


TO: LIBRARY BOARD OF TRUSTEES

FROM: Library Services Department
Cynthia Cowell, Library Services Director
949-717-3801, ccowell@newportbeachca.gov

PREPARED BY: Tim Hetheron

APPROVED:  _____

TITLE: Commercial Activity in the Library

ABSTRACT:

The existing Library Use Policy does not require updating to prohibit the distribution or sale of goods or services of any kind, including, but not limited to, paid tutoring services.

RECOMMENDATION:

Staff recommends that the Library Board maintain the existing Library Use Policy.

FUNDING REQUIREMENTS:

No funding requirement.

DISCUSSION:

A customer suggested that Chapter 11.04.060, Parks, Park Facilities, and Beaches, Permit or Agreement Requirement, which states, "No person shall conduct or perform any instructional activity for monetary consideration in a park, park facility, or on a beach without first obtaining a written agreement from the Director to conduct or perform said instructional activity in a park, park facility, or on a beach", should also apply to City Library facilities, specifically pertaining to tutors who use the Library to conduct private, income producing tutoring sessions.

The Library is open to all members of the general public without restriction. The Library's primary concern is to make public areas available on an equitable basis for all customers, for the purpose of using the services, materials or facilities for reading, studying, or obtaining information. The Library Use Policy serves as a guide for customer behavior that is consistent with these specific purposes.

The Library Use policy does not prohibit commercial activity. Enforcing a prohibition of commercial activity requires staff to question customers about their intended use of the Library and to monitor their activities while they are using the facilities. The Library Bill

Of Rights holds that all users have a right to be free from any unreasonable intrusion into or surveillance of their lawful library use.

Tutoring also differs from private training sessions in City parks in that the impact on other Library patrons is minimal, and the Library is able to accommodate this activity without interfering with other patrons' access to services and resources. Unless tutoring activities are noisy or in some manner offensive to others, they do not disrupt other customers. Moreover, supporting independent learning through paid or unpaid tutoring is not at odds with the Library's mission.

ENVIRONMENTAL REVIEW:

Staff recommends the Library Board of Trustees find that maintaining the existing Library Use Policy is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOTICING:

This agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Board of Library Trustees considers the item).

Submitted by:



Cynthia Cowell,
Library Services Director

Attachments: Newport Beach Public Library Study Room Policy.

Study Room Policy

These three (3) study rooms are available for groups of 2-5 people, depending on the size and requirements of each specific room. These rooms are for small group use only and are not intended for individual use.

The library schedules these rooms daily on a first come, first serve basis. Groups must request a use of a study room in person at the Reference Desk on the second floor of the Central Library. The library will not accept telephone or e-mail requests to use the study rooms. Customers may only schedule one study room session at a time, and must wait until their current session is over before scheduling a new session. Reservations for Study Rooms will be honored for 10 minutes past the requested time. Failure to arrive within 10 minutes of the requested time will result in a forfeiture of the reserved room.

Study rooms are available for use Monday thru Sunday for up to two (2) hours during the library's hours of operation. Groups can extend the length of their session if no other groups are waiting to use a room. Groups must go to the reference desk before their scheduled session.

At least one member of a group requesting a study room must have a valid Newport Beach Public Library card. Rooms are checked out to a library card holder in the library's circulation system. The members of the group scheduling use of the study room must be present during the period of usage. The library will consider any study room occupied by only one member of the group for more than 10 minutes to be available for use by others.

The library will consider any study room left unattended for more than 10 minutes to be available for use by others. The library will consider items left unattended to be lost and will place them in the library's Lost and Found located on the first floor at the Customer Service desk.

Users of the study rooms are responsible for leaving the rooms in a neat and orderly condition. Failure to do so may result in the denial of future requests to use a study room. Users may not move tables and chairs into or remove them from a study room. Users may not tape or tack materials to study room walls or windows. The library is not responsible for items left unattended.