

REQUEST FOR BOARD ACTION

HENDERSON COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: July 10, 2019

SUBJECT: Library Security

PRESENTER: Trina Rushing, Library Director

ATTACHMENTS:

1. Code of Conduct
2. Code of Conduct Disciplinary Policy
3. Hendersonville Police Department Agreement

SUMMARY OF REQUEST:

Following discussion regarding library security at the April 17, 2019 Board of Commissioners meeting, the Board of Commissioners directed the Library Board of Trustees, County Attorney and law enforcement meet to develop a course of action to most effectively address security needs at the Main Library. Staff has had a series of meetings and discussions with the Board of Trustees, members of County administration and law enforcement, and present for the Board's consideration a two-tiered approach including both an updated Code of Conduct and an increased presence by law enforcement.

An updated Code of Conduct and associated Disciplinary Policy were reviewed and approved by the Library Board of Trustees during their June 20, 2019 meeting. These documents will provide patrons with clear expectations regarding their conduct while on library property and allow staff to appropriately and fairly respond when expectations are not being met.

The Hendersonville Police Department agreement increases police presence at the Main Library from two hours to four hours per day, and allows for a varied schedule throughout the week. This agreement may be modified at any time as deemed necessary to address the evolving security needs of the library.

BOARD ACTION REQUESTED:

The Board is requested to approve the Code of Conduct, Code of Conduct Disciplinary Policy and Hendersonville Police Department Agreement as presented.

SUGGESTED MOTION:

I move that the Board approves the Code of Conduct and Code of Conduct Disciplinary Policy as presented; and directs staff to execute the Hendersonville Police Department Agreement as presented.

Hendersonville Police Department
Off-Duty Employment Agreement

Requesting Vendor Henderson County Public Library

Event Public Library Security

Location of Event Henderson County Main Library

Number of Officers Requested 1 Date(s) From Monday To Friday

Time(s) 4 hours per day between 9am-6pm, vary schedule throughout the week

Duties to be Performed:

Maintain a uniformed physical presence in the main Hendersonville library and on its grounds, by patrolling at varied times, in order to deter theft, vandalism and other prohibited behavior as noted in the Library Code of Conduct, and to intervene in situations that pose a threat to the safety of library staff, patrons and/or property.

Vendor's Authorized Representative Trina M Rushing, or her designee

Printed Name

Street Address 301 N Washington Street

City, State, Zip Hendersonville, NC, 28739

Phone Number 828-697-4725 Cell Phone 828-424-5138

This agreement made and entered into the day and year hereinafter set forth by and between the Hendersonville Police Department and the Requesting Vendor.

Whereas, the Requesting Vendor and the City of Hendersonville Police Department request to enter into an agreement whereby the City of Hendersonville Police Department shall supply uniformed off-duty police officers for the event on the date(s) and time(s) indicated above and

Whereas, the purpose of this Agreement is to define the scope and responsibilities of the parties hereto; therefore, in consideration of the conditions and promises contained herein, the City of Hendersonville Police Department and the Requesting Vendor hereby agree as follows:

- (1) Assignment of Police Officers. It is agreed and understood that the Hendersonville Police Department shall assign the number of requested uniformed off-duty police officers to Requesting Vendor to provide security for the event at the designated location for the dates and times indicated above.

(2) Primary Responsibility. It is agreed and understood that the Hendersonville Police Department is the employer of the police officers and extra-duty work hours must be scheduled in a manner that does not conflict or interfere with the officer's performance of his/her duty as a police officer. It is further agreed and understood that police officers are subject to call-back in cases of emergency and may, therefore, be required to leave his/her extra-duty assignment.

(3) Authority and Jurisdiction. Any City of Hendersonville Police Officer working under the Agreement retains, at all times hereunder, all law enforcement authority and jurisdiction for the purpose of investigation, arrest, or any other law enforcement activity. Likewise, such officers shall wear uniforms identifying them as City of Hendersonville police officers. Exceptions are at the discretion of the Captain of Patrol.

(4) Compensation. The Requesting Vendor agrees to pay to the individual officer(s) **\$30.00** per hour. The payment can be invoiced or agreed upon by officers for scheduled payment. There is a **\$5.00** surcharge for scheduling less than a week's notice, if no extenuating circumstances exist, and for working holidays. An alcohol related event will be at **\$40.00** per hour and require a minimum of two officers per event. **Payment is due upon the conclusion of the event or one week after the invoice is received.**

(5) Modification. This agreement shall not be modified or changed in any manner except upon the express written consent of the parties hereto.

(6) Cancellation. The Requesting Vendor may cancel the request for off-duty at no charge within (48) hours of the event start time. If the Vendor cancels the event within (24) hours prior to the start time, the Vendor may be billed (2) hours per officer at the discretion of the Captain of Patrol. To cancel off-duty assignments, call 828-697-3025 and notify the dispatcher of the event name and reason of cancellation.

In witness whereof, the parties have caused this agreement to be signed:

Requesting Vendor

Hendersonville Police Department

Event Name

Chief of Police or Designee

Public Library Security

Name

Approved Date

Trina Rushing

Address

301 N Washington Street

Contact Number

828-697-4725

Sign and Date



Library Code of Conduct

This code of conduct is provided to ensure staff, volunteers and patrons experience a comfortable, safe, healthy environment that supports appropriate use of library services and grounds. This code is designed to foster an atmosphere of mutual respect and courtesy and applies to all patrons (regardless of age), volunteers, and staff while on library property.

Level I prohibitive behavior includes, but is not limited to:

- Disruptive use of mobile phones or other electronic devices. Audible ringers must be silenced and loud or extended conversations moved outside the library.
- Sleeping or putting your head, feet or legs on the tables.
- Obstructing aisles or walkways with packages, backpacks, luggage, or any other personal items, or leaving said items unattended.
- Bringing animals into the building other than certified service animals.
- Drinking beverages in non-secure containers or consuming non snack food, such as fast food or hot meals. No food or beverages permitted in computer areas.
- Distribution of literature or posting notices without prior authorization.
- Entering without shirt or shoes. Wearing clothes not appropriate for a public place.
- Using library property or facilities for activities or behaviors for which it is not intended.
- Tampering with the arrangement of library materials, furniture or equipment.
- Using photographic, video or other recording device without prior approval from the Library Director.
- Smoking or use of tobacco, tobacco products or vaping, except in designated areas.
- Leaving children aged 10 and under, or other persons needing supervision, unattended. Children birth through age 10 must be supervised by a responsible party 17 years of age or older. Leaving children under the age of 17 on library property after closing.
- Adults loitering in the children's area while unaccompanied by a child.

Level II prohibitive behavior includes, but is not limited to:

- Being unsafe, loud or otherwise disturbing or offensive to others.
- Acts of harassment such as, following, stalking, staring, and unwanted physical contact, verbal and nonverbal propositions, using obscene language, fighting, threatening or interfering with the free movement of others.
- Possessing, consuming or being under the influence of alcoholic beverages or illegal controlled substances.
- Possessing weapons of any type.
- Soliciting, advocating, proselytizing, canvassing library patrons.
- Defacing, destroying or stealing any library property or the property of others.
- Violating the Internet Use Policy
- Violating local ordinances, state, and/or federal law.

The Library Director or designee will apply this code in a fair and equitable manner for the benefit of all. The consequences of misconduct may be any of the following: verbal warning, suspension of library privileges, or prosecution to the full extent of the law. Anyone refusing to leave the library premises when requested by library staff is subject to arrest and prosecution under trespass laws (N.C. Gen. Stat. § 14-134) of North Carolina.



Code of Conduct Disciplinary Policy

The Library Code of Conduct will be applied in a fair and equitable manner for the benefit of all. Consequences of misconduct on any Henderson County library property will result in the following progressive disciplinary actions.

Level I Violations:

- 1st Offense: Verbal warning from staff
- 2nd Offense: 1-day suspension
- 3rd Offense: 1-week suspension
- 4th Offense: 1-month suspension
- 5th Offense: 6-month suspension (*must request reinstatement in writing*)

Subsequent offenses of this nature, following reinstatement, will incur further suspensions of **6 months** or greater at a time.

Level II Violations:

- 1st Offense: 1-day suspension
- 2nd Offense: 1-month suspension
- 3rd Offense: 6-month suspension (*must request reinstatement in writing*)

Subsequent offenses of this nature, following reinstatement, will incur further suspensions of **1 year** or greater at a time.

Note:

For suspensions greater than one day, offenders will be notified by letter of their violation and length of suspension with instructions included for the appeal process. Appeals of one month suspension or greater must be submitted in writing to the Library Director within 10 days.

Following a **6 month or greater** suspension the offender must submit a reinstatement request in writing to the Library Director to have full library privileges reinstated. Those returning to library property prior to reinstatement approval are subject to arrest under trespass laws (N.C. Gen. Stat. § 14-134).

Criminal offenses will be prosecuted under the law. The offender will be suspended for a minimum of six months up to permanently, depending on the severity of the offense.

***Suspension:** the offender is not allowed on any Henderson County library property and all library privileges are revoked for the length of the suspension.