

ORDINANCE NO. 651

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SERGEANT BLUFF, IOWA BY ADDING A NEW CHAPTER TO ESTABLISH A PUBLIC LIBRARY AND TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES OF A BOARD OF LIBRARY TRUSTEES

BE IT ENACTED by the City Council of the City of Sergeant Bluff, Iowa:

SECTION 1. NEW CHAPTER. The Code of Ordinances of the City of Sergeant Bluff, Iowa, is amended by adding a new Chapter 27, entitled "PUBLIC LIBRARY BOARD", which is hereby adopted to read as follows:

PUBLIC LIBRARY BOARD

27.01	Free Public Library and Board of Trustees Created
27.02	Public Library Board of Trustees
27.03	Organization of the Board
27.04	Powers and Duties
27.05	Power to Contract with Others for the Use of the Library
27.06	Nonresident Use of the Library
27.07	Library Account
27.08	Annual Report

27.01 FREE PUBLIC LIBRARY CREATED. There is hereby established a free public library for the City, to be known as the Sergeant Bluff Public Library. A Public Library Board of Trustees is hereby created to advise the Council on the needed facilities and funds to provide for a free public library.

27.02 PUBLIC LIBRARY BOARD OF TRUSTEES. A Public Library Board of Trustees is hereby created to advise the Council on the needed facilities and funds to provide for a free public library. The Public Library Board of Trustees (hereinafter for this chapter "the Board") shall consist of seven (7) members who shall be over the age of eighteen. Six (6) of the members shall be residents of the City of Sergeant Bluff. Residential Trustees shall be appointed by the Mayor with the approval of the City Council. One (1) of the members shall be a resident of Woodbury County residing outside the City limits of Sergeant Bluff. The non-resident Trustee shall be appointed by the Mayor with the approval of the Woodbury County Board of Supervisors.

27.03 ORGANIZATION OF THE BOARD.

1. Terms of office. The term of office of the Board of Trustees shall be six (6) years, except members appointed to fill the balance of any term due to vacancy. Each term shall commence on July 1st. Appointments shall be made every two (2) years of no less than two and no more than three Trustees, to stagger terms.

2. Vacancies. The position of any residential Trustee shall be vacant if the Trustee moves permanently outside the City limits. The position of the non-resident Trustee shall be vacated if the Trustee moves permanently outside the County limits. The position of any Trustee shall be vacated if the Trustee is absent from six (6) consecutive regular meetings of the Board, except in cases of sickness or temporary absence from the City. If any vacancy exists on the Board of Trustees caused by resignation, operation of this subsection, or otherwise, a successor for the residue of the term shall be appointed in the same manner as the original appointee. Successor appointments shall fill out the unexpired term for which the appointment is made.

3. Compensation. All Trustees shall serve without compensation, except their actual expenses, which shall be subject to reimbursement upon the approval of the City Council.

27.04 POWERS AND DUTIES. The Board of Trustees shall have and exercise the following powers and duties:

1. Selection of Officers. The Board shall meet and elect annually from its members a chairperson, a secretary, and such other officers as it deems necessary. The City Treasurer shall serve as the treasurer of the Board, but is not a member of the Board and shall not have any vote.

2. Library Operations. The Board shall have charge, control and supervision of the public library, its appurtenances, fixtures and any building or rooms containing the same. The Board shall direct and control all the affairs of the library.

3. Library Staffing. The Board shall employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof. The Board shall also have the authority to remove by a two-thirds vote of the Board, the librarian and provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty.

4. Library Materials. The Board shall authorize the librarian to select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies and for the library within the budgetary limits set by the Board.

5. Library Facilities. To the extent so authorized herein, the Board is authorized to plan, fundraise, prepare and provide for the construction of a library,

separate from the current library, within an existing building or a free-standing structure, if so desired by the Board.

6. Library Usage. The Board is authorized to set terms for the use of the library by nonresidents of the City and to fix charges therefore.

7. Library Rules and Regulations. The Board is authorized to make and adopt, amend, modify or repeal rules and regulations, not inconsistent with these ordinances and any applicable law, for the care, use, governance and management of the library and the business of the Board. Such authorization shall include the authority to fix and enforce penalties for violations.

8. Financial Responsibilities. The Board has the exclusive responsibility to direct and control of the expenditure of all funds all sums of money appropriated to it, and to use and expend all gifts, donations or payments whatsoever which are received by the City for the public library or for the erection of library buildings. The Board shall also have the exclusive responsibility to direct and control all other moneys received by the library including fines and rentals collected, under the rules of the Board.

9. Management and Enforcement of Gifts to the Library. The Board shall be authorized to accept and control gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds, to take the title to said property in the name of the library. The Board may execute deeds and bills of sale for the conveyance of said property. The Board may expend the funds received by the library board of trustees from such gifts for the construction and/or the improvement of the library. The Board may enforce the performance of any conditions or designations for the benefit of the public library on gifts, devises and bequests made or accepted by the City by action against the City Council pursuant to Iowa Code section 336.3.

10. Records. The Board shall keep a record of its proceedings.

11. Historical Preservation. The Board shall have authority to make agreements with the local county historical associations, where such exist, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase subject to the allocation for such expenditures in the annual library budget necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature.

27.05 POWER TO CONTRACT WITH OTHERS FOR THE USE OF THE LIBRARY.

1. Contracting. The Board may contract with any other boards of trustees of free public libraries of any other city, school organization, institution of higher

learning, township or county, or with the trustees of any county library district for the use of the Sergeant Bluff Library by the respective residents of such organizations.

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority of the voters represented by either of the contracting parties, voting on the question to terminate which shall be submitted by the governing body upon a written petition of eligible electors in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election. The petition shall be presented to the governing body not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted. The question may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract.

27.06 NONRESIDENT USE OF THE LIBRARY. The Board may authorize the use of the library by nonresidents in any one or more of the following ways:

1. By lending books or other materials of the library to nonresidents on the same terms and conditions as to residents of the City, or upon payment of a special nonresident library fee.
2. By establishing depositories of library books or other materials to be loaned to nonresidents.
3. By establishing bookmobiles or a traveling library so that books and other library materials may be loaned to nonresidents.
4. By establishing branch libraries for lending books or other library materials to nonresidents.

27.07 LIBRARY ACCOUNT. All money appropriated by the Council from the general fund for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on the orders of the Board, signed by its president and secretary. Bookkeeping shall be handled by the City Treasurer. Payment will be made by warrant written by the City Treasurer for invoices submitted and approved by the president and secretary.

27.08 ANNUAL REPORT. The Board shall make a report to the City Council and the Board of Supervisors immediately after the close of the fiscal year. This report shall contain statements of the condition of the library, the number of books added thereto, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the library during the year, together with such further information required by the Council.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. In all other respects, the Code of Ordinance of the City of Sergeant Bluff shall remain in effect. Nothing in this legislation hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 3. SEVERABILITY CLAUSE. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This Ordinance shall be in effect from and after its final passage and approval and publication as provided by law.

Passed by the City Council of the City of Sergeant Bluff on the 9th day of May, 2017, and approved this 9th day of May, 2017.



MAYOR/MAYOR PRO TEM

Attest:


CITY CLERK

First Reading: 3/14/2017

Vote for passage: 5-0

Second Reading: 4/11/2017

Vote for passage: 5-0

Third Reading: 5/9/2017

Vote for passage: 5-0

Passed, Approved, and Adopted May 9th, 2017.

I certify that the foregoing was published as Ordinance No. 651 on the 18th day of May, 2017.



CITY CLERK

