

## **Minutes -- Policy Workday**

Hansen Community Library Board of Trustees  
Hansen Community Library, 120 Maple Ave W, Hansen, ID 83334

**May 3, 2024 – 6 p.m.**

**TRUSTEES PRESENT:** Walt Freestone, Elva McNurlin, Sheryl VerWey and Sarha Berry

**STAFF:** Cindy Bjorneberg

**GUESTS:** Penny Mothershead

Chair Walt Freestone called the regular board meeting to order at 6:05 p.m.

**Agenda --** Sheryl moved to approve the agenda as presented, Elva seconded the motion, motion carried.

**Personnel Policy –** Sheryl moved to accept the revised personnel policy as corrected, Elva seconded the motion, motion carried.

**Review Collection Development Policy and Reconsideration/Relocation Form –** Cindy shared what was discussed on the Idaho Commission for Libraries Zoom call today (115 libraries participated in the call). ICfL has met with their representation from the Attorney General's office and hope to have some clarification to share in a few weeks. City libraries shared what their city attorneys are advising them regarding the legislation's language particularly the definition of 'obtain' and 'tangible.' About the only thing the lawyers agree on is that the bill is vague and overly broad. City attorneys are meeting as a cohort to work through what the legislation means so that libraries across the state receive similar advice.

Participating libraries were reminded several times that minors have 1<sup>st</sup> Amendment rights just as adults do and libraries need to be mindful that existing case law shows that when libraries restrict access to materials and are sued for 1<sup>st</sup> Amendment infringement, libraries almost always lose.

Libraries were also reminded that just because a patron fills out a challenge form and the library decides the item was properly located, and the patron then files a lawsuit; the material is not deemed 'harmful to a minor' until a judge says so based on the definition in Idaho Code § 18-1514. Several libraries are looking for an insurance company that is willing to insure libraries in case of a book challenge lawsuit, but none have been identified yet.

One library said, several times, that as long a library believes their collection does not hold any items that are in violation of the Miller Test, we should do the minimum as required by the new law and continue doing business as usual. Although this is hard as no one wants to be sued over this and yet someone will have to be sued to establish the case law that will allow the rest of the libraries across Idaho to know what is or isn't allowed.

Several libraries intend to form review committees including community members to handle any book challenges under the new law. Some lawyers believe including community members opens the door for materials to be weeded or moved; others think including a community member shows that the review does, indeed, reflect the community standards.

Restricting book challenges to patrons and requiring patrons to come to the library to pick up a challenge form are a couple ways libraries are hoping to restrict challenges to the taxpayers who support the local library.

Several attorneys have said that while a library staff member or trustee may be named in a lawsuit, the suit is against the institution and thus the individual's assets are not at risk.

Having good policy in place and following that policy are critical.

Libraries were also reminded that not hiring employees under the age of 18 or letting those employees go is age discrimination under labor law.

Trustees reviewed the policies as drafted and made some suggestions. Cindy will incorporate those changes into clean copy that the board can review at the Monday, May 6, meeting before asking Tim Stover to review the draft policies.

**Review Circulation Policy** – The board made a few changes. To balance the requirements of the law with a patron's First Amendment rights, the circulation policy will provide a waiver or permission slip for parents to sign allowing their minor children to access adult books and both G and PG movies. Rated R movies can only be checked out on an adult card.

**Review Lending Guidelines & Parent Waiver** – The lending guidelines will be revised and included in a welcome packet along with the library brochure. Cindy will create a parent's guide to help parents and legal guardians navigate the children's section of the library.

The May 6<sup>th</sup> meeting will begin at 7:30 p.m. to allow Cindy to attend her son's senior National Honor Society ceremony. Cindy has posted the time change on the website, social media and also the library doors.

The meeting was adjourned at 7:56 p.m.

ATTEST:

Cindy Bjorneberg  
Director

Walt Freestone  
Chair