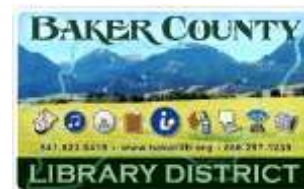


Baker County Library District  
 Board of Directors  
**Regular Meeting Agenda**  
 Monday, Feb 10, 2020, 6:00 – 8:00 pm  
 Riverside Room, Baker County Public Library  
 2400 Resort St, Baker City  
 Gary Dielman, President



- |              |  |                 |
|--------------|--|-----------------|
| <b>I.</b>    | <b>CALL TO ORDER</b>   | Dielman         |
| <b>II.</b>   | <b>Consent agenda (ACTION)</b><br>a. Additions/deletions from the agenda<br>b. Minutes of previous meeting   | Dielman         |
| <b>III.</b>  | <b>Conflicts or potential conflicts of interest</b>  | Dielman         |
| <b>IV.</b>   | <b>Open forum for general public, comments &amp; communications</b><br>In the interests of time and to allow as many members of the public an opportunity to speak, the board asks guests to limit remarks to five (5) minutes if speaking on behalf of an individual, or ten (10) minutes if speaking on behalf of a group or organization. | Dielman         |
| <b>V.</b>    | <b>OLD BUSINESS</b><br>a. None   |                 |
| <b>VI.</b>   | <b>NEW BUSINESS</b><br>a. <b>Policy Revision: Photography, Recording, Filming (ACTION)</b>   | Stokes          |
| <b>VII.</b>  | <b>REPORTS</b><br>a. Director<br>b. Finance  | Stokes<br>Hawes |
| <b>VIII.</b> | <b>Next meeting: Mar 9, 2020</b>   | Dielman         |
| <b>IX.</b>   | <b>ADJOURNMENT</b>   | Dielman         |

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The times of all agenda items except open forum are approximate and are subject to change. Other matters may be discussed as deemed appropriate by the Board. If necessary, Executive Session may be held in accordance with the following. Topics marked with an asterisk\* are scheduled for the current meeting's executive session.

ORS 192.660 (2) (d) Labor Negotiations  
 ORS 192.660 (2) (h) Legal Rights

ORS 192.660 (2) (e, j) Property  
 ORS 192.660 (2) (a, b, i) Personnel

# Library Board Meeting – Annotated Agenda

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Monday, Feb 10, 2020, 6:00 pm

Notes prepared by Library Director Perry Stokes

## Annotated Agenda

- |  |         |
|--|---------|
| I. CALL TO ORDER                       | Dielman |
| II. Consent agenda ( <b>ACTION</b> )   | Dielman |
| a. Additions/deletions from the agenda |         |
| b. Minutes of previous meeting         |         |

### *Attachments:*

- II.b.i. Board meeting minutes, Jan 13 2020

- |  |         |
|--|---------|
| III. Conflicts or potential conflicts of interest            | Dielman |
| IV. Open forum for general public, comments & communications | Dielman |
| V. OLD BUSINESS  |         |
| a. None  |         |
| VI. NEW BUSINESS   |         |

- |   |        |
|---|--------|
| a. Policy Revision: Photography, Recording, Filming ( <b>ACTION</b> ) | Stokes |
|---|--------|

### *Attachments:*

- VI.a.i. ALA IFC article: Auditing the First Amendment at Your Public Library
- VI.a.ii. Recent press reports on 1A Auditor visits to public libraries
- VI.a.iii. Current policy
- VI.a.iv. Policy revisions (markup)
- VI.a.v. Revised final policy (clean)

Given the surge in popularity of smartphone video segments on social media sites as well as recent reports of “First Amendment Auditor” visits to public libraries in Oregon, I’m proposing an update to the Photography, Recording, and Filming Policy. Though this policy was adopted fairly recently (Jan 2019), it’s important that the district provide clear guidance for staff on how to address and respond to incidents they may encounter.

The primary proposed revisions to the policy include

- Re-organization of the elements into a structure that is more logical for quick reference
- Adding a firm statement in support of First Amendment rights
- Providing a brief description of the legal basis the library has to limit First Amendment conduct as a “limited public forum”
- Expanding “specialized equipment” list to include extension pole (AKA selfie stick, and drones)
- Adding a reference to ORS 165.540 requiring persons to be notified if audio recording is capturing their conversation.
- Adding an element restricting nuisance drone operation on library premises. This is modeled after [OR HB 3407](#), Section 4(1) which protects private residents from drone harassment.
- Consolidation of Commercial Photography and Entertainment Filming segments

# Library Board Meeting – Annotated Agenda

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Monday, Feb 10, 2020, 6:00 pm

Notes prepared by Library Director Perry Stokes

## REPORTS

### a. Director

Stokes

#### **Facilities & vehicles**

The start of the Boardwalk Remodel Project has been postponed a few weeks due to materials & supplies. This project will replace the weather-worn boards along the river with synthetic Trex planking. Ed discovered that materials initially planned for use by contractors were unsuitable for the dimensions of the existing boardwalk foundation.

Investigation is ongoing of the Bookmobile's chronic engine overheating issue. Ed is consulting with different mechanics in Baker.

Ed is preparing to build shelves and bins to more efficiently utilize our storage space in the Haines branch basement. Since our storage areas are extremely limited, we do need use the spaces wisely and courageously discard surplus materials whenever possible.

Decal signage on the Drive-Up Window were replaced recently as a part of the ongoing signage improvement initiative. The blind on that window had also begun to rapidly deteriorate and was replaced. The new decals look great. Many thanks to Heather Spry for coordinating that work. I'll be looking to order more decal signage for the entry way doors and internal rooms, as well.

#### **Personnel**

In recent weeks, procedures in the newly revised Workplace Harassment Policy have been tested by receipt of two complaints filed by staff. I appreciate Board Chair Gary Dielman's assistance with the investigation process. Christine has been doing an outstanding job of utilizing the policy tools and working to resolve the issues.

#### **Programs & services**

The Sage Library System catalog upgrade occurred on Wednesday, Jan 15. Systems were offline during the upgrade from Evergreen version 3.1 to 3.4. The new version has enhanced security protections and resolved various software bugs. Email notification systems were disrupted for about a week following the update, so staff are encouraged to forgive late fees for a while when disputed. A catalog app called "SageCat" is now in beta testing mode. The free app for android devices can be downloaded from Google Play.

The Winter Book Sale had strong attendance. Net sales are estimated at around \$1,200, which is around the typical amount for the winter sale. Diana reports that despite the absence of involvement from our Friends of the Library club, we had strong volunteer support thanks to volunteer coordinator Sylvia Bowers.

# Library Board Meeting – Annotated Agenda

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Monday, Feb 10, 2020, 6:00 pm

Notes prepared by Library Director Perry Stokes

## **Safety & Security**

Three patrons earned lengthy exclusions in January. In cases involving juveniles, parents are verbally notified whenever possible. The ability to effectively address both incidents was made possible by the library security camera system.

- One for 30 days for Criminal Mischief (Intentional dumping of cola on library carpet).
- Two for 6 months for sexual misconduct (Public acts of sexual foreplay).

## **Technology**

Jim made a couple of large hardware orders recently, capitalizing on bulk discount opportunities for new monitors and PC units. He has also been troubleshooting issues with the network filtering system and is expanding camera capacity of our new security system, replacing the outdated poor-quality system.

Jim will soon be re-enabling the requirement of a WiFi Guest User Authorization sign-in for Internet access. He had de-activated this feature shortly after installation of our UniFi Network System due to display issues and it proving to be a barrier to patron access. Testing of the latest version of the authorization page was conducted at our Haines branch with no issues reported.

## **Other**

State & National news/trends:

### **Publishers Weekly – The Week in Libraries**

#### [Jan 17 2020](#)

A bill in Missouri raises fears of book banning in public libraries; ALA makes history with its new executive director; and the ALA Midwinter Meeting gets underway next week in Philadelphia

Specifically, among its provisions [Missouri] [House Bill 2044](#), the Parental Oversight Of Public Libraries Act (or POOPLA, as one sharp-eyed commenter calls it) introduced by [representative Ben Baker](#), would establish five-member boards, elected by a majority vote at local town meetings, that would be empowered to determine what materials are appropriate for minors in the library. Notably, public librarians are explicitly barred from serving on such review boards—even if they live in the community...

The bill, [as expected, has drawn swift condemnation from the library community](#). “Missouri House Bill 2044 clearly proposes policies and procedures that threaten library users’ freedom to read and violate our deeply held commitment to families’ and individuals’ intellectual freedom, as expressed in ALA’s [Library Bill of Rights](#),” said Deborah Caldwell-Stone, director of the ALA’s Office for Intellectual Freedom, in a statement issued Thursday, adding that ALA is working with the Missouri Library Association.

## **b. Finance**

**Hawes**

## Library Board Meeting – Annotated Agenda

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Monday, Feb 10, 2020, 6:00 pm

Notes prepared by Library Director Perry Stokes

Report documents to be distributed at the meeting.

- VIII. **Next meeting: Mar 9, 2020** **Dielman**
- Future agenda items
- IX. **ADJOURNMENT** **Dielman**



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

<p><b>Call To Order</b></p>	<p>The meeting was held in the Riverside Meeting Room. Gary Dielman, President called the meeting to order at 6:09 pm. Present at the meeting were Directors Gary <b>Dielman</b>, Kyra <b>Rohner</b>, Beth <b>Bigelow</b> and Frances <b>Vaughan</b>. Also present at the meeting was Perry <b>Stokes</b>, Library Director and Christine <b>Hawes</b>, Business Manager. There was two guests, Kent Bailey of Guyer &amp; Associates and Rob Gaslin of Gaslin Accounting.</p>
<p><b>Consent Agenda</b></p>	<p>Dielman asked for any changes to the consent agenda. There were none. <b>Rohner made a motion to approve the consent agenda; Bigelow seconded; motion passed unanimous (4 yea) by those present.</b></p>
<p><b>Conflicts or Potential Conflicts of Interest</b></p>	<p>Dielman asked for any potential conflicts of interest. There were none.</p>
<p><b>Open Forum for general public</b></p>	<p>Dielman recognized the presence of two guests; both attending for agenda items. Stokes had a note in the suggestion box from a patron commenting on unresolved billing issues at other Sage libraries being a barrier to new account setup with Baker County Library. No contact information was left for feedback. Stokes stated standard Sage policy is to refer the applicant back to their old home library to resolve billing issues before a new account can be created. No other correspondence.</p>
<p><b>OLD BUSINESS: Oregon PERS Employer Incentive Fund</b></p>	<p>Dielman thanked Mr. Kent Bailey for coming to speak to the board about the PERS Employer Incentive Fund (EIF). Kent thanked the board for inviting him to review this topic. He stated he was able to do some research and get up-to-date on the issue. He shared a printed report saying it was a brief picture of PERS and how their investments performed last year. The figures are from PERS financial reports which are found on the agency website.</p> <p>Kent highlighted figures under Plan Fiduciary Net Position, stating the ability to pay PERS obligations is decreasing in spite of increases in the portfolio. PERS' investment portfolio gained 6.52% in 2019 compared to the Dow gain of 9.59%. He pointed to rates of return from 2018 for comparison and said that even though PERS has had more money in 2019 their investments are underperforming, resulting in a significant decline in the funded fiduciary position. Oregon went from 90% to 80% funded, and that was with good rates of return. More people have retired with benefit payments up \$200 million plus annual inflation rates. Kent said that he believes that even with these concerns, Oregon is doing better than many other states.</p>



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

Besides EIF, Oregon is doing a few things to alleviate the PERS crisis. The PERS account was boosted with an additional \$100 million to build it up about 2 years ago.

Bailey passed out another report which was a projection for the Library District to answer the question of whether it should put money into the EIF fund to reduce liability. In a review of highlights, he said assuming the District can put in \$25,000, this would not result in much savings. Over an 18 year period the District would potentially save only around \$1,000 a year. PERS is hoping to make a little more margin on the funds being deposited with the EIF program.

It's not a bad thing to put money into a side EIF account, Bailey emphasized, but it's not that great of a deal. In his opinion, if an agency doesn't have the surplus funds available, it need not be a high priority. He also cautioned that the EIF is not a savings account from which funds can be withdrawn. Once funds are given to PERS, an agency cannot get them back.

Dielman observed that the report is projected out 15 years. They show continuing increases in the projected contribution rates. He asked if the numbers are dependable. Kent said no, in fact, the opposite could happen. If the market rates of return go down, it will work against PERS. He recommends the District make its annual payments on schedule.

Dielman said that the board had decided to pass on making the contribution. Many agencies reportedly have opted into making EIF program contributions, which is why the board wanted some financial counsel. Kent said one would think the fact that there is a waiting list to get in on the funds being offered would indicate it is a really good deal; but he doesn't believe it is. He did look at what this would look like for the District if it were able to double the minimum contribution to \$50,000. It didn't make much difference. Stokes asked if \$100,000 would make a difference. Bailey didn't think so. He said with interest rates being quite good recently, the District would do better to continue make the monthly payments as they are due.

Stokes thanked Bailey for his report and counsel. Dielman said the presentation has helped support the board's conclusion. Dielman asked the board to confirm its decision to forego participation in the PERS EIF



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

	<p>program at this time. All agreed.</p> <p>Kent Bailey left the meeting.</p> <p>Rob Gaslin said that he knows 3 CPA's that agree with the board that the PERS EIF contribution is not worth a sacrifice of indispensable cash.</p>
<p><b>NEW BUSINESS: FY2018-2019 District Financial Audit Report</b></p>	<p>Dielman recognized Rob Gaslin. He thanked him for being here and invited him to present the audit. Rob Gaslin thanked the library district for the audit work. The process went well. The inserted letter is a required communication intended for those who are charged with governance of the District. He highlighted a few items of interest.</p> <p>Accounting policies have remained the same, the use of estimated lives for depreciable assets was found to be reasonable, and they encountered no difficulties with management in performing the audit. He appreciated working with Hawes and Stokes on the audit. One of the adjustments they found, the County had posted prior year taxes to a current year line. That correction that was adjusted by Hawes. There were a couple of corrections found that were not adjusted. Those are listed on an attachment to the letter.</p> <p>Moving to page 2 of the report, the Independent Auditor's Report. Rob said this is the one piece that is really his. The rest is Christine's work. The bottom line is that BCLD has a clean set of financials. He read the statement under opinion, adding that this is the best opinion his firm can provide.</p> <p>On page 4, the Management Discussion and Analysis, this is the financial report in narrative form. The report presents 3 sets of financials, essentially the same information each on a different basis. On pages 11 and 12 are the Government- Wide Statements. Looking at the Statement of Net Position, this attempts to compare the District to a business on a full accrual basis. District cash is at \$480,000 compared to its current liability of \$84,000. The District is "in great shape." On the next page, Statement of Activities, the increase is favorable, with the Change in Net Assets increasing \$69,442. On pages 13 and 15, the Governmental Funds reports the information by fund on a modified accrual basis. The balance sheet shows that General Fund has cash of \$320,955 and Other Funds \$159,200. The Fund Balance shows General Fund has an unassigned balance of \$272,341 while the restricted funds are all in Other Funds</p>





# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

totaling \$159,265. The total fund balance at the end of the fiscal year is \$431,606. The changes transitioning this positive fund balance to the negative Net Position of (\$45,601) shown on page 11, is primarily due to adding in the pension liability, found on the reconciliation on page 14. Page 17, is the fiduciary statement for the Sage fund. There may be flexibility to showing greater detail on this agency fund in future reporting.

The Notes pages that start on page 18, through page 22 tells one how to read the financial statements and gives a historical sketch of the District. PERS reporting starts on page 28. There are numerous disclosure requirements. On page 30, are the Actuarial Assumptions. Gaslin highlighted the Investment Rate of Return at 7.2% and the Discount rate of 7.2%. He said that PERS is controlled by a board of 5 members. They are constantly working with the Senate on changes to PERS. Referring to the chart on page 31, he talked about the discount rate and its effect on the pension liability.

The Required Supplementary Information found on pages 34 and 35 are what Gaslin calls the District's "bread and butter statements". He found the District to have good controls. One control is that the board sets the wage rates. And the second he believes is extremely important, is that at least one board member signs checks. In the budget reports comparing actual activity with the adopted budget, a single error was found: the transfers in/out did not balance. The Oregon PERS Schedule on page 36 is a new requirement. Audit standards are to moving towards providing a 10-year history of PERS payments.

The Sage fund budget statement is reported in the Other Supplementary Information on page 37.

The last couple of pages, under Audit Comments and Disclosures, are required by State regulations. The two issues reported here relate to transfers. The budgeted transfers didn't balance and the operating transfers to General Fund exceeded budgeted transfers. These minor issues were "immaterial" and were all he found to report.

Gaslin talked about PERS, in particular the effects of Senate Bill 1049 that became effective January 1<sup>st</sup>. The bill decreased the ROI assumption from 7.5% to 7.2%. One of the big changes is that they will now be splitting the employee 6% required contribution. Instead of crediting 6% to one's



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

	<p>account, 2.5% of that will go to an Employee Stability Account (ESA). There are lawsuits pending on this. Another change is that if you re-hire a PERS retiree, the District has to pay the full employer rate for that retiree. They employee does not pay in the 6% since they are retired. An employee can elect to pay in a full 6%, adding 2.5% to their withholding. This information is found in the PERS Newsletter, either in January or December issues.</p> <p>Hawes told the board that the good news is that Gaslin believes the prior year comparative information can be added back into the statements. Hawes intends to get that column in the report next year. The board agreed that they liked the comparative information finding it very helpful.</p>
<p><b>REPORTS:</b> <b>Director Report</b></p>	<p>Stokes gave the Director’s report:</p> <p><b>Administration</b> – The District was notified by the Baker County Treasurer of distribution of unanticipated funds due to a partial settlement of property tax assessment appeal. BCLD should receive an estimated \$35,000 above what was budgeted in Prior Year Taxes.</p> <p><b>Facilities</b> – Ed is working on projects to increase energy efficiency at Baker and other branches. He is concerned about heat loss through various building vulnerabilities. <i>Weather stripping</i> was replaced on the main entrance doors of the main branch. He is also looking into energy efficiency project funding opportunities to identify priorities for this location. Universal control of thermostats at Baker and at the branches through centralized software could be another means of improving efficiency. <i>Paper towel dispensers</i> have been replaced with motion activated dispensers which are expected to reduce waste.</p> <p><b>Personnel</b> – A new Tech Services Specialist, BoDean Warnock, has been hired to replace Heather who moved into the office manager position. BoDean has a library science degree and work background in bookstore, school library, public library, and university library. Longtime volunteer, Barbara Prowell, was recognized as Legacy Woman of the Year at this year’s Chamber banquet.</p> <p><b>Programs &amp; Services</b> – The Library will be exploring ideas with the Friends for selling or loaning book bags now that Oregon has banned single-use plastic bags. At the moment Baker has a good stock of them and will</p>



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

finish using what is on hand. One idea was for the Friends may make a customized bag to sell.

The *Sage Library System catalog will be offline for the day on January 15*. The best case scenario is for the system to be down only half of the day, but staff plan for full day inaccessibility. The upgrade will switch the software from a downloaded client program to a cloud-based system accessed with a web-browser. For public notice, signage has been posted at libraries, a press release went out to the radio and news outlets, and Sage has a paid advertisement running on social media.

Collection weeding last year totaled nearly 3,500 items. Most discarded items were either given away on Free Displays, or sent to Better World Books for resale.

**Safety & Security** – The library work pickup (1984 Ford) recently had parts stripped and stolen while parked in the north parking lot. The theft was reported to law enforcement.

**In National news:** Publisher's Weekly issue of January 3, 2020, had an article on the proposal to eliminate the budget for the Institute of Museum and Library Services (IMLS) early in 2019. The final result was an increase in the budget and a good choice appointed as the appointed as the IMLS leader. Librarians have praised the Trump Administration for the leader choice and a large increase to the budget.

A new library trend is to drop the Dewey Decimal System. Another library announced it was dropping the system. It will be interesting to see how this progresses. Some libraries that have dropped Dewey, ultimately reverted back to it.

Libraries are also reporting individuals recording staff violations of the First Amendment. The concern among libraries is when this behavior crosses the line into an invasion of privacy for patrons.

Stokes included a report in the packets on digital book usage statistics. Library2Go digital book check outs (ebooks) have increased from about 9,000 in the first two years to over 15,000 in 2019. Audio books have steadily increased in recent years.

The **2020 Holiday Closures Schedule** was included in packets for the



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

	board.
<b>Finance Report</b>	<p>Hawes handed out the financial reports. Check packets were passed out for review and to be signed.</p> <p>The <b>General Fund</b> received tax turnovers of \$17,560.11 on 01/06/2020. In addition it received another \$76,698.46 in mid-December, after the December board meeting. The special turnover included \$53,039 in FY2018-19 priors which got Hawes' attention. These were part of the settlement Stokes talked about earlier. Current tax revenues are at 91% of budget while prior tax revenues are now more than double the figure budgeted. The State Ready-2-Read grant of \$7,890 was received December 10, a little more than the \$7,500 budgeted. In <i>Personnel Services</i>, a check to Lincoln National Life of \$244.60 for quarterly life insurance was paid 12/23/2019. The PERS expense line is low. The District will be invoiced for the January liability on the 27<sup>th</sup>. By adding that in the overall Personnel Services is at 53% spent, this is slightly lower than the anticipated 58%.</p> <p>In <i>Materials &amp; Services</i>, noteworthy checks in the Book budget include Ingram \$6,877.70, Visa included \$994 for the Oregon ORS reference set and juvenile music CD's \$492.82, creating a new collection for the age group. In Building &amp; Grounds, a check to Alpine Alarm \$600 was for the annual alarm monitoring contract. Checks issued with payroll included Baker Welding \$2,743 for the Halfway railing supplies and installation, a check to Diversified Fabrication \$274.55 for powder coating the railings, and a check to CoverWorks \$235 to replace a blind. The monthly janitorial contract check to Goertzen of \$1,550 was paid on the first when due. The check to Visa for \$6,132.26 includes the detail for the signer to review if they would like to. A check for Gaslin Accounting for the \$7,500 due for the audit services that is now complete. Hawes commented that moving to a new audit service saved the District \$1,950 on the budget. A check to the Oregon Secretary of State of \$250 for the audit filing fee was issued with payroll. The payment had to be mailed with the form, postmarked on December 31st. A check to Demco of \$1,667 is for new book carts going to the branches. The Friends paid for one of these. Ending Cash is noted on the last page of the financial report.</p> <p>Also, the new Capital Investment fund pool account is in process. Once setup is complete, the budgeted funds will be transferred in. General Fund budgeted \$40,000 this fiscal year.</p>



# Baker County Library District

Board of Directors

## Regular Meeting Minutes

Jan 13, 2020

The **Other Funds** has received an expense reimbursement from the Friends \$88.18 for staff event support. This was for the staff team building event last fall. The Baker Contributions line includes a Masonic Lodge donation of \$450 for the next Summer Reading Program, Friends donated \$50 to support the Library Festival of Trees' small tree entry. Vaughan commented that the tree was very nice. And Memorial funds of \$385 in memory of Carmen Wickam. Expenses include a check to Visa for \$43.18 for book shipping costs. Two checks were written to organizations for book sale help at a prior book sale. Other Funds cash has been restored with General Fund having re-paid the operating loans. Cash balances, by fund are noted on the financial report.

Attached is the *Other Funds - Severance* savings report. The current balance at December 31, 2019 is \$60,383. The report shows the \$10,000 budgeted each year to add to savings to build up funds to cover anticipated retiring staff. At this time, it will more than exceed the upcoming requirements. A second attachment is the *Other Funds - Memorial Report*. It shows the memorial funds separated by level of restriction and the balances for each revenue source. The reports are provided for the board to review. She pointed out the \$10,000 Adler grant for the roof project will also be transferred to the new Capital Investment pool account. There were no questions.

The **Sage Fund** has not received income this month. The majority of the membership dues have been paid. The remaining few outstanding have been reported to Beth for follow up. Checks include General Fund \$1,732.30 reimbursement for PERS liability; Visa \$208.35 for courier labels, and 6 small checks totaling \$2,037.03 for monthly courier services. And a check written to Equinox \$2,500 for the software update scheduled in January.

Stokes said the Sage Committee is working on overhauling the fee structure this year. They are trying to come up with a fair way for members to support Sage. He explained the current pricing system based on population groups and significant per-capita cost disparity among members.

Checks were signed and returned. Approved Bills Lists for all 3 funds were initialed as reviewed by those present.



Baker County Library District  
Board of Directors  
**Regular Meeting Minutes**  
Jan 13, 2020

<b>Next Meeting Date</b>	The next regular Board of Director's meeting will be February 10, 2020 at 6:00pm.
<b>Adjourn</b>	The meeting was adjourned at 8:00 pm.  Respectfully submitted,  Perry Stokes, Secretary to the Board  PS/ch

DRAFT



# Intellectual Freedom Blog (<https://www.oif.ala.org/oif/>)

The Office for Intellectual Freedom of the American Library Association

[HOME \(HTTP://OIF.ALA.ORG/OIF\)](http://oif.ala.org/oif)

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[SUBMIT GUEST POST \(HTTPS://WWW.OIF.ALA.ORG/OIF/?PAGE\\_ID=11422\)](https://www.oif.ala.org/oif/?page_id=11422)

## Auditing the First Amendment at Your Public Library

📅 October 2, 2019 (<https://www.oif.ala.org/oif/?p=18859>)

👤 Deborah Caldwell-Stone (<https://www.oif.ala.org/oif/?author=6>)

📁 Access (<https://www.oif.ala.org/oif/?cat=1217>), First Amendment (<https://www.oif.ala.org/oif/?cat=1112>), Policies (<https://www.oif.ala.org/oif/?cat=351>), Privacy (<https://www.oif.ala.org/oif/?cat=13>), Security (<https://www.oif.ala.org/oif/?cat=457>)

By: Deborah Caldwell-Stone (<mailto:dstone@ala.org>), Director, Office of Intellectual Freedom

A loosely organized social media campaign to “audit” government spaces and agencies for alleged First Amendment violations has begun to target public libraries. The individuals and groups undertaking these self-described “First Amendment audits” claim a right to film in any space accessible to the public, arguing that they’re entitled to do so as taxpayers and citizen journalists. Based on their output,

their goal is to create videos of their encounters with police, security officers, and public officials that document a claimed violation of the camera person’s First Amendment rights. The video is then posted to YouTube or other social media, and used as evidence for a legal claim against the targeted agency (<https://firstamendmentwatch.org/first-amendment-auditors-sue-boulder-police-department-for-violating-their-first-amendment-rights/>) or its officers and officials (<https://www.kktv.com/content/news/Colorado-Springs-to-pay-cameraman-41000-after-First-Amendment-audit-of-police-484291511.html>).



Now, a growing number of public libraries are reporting that these individuals are visiting their buildings to film and photograph library staff and library users, on the grounds that libraries are “public spaces.”

## What does the law say?

The law distinguishes between a traditional public forum, or public square, and facilities opened to the public for a particular use or purpose, like a library or a courthouse. Facilities like libraries and courthouses are considered to be limited public forums or non-public forums<sup>1</sup> for purposes of the First Amendment. In limited or non-public forums, the government agency administering the space is only obligated to allow those First Amendment activities that are consistent with the nature of the forum, even if the facility is open to the public.

For example, a courthouse is considered a non-public forum

A designated or limited public forum is a place purposefully opened by the government for designated expressive activity by part or all of the public.

A nonpublic forum is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities.

(<http://www.ala.org/advocacy/intfreedom/meetingroomsqa>)

See the Intellectual Freedom Committee’s [Meeting Room Q & A](#).

(<https://www.freedomforuminstitute.org/about/faq/do-we-have-an-unfettered-right-to-protest-on-government-property/>), and many courthouses forbid photography or filming inside courtrooms or the courthouse itself, even though the public may enter and view activities in the building. (The Supreme Court famously forbids cameras in its chambers, even during public hearings and oral arguments.) So while the First Amendment does protect the right to film or take photos when the person filming is located on a public street, a public sidewalk, a public square, or a public park, it only provides full constitutional protection to expressive activities in a limited or non-public forum when those activities are consistent with the mission or purpose of the facility, or are expressly allowed by the facility.

In *Kreimer v. Board of Police of Morristown, NJ* (<https://law.justia.com/cases/federal/appellate-courts/F2/958/1242/371694/>), an important court opinion addressing a library user’s right to enter and use the library, the court held that because public libraries are a limited public forum, constitutional protection is afforded only to those expressive activities that are consistent with the mission and purpose of the library. A public library is only obligated to permit the public to exercise rights that are consistent with the government’s intent in establishing the library as a limited public forum for the purpose of receiving information and accessing the library’s books, programs, and online resources. According to the *Kreimer* opinion



(<https://law.justia.com/cases/federal/appellate-courts/F2/958/1242/371694/>), other activities, including activities such as photography, filming, petition-gathering, assemblies, and public speeches, may be regulated by the library using reasonable, viewpoint neutral, time, place, and manner rules (<https://dictionary.findlaw.com/definition/time-place-or-manner-restriction.html>).

## Filming in the library

Given the possible chilling effect on individuals' library usage, the threat to the library user's right to privacy, and potential threat of harassment posed by third-party photography or recording, it is reasonable for the library to regulate that behavior in a manner that preserves the individual patron's right to receive information free from harassment, intimidation, or threats to their safety, well-being, and privacy rights, using policies and procedures developed in accordance with the Intellectual Freedom Committee's Guidelines for the Development of Policies and Procedures Regarding User Behavior and Library Usage (<http://www.ala.org/advocacy/intfreedom/guidelinesdevelopment>). Of course, the means of achieving this is determined by each library board, in light of the applicable local, state, and federal law and as appropriate to the library's and the community's needs and circumstances.

Here are additional guidance and resources for libraries developing or amending their policies to address filming or photography in the library:

- Even though libraries are public places, libraries, and those who work for libraries, should strive to protect users' privacy when they are using library resources in the library, in accordance with the *Library Bill of Rights* (<http://www.ala.org/advocacy/intfreedom/librarybill>), the *ALA Code of Ethics* (<http://www.ala.org/tools/ethics>), and state laws protecting the privacy and confidentiality of library users' records and information (<http://www.ala.org/advocacy/privacy/statelaws>).
- The act of photographing or filming the activities of library users by a third party has generally been addressed as a behavior issue or a media relations issue by libraries. Here are some examples of how libraries have addressed these issues:
  - Chicago Public Library specifically bars the photography or recording of library users in its "Library Use Guidelines (<https://www.chipublib.org/library-use-guidelines/>)."
  - St. Louis Public Library's more detailed "Photography, Filming and Videography Policy (<https://www.slpl.org/service-policies/filming-and-photography-policy/>)" bars photographers from taking identifiable images of other library users and establishes rules for media.
  - The Shaker Heights Public Library maintains a Media Relations Policy (<https://shakerlibrary.org/policies/administrative-policies/media-relations-policy/>) that addresses both photography and newsgathering in the library.
  - Saint Paul Public Library's "Photography and Videography Policy" (<https://sppl.org/policies/photography-and-videography/>) requires those who wish to use cameras and/or recording equipment to obtain advance approval from a supervisor, in order to "protect library users who may be endangered or inconvenienced by having their photo or video image taken in the library."
- Consider policies that allow for photography and filming of the library building and collections that does not invade the privacy of library users. Many people visit libraries to view the architecture, evaluate the collection, or see historic documents or artifacts, and wish to have a photographic souvenir or record of their visit.



- All libraries should take care to clearly identify non-public spaces in the library that are not open to the public or where users have an expectation of privacy, such as washrooms, reservable private study spaces, offices, break rooms, and work areas.
- Carrels, stacks, and computer stations should be arranged in a manner that discourages or prevents someone reading over a user's shoulder without the user being aware of the activity.
- Avoid practices and procedures that place library users' personally identifiable information on public view.
- Best practice: Do not engage with First Amendment auditors who are filming in accordance with policy and are not violating library policies that protect library users' privacy or that prohibit behaviors that constitute harassment of users and staff. Allowing them to film without incident means that they will not obtain the videos that support their social media accounts.
- Different rules may apply to the filming and photography of public library employees. The Digital Media Law Project discusses the right of the public and the press to film public officials carrying out their duties in a public space in this online blog post (<http://www.dmlp.org/legal-guide/recording-police-officers-and-public-officials>), "Recording Police Officers and Public Officials (<http://www.dmlp.org/legal-guide/recording-police-officers-and-public-officials>)."
- While some "audits" are unobtrusive and do not interfere with the activities of staff or patrons, many library workers are describing a pattern of behavior on the part of some First Amendment auditors that often rises to the level of harassment of staff and library users. This can include a claimed right to interrogate and demand answers from any individual inside the library or invading the privacy of library users by filming and recording their reading or browsing activity in the library. Harassment and abusive behaviors should be addressed as provided in the library's behavior or use policy.

The Office for Intellectual Freedom encourages libraries to report such incidents using this online reporting form



(<http://www.ala.org/tools/challengesupport/report>)

so that we can track their location and their frequency, and offer support.

(Please note that this post provides legal information but does not constitute a legal opinion. It should not be treated as legal advice. Please consult with your own legal counsel for legal advice regarding your particular situation.)

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**Deborah Caldwell-Stone** is Director of the American Library Association's Office for Intellectual Freedom and Executive Director of the Freedom to Read Foundation. She is a recovering attorney and former appellate litigator who now works closely with librarians, library trustees and educators on a wide range of intellectual freedom and privacy issues, including book challenges, Internet filtering, meeting room policies, government surveillance, and the impact of new technologies on library patrons' privacy and confidentiality. She





has served on the faculty of the ALA-sponsored Lawyers for Libraries and Law for Librarians workshops and speaks frequently to librarians and library organizations around the country about intellectual freedom and privacy in libraries.


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1. A designated or limited public forum is a place purposefully opened by the government for designated expressive activity by part or all of the public. A nonpublic forum is a place that is neither traditionally used for expressive activities nor set aside or opened up in a substantial way for expressive activities. See the Intellectual Freedom Committee's Meeting Room Q & A (<http://www.ala.org/advocacy/intfreedom/meetingroomsqa>).

Tagged [First Amendment Audits \(https://www.oif.ala.org/oif/?tag=first-amendment-audits\)](https://www.oif.ala.org/oif/?tag=first-amendment-audits)

← [Breaking the Silence: an interview with Ruta Sepetys, author of hidden histories \(https://www.oif.ala.org/oif/?p=18827\)](https://www.oif.ala.org/oif/?p=18827)

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## 11 comments

**J.D.** says:

October 2, 2019 at 2:17 pm (<https://www.oif.ala.org/oif/?p=18859#comment-619820>)

I understand that first amendment auditors cannot photograph or record library users that infringes on their right to privacy per ALA and individual library policies. What about first amendment auditors approaching staff or other library workers to record, photograph, and potentially interrogate or harass?

**Deborah Caldwell-Stone** says:

October 2, 2019 at 7:26 pm (<https://www.oif.ala.org/oif/?p=18859#comment-619829>)

A First Amendment right to record public officials carrying out their duties in a public space does **not** include a right to harass or interfere with public employees as they carry out those duties. Nor does it convey a license to trespass into non-public spaces. Libraries should address harassing behavior by a person filming in the library like any other harassing behavior directed at staff or library users. The library's behavior policy or code of conduct should be enforced and police called if the behavior violates the law. Please read the Digital Media Lab's post on filming public officials linked from the main post above. The post identifies the states and jurisdictions that recognize a right to film public officials carrying out their duties in a public space and discusses the limitations on that right.

**Paula** says:

October 2, 2019 at 8:51 pm (<https://www.oif.ala.org/oif/?p=18859#comment-619832>)

We haven't had this happen yet. I'm glad that Alabama code states that all use of the public library is confidential. We can stop people from photographing others without their permission.

**Cab** says:

October 7, 2019 at 8:30 am (<https://www.oif.ala.org/oif/?p=18859#comment-620105>)

All the confidentiality laws I've seen seem to apply (exclusively?) to circulation/ registration records. I would be surprised to see courts interpreting this more broadly to video or photography of a patron using a computer, walking around, sitting reading a magazine, etc.

**Deborah Caldwell-Stone** says:

October 7, 2019 at 2:32 pm (<https://www.oif.ala.org/oif/?p=18859#comment-620126>)

Even if you set aside states' library confidentiality laws (many states do go beyond circulation records to protect the privacy of library users) libraries may make a decision based on professional ethics, law, and policy to regulate user behavior in a manner that assures every user's right to "quiet enjoyment" of the library, free from harassment or fear that their reading and research activity will be recorded and disclosed without their consent.

**Stephanie Friree Ford** says:

October 8, 2019 at 3:39 pm (<https://www.oif.ala.org/oif/?p=18859#comment-620197>)

The Digital Media Law Project's online blog post referenced above refers to cases regarding police and other public officials. I would guess that most librarians are not "public officials." A public official is not the same as a public employee or state employee. In Massachusetts this is the definition, Ch. 1 Sec. 268b:

"Public office", a position for which one is nominated at a state primary or chosen at a state election, excluding the positions of senator and representative in congress and the office of regional district school committee member elected district-wide.

"Public official", a person who holds a public office.

**Stephanie Friree Ford** says:

October 8, 2019 at 3:43 pm (<https://www.oif.ala.org/oif/?p=18859#comment-620198>)

Sorry that should have been: Massachusetts General Laws, chapter 268B, section 1.

**Carolynn** says:

October 10, 2019 at 12:38 pm (<https://www.oif.ala.org/oif/?p=18859#comment-620309>)

This is an interesting topic. I wonder if a library that uses video surveillance, either inside or outside the building, opens themselves up to more of these type of inquiries?

Pingback: News in Brief | Wyoming State Library (<https://library.wyo.gov/news-in-brief-14/>)

**Brian (<https://saveig.org/brian.nagele/>)** says:

November 16, 2019 at 9:11 am (<https://www.oif.ala.org/oif/?p=18859#comment-623388>)

Really great post. This answered the majority of my questions. When I read this I actually opened up a word document and started taking notes haha.

Pingback: Who's Right About Rights? | Morrill Memorial Library (<http://www.norwoodlibrary.org/whos-right-about-rights/>)

## Leave a Reply

### Comment

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# The Register-Guard

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## Video recording leads to complaints

By **Chelsea Deffenbacher**

**@ChelseaDeffenB**

Posted Mar 4, 2018 at 12:01 AM

SPRINGFIELD -- A man who had raised suspicions by video recording public buildings in downtown Springfield on Thursday livestreamed himself being arrested by police, which led people from around the country to flood the Springfield Police Department with phone calls.

Officers arrested Daniel Palmer, 31, of Eugene after he video recorded people at a post office, school district building and City Hall.

Palmer was charged with first-degree disorderly conduct and second-degree criminal trespass. He was taken to the Springfield Municipal Jail and was released Friday.

After he was taken into custody, the phone lines of the Springfield police were jammed for hours with calls from people around the country and beyond who claimed the man's rights were violated.

Authorities believe the livestreaming video and phone calls were the tactics of a loose-knit group of people around the country who video record in public areas in the hope of baiting officers into making an unlawful arrest.

These people, who refer to themselves as "First Amendment Auditors," share information through social media and such websites as Black Coat Media.

Based in Huntington Beach, Calif., Black Coat Media has followers who regularly livestream video of themselves being arrested for filming or photographing in public places. They claim the arrests are a violation of their rights.

On Friday, Black Coat Media founder Felipe Hemming, whose wife is a lawyer, said he was not responsible for the flood of phone calls to the Springfield Police Department and other city offices, though he believes Palmer was falsely arrested.

He said his group wants to protect the First Amendment rights of citizens.

“If the government isn’t going to hold their employees accountable, then the citizens have to hold the government accountable,” he said. “The only way to do that is with civil rights lawsuits.”

Springfield Police Lt. Scott McKee estimated that in the two hours after officers arrested Palmer, the department received 600 calls -- possibly the highest volume of calls they’ve ever received in that amount of time. Hundreds more came in later that day and into Friday afternoon. One man alone called 100 times, McKee said. Calls came in from across the United States and Canada. The city manager’s office also was overloaded with calls, McKee said.

“In reviewing their (Black Coat Media’s) website, it seems like their end game is to cause disruption at a police department that chooses to arrest (their members),” McKee said. “And as soon as he was arrested, while we don’t realize he’s livestreaming, they had already collected the Springfield Police Department number and were poised and ready to alert viewers that his rights had been violated and to call.”

“We’ve involved the FBI in our investigation under the theory that this is a planned interruption of the public’s ability to access us in emergencies,” McKee said.

The phone calls disrupted the ability of people to use the department’s non-emergency phone lines. However, the phone calling campaign did not prevent police officers from responding to people who had called 911 for help.

The incident started about 1 p.m. Thursday, when a man -- later identified as Palmer -- was reported to be filming behind the downtown Springfield U.S. Post Office with a video camera.

Palmer was wearing sunglasses and a hooded sweatshirt with the hood pulled up tightly around his face, McKee said. He was carrying a handheld camera and wearing a body camera. When a post office employee tried to speak to Palmer, “he did not respond at all,” according to the Springfield police dispatch log of the incident.

The incident was “not a crime at this point,” the dispatch log said, yet Palmer’s actions raised suspicions and caused concern, which led the post office employee to call police.



An officer arrived while Palmer reportedly filmed the loading dock of the post office and postal employees. Palmer allegedly refused to respond to the officer's questions, and he walked away from the officer.

Postal employees were asked to call police back if Palmer returned, according to the log.

About 15 minutes later, Palmer was reported by Springfield School District staff to be videotaping the district's office from outside the building. Palmer allegedly recorded students who were in the building at that time.

When police arrived, Palmer was on the skybridge outside of Springfield City Hall, videotaping the doors and windows of building, McKee said.

His livestream confirms these activities, which was available on YouTube under the title, "Doing some First Amendment Stuff."

As the 1½ hour video begins, Palmer looks into the camera and laughs and says, "I'm in Springfield today. Springfield, Oregon. You'll get to see. I'm looking at two potentials. Here, I'll show you one real fast," as he pans the camera to the school district building. "Interesting, huh?"

He then walks to the post office, where he says, "We're going to have some fun with this one."

His interactions with the post office employee and the officer are captured on the video.

"Can I help you with something?" the postal employee asks. After a lengthy pause, the employee says, "Hello? Can I help you with something? No?"

The employee then walks away and calls police.

Later Palmer says into the camera, "Just did a post office. So far, so good."

Palmer returns to the school district building, which he refers to on camera as his "next target," and remains for some time, filming doors and windows.

Meanwhile, someone who was watching the livestreamed video wrote in the video chatroom: "I am no stranger to watching livestreamers get arrested. I hope the content changes from filming walls and windows, though."

Eventually, Palmer walks to the street-level parking lot under City Hall, where police approach him.

Palmer's face is obscured by the sweatshirt hood and sunglasses, and he's wearing a military-style backpack. He is seen refusing to talk to the police.

"What are you doing filming today? Can you not talk?" the officer says. "You can't talk? Do you have ID on you?"

Palmer attempts to walk away, but the officer reaches out to stop him. "Let go of me sir!" Palmer says.

"So you do talk?" the officer says.

The officer and a second officer who had arrived attempt to ask Palmer why he was filming a school. They tell him that people have complained about his activities.

Palmer refuses to answer many of the officers' questions. He repeatedly says, "This is an illegal detainment. Let me go."

McKee said Palmer was arrested for disorderly conduct because he created alarm at the school district building where children were present.

"What (Palmer) doesn't recognize is that suspicious behavior around schools is going to be reported and acted upon," he said. "Schools are already on heightened alert after Florida."

A former student opened fire last month at Marjory Stoneman Douglas High School in Parkland, Fla., killing 17 students and staff.

McKee noted that Springfield in 1998 went through the trauma of a school shooting at Thurston High School.

"No one has forgotten about that," he said.

"I have to give (Black Coat Media) the benefit of the doubt, as they go across the country doing this, that they didn't do their research because clearly any community that has directly experienced a school shooting is not going to take any chances when there is suspicious behavior at a school."

Attempts to reach Palmer on Friday through Black Coat Media were unsuccessful.

Hemming, the founder of Black Coat Media, said he spoke with Palmer after his arrest because he had heard Springfield police will violate a person's rights.

Hemming said Palmer did not bait the officers with his activity at the post office, the school district building or City Hall, despite Palmer's comment that he was going to have "some fun with this one."

Government employees should have no expectation of privacy when they are working for the public, he said.

Hemming said filming children when they are on public property is not against the law.

Palmer was not trying to disguise his identity by wearing sunglasses and a hooded sweatshirt, Hemming said. Palmer is a disabled combat veteran who was trying to keep warm by wearing the hooded sweatshirt, he said.

Hemming said Palmer would have been beaten by police like "Rodney King" if he had just been peering in the school district building's windows and not filming what he saw.

"The camera saved his life," Hemming said.

McKee said he and others at the department watched the YouTube video of Palmer's livestream and read the messages posted in the chatroom that were displayed over the video.

"This was a planned event for him, and this outcome was planned," McKee said of Palmer attracting police attention. "People in the chatroom were already giving him donations for what he was doing. And that's where we come to the behavior that's disorderly conduct because he's causing public annoyance or alarm. He's knowingly creating a risk. He was acting deliberately suspicious and school staff were right to call police. It would be absurd if they didn't call. It was an orchestrated preplanned event."

McKee said he is proud of how his officers behaved on the video. He described them as polite and said they asked the appropriate questions.

Palmer's cameras have been seized for evidence, McKee said, and a search warrant is being sought to examine the video recordings in the cameras.

Follow Chelsea on Twitter [@ChelseaDeffenB](https://twitter.com/ChelseaDeffenB) . Email [chelsea.deffenbacher@registerguard.com](mailto:chelsea.deffenbacher@registerguard.com) .

[Courts & Crime](#)

# Video of Library Arrest Sparks Outcry

Confrontation Between Santa Barbara Police Officers and ‘First Amendment Auditor’ Ends in Arrest, ‘Inundation’ of Complaints

By [Nick Welsh](#)



Wed Feb 05, 2020 | 9:57am

An encounter that started between two city police officers and a self-described “First Amendment auditor” in the lobby of Santa Barbara’s downtown library left the auditor — John Paul Olsen Jr. of North Hollywood — on the ground outside and bleeding. After a video of the event — which took place Monday afternoon — was posted online, the police department found itself overwhelmed by “an inundation” of complaints, said department spokesperson Anthony Wagner, “99.9 of which came from out of state.”

Olsen runs a YouTube channel called “Johnny 5-0,” which depicts confrontations between Olsen and various law enforcement officials over his right to film. Olsen’s website attracts enough traffic to sell ads. Olsen was filming inside the Santa Barbara Central Library for about an hour before being confronted by Officers Hove and Ortega, who told him he had to stop filming or face arrest.

Olsen insisted that as a freelance journalist, he had a right to film to gather content for a news story. Department spokesperson Wagner stated that public libraries — like courthouses — offer a “limited forum” for such filming because library patrons are afforded privacy rights that only they — or the library director — can waive. Libraries, it turns out, have become a target throughout the country for First Amendment auditors, who use them as a venue to test the limits of their rights. Critics suggest they’re seeking to provoke cops in order to sell ads.

In this instance, Santa Barbara’s library director insisted that Olsen stop filming. When confronted by Hove, Olsen initially insisted on his rights to film. Hove then pulled out handcuffs, held Olsen by the back of his shirt, and marched Olsen outside. “I’m leaving,” Olsen said. Once out of the library, Olsen added, “Fuck off.”

At that point, the video shows Hove moving toward Olsen. Ortega tells Olsen, “Let go of the camera,” after which Olsen’s camera tumbles to the ground, as, presumably, does Olsen. Moments later, a woman’s voice can be heard to say, “Oh my gosh, he’s bleeding.”

Olsen was taken to County Jail and booked on two misdemeanor charges, resisting arrest and impeding an officer in the line of duty. Wagner declined to discuss details of the verbal and physical exchange, stating those are the subject of an ongoing internal investigation. “It would be premature and irresponsible to speculate until we have the results of that investigation,” he said.

The video, titled “ILLEGALLY ARRESTED SANTA BARBARA LIBRARY,” can be seen at [youtube.com/watch?v=tOgQzKm8Qtg](https://www.youtube.com/watch?v=tOgQzKm8Qtg).

## **"FIRST AMENDMENT AUDITS" COMING TO YOUR TOWN?**

By Tami Tanoue, General Counsel/Interim Executive Director

An interesting phenomenon known as the "First Amendment Audit" may be taking place in and around city/town halls and council chambers. Recently, one Colorado municipality agreed to pay a "First Amendment Auditor" \$41,000 to settle a wrongful detention claim. You can read about the settlement, and see the "audit" video [here](#).

The "First Amendment Audit" phenomenon doesn't appear to be led by any particular organization, but rather, seems to be made up of individuals who are interested in making videos of their encounters with law enforcement officers or other public officials. If the encounter results in an actual or perceived violation of the auditor's First Amendment or other protected rights, then the video likely will be posted on social media and/or serve as the basis for a claim or suit. A violation may come about if the auditor is denied the right to take photos or videos in a public place, or is detained for "suspicious" activity or other reasons.

Other "audit" scenarios could take place during public comment periods at governing body meetings. If the auditor is denied the right to speak on a particular topic during public comment, or to speak in a particular fashion, a First Amendment or other claim might result.

You can see the ACLU's perspective on this [here](#).

How to respond? Here are some thoughts:

- Law enforcement officers and other public officials must have a solid understanding of the First Amendment and other rights of citizens, and honor those rights at all times.
- One frequent flashpoint is the right of citizens to take audio and/or video in public places or during encounters with police or other public officials. This right is pretty well established in the laws of most jurisdictions. Denying that right, or treating someone exercising that right as engaging in "suspicious" or unlawful activity, is how a successful "First Amendment Audit" happens. Add the use of force or an arrest, and you've made someone's day.
- Another flashpoint is public comment period during a governing body meeting. Some of the topics that citizens may want to bring up may seem unacceptable or irrelevant. But

the governing body is the one that has welcomed the comments by establishing a public comment period. Subject matter restrictions on public comments are problematic. There are better ways to help ensure that public comment period is a civil and productive part of your meeting. You can read more about that [here](#).

With the advent of social media and smartphone cameras, we're all living in a fishbowl, but this is particularly the case for those in law enforcement or other public sector positions. We must be prepared for the possibility that video and/or audio of any given encounter could go "viral" around the world at any moment, and be prepared to respond appropriately. Is this too much to ask? I found one long-time law enforcement professional's response to be particularly instructive:

//

Honestly, as a law enforcement professional for the past twenty years, I have seen my share of video cameras, and baiting of law enforcement. At no time have I felt a threat when someone with a camera was filming me, my police station, or anything to do with us as law enforcement. Remember, the audits are carefully planned to remain in a place that they can legally be, and there is no law about recording activity or buildings from a public place. They are well within their rights to do so, and from my experience, the best response to an audit roaming around your police station public areas is to ignore them. They eventually lose interest and move on to somewhere they can make headlines.<sup>1</sup>

I think that's the right perspective to take. Of course, it's not always going to be easy to be under such public scrutiny, especially from those who may be hoping to record one or more missteps. But understanding that these kinds of "audits" may happen, remaining calm, and knowing and carrying out your legal responsibilities appropriately, will be your best response.

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<sup>1</sup> Sgt. Ryan Brett, "First Amendment Audits and How to Respond," <https://calro.org/first-amendment-audits/> ↩

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 1/14/2019

### Policy Statement

Baker County Library District provides library services to enhance community opportunities for education, recreation, and cultural and civic engagement. Photography and filming, as described in this policy, is allowed to the extent that it does not interfere with the provision of library services and is consistent with the library's mission statement and code of conduct.

### Definitions

The terms "photograph" or "photography", "recording" or "filming" are used generally and refer to any method including photography, filming, video or any other process of still or moving image or audiovisual capturing in any method used now or in the future.

- Baker County Library District shall include the following:
- Main Library (Baker City) and property
- Buildings and property designated as Branch libraries
- Buildings and locations designated as interim libraries or program locations
- Bookmobiles and kiosks
- All other property and facilities assigned to or owned by the library

### Amateur and Non-commercial Photography or Filming

Casual amateur photography by patrons and visitors wanting a memento of their visit is permitted in library facilities so long as additional equipment such as lighting is not used. Such activity must not capture identifiable likenesses of individuals without their consent. Individuals who photograph or film must honor requests from Library users and staff who do not want to be included in photos or film.

### General Policy Regarding Permission

Permission is not required for photographing/filming/recording in public areas if no tripods, lights or other specialized equipment is used. However, there may be designated areas in library locations and/or exhibition areas or other areas or events where photographing is prohibited.

For all other photographing/filming/recording, requests for permission must generally be made at least 24 hours prior. Permission should be requested on weekdays between 9 a.m. and 5 p.m. when the Library Director or designate Person In Charge is normally available.

### Approvals of Requests

The DIRECTOR, or her/his designee is authorized to grant permission to photograph/film/record the interior of library buildings, setting the conditions under which the photographing may take place, or to deny permission.



## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 1/14/2019

### **Factors Considered for Approval**

The DIRECTOR, or her/his designee will consider and act upon requests for permission to photograph considering:

- The public interest
- Statutory requirements
- The library's interest
- Issues of confidentiality
- The amount of time each project will require
- The need to maintain impartiality among competing photographers
- Any other purpose that the DIRECTOR, or her/his designee deems to be in the interest of Baker County Library District

### **Exterior Photography**

Photographing the exteriors of library buildings does not require permission; photography may not impede the ingress or egress of visitors or staff to or from any library building.

### **Media Requests**

While Baker County Library District has an open-door policy for news media photographers and reporters whose stories directly involve the library's programs, resources, collections, and services, obtaining advance permission is extremely important to:

- Protect the safety and privacy of those using library facilities and resources
- Ensure library business is conducted without disruption
- Ensure that the library's users are not disturbed

Media representatives must obtain approval from the DIRECTOR, or her/his designee, and must be accompanied by a member of BCLD staff during all photographing.

### **Documentary-Type Photography for publication or broadcast**

The Library permits photography of its premises and activities when the use of the photographs involves the library directly, i.e. books, articles, or videos about the library itself, the library's position in the region as a tourist or learning destination, or as part of a piece used to describe our city's environs. Authorization must be obtained in advance from the Library Director.

### **Nonprofit, Academic or Research Projects**

Photographers working on nonprofit, academic, or research projects must secure authorization in advance to avoid disrupting library operations.

Research photography of the library's materials and resources is permitted within certain limitations. Using library facilities as interview venues for unrelated stories as well as

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 1/14/2019

photographing library users for opinion polls or “person on the street” interviews is prohibited without prior approval from the DIRECTOR or her/his designee.

Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the library. Additional permissions must be obtained from Baker County Library District to photograph materials or items in special collections because of complex copyright issues in these areas. Discussing what advanced authorizations are required with the Library Director can expedite this process.

### **Commercial Photography**

Library buildings may be used as setting for a creative film or video, portraits, advertisements, fashion shoots or for any other photography which will be used for commercial purposes only with prior approval from the DIRECTOR, or her/his designee. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.

### **Library Photography or Filming:**

Occasionally Baker County Library District staff may elect to photograph or film Library programs and/or events. The Library reserves the right to include these images in brochures, flyers, web pages, news releases or other promotional materials, as well as make them available to media outlets and event participants. When names or images are used by the Library for publicity or other Library-related uses, the Library obtains patron permission or allows patrons to “opt out” of having their image taken.

### **Entertainment Industry and Political Campaigns**

The library may permit use of its facilities by the movie or music industry for film projects where a library setting is called for, if the project does not interfere with the mission of Baker County Library District, is in accordance with the rest of this policy and does not advertise or promote commercial products.

Filming and photography related to political campaigns or partisan issues may be permitted only with prior approval from the DIRECTOR. The production company shall provide a written agreement that it will not use identifying library logos, staff, agents, or unique features since Baker County Library District wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference. These projects must be approved and coordinated at least 24 hours in advance with the Library Director, or her/his designee. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 1/14/2019

### **Photography for Groups and Non-Library Events in the meeting facilities**

Groups arranging meetings in library meeting facilities may arrange for photographers and news media during their event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the library.

### **Library Liability for Injuries**

Permission to photograph/film/record does not release the persons or groups involved from liability for injuries to persons or property that result from their activities on library property.

Film and photo project representatives will agree to indemnify, defend and hold the Library District harmless in the event there is any claim that occurs during the shoot.

### **Photographic Releases**

Photographers filming or photographing on library premises have sole responsibility for gaining all necessary releases and permissions from persons who can be identified in any photography. The library undertakes no responsibility for obtaining these releases.

### **Insurance Documentation**

An insurance certificate to the value of \$1 million covering the duration of the film shoot, naming Baker County Library District as the beneficiary and also include a cross liability/severability of interest clause which is defined as follows:

The Insurance as is afforded by this policy shall apply in respect to any claim or action brought against any one Insured by any other Insured. The coverage shall apply in the same manner and to the same extent as though a separate policy had been issued to each Insured. Any breach of a condition of the policy by any Insured shall not affect the protection given by the policy to any other insured. The inclusion herein of more than one Insured shall not operate to increase the limit of liability under this policy.

Prior to filming, the photographer will provide the Library District with Certificate of Insurance naming the Library District as an additional insured.

### **Photography Logistics**

The library's DIRECTOR and/or designee may terminate any session that appears to be disruptive to library operations, compromising to public safety or security of people, buildings, or collections, or damaging to the library public image.

***First adopted by the Library Board of Directors: 1/14/2019***

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 1/14/2019

**Models:**

Carnegie Library of Pittsburgh

<https://www.carnegielibrary.org/about/policies/film-and-photography/>

Hartford Public Library

<https://www.HPL.ct.org/library-policies/photographypolicy>

Nashville Public Library

<https://library.nashville.org/about/policies/filming-and-photography-policy>

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~ 1/14/2019

### Policy Statement

Baker County Library District (BCLD) supports the First Amendment rights of freedom of speech and press as they pertain to libraries, librarians, and library patrons. Photography and filming, as described in this policy, are allowed to the extent that the activity is consistent with the library's Code of Conduct and other policies, and does not infringe upon any user's right to "quiet enjoyment" of the library, free from harassment or fear that their reading, viewing, or research activity will be recorded and disclosed without their consent.

Library facilities are considered "designated" or "limited public forums" in contrast to "traditional public forum" spaces such as parks, sidewalks, and streets in which any person can exercise their First Amendment rights. The US Supreme Court has established that in a Limited Public Forum, conduct may be subject to time, place, and manner regulations as long as the restraints are content-neutral and in the legitimate interest of the managing agency operations.

Designated staff-only areas in the library are considered "non-public forums" and may be restricted from public access or expressive activities such as filming and photography.

~~Baker County Library District provides library services to enhance community opportunities for education, recreation, and cultural and civic engagement. Photography and filming, as described in this policy, is allowed to the extent that it does not interfere with the provision of library services and is consistent with the library's mission statement and code of conduct.~~

### Definitions

The terms "photograph" or "photography", "recording" or "filming" are used generally and refer to any method including photography, filming, video or any other process of still or moving image or audiovisual capturing in any method used now or in the future.

- Baker County Library District shall include the following:
- Main Library (Baker City) and property
- Buildings and property designated as Branch libraries
- Buildings and locations designated as interim libraries or program locations
- Bookmobiles and kiosks
- All other property and facilities assigned to or owned by the library

### General Policy Regarding Permission

Permission is not required for photographing/filming/recording in public areas if no tripods, lights, drones, or other specialized equipment is used and such activity does not intrude upon the experience of others using the library. However, there may be designated nonpublic areas in library locations and/or exhibition areas or other areas or events where photographing is prohibited.

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~ 1/14/2019

Activity must not capture identifiable likenesses of individuals or their activity in the library without their consent. Individuals who photograph or film must honor requests from library users and staff who do not want to be included in photos or film. Oregon law (ORS 165.540) requires that all participants in a conversation be specifically informed that their conversation is being recorded.

### Photography Logistics

The library's DIRECTOR and/or designee may terminate any session that appears to be disruptive to library operations, compromising to public safety or security of people, buildings, or collections, or damaging to the library public image.

### Permissible activities

#### **Amateur and Non-commercial Photography or Filming**

Casual amateur photography ~~by patrons and visitors wanting a memento of their visit~~ is permitted in library facilities so long as activity is unobtrusive, does not disrupt the library experience of others, and additional-supplementary or specialized equipment such as lighting, ~~g, g~~ tripod, extension pole, boom mic, or unmanned aircraft system (drone) is not used. ~~Such activity must not capture identifiable likenesses of individuals without their consent. Individuals who photograph or film must honor requests from Library users and staff who do not want to be included in photos or film.~~

#### Exterior Photography

Photographing the exteriors of library buildings does not require permission; photography may not impede the ingress or egress of visitors or staff to or from any library building, or capture a library visitor's personal activities from an external vantage point. No person may operate a drone on or over the boundaries of library-owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy any staff or visitor of the library.

#### Library Events and Promotions ~~Photography or Filming:~~

Occasionally Baker County Library District staff may elect to photograph or film Library programs and/or events. The Library reserves the right to include these images in brochures, flyers, web pages, news releases or other promotional materials, as well as make them available to media outlets and event participants. When names or images are used by the Library for publicity or other Library-related uses, the Library obtains patron permission or allows patrons to "opt out" of having their image taken.

#### Photography for Groups and Non-Library Events in the ~~M~~ meeting ~~f~~Facilities

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~ 1/14/2019

Groups arranging meetings in library meeting facilities may arrange for photographers and news media during their event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the library.

### ~~General Policy Regarding Permission~~

~~Permission is not required for photographing/filming/recording in public areas if no tripods, lights or other specialized equipment is used. However, there may be designated areas in library locations and/or exhibition areas or other areas or events where photographing is prohibited.~~

### Activities Requiring Authorization

For all other photographing/filming/recording, requests for permission must generally be made at least 24 hours prior. Permission should be requested on weekdays between 9 a.m. and 5 p.m. when the Library ~~DIRECTOR~~ Director or designate Person In Charge is normally available. Insurance documentation and fees will be negotiated based on project scope (See Legal Issues).

### Commercial and Entertainment Industry Use

With prior approval from the DIRECTOR, or her/his designee, the Library may allow its facilities to be used as setting for a creative film or video, portraits, advertisements, fashion shoots or for any other photography or film projects which will be used for commercial purposes provided the project does not interfere with the mission of Baker County Library District, and is in accordance with the rest of this policy. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot.

### Documentary-Type Photography for publication or broadcast

With prior approval from the DIRECTOR, or her/his designee, ~~the~~ the Library may permit s photography of its premises and activities when the use of the photographs involves the library directly, i.e. books, articles, or videos about the library itself, the library's position in the region as a tourist or learning destination, or as part of a piece used to describe our city's environs. Authorization must be obtained in advance from the Library Director.

### Political Campaigns

With prior approval from the DIRECTOR, or her/his designee, filming and photography related to political campaigns or partisan issues may be permitted with the following provisions. The production company shall provide a written agreement that it will not use identifying library logos, staff, agents, or unique features since Baker County Library

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~ 1/14/2019

District wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.

### Media Requests

While Baker County Library District has an open-door policy for news media photographers and reporters whose stories directly involve the library's programs, resources, collections, and services, obtaining advance permission is extremely important to:

- Protect the safety and privacy of those using library facilities and resources
- Ensure library business is conducted without disruption
- Ensure that the library's users are not disturbed

Using library facilities as interview venues for unrelated stories as well as photographing library users for opinion polls or "person on the street" interviews is prohibited without prior approval from the DIRECTOR or her/his designee. Media representatives must obtain approval from the DIRECTOR, or her/his designee, and must be accompanied by a member of BCLD staff during all photographing project activity.

### Nonprofit, Academic or Research Projects

With prior approval from the DIRECTOR, or her/his designee, filming and photography related to nonprofit, academic, or research projects involving the library's materials and resources may be permitted within certain limitations.

Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the library. Additional permissions must be obtained from Baker County Library District to photograph materials or items in special collections because of complex copyright issues in these areas. Discussing what advanced authorizations are required with the Library Director can expedite this process.

### Request Approvals of Requests

The DIRECTOR, or her/his designee is authorized to grant permission to photograph/film/record the interior of library buildings, setting the conditions under which the photographing may take place, or to deny permission.



## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~/14/2019

### Factors Considered for Approval

The DIRECTOR, or her/his designee will consider and act upon requests for permission to photograph considering:

- The public interest
- Statutory requirements
- The library's interest
- Issues of confidentiality
- The amount of time each project will require
- The need to maintain impartiality among competing photographers
- Any other purpose that the DIRECTOR, or her/his designee deems to be in the interest of Baker County Library District

### Legal Issues

#### Insurance Documentation

An insurance certificate to the value of \$1 million covering the duration of the film/photography project shoot, naming Baker County Library District as the beneficiary and also include a cross liability/severability of interest clause which is defined as follows:

The Insurance as is afforded by this policy shall apply in respect to any claim or action brought against any one Insured by any other Insured. The coverage shall apply in the same manner and to the same extent as though a separate policy had been issued to each Insured. Any breach of a condition of the policy by any Insured shall not affect the protection given by the policy to any other insured. The inclusion herein of more than one Insured shall not operate to increase the limit of liability under this policy.

Prior to filming, the photographer will provide the Library District with Certificate of Insurance naming the Library District as an additional insured.

#### ~~Exterior Photography~~

~~Photographing the exteriors of library buildings does not require permission; photography may not impede the ingress or egress of visitors or staff to or from any library building.~~

#### ~~Media Requests~~

~~While Baker County Library District has an open door policy for news media photographers and reporters whose stories directly involve the library's programs,~~

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~1/14/2019

~~resources, collections, and services, obtaining advance permission is extremely important to:~~

- ~~• Protect the safety and privacy of those using library facilities and resources~~
- ~~• Ensure library business is conducted without disruption~~
- ~~• Ensure that the library's users are not disturbed~~

~~Media representatives must obtain approval from the DIRECTOR, or her/his designee, and must be accompanied by a member of BCLD staff during all photographing.~~

### ~~Documentary-Type Photography for publication or broadcast~~

~~The Library permits photography of its premises and activities when the use of the photographs involves the library directly, i.e. books, articles, or videos about the library itself, the library's position in the region as a tourist or learning destination, or as part of a piece used to describe our city's environs. Authorization must be obtained in advance from the Library Director.~~

### ~~Nonprofit, Academic or Research Projects~~

~~Photographers working on nonprofit, academic, or research projects must secure authorization in advance to avoid disrupting library operations.~~

~~Research photography of the library's materials and resources is permitted within certain limitations. Using library facilities as interview venues for unrelated stories as well as photographing library users for opinion polls or "person on the street" interviews is prohibited without prior approval from the DIRECTOR or her/his designee.~~

~~Researchers and journalists are responsible for obtaining their own permissions when photographing copyrighted material in the library. Additional permissions must be obtained from Baker County Library District to photograph materials or items in special collections because of complex copyright issues in these areas. Discussing what advanced authorizations are required with the Library Director can expedite this process.~~

### ~~Commercial Photography~~

~~Library buildings may be used as setting for a creative film or video, portraits, advertisements, fashion shoots or for any other photography which will be used for commercial purposes only with prior approval from the DIRECTOR, or her/his designee. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.~~

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: [2/10/2020](#) ~~1/14/2019~~

### ~~Library Photography or Filming:~~

~~Occasionally Baker County Library District staff may elect to photograph or film Library programs and/or events. The Library reserves the right to include these images in brochures, flyers, web pages, news releases or other promotional materials, as well as make them available to media outlets and event participants. When names or images are used by the Library for publicity or other Library-related uses, the Library obtains patron permission or allows patrons to "opt out" of having their image taken.~~

### **Entertainment Industry and Political Campaigns**

~~The library may permit use of its facilities by the movie or music industry for film projects where a library setting is called for, if the project does not interfere with the mission of Baker County Library District, is in accordance with the rest of this policy and does not advertise or promote commercial products.~~

~~Filming and photography related to political campaigns or partisan issues may be permitted only with prior approval from the DIRECTOR. The production company shall provide a written agreement that it will not use identifying library logos, staff, agents, or unique features since Baker County Library District wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference. These projects must be approved and coordinated at least 24 hours in advance with the Library Director, or her/his designee. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.~~

### ~~Photography for Groups and Non-Library Events in the meeting facilities~~

~~Groups arranging meetings in library meeting facilities may arrange for photographers and news media during their event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the library.~~

### **Library Liability for Injuries**

Permission to photograph/film/record does not release the persons or groups involved from liability for injuries to persons or property that result from their activities on library property.

Film and photo project representatives will agree to indemnify, defend and hold the Library District harmless in the event there is any claim that occurs during the shoot.

### **Photographic Releases**

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: ~~2/10/2020~~ 1/14/2019

Photographers filming or photographing on library premises have sole responsibility for gaining all necessary releases and permissions from persons who can be identified in any photography. The library undertakes no responsibility for obtaining these releases.

### ~~Insurance Documentation~~

~~An insurance certificate to the value of \$1 million covering the duration of the film shoot, naming Baker County Library District as the beneficiary and also include a cross liability/severability of interest clause which is defined as follows:~~

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~~Prior to filming, the photographer will provide the Library District with Certificate of Insurance naming the Library District as an additional insured.~~

### ~~Photography Logistics~~

~~The library's DIRECTOR and/or designee may terminate any session that appears to be disruptive to library operations, compromising to public safety or security of people, buildings, or collections, or damaging to the library public image.~~

*First adopted by the Library Board of Directors: 1/14/2019*

### Models:

Carnegie Library of Pittsburgh

<https://www.carnegielibrary.org/about/policies/film-and-photography/>

Hartford Public Library

<https://www.HPL.ct.org/library-policies/photographypolicy>

Nashville Public Library

<https://library.nashville.org/about/policies/filming-and-photography-policy>

## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 2/10/2020

### Policy Statement

Baker County Library District (BCLD) supports the First Amendment rights of freedom of speech and press as they pertain to libraries, librarians, and library patrons. Photography and filming, as described in this policy, are allowed to the extent that the activity is consistent with the library's Code of Conduct and other policies, and does not infringe upon any user's right to "quiet enjoyment" of the library, free from harassment or fear that their reading, viewing, or research activity will be recorded and disclosed without their consent.

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Designated staff-only areas in the library are considered "non-public forums" and may be restricted from public access or expressive activities such as filming and photography.

### Definitions

The terms "photograph" or "photography", "recording" or "filming" are used generally and refer to any method including photography, filming, video or any other process of still or moving image or audiovisual capturing in any method used now or in the future.

- Baker County Library District shall include the following:
- Main Library (Baker City) and property
- Buildings and property designated as Branch libraries
- Buildings and locations designated as interim libraries or program locations
- Bookmobiles and kiosks
- All other property and facilities assigned to or owned by the library

### General Policy Regarding Permission

Permission is not required for photographing/filming/recording in public areas if no tripods, lights, drones, or other specialized equipment is used and such activity does not intrude upon the experience of others using the library. There may be designated nonpublic areas in library locations and/or exhibition areas or other areas or events where photographing is prohibited.

Activity must not capture identifiable likenesses of individuals or their activity in the library without their consent. Individuals who photograph or film must honor requests from library users and staff who do not want to be included in photos or film. Oregon law ([ORS 165.540](#)) requires that all participants in a conversation be specifically informed that their conversation is being recorded.

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 2/10/2020

The library's DIRECTOR and/or designee may terminate any session that appears to be disruptive to library operations, compromising to public safety or security of people, buildings, or collections, or damaging to the library public image.

### **Permissible activities**

#### **Amateur and Non-commercial Photography or Filming**

Casual amateur photography is permitted in library facilities so long as activity is unobtrusive, does not disrupt the library experience of others, and supplementary or specialized equipment such as lighting, tripod, extension pole, boom mic, or unmanned aircraft system (drone) is not used.

#### **Exterior Photography**

Photographing the exteriors of library buildings does not require permission; photography may not impede the ingress or egress of visitors or staff to or from any library building, or capture a library visitor's personal activities from an external vantage point. No person may operate a drone on or over the boundaries of library-owned premises in a manner so as to intentionally, knowingly or recklessly harass or annoy any staff or visitor of the library.

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#### **Meeting Facilities**

Groups arranging meetings in library meeting facilities may arrange for photographers and news media during their event. Photography for such events is restricted to the space reserved by the group and may not take place in other areas of the library.

### **Activities Requiring Authorization**

For all other photographing/filming/recording, requests for permission must generally be made at least 24 hours prior. Permission should be requested on weekdays between 9 a.m. and 5 p.m. when the Library DIRECTOR or designate Person In Charge is normally available. Insurance documentation and fees will be negotiated based on project scope (See Legal Issues).

## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 2/10/2020

### **Commercial and Entertainment Industry Use**

With prior approval from the DIRECTOR, or her/his designee, the Library may allow its facilities to be used as setting for a creative film or video, portraits, advertisements, fashion shoots or for any other photography or film projects which will be used for commercial purposes provided the project does not interfere with the mission of Baker County Library District, and is in accordance with the rest of this policy. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot.

### **Documentary-Type Photography for publication or broadcast**

With prior approval from the DIRECTOR, or her/his designee, the Library may permit photography of its premises and activities when the use of the photographs involves the library directly, i.e. books, articles, or videos about the library itself, the library's position in the region as a tourist or learning destination, or as part of a piece used to describe our city's environs.

### **Political Campaigns**

With prior approval from the DIRECTOR, or her/his designee, filming and photography related to political campaigns or partisan issues may be permitted with the following provisions. The production company shall provide a written agreement that it will not use identifying library logos, staff, agents, or unique features since Baker County Library District wishes to avoid any appearance, no matter how slight, of impropriety or impression of political preference. The production company shall compensate the library for staffing expenses necessary to open, secure, and monitor library premises during a shoot. Insurance documentation and fees will be negotiated based on project scope.

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While Baker County Library District has an open-door policy for news media photographers and reporters whose stories directly involve the library's programs, resources, collections, and services, obtaining advance permission is extremely important to:

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## PHOTOGRAPHY, RECORDING AND FILMING POLICY

Last approved: 2/10/2020

### Nonprofit, Academic or Research Projects

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### Request Approvals

The DIRECTOR, or her/his designee is authorized to grant permission to photograph/film/record the interior of library buildings, setting the conditions under which the photographing may take place, or to deny permission.

### Factors Considered for Approval

The DIRECTOR, or her/his designee will consider and act upon requests for permission to photograph considering:

- The public interest
- Statutory requirements
- The library's interest
- Issues of confidentiality
- The amount of time each project will require
- The need to maintain impartiality among competing photographers
- Any other purpose that the DIRECTOR, or her/his designee deems to be in the interest of Baker County Library District

### Legal Issues

#### Insurance Documentation

An insurance certificate to the value of \$1 million covering the duration of the film/photography project shoot, naming Baker County Library District as the beneficiary and also include a cross liability/severability of interest clause which is defined as follows:

The Insurance as is afforded by this policy shall apply in respect to any claim or action brought against any one Insured by any other Insured. The coverage shall



## **PHOTOGRAPHY, RECORDING AND FILMING POLICY**

Last approved: 2/10/2020

apply in the same manner and to the same extent as though a separate policy had been issued to each Insured. Any breach of a condition of the policy by any Insured shall not affect the protection given by the policy to any other insured. The inclusion herein of more than one Insured shall not operate to increase the limit of liability under this policy.

Prior to filming, the photographer will provide the Library District with Certificate of Insurance naming the Library District as an additional insured.

### **Liability for Injuries**

Permission to photograph/film/record does not release the persons or groups involved from liability for injuries to persons or property that result from their activities on library property.

Film and photo project representatives will agree to indemnify, defend and hold the Library District harmless in the event there is any claim that occurs during the shoot.

### **Photographic Releases**

Photographers filming or photographing on library premises have sole responsibility for gaining all necessary releases and permissions from persons who can be identified in any photography. The library undertakes no responsibility for obtaining these releases.

***First adopted by the Library Board of Directors: 1/14/2019***

### **Models:**

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Nashville Public Library

<https://library.nashville.org/about/policies/filming-and-photography-policy>