

# **CITY OF HAYWARD**

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)



CITY OF  
**HAYWARD**  
HEART OF THE BAY

## **Agenda - Final**

**Monday, March 19, 2018**

**6:30 PM**

**City Hall, Conference Room 2B**

## **Library Commission**

**CALL TO ORDER**

[RPT 18-061](#)

The Agenda for the March 19, 2018 Library Commission meeting is enclosed

**Attachments:** [Attachment I. Agenda for the March 19, 2018 Library Commission Meeting](#)

**PLEDGE OF ALLEGIANCE****ROLL CALL****APPROVAL OF MINUTES**

[MIN 18-044](#)

The Minutes of the February 26, 2018 Library Commission meeting are enclosed

**Attachments:** [Attachment I. Minutes of the February 26, 2018 Library Commission meeting](#)

**PUBLIC COMMENTS:**

*The Public Comment section provides an opportunity to address the Oversight Board on items not listed on the agenda. The Board welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the Board or are within the jurisdiction of the Board as the Board is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*

**OLD BUSINESS****21ST CENTURY LIBRARY OPERATING PLAN AND OPENING DAY CEREMONIES****NEW BUSINESS****LIBRARY POLICIES AND PROCEDURES***COLLECTION DEVELOPMENT POLICY*

[RPT 18-065](#)

Twenty-First Century Library Collection Development Policy Update

**Attachments:**    [Attachment I. Twenty-First Century Library Collection Development Policy Update](#)

THIRD PARTY OPERATING AGREEMENTS

[RPT 18-064](#)

Twenty-First Century Library Third Party Operating Agreements

**Attachments:**    [Attachment I. Twenty-First Century Library Third Party Operating Agreements](#)

ART GALLERY

BOOKSTORE/GIFT SHOP

LOCAL HISTORY CENTER

POCKET CAFÉ

**REPORTS**

21ST CENTURY LIBRARY CONSTRUCTION

LIBRARY COMMISSIONERS

FRIENDS OF HAYWARD LIBRARY

CITY COUNCIL LIAISON

**AGENDA BUILDING**

REVIEW UPDATED AGENDA SCHEDULE

**ADJOURNMENT**

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Manager at (510) 583-4300 or TDD (510) 247-3340.*



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**File #:** RPT 18-061

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**DATE:** March 19, 2018

**TO:** Library Commission

**FROM:** Director of Library and Community Services

**SUBJECT**

The Agenda for the March 19, 2018 Library Commission meeting is enclosed

**RECOMMENDATION**

That the Library Commission review the Agenda for the March 19, 2018 meeting.

**ATTACHMENTS**

Attachment I. Agenda for the March 19, 2018 Library Commission Meeting

**AGENDA**  
**City of Hayward Library Commission**  
March 19, 2018 @ 6:30 PM  
City Hall, Conference Room 2B  
777 B Street, Hayward, Calif.

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1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes
  - a. Minutes from the February 26, 2018 Regular Meeting
5. Public Comments\*
6. Old Business
  - a. 21<sup>st</sup> Century Library Operating Plan and Opening Day Ceremonies
7. New Business
  - a. Library Policies and Procedures
    - i. Collection Development Policy
  - b. Third Party Operating Agreements
    - i. Art gallery
    - ii. Bookstore / gift shop
    - iii. Local history center
    - iv. Pocket Café
8. Reports
  - a. 21<sup>st</sup> Century Library construction
  - b. Library Commissioners
  - c. Friends of Hayward Library
  - d. City Council Liaison
9. Agenda Building
  - a. Review updated Agenda Schedule
10. Adjournment

*\* The Public Comments section provides an opportunity to address the Library Commission on items listed on the agenda, as well as other items of interest. The Commission welcomes comments and requests that speakers present their remarks within established time limits. (Individual comments are set at a 3-minute time limit; comments on behalf of a group are set at a 5-minute time limit.) As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.*



# CITY OF HAYWARD

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**File #:** MIN 18-044

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**DATE:** March 19, 2018

**TO:** Library Commission

**FROM:** Director of Library and Community Services

**SUBJECT**

The Minutes of the February 26, 2018 Library Commission meeting are enclosed

**RECOMMENDATION**

That the Library Commission review and approve the Minutes of the February 26, 2018 meeting.

**ATTACHMENTS**

Attachment I. Minutes of the February 26, 2018 Library Commission meeting

## MINUTES

City of Hayward Library Commission - February 26, 2018

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Call to order. Commission Chairperson McAllister called the meeting to order at 6:33 pm.

Roll call. Library Commissioners in attendance: Bergeron, Lowe, McAllister, Murillo, Reynoso and Sharafali. Library Commissioners absent: Bufete, Prada and Rogers. Council Liaison Salinas was not in attendance. Staff in attendance: Sean Reinhart, Lindsey Polanco, Clio Hathaway and Lara Williams. There were no visitors in attendance.

Minutes from the January 22, 2018 regular meeting. The minutes were approved with an amendment by Commissioner Sharafali to reflect her request for adding "Commissioner Goals" to agenda building.

Public comments. There were no public comments.

21<sup>st</sup> Century Library transition and operating plan. Director Reinhart provided an update on the opening of the 21<sup>st</sup> Century Library. Currently waiting for PG&E to install a transformer to power the building. This is the large remaining piece of major work that will determine the rest of the building schedule. Currently it looks like it will be a June or July opening date.

Library policies and procedures. Supervising Librarian Clio Hathaway presented the Customer Conduct Policy update. Commissioner Murillo inquired about signage for the most often violated policies. Ms. Hathaway relayed that there are signs at the current library calling those out to patrons. Commissioner Sharafali suggested having a "Welcome" sign that includes an overall message of respecting the Library. Commissioner Reynoso suggested providing easy access to the policies, including a QR code for quick access to the complete policy list. He also suggested that a welcome sign include other languages, including sign language. Commissioner McAllister suggested that the Commission review the Customer Conduct Policy on a regular basis, every 2 years. Commissioner Lowe suggested the commission review the policy again sooner than two years due to the unforeseen changes that may have to be implemented due to the new library. Commissioner Lowe moved to approve the Customer Conduct Policy. Commissioner Bergeron provided a second motion. Approved unanimously.

Director Reinhart presented the Community Information Board Policy update. Commissioner McAllister inquired about the digital display. Director Reinhart stated that the policy is designed to cover paper and all digital postings. Commissioner Lowe moved to approve the Community Information Board Policy. Commissioner Murillo placed a second motion to approve it. Approved unanimously.

Director Reinhart presented additional updates to the 21<sup>st</sup> Century Library Meeting Room Fees. Commissioner Sharafali requested clarification on the janitorial fee. Director Reinhart agreed that the wording should be revised for clarification of the fee. Commissioner McAllister suggested revisiting the fees in a few months to determine whether they need to be revised. A discussion ensued regarding deposit amounts. Commissioner Lowe moved to approve the policy with the amendment of adding "hourly" between janitorial and service fee (under Other Library Fees) and adding "and use" after the words "group size" under the Rates – all user groups. Commissioner Reynoso requested the document be brought back after six months to see if any revisions need to be made. Commissioner Reynoso provided a second motion. Approved unanimously.

21<sup>st</sup> Century Library construction. Director Reinhart provided a time frame on the library construction during the library transition and operating plan comments at the beginning of the meeting.

Library Commissioner reports. Commissioner Lowe attended a City Council meeting and reported that some Council members indicated that they thought the 21<sup>st</sup> Century Library could be opening as early as May.

Friends of Hayward Library report. Commissioner McAllister provided an update on the New Leaf campaign. New brochures have been mailed out. To date, nearly 200 donors have given over \$412,000. That would allow the purchase of approximately 20,000 new books. The campaign will end on March 15<sup>th</sup>, may be extended to March 30<sup>th</sup> based on PG&E transformer installation date. The goal of the campaign is to raise a total \$1 million for new books and technology for the 21<sup>st</sup> Century Library. The first phase goal is to raise \$500,000 by the grand opening, and the second phase goal is to raise an additional \$500,000 by the 1-year anniversary of the new library.

Agenda building. Director Reinhart provided the updated agenda schedule for 2018. Director Reinhart reviewed the revisions and additions done per commissioners' input.

Director Reinhart announced that the City Council will be reviewing the 21<sup>st</sup> Century Library transition and operations plan on March 27<sup>th</sup> at 7PM and hopes that commissioners can attend this meeting.

Adjournment. Commissioner McAllister adjourned the meeting at 7:31pm.





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**File #:** RPT 18-065

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**DATE:** March 19, 2018

**TO:** Library Commission

**FROM:** Director of Library and Community Services

**SUBJECT**

Twenty-First Century Library Collection Development Policy Update

**RECOMMENDATION**

That the Library Commission review and approve the Collection Development Policy Update.

**ATTACHMENTS**

Attachment I. Twenty-First Century Library Collection Development Policy Update



Date: March 19, 2018  
To: Library Commission  
From: Sean Reinhart, Library Director  
**Subject: Collection Development Policy Update**

In preparation for the transition to the 21<sup>st</sup> Century Library facility in 2018, Library staff and the Library Commission have undertaken updates of several Library policies. Attached to this report is the updated Collection Development Policy for Library Commission review, feedback, and approval.

Attachment: Collection Development Policy Update

## **CITY OF HAYWARD PUBLIC LIBRARY COLLECTION DEVELOPMENT POLICY**

### **INTRODUCTION**

The purpose of the Collection Development Policy is to provide the community and library staff documentation which informs and supports the development of the library collection. This document will provide guidance to Hayward Public Library staff and inform the public of the principles upon which the library makes decisions regarding the development and maintenance of the collection. While this policy will not replace the judgment of librarians, it serves to assist them in making decisions when choosing from available materials.

### **COLLECTION DEVELOPMENT POLICY STATEMENT**

City of Hayward Public Library promotes and celebrates the diverse cultural heritage of the Hayward community in all services and programs, including through its collections of library books, media, and other materials. The Library is committed to providing library collections that support every individual's right to know and that encourage the development of a lifelong interest in reading and learning. The Library is an accessible information, learning, and reference center charged with maintaining broad community access to diverse information and knowledge, supported and facilitated by trained professional and paraprofessional staff. The Library serves as a resource for readers and learners of all ages and walks of life.

### **SELECTION OF MATERIALS**

#### ***A. Collection Development Goals***

- Provide materials that meet the community's interests and needs in a timely manner.
- Provide a diverse collection which can support the roles of the library as a reference center, learning center, educational center, and community center.
- Provide a variety of viewpoints on all of the subjects in its collections.
- Participate in cooperative collection development programs.
- Provide materials for all age groups to encourage and promote lifelong learning and continued use of the library.
- Provide materials in varying formats to acknowledge the importance of books and newer technology as sources of valuable information.

#### ***B. Selection Guidelines***

Library materials are chosen to serve the information, education, cultural, and recreational needs of the community. The Library selects materials on a large variety of subjects and in different formats, responding to the wide range of ages, ethnicities, languages, educational backgrounds, interests, and reading skills of library patrons. Materials are available in a variety of formats, quantities, and titles.

Collection development decisions are based on professional librarians' judgement and expertise, knowledge of what is already in the collection, and reviews in professional journals. Selection criteria include but are not limited to: past and anticipated public demand; contemporary significance and timeliness; literary or artistic merit; the need for and availability of information or materials in the subject area; authoritativeness of the author or publisher; favorable reviews in standard selection sources; cost; and shelving space available in the library. Selections are made to build and maintain a balanced collection and to include the widest possible variety of viewpoints and opinions to meet community needs.

#### ***C. Patron Requests and Recommendations***

The Library welcomes suggestions and feedback from the community for purchases of materials. All suggestions are given deliberate examination and are subject to the same criteria as all other Library materials purchased. Staff and the public are encouraged to recommend materials for consideration. Recommendations may be submitted online via the library website.

**D. *Gifts and Memorials***

The library accepts gifts of library materials with the understanding that the same selection guidelines are applied to gifts as are applied to materials purchased by the library. The Library reserves the right to make final disposition of all gifts received. Most donated books are given to the Library's partner nonprofit organization, Friends of Hayward Library for resale. Please contact the Library Director to discuss memorial donations.

**E. *Collection Maintenance & Evaluation***

Collection maintenance and evaluation is important to ensure the materials in the Library are balanced and responsive to community needs. The Library strives to maintain an up-to-date, useful collection. Statistical tools such as circulation reports help librarians to determine how the collection is being used, and community demographic information will be used to help keep abreast of changing community needs.

During the process of evaluation, the librarian will have the opportunity to identify subjects where materials are needed, missing titles that should be replaced, older editions of titles which should be updated, and subjects, authors, and titles that are no longer in demand in the community. Titles and items are withdrawn from the collection through periodic, systematic review by librarians. Materials may be withdrawn because they are worn, obsolete, or seldom used; superseded by a newer edition or better work on the subject; or physically damaged or in poor condition.

**THE COLLECTION AND SUBJECT AREAS**

- A. ***Children's Collections:*** A robust collection of print and media materials for children, items are provided in multiple formats for a wide range of interests, ages, and reading levels. Although the library strives to provide basic curriculum support, we do not attempt to purchase in sufficient quantity for required reading or other district-wide projects. Special collections in the children's area include, but are not limited to:
- a. ***International Languages and Language Learning:*** Educational and recreational materials in multiple languages, including materials for English language learners.
  - b. ***Parent-Teacher Collection:*** Resources for teachers, child care providers, parents and guardians, and other professionals and students working with children, focusing on child development and curriculum development.
- B. ***Teen Collections:*** A collection of books and magazines is maintained for teens, with awareness of the variety of interests, backgrounds, reading skills, and development levels within this age group. This book collection is overwhelmingly fiction selected for recreational reading. The non-fiction titles in the collection are on subjects that meet the developmental needs of teens as well as titles of contemporary interest to this age group.
- C. ***Adult Collections:*** Fiction and non-fiction collections including books, CDs, DVDs, periodicals, and online materials, with an emphasis on popular works, basic reference, and homework support. Special collections include, but are not limited to:
- a. ***Career Development:*** Titles for job seekers, students, career changers, employees and business owners, including job search resources and test preparation for standardized tests and the Civil Service tests.
  - b. ***Adult New Reader:*** Easy-to-understand items for adults with limited reading ability and resources for teachers and other education professionals.
  - c. ***International Languages and Language Learning:*** Educational and recreational materials in multiple languages, including materials for English language learners.
  - d. ***Local History:*** Materials related to the history of Hayward and Alameda County, the greater San Francisco Bay area, and California.
  - e. ***Urban Gardening/Seed Lending Library:*** Materials relating to gardening, healthy living, and sustainable gardening.

- D. ***Digital Collections:*** The Library provides a variety of electronic resources for all age groups that are accessible via the Library's webpage at times and locations convenient to the users. Digital collections include, but are not limited to:
- a. ***Ebooks and downloadable audio***
  - b. ***Streaming media***
  - c. ***Homework assistance and research materials for all grade levels***
  - d. ***Test preparation***
  - e. ***Full-text versions of magazines, newspapers, and journals***

#### **INTELLECTUAL FREEDOM & ACCESS TO LIBRARY MATERIALS**

City of Hayward Public Library supports the freedom to read as indicated in the American Library Association's Library Bill of Rights, Freedom to Read, and Freedom to View Statements. The Library does not censor library materials of any nature to any member of the community. The Library is a public resource and must remain open and accessible to all. Library staff and patrons may not impose their views, values, and biases upon others. The Library's collection is the reflection of its diverse community, and inclusion in the library's collection does not reflect endorsement of any specific contents or belief. Library materials are not identified or marked to show approval or disapproval based on its content. The Library upholds the right of the individual to access information. Parents and guardians have the right and responsibility make decisions about the materials suitable for their own children. The Library does not regulate what a child reads, views, or checks out.

#### **REQUEST FOR RECONSIDERATION**

The purpose of the Collection Development Plan is to provide the community and library staff with a document that provides justification for the development of library collections. It ensures that the focus of the collections purchased remains the diversity of community interest. Despite this, occasional objections will be made by the community regarding material selection. In response, the Library has a formal procedure for review of challenged materials. Patrons may submit a Request for Reconsideration Form (see Appendix C) for staff to re-evaluate the collection. Requests for Reconsideration are submitted to the Library Director, whose decision is final.

Appendix A: The Library Bill of Rights

Appendix B: Freedom to Read Statement

Appendix C: Request for Reconsideration

## APPENDICES

### Appendix A

#### The Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; inclusion of "age" reaffirmed January 23, 1996.

Although the Articles of the Library Bill of Rights are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as [Interpretations of the Library Bill of Rights](#).

## Appendix B

### The Freedom to Read Statement

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.



7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

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This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

**Appendix C**

**HAYWARD PUBLIC LIBRARY  
REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS**

*Please complete all fields on this form. Incomplete requests will not be considered.*

**Contact Name:** \_\_\_\_\_

**Email address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Circle Material Type:**

Book    Magazine    Newspaper    DVD    Audio CD

Database or other electronic resource    Other: \_\_\_\_\_

**Title of work:** \_\_\_\_\_

**Author/Producer:** \_\_\_\_\_

**Publisher:** \_\_\_\_\_

**Dewey number (if any):** \_\_\_\_\_

**Date/Edition:** \_\_\_\_\_

**Did you read, view or listen to the entire work or a portion of the work?**

**Which specific pages/sections illustrate your concerns? Please be specific.**

**How did this material come to your attention? (optional):**

Please send completed form to:

Attn: Library Director, City of Hayward Public Library, 888 C Street, Hayward CA 94541



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**File #:** RPT 18-064

---

**DATE:** March 19, 2018

**TO:** Library Commission

**FROM:** Director of Library and Community Services

**SUBJECT**

Twenty-First Century Library Third Party Operating Agreements

**RECOMMENDATION**

That the Library Commission review and approve the Third Party Operating Agreements.

**ATTACHMENTS**

Attachment I. Twenty-First Century Library Third Party Operating Agreements



Date: March 19, 2018  
To: Library Commission  
From: Sean Reinhart, Library Director  
**Subject: Third Party Operating Agreements**

In preparation for the transition to the 21<sup>st</sup> Century Library facility in 2018, Library staff and the Library Commission have developed Third Party Operating Agreements with external community partner organizations for operating various specialized services in the new library. What follows is an overview of the following Third Party Operating Agreements:

- I. Community art gallery
- II. Bookstore/ gift shop
- III. Local history center
- IV. Pocket Café

### **I. Community Art Gallery**

The new library will feature two wall spaces on the second floor, each approximately 20' in length, which are designed and set aside for displays of community artwork. The Library has reached a tentative agreement with Hayward Arts Council and Sun Gallery (Curators) to maintain and curate the community art gallery in the new library. Hayward Arts Council and Sun Gallery currently curate several other community galleries in Hayward, including the John O'Lague Galleria at Hayward City Hall. The general terms of the community art gallery tentative agreement are as follows:

- Curators will curate displays of community artwork in two designated areas (Galleries) of the new downtown library.
- The Galleries are located on the second floor of the new library, each with wall space approximately 20' in length.
- Curators will update the Gallery displays with new artwork at least four times per year, or more often if desired. At least once per year, Curators shall display new artworks created by local Hayward youth. At least once per year, Curators shall display new artworks created by Hayward residents that are collected through an open Call for Artists that places an emphasis on emerging artists.
- Library shall make no compensation to Curators. Curators shall be responsible for all costs associated with Galleries, including but not limited to insurance of artworks.

- Curators will handle all aspects of collecting, maintaining and curating the Galleries and related activities, including the costs thereof. Library shall bear no responsibility for preparation, setup, cleanup, maintenance, or storage of Galleries and related activities; nor shall Library bear any of the related costs.
- All displays and related activities within and associated with the Galleries must comply with all Library policies. Library reserves the right to reject and/or remove any display that is deemed contrary to Library policies, at Library's sole discretion.
- Curators acknowledge that the Library is a shared public environment, not just an art gallery, and that Library visitors come to the shared public environment to access shared Library services and resources, and that Library visitors hold many diverse viewpoints and come from many diverse walks of life, and as such, displays in the Galleries will be curated with the understanding that all artwork displayed must be suitable for this broad public audience.

## **II. Bookstore/ Gift Shop**

The new library will feature a brick-and-mortar bookstore/ gift shop (The Bookstore), approximately 500 square feet in size, that is designed specifically for use by the Friends of Hayward Library partner nonprofit organization (The Friends). The sole mission of the Friends is to raise funds to support library services, programs, and other needs. They achieve their mission through various ongoing fundraising efforts, which at present includes selling donated used books from a temporary booth near the Hayward Farmers' Market. When the new library opens, the Friends will move their book selling operation into the new bookstore, and they will add Hayward-themed merchandise (e.g., gifts, apparel, stationery, etc.) to their retail inventory. The general terms of the Bookstore tentative agreement are as follows:

- Friends will operate the Bookstore in a designated room of the new downtown library.
- The Bookstore is located on the first floor of the new library, with its own controlled entrance, and is approximately 500 square feet in size.
- Friends shall set the Bookstore hours of operation, select and maintain inventory, set pricing, provide cashiering, and all related aspects of the retail operation.
- Friends shall make no compensation to Library for use of the Bookstore space, however all of Friends' proceeds from the Bookstore sales shall be donated to the Library for various services, programs and other needs, as recommended by Library and subject to approval by Friends of Hayward Library's board of directors.
- Library shall continue to cover the cost of general liability insurance (policy rider) to the Friends, as per past and current practice.
- All displays and related activities within and associated with the Bookstore must comply with all Library policies. Library reserves the right to reject and/or remove any display or activity that is deemed contrary to Library policies, at Library's sole discretion.
- Friends acknowledge that the Library is a shared public environment, not just a Bookstore, and that Library visitors come to the shared public environment to access shared Library services and resources, and that Library visitors hold many diverse viewpoints and come from many diverse walks of life, and as such, all merchandise, signage, displays, and activities in and related to the Bookstore must be suitable for this broad public audience.

### **III. Local History Center**

The new library will feature a dedicated area for access to and display of books, papers, and other artifacts of local historical interest and/or significance. The Library has reached a tentative agreement with Hayward Area Historical Society (HAHS) to maintain and curate the Local History Center in the new library. HAHS currently curates several other historical properties in Hayward, including the Meek Estate, McConaghy House, and the HAHS Museum for History & Culture. The general terms of the Local History Center tentative agreement are as follows:

- HAHS will curate collections and displays of local history items in a designated area (Local History Center) of the new downtown library.
- The Local History Center is located on the third floor of the new library and is approximately 500 square feet in size.
- HAHS shall loan historical items from its collections to Library for public display in the Local History Center, and shall update the Local History Center collections and displays with new items at least twice per year, or more often if desired.
- Library shall compensate HAHS a total of \$12,000 per year. HAHS shall be responsible for all costs associated with Local History Center collections and displays, including but not limited to insurance of materials on loan and display.
- HAHS will handle all aspects of collecting, maintaining and curating the Local History Center and related activities, including the costs thereof. Library shall bear no responsibility for preparation, setup, cleanup, or maintenance of Local History Center items and related activities; nor shall Library bear any of the related costs. However, Library will provide a library staff member at the Reference Desk adjacent to the Local History Center at all hours the library is open; the library staff member's duties will include monitoring activity in the Local History Center and providing general assistance to visitors.
- All displays and related activities within and associated with the Local History Center must comply with all Library policies. Library reserves the right to reject and/or remove any display that is deemed contrary to Library policies, at Library's sole discretion.
- HAHS acknowledges that the Library is a shared public environment, not just a Local History Center, and that Library visitors come to the shared public environment to access shared Library services and resources, and that Library visitors hold many diverse viewpoints and come from many diverse walks of life, and as such, displays in the Local History Center will be curated with the understanding that all artwork displayed must be suitable for this broad public audience.

### **IV. Pocket Café**

The new library will feature a brick-and-mortar Pocket Café serving coffee, beverages, and packaged foods. The Library in December and January conducted an open Request for Qualifications (RFQ) process to identify a local vendor to operate the Pocket Café. After the completion of the RFQ process, the Library identified, entered negotiations with, and reached a tentative agreement with local vendor Hippie's Brew to operate the Pocket Café in the new library. Hippie's Brew currently operates a successful coffee bar in Hayward at 21988 Foothill Way. The

general terms of the Pocket Café tentative agreement with Hippie's Brew (the Operator) are as follows:

- Operator will operate a Pocket Café in the new downtown library.
- The Pocket Café is located on the first floor of the new library, with its own controlled entrance, and is approximately 400 square feet in size.
- Operator shall set the Pocket Café hours of operation, at least 40 of hours per week of which shall coincide with the Library's hours of operation.
- Operator shall be responsible for all aspects of its retail operation, including the costs of staffing, inventory, janitorial, daily maintenance, and related operational expenses.
- Operator shall provide for its own general liability insurance, health department compliance and fees, and all other legal and regulatory aspects of the Pocket Café operations.
- Operator shall pay rent to Library for use of the Pocket Café space in the amount of \$1 per square foot per month.
- Library shall procure and install casework, furnishings, and commercial equipment in the Pocket Café at Library's expense, in a total outlay not to exceed \$50,000. Operator shall leaseback the commercial equipment from Library over a period of three years by remitting monthly lease payments. Each monthly lease payment shall be equal to 1/36<sup>th</sup> of Library's total cost to procure and install the commercial equipment, less 25% for depreciation. Operator shall bear responsibility for all equipment maintenance and repair costs during the leaseback period. Upon full payment by Operator of the agreed upon leaseback amount in full, Library shall transfer ownership of the commercial equipment to Operator.
- All retail activities, special events, promotions, signage, and related activities within and associated with the Pocket Café must comply with all Library policies. Library reserves the right to reject and/or remove any display or activity that is deemed contrary to Library policies, at Library's sole discretion, and further reserves the right to terminate the lease agreement for cause should Operator fail to timely and fully correct a policy violation.
- Operator acknowledges that the Library is a shared public environment, not just a Pocket Café, and that Library visitors come to the shared public environment to access shared Library services and resources, and that Library visitors hold many diverse viewpoints and come from many diverse walks of life, and as such, all merchandise, signage, events, displays, and activities in and related to the Pocket Café must be suitable for this broad public audience.