

Re: The Harte Library and loss of usage during school hours, and Garcia status

Dear Mayor Guajardo and Members of the Corpus Christi City Council:

We are writing to you because of our concern about the applicability and reasonability of the restrictions imposed on the Harte Library in Corpus Christi as a result of interpretation of legislation enacted in 2023. Additionally, the Garcia Library and its usability appear to be in limbo.

1. In reacting to the 2023 legislation, a decision was made in 2025 to modify the hours that adult citizens could access the Harte library building on the grounds of the Flour Bluff High School, relying on an interpretation of legislative requirements for safety of the students.

This interpretation, which we think may be in error, has resulted in a vastly diminished usage of this facility by citizens, particularly those in District 4. It also changes the consideration the Harte donors thought they were achieving by their gift: the library has essentially become an arm of the school by default, not a gift to the community. If continued, the damage to the community and the frustration of the gift of the Hartes will continue.

2. The current schedule imposed on the library enforces exclusion of adults during school hours. So, Monday through Friday of the school year, the library is closed to all nonstudents from 8 a.m. to 6 p.m.

That means, no citizens can enter the premises, check out books, read newspapers, enjoy the use of the internet for business or personal enjoyment. In addition, the collateral comforts our libraries have provided such as weather protection during hot or cold months, shelter during rainy or stormy days is lost for the adults excluded under this interpretation.

3. In general, various legislations have been referenced as grounds for the restrictions to “an **educational facility**”.

An initial inquiry must be made whether the Harte Library is an “**educational facility**” covered by this legislation?

As defined in Texas Education Code (TEC) §46.001, “*any real property, improvement, or necessary fixture predominantly used for teaching curriculum under TEC §28.002*” is an “educational facility.” It does not include facilities part of correctional institutions, higher education, medical, or social services providers not controlled by the school system.

Based on these definitions, it is possible this legislation does not even apply to the Harte facility. The library is not “part of a curriculum” and “is not controlled by the school system.” In the event this position is correct, the result would be to return the use of the Harte library to its prior open-door status since the legislation would not apply.

4. We also have been informed that city staff has authorized a study of architectural changes (at an alleged cost of \$15,000) that might be undertaken in the library to in effect segregate students from adults, allowing joint use of the premises.
5. However, if it is determined that it is applicable, there may be sound challenges to the interpretation presently being imposed, or perhaps a contractual work around in the existing documents that created the gift that may be effective in solving this dilemma.
6. There are some other options that could be pursued:
 - a. The city could request an AG opinion on whether this action applies to us? Perhaps the Attorney General would carve an exception for a facility that is primarily a public library not being an “educational facility”.
 - b. An agreement could be negotiated with FBISD to purchase the land back from them (as noted below we believe donations from friends of the library could fund this effort).
 - c. If FBISD declines to make the agreement, there are numerous factors, legal and practical, that have changed the contract’s purpose and intent, not to mention frustration of the intent of the Harte Family donor. If the original purpose of the contract is frustrated by unforeseeable circumstances, a party to the contract could challenge the contract in court, proving that such a frustration has occurred
 - d. The clearest path to solving this situation a buy out. There is provision in the original agreement between the donors and the city of Corpus Christi and Flour Bluff Independent School District to permit purchase of the property underlying the constructed premises by the City, and payment to Flour Bluff for the underlying land that was donated. However, the parties must agree to make this transaction. City staff has informed the library board that Flour Bluff does not desire to sell the land, and prefers to keep the gifted library premises for its exclusive use during school hours. This was not in the original contract, but it is

what has resulted. It is not surprising if this is true, that the FBISD is happy with this result, but the citizens of Corpus Christi are not being served as intended. FBISD has basically gotten a free library for a majority of each school week, (not a shared library) and the citizens have lost the same quantum of time spent in the library.

- e. Until the foregoing options are explored, it appears premature to spend money on or get proposed architectural changes that may not be needed and we urge the Council to direct city staff to refrain from spending important resources that may not be necessary to expend until a further exploration of options has been made. .
7. A number of friends of the library have made inquiries with private donors, and it is believed that the funds to purchase the land back from FBISD could be secured, costing the city nothing. As a result of such an effort, not only District 4 Citizens but all of the community would make full use of this beautiful facility as intended by its donors.

F. The Garcia library.

The current situation at the Garcia library is also of concern. We are interested in being proactive to maintain this facility as a full service library.