

**Library Board of Trustees
Special Called Meeting Agenda
Wednesday, October 16, 6:00 PM
York Public Library**

In attendance: Dennis Getter, Carol Herring, Wendi Michael, Susan Piening, Charles Robinson, Timothy Steele, Anne Witte. Also in attendance: Michael Kendree (YC), Martin House (YCL), Julie Ward (YCL).

1. Call to Order and Determination of a Quorum - 6:00pm

2. Public Comment

- Linda Fisher, Rock Hill. Supports library board’s moratorium on the purchase of books for minors that contain sexual content until there is a clear understanding of the significance in the language changes of Proviso 27.1.
- Rebecca Lugthart, Rock Hill. Supports library board’s moratorium on the purchase of books for minors that contain sexual content until there is a clear understanding of the significance in the language changes of Proviso 27.1.
- Steffanie Griffith, Fort Mill. Does not support library board’s moratorium on the purchase of books for minors that contain sexual content until there is a clear understanding of the significance in the language changes of Proviso 27.1.
- Laura Cato, Fort Mill. Does not support library board’s moratorium on the purchase of books for minors that contain sexual content until there is a clear understanding of the significance in the language changes of Proviso 27.1.

3. Discussion of Moratorium

A. Review of October 10, 2024, meeting minutes

- Steele - Makes a motion, hands out copies
 - Corrections - “Steele: the motion on the table still stands and has been seconded”

Discussion of moratorium:

A. Review of October 10, 2024 meeting minutes

Madam Chair, I move that the minutes from the October 10, 2024 meeting be approved as written with the following deletions and corrections made on Page 4:

- ~~Steele - Would like to amend the motion.¶~~
- ~~“Moratorium on purchasing books for minors under 18 until the Attorney General makes a ruling as stated by the State Library.”¶~~
- Steele: The motion on the table still stands and has been seconded.

- Steele - Handed out copy to notetaker

“I move that a moratorium be put on purchasing books for minors that contain any sexual content until we have a clear understanding of the significance in the language changes of proviso 27.1. I reference State Library memo dated June 24, 2024. This moratorium will stay in effect until we have further clarification from the Attorney General’s office.”

- Witte – Re-reads motion and asks for vote
 - 4/3
 - FOR: Getter, Herring, Piening, Steele
 - AGAINST: Michael, Robinson, Witte
- Herring
 - “Remove funding” vs “remove statement on funding” regarding ALA (American Library Association)
 - “Herring - Let’s remove funding to give us time to see what the State is doing.” p 4

- Ward - Is there a way to make a statement to still allow continuing education?
- Herring - Let’s remove statement of funding to give us time to see what the State is doing.
- Steele - Would like to amend the motion.
 - Association per email dated August 21, 2023, I move that the York County Public library

B. Clarifying motions of board members, including the appointment of a board member as secretary and possibly recording meetings

- Getter - Makes a motion, hands out copies
 - Carol Herring nominated as Secretary - audio recording by library Director or designee

B. Clarifying motions of board members, including the appointment of a board member as secretary and possibly recording meetings

Madam Chair I move that Carol Herring be nominated as Secretary of Board and that as per the bylaws she be designated to prepare minutes for the Board’s approval and that the Library Director be delegated the responsibility of audio recording the meetings going forward. A copy of the audio recording will be emailed to the secretary within 24 hours of the last meeting.

- Steele - Seconded
- Steele - Originally second motion- also seconded amendment
 - Vote – Unanimous

- Witte - Question about “motions”: When are motions to effect?
- Kendree - Practice is that motions go into effect next Board meeting
 - Technically under the law - minutes are details and record of meeting
 - Don’t become effective until voted on / approved
- Witte - Moratorium was not actually in place after the last meeting
- Kendree - New motions today should wait until they are approved next month

C. Present communication policy for issuing board statements

- Steele – Makes a motion, hands out copies
 - Paper copy passed to all members
 - “Resolution and Policy on Public Statements”

RESOLUTION AND POLICY ON PUBLIC STATEMENTS

WHEREAS, on the evening of October 10, 2024 the majority of the York County Library Board of Trustees (“Board”) approved action to place a moratorium on the purchase of any sexual materials for minors under the age of 18 until further clarification is made from the Attorney General regarding South Carolina state proviso 27.1; and,

WHEREAS, the very next day, October 11, 2024, the Chair of the Library Board issued an unauthorized public statement purportedly issued “on behalf of the York County Library Board of Trustees”, which statement was posted by the Chair of the Board to the official York County Library (“YCL”) website and otherwise circulated through an official press release (all of which postings, circulation and dissemination shall hereinafter be referred to as the “Statement”) without sufficient prior notice to the Board or discussion or consultation with the full Board and without the authorization of the Board; and,

WHEREAS, under Section 1 of Article II of the YCL bylaws, the chair’s duties are specifically delineated and limited such that specific direction by Board must be obtained before any actions be taken by the chair other than those delineated; and,

WHEREAS, no Board direction was sought or given regarding the issuance this Statement; and,

WHEREAS, the Statement inaccurately represents the Board’s action; and,

WHEREAS, the Chair of the Board was not authorized by the Board’s majority to make any such statement and exceeded her authority granted per Section 3 of Article II of the YCL bylaws; and,

WHEREAS, at the time Statement was made, draft minutes of the October 10, 2024 meeting were not available nor were they approved by a majority vote of the Board as required by parliamentary procedure and no opportunity for correction of the minutes was given to the full Board prior to the Chair’s unauthorized, unilateral statement; and,

WHEREAS, the unauthorized Statement has caused unnecessary confusion and consternation among the library’s constituents;

NOW THEREFORE BE IT RESOLVED, that going forward no information regarding the policy or actions of the YCL shall be posted to the official YCL website or otherwise published or disseminated or issued without the express approval of the majority of the Board; and be it further,

RESOLVED, that no public statement without the express approval of the Board be made by any officer or trustee of the Board in the officer’s or trustee’s capacity as an officer or trustee using one’s title or other language implying or suggesting that the statement is connected to the YCL, it being understood that any officer or trustees may make public statements in his or her private capacity as a citizen without mentioning one’s role with the YCL to avoid confusion; and be it further,

RESOLVED, that this resolution and any amendments hereto be entered verbatim into the minutes of the Board.

- Michael - Can we shorten statement that Steele presented?
- Witte - If it becomes policy - will it go into by-laws? Is this by-law change?
- Piening - Clarification, not change
- Steele - Will not change original motion
 - Want it in the minutes
 - Can shorten it in by-laws
 - Let policy committee decide changes to by-laws
- Steele - Amend motion that I want it stated exactly as is and will refer to policy committee to change by-laws
 - Would like this full motion to be in the minutes, but would also like the full motion to go to the policy committee where they can incorporate it into the by-laws. For review if needed (the substance of motion)
- Getter - Seconded amended motion
 - Are we voting on full amendment?
- Witte - Vote for full motion
 - 4/3
 - FOR: Getter, Herring, Piening, Steele
 - AGAINST: Michael, Robinson, Witte
- Witte - Vote on amended motion
 - 4/3
 - FOR: Getter, Herring, Piening, Steele
 - AGAINST: Michael, Robinson, Witte

D. Revise statement

- Herring presents printed copy of revised statement
- Herring - Motion to present “public correction of the record of the October 10, 2024 Meeting”

**PUBLIC CORRECTION OF THE RECORD
OF THE OCTOBER 10, 2024 MEETING**

WHEREAS, on the evening of October 10, 2024 the York County Library Board of Trustees ("Board") passed a resolution regarding South Carolina state proviso 27.1; and,

WHEREAS, the very next day, October 11, 2024, an unauthorized public statement purportedly issued "on behalf of the York County Library Board of Trustees" and was posted to the official York County Library ("YCL") website, ~~emailed to people not on the Board~~, and otherwise circulated including through an official press release (all of which postings, emails, circulation and dissemination shall hereinafter be referred to as the "Statement") without sufficient prior notice to the Board or discussion or consultation with the full Board and without the authorization of the Board; and,

WHEREAS, under Section 1 of Article II of the YCL bylaws, the chair's duties are specifically delineated and limited such that specific direction by Board must be obtained before any actions be taken by the chair other than those delineated; and,

WHEREAS, no Board direction was sought or given regarding the issuance of any public statement, including the Statement; and,

WHEREAS, the author and mover of the resolution which was the subject the Statement ("Resolution") and all of those voting in favor of said Resolution believe the Statement inaccurately represents said Resolution; and,

WHEREAS, neither the author and mover of the Resolution nor any other Board member was given the opportunity to correct the inaccuracy because prior to the posting of the Statement no draft minutes of the meeting were distributed to the Board as required by Section 3 of Article II of the YCL bylaws; and,

WHEREAS, draft minutes of the October 10, 2024 meeting have not been approved by a majority vote of the Board as required by parliamentary procedure and no opportunity for correction of the minutes has been given to the full Board; and,

WHEREAS, the unauthorized Statement has caused unnecessary confusion and consternation among the library's constituents;

NOW THEREFORE BE IT RESOLVED, that the unauthorized Statement be immediately retracted ("Retraction") by a prompt notice to all places in which it was posted, circulated or published including but not limited to the official website, social media postings and to any person or entity to which a press release was sent; and be it further,

RESOLVED, that a verbatim copy of this resolution be disseminated along with the Retraction; and be it further,

RESOLVED, that the Retraction read as follows: "*A statement purportedly issued on behalf of the York County Library Board of Trustees' was disseminated without authorization or appropriate approval and was inaccurate as explained in the attached resolution. A corrected statement approved by the Board will follow shortly.*" and be it further,

RESOLVED, that a correct statement ("Corrected Statement") whose exact wording shall have been approved in advance by the Board be disseminated within 24 hours of Board approval to all places in which it was posted, circulated or published including but not limited to the official website, social media posting and to any person or entity to which a press release was sent; and be it further,

RESOLVED, along with the Corrected Statement, a statement of ^{explanation} apology by the person issuing the unauthorized Statement be disseminated to all places in which it was posted, circulated or published including but not limited to the official website, social media posting and to any person or entity to which a press release was sent; and be it further,

RESOLVED, that the chair is rebuked and censured for acting *ultra vires*; and be it further,

RESOLVED, that this resolution and any amendments hereto be entered verbatim into the minutes of the Board.

- Steele - Seconded
- Michael - Question about emailing people not on the Board?
- Witte - This was a naming mechanism/quirk with the email address. The person listed is not a real person. Emails did not go out to anyone outside of the board.
- Herring - That can be stricken
- Witte - Questioned the apology portion of the motion
- Piening - Solidified that this was not intentional
- Michael - Take out part of apology and rebuked and censured
- Steele - Seconded
- Witte - Vote on amendment to Statement
 - 4/3
 - FOR: Getter, Herring, Piening, Steele
 - AGAINST: Michael, Robinson, Witte
- Vote on amended statement
 - 4/3
 - FOR: Getter, Herring, Piening, Steele
 - AGAINST: Michael, Robinson, Witte

4. Executive Session
No executive session

5. Adjourn
Witte motioned to adjourn at 7:16