



**NOTICE AND CALL OF SPECIAL MEETING OF THE  
LIBRARY PRIVILEGES REVOCATION APPEALS BOARD  
TO THE MEMBERS OF THE LIBRARY PRIVILEGES  
REVOCATION APPEALS BOARD AND TO THE  
RECORDING SECRETARY**

NOTICE IS HEREBY GIVEN that a Special Meeting of the Fullerton Public Library Privileges Revocation Appeals Board is hereby called to be held on **Tuesday, January 4, 2022**, commencing at **5:00 p.m.** at the Council Chambers, City Hall 303 W. Commonwealth Avenue. The public and Library Trustees may participate remotely.

01/04/22  
Date

Ruth Legado  
Recording Secretary



**SPECIAL NOTICE**  
**REGARDING CORONAVIRUS (COVID-19)**  
**AND LIBRARY PRIVILEGES REVOCATION**  
**APPEALS BOARD MEETING**  
**PARTICIPATION**

Zoom Meeting Details: [www.zoom.us/join](https://www.zoom.us/join)

Meeting ID: 899 3774 7657

Telephone Option: 1-253-215-8782

On October 5, 2021, City Council adopted Resolution No. 2021-73 which makes the legally required findings to continue to authorize remote meeting participation for legislative body members per Assembly Bill 361. City Council will continue to make this finding every 30 days. Some or all of the Library Privileges Revocation Appeals Board may participate in meetings via teleconference.

**PUBLIC PARTICIPATION:** Members of the public can access meetings streamed live online at <https://fullerton.legistar.com>, on Spectrum Cable Channel 3 and AT&T U-Verse Channel 99.

The Council Chamber will have seating available on a first-come, first-served basis for members of the public to attend the meeting in person. All persons visiting City facilities shall observe health and safety protocols.

**PUBLIC COMMENTS:** In lieu of attendance at the Library Privileges Revocation Appeals Board meeting, the public may make oral public comments via computer, smart device or telephone by following the instructions on the next page.

**CORRESPONDENCE:** The public can send correspondence to the Library Privileges Revocation Appeals Board regarding agenda items by emailing [libraryboardsecretary@cityoffullerton.com](mailto:libraryboardsecretary@cityoffullerton.com) with the subject line "LIBRARY PRIVILEGES REVOCATION APPEALS BOARD MEETING CORRESPONDENCE - ITEM #" (insert the item number relevant to your comment). Staff will forward correspondence received to the Library Privileges Revocation Appeals Board. All correspondence received becomes part of the official record of the meeting and is posted online with the supplemental materials for that meeting.

**ACCESSIBILITY:** If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132) and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid or service by contacting the Fullerton Public Library at [libraryboardsecretary@cityoffullerton.com](mailto:libraryboardsecretary@cityoffullerton.com) no later than 48 hours before the meeting.

## **ZOOM COMPUTER / SMART DEVICE / TELEPHONE PARTICIPATION**

The public may remotely participate in the meeting to make oral public comment via computer, smart device or telephone by following these instructions:

The public should log on or call in as early as possible to be address any technical issues that may occur and ensure they do not miss the time to speak on the desired item.

### **1. To access Zoom:**

**Log into Zoom from your computer or smart device at the following link:** [www.zoom.us/join](https://www.zoom.us/join)

**Meeting ID:** 899 3774 7657

Your device must have audio capability to participate.

**or**

**Call into Zoom from your telephone:** 1-253-215-8782 and then press pound (#). When prompted, enter the meeting ID number and press pound (#) again.

**Meeting ID:** 899 3774 7657

2. Optional: You may enter your name when prompted, but this is not required to participate. Staff will remove anyone entering names that violate community standards.

3. **Use the “raise hand” function to join the queue to speak on the current agenda item.** (Do not raise your hand until the President has called the item for discussion). You can find the raise hand option under your participant name on your computer or smart device or press “\*9” (star-nine) on your phone to raise your hand. You can lower your hand if you chose not to speak or after you have made your comments by unchecking the raise hand option online.

4. Staff will notify you when it is your turn to speak.

5. Please state your name and city of residence at the beginning of your remarks for the minutes.

6. Speakers will have up to three minutes to make their remarks.

7. You may log off or hang up after making your comments.

**DISCLAIMER:** Participant names and/or phone numbers will be visible to all participants. The City records all public meetings.

**NOTE:** The Library Board of Trustees Meeting video will not stream through the Zoom meeting. To view the meeting, please go to <https://fullerton.legistar.com>, **Spectrum Cable Channel 3** or **AT&T U-Verse Channel 99**. However, please listen to the audio of the meeting though Zoom as you await your turn to speak. The video stream has up to a 30-second delay and you may miss your turn to speak if you are not listening through the Zoom app.





**CITY OF FULLERTON  
LIBRARY PRIVILEGES REVOCATION  
APPEALS BOARD  
SPECIAL MEETING AGENDA  
January 4, 2022 – 5:00 p.m.  
City Council Chambers  
303 W Commonwealth Ave.  
Fullerton, California**

In compliance with the requirements of Title II of the Americans with Disabilities Act (ADA), disability-related aids or services are available to enable persons with a disability to communicate at a City public meeting. Should you require special accommodations to participate in this meeting, please contact the Fullerton Public Library at [libraryboardsecretary@cityoffullerton.com](mailto:libraryboardsecretary@cityoffullerton.com) at least 48 hours prior to the scheduled meeting.

Any materials regarding items on the agenda provided to a majority of the Legislative Body after posting of the agenda through the end of the meeting become part of the public record and available for public inspection online at <https://docs.cityoffullerton.com/WebLink/1/foi/560041/Row1.aspx>

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**CALL TO ORDER**

**ROLL CALL**

**LIBRARY DIRECTOR / STAFF REPORTS**

*The Library Director will give a brief update. No action is needed. No discussion may occur on any communications or reports.*

**LIBRARY PRIVILEGES REVOCATION APPEALS BOARD REPORTS**

*The Library Board Trustees may ask a question for clarification, make a brief announcement, make a brief report on activities, request a report from staff at a subsequent meeting or take action to direct staff to place a business item on a future agenda. No discussion may occur on any communications or reports.*

**PUBLIC COMMENTS**

The public will have the opportunity to address the legislative body before or during consideration of each agenda item. Library Privileges Revocation Appeals Board may limit comments to only items described on the special meeting agenda per California Government Code Section 54954.3(a). *State regulations prohibit the legislative body from taking action on non-agenda items.*

**REGULAR BUSINESS**

- 1. Library One-Year Revocation Appeal – Renee Montoya**

**Recommendation:** Review and provide direction

**ADJOURNMENT**

**MEETING DATE:** January 4, 2022

**TO:** Library Board of Trustees

**FROM:** Judy Booth, Library Director

**SUBJECT:** LIBRARY ONE-YEAR REVOCATION APPEAL

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**SUMMARY**

Renee Montoya is appealing a Letter of One-Year Revocation of her library privileges.

**RECOMMENDATION**

Review and provide direction

**FISCAL IMPACT**

None.

**DISCUSSION**

None.

**Attachments:**

- Letter of One-Year Revocation of Library Privileges which includes the Code of Conduct to Renee Montoya
- Renee Montoya's Appeal of Revocation



## CITY OF FULLERTON

Fullerton Public Library

Judy Booth, Library Director

Delivery Date: \_\_\_\_\_

Dear Ms. Renee Montoya,

The Fullerton Public Library Board of Trustees has adopted a Code of Conduct to ensure a positive experience for everyone who visits the Library. Library patrons who fail to adhere to the Code of Conduct may be subject to warnings, an order to immediately leave the Library premises, and/or the revocation of library privileges or access.

NOTE: Due to COVID-19 the Library was closed to access by the public beginning on March 18, 2020 and re-opened for public access on March 16, 2021.

This letter is notice to you that we are revoking your library privileges and access for one year due to the following violations of the Code of Conduct observed by the Library staff and/or reported by other Library patrons:

### Failure to Adhere to the Code of Conduct

#### Code of Conduct: Prohibited Personal Behavior

##### *Sleeping.*

- a. You were found sleeping on the floor of the Library after being warned to desist on 09/08/21 (Exhibit 1).
- b. You were found sleeping in front of an emergency exit outside the Library on 11/17/21 (Exhibit 2).

*Blocking or impeding access to the Library, including but not limited to, clocking or impeding us of Library entrances, exits, facilities, or property.*

- a. You were found sleeping in front of an emergency exit outside the Library on 11/17/21 (Exhibit 2).
- b. You were found blocking an emergency exit outside the Library on 11/22/21 (Exhibit 3).

#### Code of Conduct for Personal Property

*Personal items are the responsibility of the owner, and must be within line of sight of the owner at all times.*

- a. You left your personal belongings unattended inside the Library on 07/19/19 (Exhibit 4).
- b. You left your personal belongings unattended inside the Library on 08/19/19 (Exhibit 5).

You have been warned about these violations as early as 07/19/19 (Exhibit 4) but continue to commit them.

**THE EDUCATION COMMUNITY**

353 West Commonwealth Avenue, Fullerton, California 92832-1796  
(714) 738-6380 • Fax (714) 447-3280 • Web Site: [www.fullertonlibrary.org](http://www.fullertonlibrary.org)

The Fullerton Public Library is located at 353 West Commonwealth Avenue and its premises includes not only the entire building, but also the area defined by the sidewalks along Commonwealth Avenue, Library Lane/Short Street, Amerige Avenue, and the sidewalk west of the Fullerton City Hall.

**DO NOT ENTER LIBRARY PREMISES FOR ONE YEAR FROM THE DELIVERY DATE OF THIS LETTER.**

A Fullerton Police Department Trespass Arrest Authorization is on file in your name with the Fullerton Police Department.

If you need clarification about your revocation call the Library Director at 714-738-6383 or 714-738-6380 or email the Library Director at [libraryreference@cityoffullerton.com](mailto:libraryreference@cityoffullerton.com).

#### Appeal of Revocation of Library Privileges and/or Access

You may appeal this action by submitting a completed Library Privileges Revocation Appeal form to the Library Director or her designee within ten (10) days from the Delivery Date set forth at the top of this letter. The Library Privileges Revocation Appeal form is included with this letter. You may mail or e-mail the completed form or have it delivered by a person whose Library privileges have not been revoked.

Upon receipt of a completed Library Privileges Revocation Appeal form, the Library Director or her designee will notify the Library Board of Trustees within 30 working days and will convene the Library Privileges Revocation Appeal Committee. This committee will consist of three Library Board Trustees and one Trustee who will serve as an Alternate. The Library Privileges Revocation Appeals Committee will conduct a review of the Library Privileges Revocation Letter and documentation as well as the Library Privileges Revocation Appeal submitted by you. The Committee's decision shall be issued in writing within five working days after the hearing and will be sent to the address on the submitted Library Privileges Revocation Appeal Form.

Best regards,



Judy Booth  
Library Director

Enclosures: Library Privilege Revocation Appeal Form  
Self-addressed stamped envelope (SASE)  
Library Code of Conduct



# FULLERTON PUBLIC LIBRARY

## LIBRARY PRIVILEGES REVOCATION APPEAL FORM

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ ZIP: \_\_\_\_\_

E-mail: \_\_\_\_\_

Telephone Nos: (home) ( ) (mobile) ( ) \_\_\_\_\_

Library Card No: \_\_\_\_\_

Reason for Appeal (attach additional pages as necessary):

Library privileges were revoked on: \_\_\_\_\_

Police involved (called to scene, citation issued)? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

To appeal this revocation, mail this completed form to: Fullerton Public Library, c/o Library Director, 353 W. Commonwealth Ave., Fullerton, CA 92832 or scan and email this completed form to: [libraryreference@cityoffullerton.com](mailto:libraryreference@cityoffullerton.com) within ten (10) days from the Delivery Date of the letter. You may also have the form delivered within the 10-day period by a person whose Library privileges have not been revoked. Upon receipt, the Library Director or her designee will notify the Library Board of Trustees within 30 working days and will convene the Library Privileges Revocation Appeal Committee. The Committee's decision shall be issued in writing within five (5) working days after the hearing.





FULLERTON PUBLIC LIBRARY  
353 West Commonwealth Avenue  
Fullerton, CA 92832



Fullerton Public Library  
c/o Library Director  
353 We. Commonwealth Ave.  
Fullerton, CA 92832





## Fullerton Public Library Code of Conduct

The Fullerton Public Library has adopted this policy to ensure a positive library experience for everyone who visits the Library. The Library is open to all members of the general public for the purposes of reading, writing, conducting research, studying and the use of Library materials. Everyone has the right to use Library services and resources provided her or his behavior does not unreasonably interfere with the rights of other Library patrons to do the same. To that end, the Library prohibits any behavior that infringes on the reasonable expectation by Library patrons of a quiet and safe environment free of unreasonable disruption.

The Library expects its patrons to abide by the following rules. These rules are expressly promulgated to maintain the Library's peaceful atmosphere, facilitate Library usage to as many patrons as possible, preserve easy access to Library materials, and protect Library property.

Failure of Library patrons to abide by the following code of conduct while on Library premises constitutes grounds for warning to cease the offending behavior, an order to immediately leave the Library premises, and/or the revocation of Library privileges and/or Library access.

### Code of Conduct: Prohibited Personal Behavior

- Any illegal conduct as defined by local, state, or federal law.
- Interfering with another Library patron's use of the Library and/or with the performance by Library staff of their duties. (Such prohibited behavior includes, but is not limited to, behaving in a manner which reasonably can be expected to disturb others, harassing or annoying others through noisy or boisterous activities, battery, verbal threats, abusive language, offensive touching, staring at another person with the intent to annoy that person, singing, talking in monologues, and following another person about the Library premises with the intent to annoy that person.)
- Sleeping
- Selling, soliciting, or any other commercial activity in the Library, including but not limited to distributing or posting printed commercial material in the Library.
- Petition-signing and/or taking surveys in the Library.
- Panhandling (meaning to approach strangers and beg for money, food, or some other item) in the Library.
- Occupying more than one space during peak times of Library use
- Blocking or impeding access to the Library, including but not limited to, blocking or impeding use of Library entrances, exits, facilities, or property.
- Lack of personal hygiene, or use of perfume or fragrance, which produces an odor that constitutes a nuisance by interfering with the reasonable use of the Library by other

Library patrons, or by interfering with Library staff's ability to reasonably perform their duties.

- Unreasonably loud noise (such as from talking, cell phone conversations, banging on the furniture, and use of laptops and other media devices at a volume level that disturbs others).
- Not wearing shirts and shoes (or other footwear) at all times in the Library.
- Bringing any animal into library facilities, except for service animals that are individually trained to do work or perform tasks for an individual with a disability, in compliance with ADA (Americans with Disabilities Act) regulations. Animals that are part of a library program may be allowed in library facilities with the consent of library staff.
- Possession or display of weapons, illegal substances or drugs, or alcohol.
- Smoking tobacco or any other substance (including the use of so called "e-cigarettes," which generally include electronic inhalers meant to simulate and substitute for tobacco smoking by utilizing a heating element to vaporize a liquid solution).

#### Code of Conduct for Personal Property

- Food is prohibited in the Library, except in designated areas (Library Café). Covered beverages are permitted outside the technology area.
- Any items brought into the Library are subject to inspection.
- Personal possessions should not take up seating or space needed by others.
- Unattended personal property abandoned in the Library will be removed and disposed of as appropriate.
- Any items brought into the Library must not obstruct pathways or deny other Library patrons the reasonable use of the Library.
- Personal items are the responsibility of the owner, and must be within the line of sight of the owner at all times. The Library is not responsible for personal items that are lost, stolen or damaged in or on the grounds of the Library.
- Bringing more than 3 containers, packages, briefcases, parcels, or bundles into the library which singly or collectively exceed 24" x 16" x 10."
- Bringing bicycles, shopping carts or wheeled conveyances into the Library is prohibited, with the exception of wheelchairs and baby strollers/carriages used for the actual transport of a person or child, as well as wheeled backpacks or book carriers for the transport of research and reading material.
- Laptop computers and other electronic devices are permitted as long as power cables are plugged in such a way that the power cables do not unreasonably disturb and/or cause potential injury to other Library patrons or staff.

#### Code of Conduct for Library Property

- All Library patrons must use the Library's property (e.g., facilities, materials, and furnishings) for its intended purpose. For example, tables are not meant to be used as footrests, books and other reading material must not be damaged, torn or written in, and facilities must be maintained and left in a clean and orderly manner.

- Library furniture is not to be moved or rearranged without the approval of Library staff.
- Public restrooms are not to be used for food preparation, camping, sleeping, bathing, shaving, or washing of hair or clothes.
- Failure to return Library materials made available for loan, and/or to pay library fines or fees may result in the loss of borrowing privileges and/or computer use.
- Theft, defacement, or destruction of Library property is prohibited. California Education Code Section 19910 provides that it is a misdemeanor to cut, tear, write in, mark, deface, break or injure library property, and that the parent or guardian of a minor who willfully and maliciously commits any of these prohibited acts shall be liable for all damages so caused by the minor.
- Manipulating or bypassing Library software and/or computer systems, such as those that regulate computer use (e.g., software restricting computer use), as well as tampering with Library computer hardware or accessories, are prohibited. This includes, but is not limited to, violation of California Penal Code section 502 (Computer crimes).

#### **Violations of Code of Conduct**

In the event a Library patron violates any of the provisions of this Code of Conduct, the Library Director or her/his designee, authorized by the Library Board of Trustees, may revoke library privileges (including library cards) and/or access to the Library for a period to be determined by the Library Director or her/his designees. Revocation of Library access shall be issued in a written determination notice issued by the Library Director or her/his designee if the revocation is to exceed more than one day.

The Fullerton Police Department may be called upon to assist in the enforcement of this policy, including but not limited to, citation or arrest for trespassing by Library patrons who fail to leave the Library after being asked to leave by the Library Director or her/his designee and/or staff and for violation of the Library Code of Conduct.

Violation of the Library Code of Conduct or violation of any local, state or federal law in the Library may be addressed in any of the following manners by Library staff:

- Verbal warning to cease the conduct in violation of the Code of Conduct (e.g., notification of the violation and reference to the Library Code of Conduct).
- An order to the patron in violation to leave the Library immediately and to not return for the rest of the day.
- Suspension of borrowing privileges for the patron in violation.
- Suspension of Library privileges including removal from and denial of access to, all Library facilities and services for a period to be determined by the Library Director or her/his designees.
- Criminal sanctions.

#### **Conduct Which Warrants Immediate Order to Leave Library**

- Abusive or threatening language or gestures towards other Library patrons or staff.

- Physical interference, confrontation or aggression towards other Library patrons or staff.
- Failure to comply with any warning or request to cease conduct prohibited by the Library Code of Conduct, and/or failure to cease conduct which Library staff reasonably requests is ceased because the conduct is interfering with the reasonable use of the Library by other Library patrons.
- Illegal behavior under local, state, or federal law.

#### **Appeal of Revocation of Library Privileges and/or Access**

A Library patron whose Library privileges and/or access have been revoked may appeal this action by submitting a completed Library Privileges Revocation Appeal form to the Library Director or her designee within ten (10) days from the delivery date of the revocation letter. A copy of the Library Privileges Revocation Appeal Form and a self-addressed stamped envelope will be included with the revocation letter. An appeal can be submitted by mailing the completed form to: Fullerton Public Library, c/o Library Director, 353 W. Commonwealth Ave., Fullerton, CA 92832, or scan and email this completed form to: [libraryreference@cityoffullerton.com](mailto:libraryreference@cityoffullerton.com) within ten (10) days from the Delivery Date of the letter, or the form may also be delivered to the Library within the 10-day period by a person whose Library privileges have not been revoked.

Upon receipt of a completed Library Privileges Revocation Appeal form, the Library Director or her designee will notify the Library Board of Trustees within 30 working days and will convene the Library Privileges Revocation Appeal Committee. This committee will consist of three Library Board Trustees and one Trustee who will serve as an Alternate. The Library Privileges Revocation Appeals Committee of the Library Board of Trustees will conduct a review of the Library Privileges Revocation Letter and documentation as well as the Library Privileges Revocation Appeal submitted by the patron. The Committee's decision shall be issued in writing within five working days after the hearing and will be sent to the address on the submitted Library Privileges Revocation Appeal Form.

Approved by the Library Board of Trustees | Date: July 22, 2021



12-11-21

To: Fullerton Library Board of  
Trustees

From: Ms. Renee Montoya

I have been banned from  
the Fullerton Library for 1 year,  
due to two violations as of 9-08-21  
I feel that is an over exaggerated  
amount of time, due to the fact on  
11-22-21, I was not the one  
wrapped up in a blanket sleeping  
near the exit, and on 7-19-19, I  
was warned not to leave my  
belongings, on 8-19-19 I left my  
belongings and Ken banned me from  
the library for 3 weeks. Now I was  
already punished for the 7-19-19, and  
8-19-19, why are you punishing me again  
for something that happened in 2019?  
That does not make a bit-of-sense!  
I am asking the board of Trustees to  
please look over everything carefully and  
decide on a smaller duration of time to be  
banned from (Library).