

City Council Agenda Item Memo

From: Ashia Gustafson, Director of Library Services

Council Meeting: July 8, 2025

Subject: Ordinance 25-024: Citizen's Request for Reconsideration Policy Appeal Process

Presenter: Ashia Gustafson, Director of Library Services

Summary and Recommended Action:

Staff recommends that the proposed Ordinance establishing a Policy Appeal Process be approved by the City Council for the Brookings Public Library Request for Reconsideration.

Item Details:

According to SD Codified Law 22-24-56, the Public Library must establish a policy allowing the request for reconsideration to be appealed to the governing body to determine whether any matter or material is obscene. The City Council, as the governing body of the Library Board of Trustees, specified in SD Codified Law 14-2-27, and therefore needs to adopt a resolution.

The Brookings Public Library has updated its policy for reconsidering materials and displays to include a clear, step-by-step process for complaints, beginning with library staff and escalating to the Library Board of Trustees. A key change now allows a resident to appeal to the Brookings City Council if they believe a material is obscene under SDCL § 22-24-27 and are unsatisfied with the Library Board's decision. This step must comply with state law (SDCL § 22-24-56), which mandates that all administrative remedies, including City Council review, must be exhausted before a complainant can seek judicial review.

Legal Consideration:

City Attorney has reviewed the Ordinance.

Strategic Plan Consideration:

Service and Innovation Excellence – The City of Brookings will provide an accessible environment committed to ongoing innovation and outstanding service through listening and engagement.

Financial Consideration:

None.

Supporting Documentation:

Ordinance Redline

Final Ordinance
State Law 22-24-56