March 27th, 2023

Crawford County Library System Board of Trustees
Van Buren Public Library
1409 Main Street
Van Buren, Arkansas 72956

Crawford County Library System Board of Trustees:

I am contacting you regarding public comments during library board meetings.

Witnessing such public engagement as we have seen at this year's library board meetings is rare for library boards. As an advocate for literacy, I am thrilled that so many members of our community want their voices heard concerning library matters. Crawford County Library System card holders deserve to have the chance to provide comments about decisions that affect their libraries. I was surprised Chairperson Hamby issued a rule requiring a photo ID with a Crawford County address in order to speak as a member of the public. Unfortunately, this rule meant several qualified library card holders were denied the right to speak at the March 2023 meeting; this right to speak is protected by Arkansas's Open Meeting laws.

According to the Crawford County Library System Library Card Eligibility policy, the following groups of individuals are eligible for CCLS cards: permanent residents, property owners, persons employed in, and students enrolled in schools in Crawford County. Also, non-residents can pay a fee to have a CCLS card. The library board represents the interest of CCLS card holders, regardless of whether they can produce a photo ID with a Crawford County address.

Library boards are subject to Arkansas code 14-14-109. Public meetings (see enclosed *Arkansas Public Library Laws Annotated 2020-2021 Edition* pages 81-82). Specifically, please review (b) "In any meeting required to be open to the public, the...board...shall adopt rules for conducting the meeting which afford citizens a reasonable opportunity to participate prior to the final decision." Also, see enclosed Arkansas Attorney General Opinion Number 99-248 for more information. Although the question specified quorum court meetings, the information is applicable to library boards.

Additionally, in the library board's bylaws, *Robert's Rules of Order* is listed as the authority during meetings. However, Chairperson Hamby simply announced the change instead of following procedure to amend the meeting process, which requires a board vote.

I understand how being a library board member is a commitment of your time in service to our community. Consider finding a parliamentarian to help board meetings run in an efficient, knowledgeable, and professional manner.

Sincerely,

Rebecka Virden

Rebecka Virden
University of Texas at Austin, MSIS Class of 2011
rebeckavirden@gmail.com

Encl: 1. Excerpt from *Arkansas Public Library Law*
2. Ark. AG Opinion No. 99-248
CC: Eva White, Library Board Attorney, and County Judge Keith

TITLE 14

LOCAL GOVERNMENT

SUBTITLE 2. COUNTY GOVERNMENT

CHAPTER.
14. COUNTY GOVERNMENT CODE.
16. POWERS OF COUNTIES GENERALLY.
19. COUNTY BUILDINGS.
22. COUNTY PURCHASING PROCEDURES.

SUBTITLE 3. MUNICIPAL GOVERNMENT

CHAPTER.
37. CLASSIFICATION OF CITIES AND TOWNS.

SUBTITLE 8. PUBLIC FACILITIES GENERALLY

CHAPTER.
141. OPERATION OF MUNICIPAL AUDITORIUMS.

SUBTITLE 10. ECONOMIC DEVELOPMENT AND TOURISM GENERALLY

CHAPTER.
168. COMMUNITY REDEVELOPMENT GENERALLY.

SUBTITLE 2. COUNTY GOVERNMENT

CHAPTER 14

COUNTY GOVERNMENT CODE

SUBCHAPTER 1 — GENERAL PROVISIONS

SECTION.
14-14-109. Public meetings.
14-14-110. Public records.
14-14-111. Electronic records.
14-14-115. Civil office-holding — Definition.

14-14-109. Public meetings.

(a)(1) All meetings of a county government governing body, board, committee, or any other entity created by, or subordinate to, a county government shall be open to the public except as provided in subdivision (a)(2) of this section.

(2) A meeting, or part of a meeting, which involves or affects the employment, appointment, promotion, demotion, disciplining, dis-

missal, or resignation of a county government official or employee need not be open to the public unless the local government officer or employee requests a public meeting.

(b) In any meeting required to be open to the public, the county quorum court, committee, board, or other entity shall adopt rules for conducting the meeting which afford citizens a reasonable opportunity to participate prior to the final decision.

(c) Appropriate minutes shall be kept of all public meetings and shall be made available to the public for inspection and copying.

History. Acts 1977, No. 742, §§ 8, 9; A.S.A. 1947, §§ 17-3108, 17-3109.

RESEARCH REFERENCES

Ark. L. Rev. Watkins, Open Meetings Under the Arkansas Freedom of Information Act, 38 Ark. L. Rev. 268.

CASE NOTES

Cited: Baxter County Newspapers, Inc. v. Medical Staff of Baxter Gen. Hosp., 273 Ark. 511, 622 S.W.2d 495 (1981).

14-14-110. Public records.

(a) Except as provided in subsection (b) of this section, all records and other written materials in the possession of a local government shall be available for inspection and copying by any person during normal office hours.

(b) Personal records, medical records, and other records which relate to matters in which the right to individual privacy exceeds the merits of public disclosure shall not be available to the public unless the person they concern requests they be made public.

History. Acts 1977, No. 742, § 10; A.S.A. 1947, § 17-3110.

RESEARCH REFERENCES

U. Ark. Little Rock L.J. Survey of Arkansas Law, Public Law, 1 U. Ark. Little Rock L.J. 230.

14-14-111. Electronic records.

(a)(1) County governments in Arkansas are the repository for vast numbers of public records necessary for the regulation of commerce and vital to the health, safety, and welfare of the citizens of the state.

(2) These records are routinely kept in electronic format by the county officials who are the custodians of the records.

Opinion No. 99-248

October 28, 1999

The Honorable Jim Milum
State Representative
607 Skyline Drive
Harrison, AR 72601-2309

Dear Representative Milum:

This is in response to your request for an opinion on the following question regarding A.C.A. § 14-14-109(b):

> Does this mean that the public may participate before a final vote on quorum court actions, or is this statute satisfied by allowing a short time for 'public comments' immediately preceding adjournment?

RESPONSE

If the time allowed for "public comments" occurs *after* the final vote, it is my opinion that this would not satisfy A.C.A. § 14-14-109(b). This Code section clearly requires that citizens be afforded a "reasonable opportunity to participate *prior to* the [quorum court's] final decision." Id. (emphasis added). The full text of this provision is as follows:

> In any meeting required to be open to the public, the county quorum court, committee, board, or other entity shall adopt rules for conducting the meeting which afford citizens *a reasonable opportunity to participate prior to the final decision.*

A.C.A. § 14-14-109(b) (Repl. 1998) (emphasis added).

Other than requiring that the opportunity to participate must be "prior to the final decision," no further guidance is provided as to the time period between the citizen participation and action by the quorum court. Nor does the statute specify what constitutes a "reasonable opportunity to participate." See, however, Op. Att'y Gen. 95-230 (regarding final decision on a proposed contract and whether prior publication of the contract would be required in order to afford a "reasonable opportunity" to participate.) In accordance with § 14-14-109(b), this citizen participation requirement must be addressed by local rule. Additionally, the particular circumstances may have a bearing on whether the requirement is satisfied. I suggest, therefore, that local counsel be consulted to ensure that meetings are conducted consistent with this Code provision.

Assistant Attorney General Elisabeth A. Walker prepared the foregoing opinion, which I hereby approve.

Sincerely,

MARK PRYOR
Attorney General

MP:EAW/cyh

APPENDIX B1

PATRON'S REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

{Important notice: This request form becomes public information immediately upon submission and in accordance with the Freedom of Information Act is open to full public disclosure.}

Title My Family, Your Family!

Author, composer, producer, artist, publisher, etc. Kathryn Cole and Cornelia Li

Request initiated by Rebecka Virden

Library Card # 24224 0012 75260 Telephone # 501-215-0582

Address 1204 Woodland Creek Circle City Van Buren State AR Zip 72896

Complainant represents: ☑ Self

☐ Organization; Organization Name:

1. Did you read, view, or listen to the entire work? Yes
2. What do you believe is the theme or purpose of this work? Diverse Families
3. For what age group would you recommend this material? ages 0-4
4. To what in the work do you object? (Please be specific, cite exact pages and scenes, and continue on the back if necessary) None - I object to the classification of this board book in the adult section of the library.
5. What do you feel might be the result of reading, viewing, or listening to this work? Understanding of various family units
6. Do you believe this item serves any of the following purposes?
   a. Promotes understanding of other cultures and lifestyles? ☑ Yes ☐ No
   b. Promotes discussion of societal issues? ☑ Yes ☐ No
7. In its place, what material of equal value would you recommend? None
8. What would you prefer the library to do about the material?

☐ Reclassify for older age group (if Juvenile)

☐ Withdraw it from the library

Reclassify into children's collection

Rebecka Virden 4-21-2023

Signature of the complainant Date

Name of Staff member receiving this form: Eva Klein

Date received: 4-21-23

APPENDIX B1

PATRON'S REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

{Important notice: This request form becomes public information immediately upon submission and in accordance with the Freedom of Information Act is open to full public disclosure.}

Title Llama Glamarama

Author, composer, producer, artist, publisher, etc. Simon James Green

Request initiated by Samantha Roulett

Library Card # 24224001268364 Telephone # 8065709257

Address 2020 Ingalls Lane City Alma State AR Zip 72921

Complainant represents: X Self

_____ Organization; Organization Name: _____

1. Did you read, view, or listen to the entire work? Yes
2. What do you believe is the theme or purpose of this work? To encourage celebrating differences, celebration of the arts?
3. For what age group would you recommend this material? Small children
4. To what in the work do you object? (Please be specific, cite exact pages and scenes, and continue on the back if necessary) It being labeled and sorted into the adult section. It is a childrens picture book...
5. What do you feel might be the result of reading, viewing, or listening to this work? Happiness? Individuality? Art Appreciation
6. Do you believe this item serves any of the following purposes?
   a. Promotes understanding of other cultures and lifestyles? X Yes _____ No
   b. Promotes discussion of societal issues? X Yes _____ No
7. In its place, what material of equal value would you recommend? _____
8. What would you prefer ~~the library to do about~~ the material?
   X Reclassify ~~for older~~ age group ~~(if Juvenile)~~ — Put back in childrens section
   _____ Withdraw it from the library

Samantha Roulett — 5/3/23

Signature of the complainant — Date

Name of Staff member receiving this form: Rebecca J Drummond

Date received: 5/5/23

CCLS PAY SCALE

JOB TITLE	START	ENDING	REQUIREMENTS	
System Housekeeper	$9.75	$11.50	GED or H.S. Grad, cleaning experience, lift 40 lbs., transportation	$12.50
Library Courier	$9.75	$11.50	GED or H.S. Grad, valid driver's license, good driving record	$12.00
Library Assistant	$9.75	$12.00	GED or High School Graduate, library experience preferred	$12.00 - 12.56
Technical Services Assistant	$9.75	$13.50	High School Graduate, college preferred, cataloging experience	$16.62 -
Secretary	$9.75	$13.00	GED or H.S. Grad, 1 year experience in clerical duties	$13.00
Branch Youth Services Librarian	$9.75	$16.00	High School Graduate, college preferred, library experience	$12.00 - 1256
			beginning salary depends on education, experience, and job duties.	
Branch Manager	$12.75	$20.25	Some College & 3 years experience, or MLS & 1 year experience	$18.08 - 14.50
			beginning salary depends on education, experience, and job duties.	
Youth Services Librarian	$28,000	$45,000	Some college & 1 year experience working with youth	—
			beginning salary depends on education, experience, and job duties.	
System Director	$40,000	$65,000	MLS & 3 years experience, PL & proven supervisory skills	$59,280
			beginning salary depends on education, experience, and job duties.	
Circ Manager				$13.05
			Revised and adopted November 2018	