shall consist of up to twenty-one members. Each City Council Member shall appoint up to three members of the Board to serve the same term as the City Council Member until their successors are elected and qualified.

B. The service limitation contained in Section 2.100.060, which does not allow a person to serve on more than one Board or Commission at any one time shall not be applied to this Board due to its large membership, possible difficulty recruiting members, and limited scope of duties. Subject to California Government Code Section 1099, no Member may simultaneously hold two incompatible public offices.

2.66.050 Operating Policies

Except as otherwise provided in this Chapter, the Board shall conform to the operating policies for Boards and Commissions as set forth in Chapter 2.100 of this Code.

2.66.060 Election and Officers

The Board shall elect from its appointed members a Chairperson and Vice Chairperson at the first regular meeting of the calendar year and such officers shall serve for one year and until their successors are elected and qualified. The Chairperson and Vice Chairperson may make and second motions and shall have a voice and vote in all proceedings of the Board. No Chairperson or Vice Chairperson may serve consecutive years in the same role.

2.66.070 Secretary

The Director of Community & Library Services, or his or her designee, shall serve in a non-voting capacity as Secretary to the Board and shall prepare and retain permanent minutes of the Board meetings approved by the Board per the City's Record Retention Policy.

2.66.080 Meetings

The Board shall meet at least twice each calendar year, and more if deemed necessary by the Director of Community & Library Services. As a "Brown Act" Board, the Meetings shall be conducted consistent with the provisions of the Brown Act. Roberts' Rules of Order (current edition) shall govern the procedure of the meetings of the Board unless inconsistent with other provisions of this Chapter. As requires, the City Attorney and or his or her designee shall give legal advice to the Board regarding compliance with laws.

2.66.090 Quorum

- A. At any meeting of the Board, a simple majority of the current existing membership shall constitute a quorum for the transaction of business.
- B. In the event there is no quorum at a meeting, the Chair shall adjourn said meeting or shall adjourn to a date certain.

2.66.100 Funding

All budget and expenses by the Board shall be managed in a predetermined account(s) by the City, subject to City purchasing and contracting policies and procedures. The Board and their staff liaison may determine and request an annual budget for the purchase of Children's Books to review. After review, all efforts will be made to sell or donate non-approved Children's Books to libraries outside the City of Huntington Beach.

2.66.110 Duties

- A. Review all Children's Books proposed for procurement by the City to determine by majority vote, in the Board's sole discretion, if such Children's Books meet the Community Standards of acceptance for the City of Huntington Beach to be placed in City Libraries. Make Recommendations for Children's Books that meet the Community Standards of acceptance to be purchased by the City, and/or to be accessible to Children without parental consent. The Board shall be provided a budget and ability to procure advance copies of Children's Books or Children's Books reviews as required for Board review. Any Children's Book may be nominated to be reviewed again after one year has passed from a previous decision by the Board.

B. The Director of Community & Library Services or his or her designee will submit a list of Children's Books intended for purchase at least 45 days before the date of any Board meeting. Any Board Member may nominate any number of Children's Books from the list for review. If a Children's Book is nominated for review, it shall not be purchased by the City for Library circulation unless first approved by the Board. Once nominated, a Children's Book must be reviewed within one year of nomination. If a Children's Book is not nominated for review within 90 days from the submittal of the intended purchase list or reviewed by the Board within one year of nomination, it will be considered approved for purchase by the Board.

C. The Board may also recommend that Children's Books currently in circulation at City Libraries be subject to the same Board review process on a case-by case basis. Any Board Member may submit a recommendation form that a Children's Book currently in circulation be reviewed by the Board. Should the Board find that a Children's Book currently in circulation does not meet Community Standards for Children's access without parental notification, it shall be placed in the Adult Section and subject to parental and/or guardian consent before either Children obtain access or the book is checked out by anyone under the age of 18.

D. All Board Members present must review the Children's Book(s) before it may be subject to a Board vote.

E. The Board must vote whether a Children's Book meets the Community Standards before the Board may vote on procurement/placement.

F. If a proposed Children's Book proposed by the Director for procurement and not yet placed in circulation is reviewed and then rejected by the Board, the Board must place findings in the record and complete the Library Materials Review Form, which shall be placed in the minutes by the Secretary in detail as to the reasons the Board determined the proposed Children's Book did not meet the Community Standards or is unfit for placement in the Library.

G. All decisions by the Board are final and non-appealable.

H. A list of all Children's Books voted on by the Board, including the nomination and voting date, shall be displayed on the City's website on the Board's webpage.

SECTION 2. This ordinance shall become effective 30 days after its adoption.

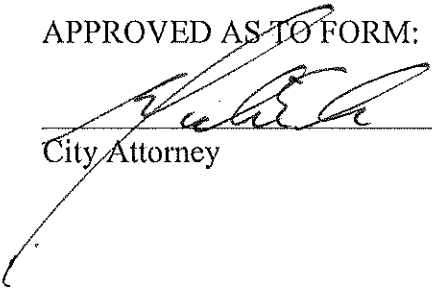
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 2024.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk



City Attorney

REVIEWED AND APPROVED:

INITIATED AND APPROVED:

City Manager

City Manager