

DOUGLAS COUNTY LIBRARIES
Board of Trustees Business Meeting
August 23, 2023
Parker, Colorado

President Burkholder called the business meeting to order at 5:30 p.m.

This meeting was held and was noticed in compliance with both Colorado Open Meeting Law and the Douglas County Libraries Bylaws.

The following were present:

TRUSTEES: Suzanne Burkholder, Rick LaPointe, Zach McKinney, Terry Nolan, Meghann Silverthorn, and Ted Vail

Jessica Kallweit was absent. The absence was excused.

A quorum was present.

STAFF: Bob Pasicznyuk, Casie Cook, Amy Fischer, Brandon Forman, Tracie Kruse, Patti Owen-DeLay, and Jesse Politi

GUESTS: Parker Police Department Officer Dan Britton, General Legal Counsel Linda Glesne and Madison Phillips, and Customer Aaron Wood

PUBLIC: Jessica Fredrickson, Marty Richards, Michael Clarkson, Mart Claus, Linda White, Lois Blake, Megan Burch, Cathy Lees, Bonnie Becker, Anya Zavadil, Robert Marshall, Melissa Della Penna, Karen Jefferson, Craig Mason, Paxton Bastian, Cindy Jensen, Bob Jensen, Dianne Bailey, Kelly Mayr, Nancy Student, Maple, Brooke Bernstein, Sarah Stevens, Dawn Brown, Eric Miller, Kim Carroll, Adam Rutan, Joy Overbeck, Richard Opler, Lloyd Guthrie, Lauren Kinney, Jennifer Pettinger, Martha Carver, Amy Windju, Meagan Gaetve, Colleen Smith, Laurie Kelly, Nicole Hunt, Gerrie Spezia, Courtney Hay, Danny Sewell McCorkle, Erik Anker, Barbara Bennett, Vicki Capps, Margaret Condron, Danny Lyle, Ben Franklin, Carla Sutton, Dave Petteys, Joanne McLain, Laura Nubel, Rick Carver, Mary Russell, Pauline Woods, Meghan Campbell, Alex McCall, Brad Pal, Laurie Robak, Susan Zloth, Keri Beaumont, Rudy Morris, Susan Ranter, Bridget McEowen, Karen Wehrman, Emma Smith, Lori McKinstry, Ceiturin Thomas, Jan Ruscio, Jane Kampsnider, Sara Bauer, Becca Pieseski, Michael Lees, Catherine Grimes, Amanda Jane Forrest, Mary Lynch, D.H., Kathryn Matsey, Vanessa Scruggs, Lynn Jankura, Rebecca Fleiss, Rachel Brackenridge, Yvette Bashaw, Genessa Gutzait, Beth Garboczi, Peter McCall, Alyssa Nilemo, Angela Thomas, Carolyn Williamson, Sheryl Israel, Stephanie Stoner, Natalie Welch, Cindy McGuire, William C. Thomas, Kathryn Hallohan, Laura Dryer, Diane Horton, Marcus Brooks, Donna Stuedeman, Brian Ppohl, Mike Bartlett, Kyra Storjiu, Katie Sage, Renee Ruff, Donna Pixler, Kim Possible, Eliz Fenstermacher, Ike McCartele, Keenen Frau, Bev Lewey, Tom Petersen, Nona Buzness, Diane White, Joe Smith, Joyce Jappelle, Meghan Paul, Juli Waters, Jim Halsey, Beverly Miller, John S.,

Debi Kinder, Aaron Wood, Jan K., Liz Veeder, Sandi McGoldrick, Cindy Williams, Greg Francisco, John Pruett, Grace Matsey, Allison Senne, Rachel Talpers, Jessica Sidener, Bruce Colby, Shaul Turner (Fox 31), Dustin LaRosa, Jennifer Rumsy, Bryan Bashaw, Amara Frankl, Jacob Martin, McKenna Irwin, Barbara Ritchie, Lou Beggins, Mayaut Haidaway, Kevin Carney, Brenda Skoglun, Stephanie Wise, Vanessa Mizanin, Cody Anderson, Kira N. Adams, Jennifer Milligan, Stan Howell, Samuel Jarris, Crystal Belis, Jessica Robinson, Holly M.

PRESENTATION: Family Services Supervisor Brandon Forman shared a Storytime with the audience, highlighting early childhood literacy skills.

PUBLIC COMMENTS: Public comments were recorded to ensure the board heard all concerns given the large number of speakers. Below is a summary of concerns from speakers.

All speakers during public comment were residents of Douglas County, unless noted.

Jessica Fredrickson: Opposed to book banning. Gave Chair Burkholder a petition with 1,452 signatures in support of parental choice and maintaining open access to information.

Marty Richards: Against book banning.

Michael Clarkson: One of the petition signers, supports free access to information.

Mart Claus: These books are part of a plan to hurt our children. Don't impose "minority" view on the "majority."

Linda White: Founder of Grandparents for Kids. Safeguard children. Remove content with sexual content.

Lois Blake: Against book banning. Allow free flow of ideas and opinions.

Megan Burch: Supports keeping all books being appealed.

Cathy Lees: Speaking on behalf of Carousel Patrol. We support keeping all books being appealed.

Bonnie Becker: Signed petition. Opposes book banning. Fully supports staff recommendations.

Anya Zavadil: Signed petition. Keep these books and where they are located.

Robert Marshall: Douglas County Representative Robert Marshall. Opposes book banning.

Melissa Della Pena: Censoring is book banning. Need to represent all of Douglas County.

Karen Jefferson: Supports families to make their own decisions. Opposes book banning.

Craig Mason: Freedom from Religion Foundation representative. Opposes book banning.

Paxton Bastian: Opposes book banning. Do not censor.

Cindy Jensen: Books are sexual and inappropriate for children.

Bob Jensen: Books are inappropriate for children. No parent has the right to expose children to sexually explicit material.

Dianne Bailey: Constitution guarantees freedom of speech. Opposes banning books.

Kelly Mayr: Opposes book banning. Parental responsibility, not library's.

Nancy Student: Signed petition. Opposes book banning.

Maple: Wants all people represented and access to those books representing them.

Brooke Bernstein: Book banning doesn't stop. Don't influence your values on other people.

Sarah Stevens: Fully supports staff recommendations.

Dawn Brown: Opposes book banning. Public libraries are for everyone. This is discrimination against the LGBTQ community.

Eric Miller: This is about keeping sex away from our children and giving them safe spaces.
Kim Carol: Opposes book banning, and supports access. Parents should decide.
Adam Rutan: Not wanting book banning. Want them off limits to anyone below age eighteen.
Joy Overbeck: Collection does not represent "family values." These are not "good for children."
Richard Opler: Disturbed with idea of censorship. Are they truly pornographic or obscene?
Lloyd Guthrie: Signed petition. Opposes book banning. Supports library policies.
Lauren Kinney: Need representation of the gay community. Opposes book banning.
Jennifer Pettinger: These books do not have a place in our children's lives. The library is not an appropriate place for these books.
Martha Carver: These books contain pornography and obscenity, and access should be limited.
Amy Windju: Libraries are under local control in Colorado. Board's ties to Urban Library Council advocates for a non-neutral.
Meagan Gaetve: Books should represent all of our community.
Colleen Smith: Do not censor. Represent the whole community.
Laurie Kelly: These books are psychological conditioning of our children. At issue is the content.
Nicole Hunt: Nonresident. Policy shows lack of framework for admitting books to the collection. The policy framework needs to have ideals.
Gerrie Spezia: Opposes book banning. Parents should decide.
Courtney Hay: Allow all materials to be available. Opposes book banning and censoring.
Danny (Bucky) Sewell McCorkle: Opposes book banning. All people need to be seen in the books.
Eric Anker: Opposes book banning. Removing representation and access creates harm.

That concluded the public comments portion of the meeting.

DISTRICT BUSINESS

No conflicts of interest were declared.

Burkholder prefaced the Appeals by inviting Wood to present his statement. See Mr. Wood's attached Statement.



Aaron Wood Board
Statement.pdf

Burkholder asked Wood if library policies were communicated clearly. Wood replied that they were, but he does not believe that they are the best policies the district can do.

Burkholder invited a statement from Executive Library Director Bob Pasicznyuk. See attached Executive Library Director Statement.



Executive Library
Director Statement.pc

Silverthorn asked Pasicznyuk to describe how the library protects children and offers a Children's Library Card by giving information on the program and communication of the program.

Pasicznyuk shared:

Children's Library Card

- Caregivers are informed when seeking new library cards. This is the greatest opportunity for communication on the program.
- Communication on the Children's Library Card is shared annually with the public via the library newsletter, reaching 90,000 citizens.
- The Children's Library Card limits what children can check out to only items in the Children's Collection.
- Currently only about 30 parents are taking advantage of the program.

Burkholder asked what staff do to ensure that we don't apply bias when making content selections.

Pasicznyuk shared that the single piece that is most helpful is demand.

- Books are evaluated by community use.
- That data is also evaluated annually to modify buying patterns.
- Staff look at reviews in the field.
- Staff buy books that they "disagree with" on a daily basis.
- Data drives the decisions.

Burkholder invited General Counsel Linda Glesne to present her statement regarding board process and responsibility. See attached General Counsel Statement.



General Counsel
Statement.pdf

LaPointe asked for clarification about the "Abuse of Discrimination" statement.

Glesne responded that this is a standard that asks, "Was the decision a competent decision made within the bounds of the policy?"

Vail clarified that the board was to determine if the policies were applied; the board is not discussing merits of this or that book. Glesne concurred.

Burkholder entertained a motion to resolve the appeals.

MOTION 23-08-01: McKinney moved to affirm that staff observed and met the standards of Library policy in the selection and management of the Library's collection, specifically for these

books, with no further board directive on this matter. Nolan seconded. The motion carried unanimously.

Pre-Vote Discussion and Statements:

McKinney shared a statement. See attached McKinney Appeals Discussion Statement.



McKinney Appeals
Discussion Statement

Vail appreciated all the comments and feels for everyone. This is a conundrum, and he wants to figure a broader framework and step back from all this. He has been on the board since January 2023. He shared that “120 million book titles are in print, over 48 million are available from Amazon. There are ‘only’ 140,000 titles in the DCL. But, everyone should understand that if we don’t carry a title, we can probably get it from one of over 200 library systems in Colorado. Just because it is not physically in the collection of this library doesn’t mean we can’t get it for you. Or you can buy it at Amazon.”

LaPointe thanked the public for their input and asked for clarification on the motion end statement, “no further action,” that it only applied to these books, but not further action regarding any policies.

Silverthorn thanked the public and trustees. She noted that there isn’t a lot of framework around the policies. She noted that the board doesn’t have a great ability to affirm or deny these books and should, therefore, later consider policy framework. She reiterated the value of maintaining the maximum ability of everyone to have access to materials to read; that’s not a standard to lose. She expressed frustration around the boundary. She declared, “This is about a framework we don’t have right now.”

Burkholder stated, “We on the board have children, grandchildren, opinions, but tonight we will set these aside. I will base my vote against the application of the policies. Did the staff thoroughly and thoughtfully follow policy? Did the staff follow legal parameters? Were the policies applied consistently? Were the policies applied impartially? With these measures as the test, I believe the staff properly followed policies.”

Vail added that Silverthorn’s thoughts resonated with him, stating, “We have some things that we need to look at in the future.”

CONSENT AGENDA: Nothing was removed from the consent agenda. There was no discussion.

MOTION 23-08-02: LaPointe moved and the motion carried unanimously to approve the consent agenda consisting of the June 28, 2023, Board Business Meeting minutes. Silverthorn seconded the motion.

DISTRICT BUSINESS

No conflicts of interest were declared.

Executive Committee

Unbudgeted Expenditure for Highlands Ranch Light Poles

Pasicznyuk prefaced the need for new outdoor light poles at Highlands Ranch library due to tornado damage. There is unrestricted donation money from the Foundation to cover this unbudgeted expense. The vendor contracted for the new Castle Rock library was selected, as they just went through a competitive process with the contractor.

MOTION 23-08-03: Nolan moved and the motion carried unanimously to authorize the nonbudgeted expenditure of \$71,806 to replace all parking lot light fixtures at the Highlands Ranch library and add an additional exterior lighting fixture with monies from the 2023 Douglas County Libraries' Foundation gift. Silverthorn seconded the motion.

Trustee Nolan left the meeting at 8:09 p.m. A quorum was still present.

Policy Committee

Silverthorn reported the committee did not meet this month. They will meet in September.

Succession Committee

Silverthorn reported that the committee will resume meetings in September.

EXECUTIVE LIBRARY DIRECTOR

Given the time, Pasicznyuk tabled his discussion of the second quarter KPI, Strategic Plan, and Division Reports until September, wanting the board to hear the Financial review by Cook.

Cook reviewed the second quarter financials, highlighting items from her report.

- The library is earning great interest rates on investments
- Over budget in IT due to timing
- Under budget in Collections due to timing
- Cook expects to have a buffer in owner's contingency at the end of the Castle Rock project
- Cook factored in a vacancy savings into Customer Experience compensation budget in the hopes that we will achieve proper staffing for 2024

PARTNER REPORTS

Partnership of Douglas County Governments (PDCG)

Vail shared that at the last meeting the County Assessor gave a detailed report on the increase in property taxes that will result in pain with constituents.

Douglas County Youth Initiative (DCYI)

McKinney reported that the DCYI met on Monday. Sharing:

- They are increasing the Youth Award amount by \$2,000, and are fundraising to cover this increase.
- School visits were up over last year.
- They are prepping for the October Youth Congress.
- McKinney is meeting with Director Alston for a one-on-one meeting in two weeks.

Urban Libraries Council (ULC)

Silverthorn shared for members of the public, in clarification of comments made during public comment, that she is a board member of the Urban Libraries Council.

- The Library Board will be discussing the ULC Social Equity Statement.
- The Library has not hopped onto any activist statement.
- The ULC has a lot of larger urban libraries as members with larger urban problems, and that this Social Equity Statement addresses their concerns.
- They met on July 21 and looked at strategic planning.
- A concern discussed was that their bank is requiring that bank members sign an activism statement. ULC is forming an investment committee to look at this.
- The next meeting will be September 30.

Foundation

The Foundation's Annual Fete des Fables Gala, the Snow Queen, is September 29, 2023. If you haven't already gotten tickets, now is the time.

TRUSTEE COMMENTS

Burkholder shared that the new Castle Rock library is absolutely beautiful. Something we can be proud of. Something to unite our community. With Pasicznyuk adding that the Grand Opening will be Saturday, August 26, 2023, at 10:00 a.m.

LaPointe stated that it was wonderful to see Mr. Brandon. And he thanked Burkholder for her leadership with these meetings.

Burkholder thanked legal counsel and staff for their support with the meeting.

UPCOMING BOARD MEETINGS

1. **Board Executive Committee Meeting:** September 14, 2023, Castle Pines Library, 8:00 a.m.
2. **Board Succession Committee Meeting:** September 14, 2023, Castle Pines Library, 9:30 a.m.
3. **Board Policy Committee Meeting:** September 27, 2023, Parker Library, 3:00 p.m.
4. **Board Study Session:** September 27, 2023, Parker Library, 4:00 p.m.
5. **Board Business Meeting:** September 27, 2023, Parker Library, 5:30 p.m. Dinner at 5:00 p.m.

Burkholder noted that an item on the agenda for the September Business Meeting is the discussion of naming the Castle Rock library after benefactor Philip S. Miller, as the old Castle Rock library was named.

OTHER BOARD CALENDAR ITEMS

1. **Partnership of Douglas County Governments Meeting:** September 20, 2023, 7:00 a.m.- 9:30 a.m., Douglas County Libraries, Castle Rock
2. **Grand Opening New Castle Rock Library:** August 26, 2023, 10:00 a.m., Castle Rock Library
3. **Annual DCL Foundation Gala:** September 29, 2023, 6:00 p.m., Highlands Ranch Mansion

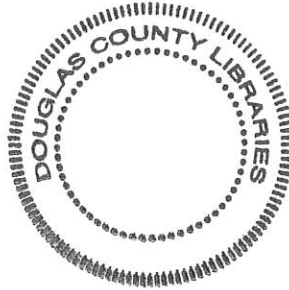
ADJOURN

Burkholder adjourned the meeting at 8:50 p.m.

Respectfully submitted,



Meghann Silverthorn, Board Secretary
Minutes prepared by Patti Owen-DeLay



DCL Board Meeting RE Appeal

Good evening Douglas County Library Board of Trustees. My name is Aaron Wood, and I am here today representing myself and the appeals which I personally have brought forth to you for review.

I am here as a taxpaying patron of the Douglas County Libraries. We as a community fund this library, and have elected our County Commissioners to act in good faith on our behalf in appointing this board of trustees to steward the responsibility of safeguarding the library through it's bylaws, and establishing policies to hold the library to a standard which the community of Douglas County at large shall be proud of.

While my appeal addressed four books in your catalog, *The Hips on the Drag Queen*, *All Boy's Aren't Blue*, *Jack of Hearts*, and *This Book is Gay*, what I will adress with the time I have here is the greater questions of how and why materials that so boldly introduce graphic sexual activities, and sexual perversions, while appealing to an audience of minors are found in greater quantity in this library's catalog.

In your Library's Commitment, you state that the Library welcomes everyone. I agree with you here. Everyone is welcome at the library.

You also state that you will offer our community exceptional care supporting their freedom and self-determination. I couldn't agree more.

You then state that you will inform customer choice impartially, without interference or improper influence. Now this is where the gray areas begin with this library. You go on to state that your commitment to welcoming requires that your decisions and **practices** are free from discrimination and individual content preferences. Noting that identity and beliefs or associations will not distort your decisions and practices, such as not being influenced by politics, social stances, faith positions, and more.

My question then is under what framework will your decisions be made?

In my appeal response from Library Executive Director **Bob Paz-nik** I was informed that decisions in his review would fall within the legal and policy guard rails of the library operating boundaries, and that he would examine and verify staff work and data surrounding the titles in question to determine if the the library's collection work was performed appropriately within those boundaries.

The 1st and 14th amendment are cited as foundational to public library decision making. In both of those amendments, I see no protection for introducing or exposing children to sexual content. I see no protection for encouraging children to read books which introduce them to the idea of using sex apps for annonymous sex with random partners or how two men can pleasure each

other such as in *This Book is Gay*, which according to the response to my appeal is uniformly recommended for MINORS ages 14-17.

I see no protection for exposing children to books containing themes of sexual assault and even incest such as in *All Boys Aren't Blue*, which according to the response to my appeal is uniformly recommended for ages 14-18, still including MINORS.

I see no protection for sharing with children sex advice from a promiscuous high schooler such as in the book *Jack of Hearts*, which according to the response to my appeal is uniformly recommended for MINORS ages 13-17.

Your peer comparisons will tell that these titles are uniformly in inventories in libraries nationwide, and that is one justification for cataloging these titles in Douglas County.

I am told that two supreme court cases, one from 1943 and another from 1969, are foundational to these issues and have set precedents for legislation and disputes before courts. Both cases assert that citizens are protected against the State itself. Neither case draws any conclusion as to whether a library should be used as an activism platform with its materials, nor that tax dollars should be spent on materials that are popular in order to stay relevant and appear as more of a retail environment as opposed to a cultural standard setting public organization which should enrich lives and the culture around it.

What I see in this library is a lack of regard to any moral framework, or the upholding of any cultural standard. I do however see a library tempted to move more towards appeasing the tastes of a small, yet loud, select few individuals and groups in order to adapt to what is currently popular.

Library policy states that you will select work corresponding to customer demand. Where does this demand originate? Does the demand in fact come from community interest in asking for these titles in question to be added to the catalog? Or does this demand come from librarians relying upon publishers to fill their material requests and then do so in accordance to what the publishers believe is popular or in demand? By the Library Director's own assertions I believe the latter to be the case. The only community demand that I have seen was after the fact when these titles were questioned, local political organizations rallied together to check out and put holds on these books to artificially increase their demand. The hypocrisy here is seeing a library make decisions **WITH** interference and improper influence from groups such as the Douglas County Democrats, the American Library Association, and other progressive political organizations.

Of considerable note, and a cautionary part of the library policy mentioned in decision making is the position to Curate content specifically for children, but do so within the world of ideas.

Is teaching children how to find sexual partners through sex apps part of the "world of ideas"?

Or, is the world of ideas which you aim to perpetuate authored by social activists such as the author Harris Kornstein, who you may know as Lil' Miss Hot Mess, or the author of the book *The Hips on the Drag Queen*. Lil Miss Hot Mess is an activist first and an author second. He organizes Drag Queen Story Hour and offers a gateway to further introducing children to hypersexualized entertainment, and graphic sexual depictions in story books, graphic novels and other written materials in public libraries.

You want to see evidence of harm, not just assertions, when addressing appeals to limit catalog content. Colorado Library Law 24-90-601 Part 6 refers to library filtering of the internet. Section 4 defines a "minor" as any person who has not attained the age of seventeen years. The goal is to protect children in libraries while using the internet from content that is "harmful to minors" means any picture, image, graphic image file, or other visual depiction that with respect to minors, appeals to having or encouraging an excessive interest in sexual matters, in nudity, sex, or excretion; depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, an actual or simulated normal or perverted sexual act, or a lewd exhibition of the genitals; and taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

We protect children while on the internet in a public library, yet we refuse to do the same with regard to the printed material purchased with our tax dollars for this catalog.

But what I see in this library is not an effort to protect this community's most vulnerable and innocent. I see a library that has adopted the Urban Library Councils Race and Social Equity statement.

The Urban Library Council's Equity statement which this library has adopted states that Libraries are trusted, venerable and enduring institutions, central to their communities and an essential participant in the movement for racial and social equity.

Back to this Library's commitment: Noting that identity and beliefs or associations will not distort your decisions and practices, such as not being influenced by politics, social stances, faith positions, and more.

Our Douglas County Library has signed on to a social equity cause, taken a social stance influenced by politics, and this should be troubling for this community as a whole.

Now, let me end with this. These four appeals are just the beginning. These appeals, these conversations will continue so long as material that exposes children to obscene sexual content is maintained and purchased by this library. So long as this catalog holds material which could cause harm to children, I will be in the way.

I'm Bob Pasicznyuk and I'm grateful to lead Douglas County Libraries.

I'd like to thank Mr. Wood and our audience for engaging their library about our book collections and services. Petitioning government for redress of grievances is as much a first-amendment right as the Freedom of Speech.

I'd also like to thank our citizen-led, Board of Trustees for their leadership and providing oversight for libraries in our community.

I am presenting the Board with a summary of staff findings for 4 book titles that Mr. Wood is appealing.

- 3 of these titles are shelved with our adult inventories. They are:
 - *Jack of Hearts*, added in 2018.
 - *All Boys Aren't Blue*, added in 2020.
 - *This Book is Gay*, added in 2021.
- 1 title, *The Hips on the Drag Queen Go Swish, Swish, Swish*, is shelved with our Youth inventories and it was added in 2020.

The Board packet provided detailed information about the appeals and titles. The Library also provided Trustees with copies of each book.

I will focus my remarks on comparing Mr. Wood's requests with our Library's policies. Policies are the Board's directives to staff providing clarity and expectations about how we conduct our business – in this case the selection and maintenance of book titles.

Our Library's values described in policy are not new or surprising. Douglas County Libraries has supported customer freedom and self-determination during our entire history. Our Library's policies are consistent with how public libraries have conducted business across the U.S. for a Century. Our Library welcomes everyone, consistent with Library policy, State and Federal Law, and the U.S. Constitution.

Our community has responded to our Library's market-driven collection. Our Library has the most-used library collection for any community our size in the nation.

It's not unusual for customers to advocate for changes in our services. Our Library's policies provide boundaries so that we weigh requests against the interests of the 370,000 citizens we serve.

Mr. Wood requested 4 titles be removed and, if not removed, be relocated, restricted, or labeled with a warning. Mr. Wood's reasoning is substantially the same for all four titles. He maintained in his written appeals:

1. That the works promote "the destructive, homosexual lifestyle."
2. That the works include sexually explicit and profane content rising to the level of obscenity.
3. That the works create an uncomfortable environment for those who do not wish to be exposed to such content.
4. That the content in these works isn't compatible with the public library's role as a tax-supported organization.

By policy, the Board tasked staff with the care of book collections. Selecting and displaying books are staff duties. The Board unanimously set expectations and boundaries for selecting and maintaining its books on the 29th of March this year.

5 of the Board's directives in policy are relevant to Mr. Wood's requests.

1. The Library is to support customer freedom and self-determination.

2. The Library may not make decisions about books based on race, faith, sexuality, or gender.
3. The Library may not suppress or limit customer access beyond legal requirements.
4. The Library must select titles impartially. Staff are not to use their own values and beliefs to accept or reject titles.
5. The Library is to use customer demand as the highest priority for making purchasing decisions.

The Board also set 3 boundaries relevant to Youth and Family Services.

1. The Library is to consult professional reviews by educators, librarians, and literacy experts in evaluating titles and to use those sources to determine if a title is appropriate for younger customers.
2. The Library is to include all topics and points of view when selecting youth content. The policy instructs staff to include “everything in the world of ideas.” The Board directed Library staff to “not limit every customer's choices merely because a child might access content.”
3. The Library is to regard parents as the best and ultimate filter for what is appropriate for their children. Staff are to serve parents in finding, curating, or limiting content in keeping with their family’s values. Staff are to provide parents with tools to limit their loans to children’s titles alone. Staff inform parents about these services routinely, when issuing library cards, and through Library communications.

My written report goes into more detail, but I believe that any reasonable application of these standards is at odds with removing, restricting, or relocating the titles.

I'd like to offer 4 necessary comments:

1. Our Library doesn't endorse or advocate for the positions, messages, or moral choices of any of our books. Customers and their families decide what is right for them.
2. Douglas County Libraries doesn't carry books that have been ruled to be obscene by any state, federal, or local jurisdiction. Obscene books are not sold in Colorado by standard publishers. They would not be available in libraries across the U.S. They would not be sold through every national retailer. Obscenity laws require much more than an opinion that something is shocking, objectionable, or even disgusting.
3. To lead the Library, the Board relies on my professional judgment as a librarian and leader. My judgement aligns with Library legal counsel and multiple experiences across the U.S.

If the Board removes, restricts, or relocates these titles against its own policies, the law, and Constitution, our Library will be at risk of expending large sums of money away from Library service and toward a legal battle about citizen-access rights or discriminatory practices.

A legal battle is also likely if we are not consistent in our approach to the entire book collection.

It's my read of Library policy that the Library cannot remove, restrict, relocate, or apply a warning label to these items.

The Library's policies notwithstanding, I'd like to address the application of warning labels to Library books as well as relocation options.

About Warning Labels.

- 1) We are discussing these titles because they are well known and on many national lists of objectionable titles. Their covers and titles are indicative of their content. What practical use would a label provide?
- 2) There is no national rating system for books similar to movies. Creating one would be time-consuming, expensive, and difficult to administer. Warning labels concerning salacious content would apply to thousands of titles in any library adding little value.

About Relocating Titles.

3 out of 4 of these titles have always been shelved in our adult collections – physically or digitally. Where else would we relocate them?

That leaves the title, *The Hips on the Drag Queen...*, under appeal.

The Board charged staff with making collections decisions impartially and using professional sources in decision-making. Impartially, where is a better location for a children's, sing-along book than a youth collection? Every professional review recommends this book for younger readers.

Finally, I'd like to point out that freedom is a safeguard for everyone.

Our Library has hundreds of books on many topics in our youth collection – including faith-based titles. Should the Library remove, relocate, or restrict these titles because a citizen adverse to faith finds them objectionable, believes that government funds shouldn't support faith-based content, or contends that these titles indoctrinate children?

I'd like to thank the Board, Mr. Wood, and our community for their attention and engagement of Douglas County Libraries this evening.

**Shareholders**

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MEMORANDUM

August 23, 2023

ATTORNEY-CLIENT PRIVILEGED

VIA E-MAIL

TO: Record

FROM: Linda M. Glesne

RE: Legal Counsel Procedure Statement

Below is our talking points/statement for this evening's Appeal, Counsel Statement:

Good evening. I will be reading a process statement for the record of this section of the Agenda.

Pursuant to the District Appeals Policy (now known as the Citizen Review Request Policy), the Board of Trustees has heard the public, from Mr. Wood and the Executive Library Director, Mr. Pasicznyuk. I will explain the scope of your review of this Appeal/Review Request, within your policies and the legal parameters applicable to public libraries.

Because Mr. Wood requested this appeal under the version of policies in place at the time of his request, which are now superseded by those adopted in March and effective as of August 1, this matter is on the Agenda as an "Appeal." However, the current policy refers to this type of process as a "Citizen Review Request." The Board of Trustees recognized the importance of providing a process for customer opinions to be heard, including a means to request review and redress of grievances to Library decisions, in both versions of policy adopted by the Trustees.

Both policies shall guide your review, as they are not in conflict with one another, and the terms are inter-changeable for purposes of today's meeting.

I have reviewed all communications from staff to Mr. Wood, and confirm for the record that all levels of review required by District policy prior to today's appeal were conducted according to the policies of the District, including the superseded policy on Content, Access and Appeals, and current



policy on Access, Curating Library Collections, and Citizen Review Request, along with the Children and Parent Policies.

The purpose of your policies related to this review process is **to determine if staff decisions were made competently and aligned with District policy and the law.** Principally, managing collections and content curation are Library operational duties reserved to your staff. Therefore, Constitutional, legal and professional principles alone must guide your review, as is required of staff under your policies. This is, therefore, **not** a forum to discuss or propose **changes to** policy, although to further discuss how policies could be changed, you may consider doing so by setting such topic on a future Agenda following the procedures in your Bylaws and the Open Meetings laws.

To summarize, your deliberations rest solely within the scope of the authority and responsibility given to the trustees as fiduciaries to the District as a whole. The content within appealed books, or consideration in any way of the assumed population of persons interested in accessing any materials included in the Libraries, is not the subject you as Trustees must review. In fact, you may not under your policies base your decision on these topics. Rather you must consider your policies and the law, and apply those policies to the appealed titles under an abuse of discretion standard.

Within these limits, the District and individual Trustees are protected from liability.

Thank you everyone — I know it's been a long night.

They say there's a culture war going on — maybe that's true, maybe not. But just because something is happening somewhere else doesn't mean it has to happen in Douglas County, too. We have a choice in how we act, how we respond, how we treat each other, and how we agree — and maybe by the end of tonight we can agree to disagree.

For the past several months I have been heartened to witness firsthand a passionate exercise of civic engagement. The vast majority of us have listened to ideas that are different from our own. Seeing the exchange from this vantage point has been a particular privilege and I feel fortunate to have had such an up close view; thank you to everyone for your manners. Your civility is inspiring.

I hate the idea of some people thinking they “lost” today or some thinking they “won.” At the end of tonight, we will still be neighbors, we will still be fellow taxpayers and citizens, we will still see each other on the street or in the grocery store, we will hike the same trails and our kids will still go to the same schools.

As a parent of young children, I am acutely aware and sensitive of what they consume directly and indirectly. I agree wholeheartedly that there are absolutely many subjects and an endless amount of material that are not appropriate for children. If there was any sign at all that content was inappropriately targeting children, I would be deeply concerned and receptive to change.

But as mentioned, two of these titles are already located in the adult section — not the children's section and not even the young adult section. To me, that fact moots any concern about

placement or accessibility. Teenagers are more mature than we give them credit for.

Seventeen-year olds can already enlist in the military and drive multi-ton vehicles. Reading a book that helps them understand themselves and the world around them is pretty tame by comparison. Another title is an eBook — with a host of parental controls already available on that platform. The last title, a children's picture book, has a theme that is different from the comfort zone of some — but as we heard over many months, it is a title that many people do not find objectionable or concerning.

In fact, dozens of people with families and children said they found these titles comforting, instructive, educational or beneficial. The same titles have inspired others to vocal disagreement. But if we are to live up to our policy to truly offer Douglas County exposure to the world of ideas, that must mean we err on the side of inclusion rather than exclusion. How else could we have this debate? How else could parents have the chance to affirm, or differ from, the content in these titles? If we remove, hide or otherwise restrict content, we shutdown the possibility of debate, discovery and growth in the public sphere.

Over the past several months, I have been deeply impressed by the thoughtful and professional Library staff and leadership. They have separated their personal feelings from public policy and made decisions based on what's best for the broad public of Douglas County. I have seen zero evidence of conspiracy, coordination or nefarious intent. What I have seen is a scrupulous library staff devoted to upholding the library's mission: "We welcome everyone."

Censorship takes many forms in countries, governments and societies that Americans of every persuasion can agree we do not want to emulate. As Americans we should pride ourselves on confronting difficult conversations — not running away from them. I don't want anyone usurping my role as parent to protect and instruct my children. And just as we don't want people telling us

how to raise our children, we shouldn't act like we know what's best for every unique family or every unique child. Thomas Jefferson said, "I would rather be exposed to the inconveniences attending too much liberty than to those attending too small a degree of it."

In America, in Colorado, in Douglas County — we should seek more liberty than less. And in Douglas County, we have a proud tradition of "live — and let live." In that vein, I suggest we should "read — and let read."

Based on my reading of library policy — specifically our Access and Collections Policies — these titles were appropriately acquired and managed. I affirm the current library policy.