

TO: James L. App, City Manager
FROM: Julie Dahlen, Director, Library and Recreation Services
SUBJECT: Proposed revisions to Chapter 2.12 of the Municipal Code, Library Administration.
DATE: December 20, 2011

Needs: For the City Council to consider an ordinance amending certain provisions of Chapter 2.12. of the Municipal Code, Library Administration, clarifying the responsibilities of the Library Board of Trustees and the administration of library services.

Facts:

1. The Library Board of Trustees consists of five members appointed by the City Council to advise the City Council in matters pertaining to the public library.
2. Chapter 2.12, Library Administration, of the El Paso de Robles Municipal Code, describes the duties and responsibilities of the board.
3. The Board of Library Trustees reviewed Chapter 2.12, and recommended several revisions to more accurately describe the Board's duties and responsibilities as well as the administration of the Paso Robles City Library.
4. Recommended revisions were also reviewed by the City Attorney, City Manager and Director of Library and Recreation Services

Analysis &
Conclusion:

The five members of the Paso Robles City Library Board of Trustees, City Attorney, City Manager and Director of Library and Recreation Services have reviewed Chapter 2.12, Library Administration, of the El Paso de Robles code of Ordinances and made recommendations for revisions to more accurately describe Trustees' duties as well as the administration of the Paso Robles City Library.

Policy

Reference: El Paso de Robles Code of Ordinances; Library Board of Trustees Bylaws

Fiscal

Impact: None

Options:

- a.** Introduce for first reading Ordinance #XXX N.S. amending the El Paso de Robles Code of Ordinances, Chapter 2.12, 2.12.010 through 2.12.080, Library Administration.
- b.** Amend, modify, or reject above options.

Attachments

- Amended Ordinance Showing Changes
- Amended El Paso de Robles Code of Ordinances, Chapter 2.12, Library Administration
- Library Board of Trustees Bylaws

El Paso de Robles, California, Code of Ordinances
Title 2 – Administration and Personnel
Chapter 2.12 - Library Administration

Sections:

2.12.010 - Library established.

2.12.020 - Board of trustees—Appointment—Terms.

2.12.030 - Board of trustees—Meetings—Records.

2.12.040 - Board of trustees—Powers. Duties and Responsibilities

2.12.050 - Tax levy authorized—Limits. Library Funding

2.12.060 - Library fund—Payments. Free use—Violation of rules.

2.12.070 - Free use—Violation of rules. Lending to neighboring cities—Contract.

2.12.080 - Lending to neighboring cities—Contract. Library property—City ownership

2.12.090 - Library property—City ownership.

2.12.010 - Library established.

There shall be established in and for the City of El Paso de Robles a free public library.

(Ord. 92 O.S. § 1, 1903)

2.12.020 - Board of trustees—Appointment—Terms.

~~The public library shall be managed by a board designated as the board of library trustees, consisting of five members to be appointed by the mayor by and with the consent of the board of city trustees.~~ A board of library trustees, consisting of five members to be appointed by the City council, shall advise the City Council in the management of the public library. Said library trustees shall severally each hold office for three years, serving without compensation, provided that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current year, two at the end of the year thereafter and the other two, at the end of two years thereafter. ~~Men and women~~ All citizens shall be equally eligible to for such appointment. and Vacancies shall be filled by appointments for the unexpired term in the same manner as the original appointments are made.

(Ord. 92 O.S. § 2, 1903)

2.12.030 - Board of trustees—Meetings—Records.

The board of library trustees shall meet at least once a month, at such times and places as it may fix by resolution. Special meetings may be called at any time by three trustees by written notice served upon each member at least three hours before the time specified for the proposed meeting. in conformance with requirements of State law, i.e., the Brown Act. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of their number president, who shall serve for one year and until his a successor is appointed, and in his

the president's absence, the board shall select a president pro tem. ~~Said~~ The board shall cause a proper record of ~~their~~ its proceedings to be kept.

(Ord. 92 O.S. § 3, 1903)

2.12.040 - Board of trustees—~~Powers.~~ Duties and Responsibilities.

~~The board of library trustees shall have power.~~ The duties and responsibilities of the board of library trustees include:

- (a) ~~To make and enforce all rules, regulations, and bylaws necessary, for the administration, government and protection, of the library, under their management, and all property belonging thereto.~~ To advise the City Council on those matters pertaining to the City library as the City Council may request.
- (b) ~~To administer any trust declared or created for such a library and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in the state or elsewhere, and where not otherwise provided, dispose of the same for the benefit of said library.~~ To know and interpret library services to the community and seek community involvement in and financial support of the library program.
- (c) ~~To prescribe the duties and powers of the librarian, secretary, and other officers and employees, of any such library, to determine the number of and appoint all such officers and employees, and fix their compensation, which said officers and employees, shall hold their offices or positions at the pleasure of said board.~~ To assist in the development of a program for the extension and improvement of library services, resources, and facilities.
- (d) ~~To purchase necessary books, journals, publications, and other personal property.~~ To determine and set, with the assistance of the librarian, library rules, regulations and policies no otherwise within the purview of the City Council.
- (e) ~~To purchase such real property and erect or rent and equip such building or buildings, room or rooms, as may be necessary, when in their judgment, a suitable building, or portion thereof, has not been provided by the board of trustees of said city.~~ To annually review the library budget submitted to the City Council with the aim of providing the community with constantly improving library services.
- (f) ~~To require the Secretary of State and other state officials to furnish said library with copies of any and all reports, laws, and other publications of the state, not otherwise disposed of by law.~~ To keep abreast of library trends and standards by participating in trustees meetings and workshops in affiliation with the state and national associations.
- (g) ~~To borrow books from, lend books to and exchange the same with other libraries and to allow nonresidents to borrow books upon such conditions as they may prescribe.~~ To encourage the giving of bequests and gifts to, or for the benefit of, the library.

(h) ~~To do and perform any and all other acts and things necessary and proper to carry out the provisions of this act.~~ To be familiar with and be able to interpret local and state laws and actively support library legislation.

(i) To do and perform any and all other acts and things necessary and proper to carry out the provisions of California Education Code Section 18900 and following, as may be requested by the City Council./

(Ord. 92 O.S. § 4, 1903)

2.12.050 - ~~Tax levy authorized~~ ~~Limits.~~ Library Funding

~~There shall be an annual levy made for the purpose of constructing and maintaining the library and purchasing property necessary therefor, which tax shall be in addition to other taxes; the levy of which shall not exceed thirty cents per one hundred dollars of assessed valuation.~~ The library receives funding from the City and from library support organizations.

(Ord. 298 N.S. § 1, 1968; prior Ord. 92 O.S. § 5, 1903)

2.12.060 - ~~Library fund~~ ~~Payments.~~ Free use—Violation of rules.

~~The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purpose of the library shall be apportioned to a fund to be designated the library fund, and shall be applied to the purposes herein authorized. If such payments into the treasury, should be inconsistent with the conditions or terms of any such gift, devise, or bequest, the board shall provide for the safety and preservation of the same, and the application thereof to the use of the library in accordance with the terms and conditions of such gift, devise, or bequest. Payments from the fund, shall be made in the manner provided for the payment of other demands against the said city; provided, that demands upon said fund shall be presented to the board of library trustees for allowance rather than to the board of city trustees.~~ Use of the library shall be forever free to the inhabitants and nonresident taxpayers of the city, subject to such rules, regulations and bylaws as may be adopted by the board of library trustees and/or the City Council. Any person who violates any rule, regulation, or bylaw may be fined or excluded from the privileges of the library. Notwithstanding any of the foregoing, the City Council may adopt a schedule of fees or charges for certain services or use of equipment at the library.

(Ord. 92 O.S. § 6, 1903)

2.12.070 - ~~Free use~~ ~~Violation of rules.~~ Lending to-neighboring cities—Contract.

~~Said library shall be forever free to the inhabitants and nonresident taxpayers of the city of El Paso de Robles, subject always to such rules, regulations and by laws as may be made by the board of library trustees; and provided that for violations of the same a person may be fined or excluded from the privileges of the library.~~ Subject to the approval of the City Manager or City Council, as may be applicable, the City Librarian, on behalf of the City, may enter into contracts

with the libraries of neighboring municipalities or counties for the lending of books and other materials upon the payment of reasonable compensation.

(Ord. 92 O.S. § 7, 1903)

2.12.080 — ~~Lending to neighboring cities — Contract.~~ Library property—City ownership.

~~The board of library trustees, and the legislative bodies of neighboring municipalities or boards of supervisors of neighboring counties, may contract for lending the books of said library to residents of such counties or neighboring municipalities upon a reasonable compensation to be paid by such counties or neighboring municipalities.~~ Title to all property acquired for the library, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city, and in the name of the city may be sued and defended by action at law or otherwise.

(Ord. 92 O.S. § 8, 1903)

2.12.090 — ~~Library property — City ownership.~~

~~The title to all property acquired for the purpose of such library where not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city, and in the name of said city may be sued for and defended by action at law or otherwise.~~

(Ord. 92 O.S. § 9, 1903)

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING CHAPTER 2.12 OF THE MUNICIPAL CODE
REGARDING LIBRARY ADMINISTRATION

WHEREAS, the City of Paso Robles operates a public library system to serve its residents; and

WHEREAS, Chapter 2.12 regarding library administration has not been updated for more than 40 years; and

WHEREAS, the Library Board of Trustees and Director of Library and Recreation Services have recommended that certain provisions be amended to more accurately describes the duties of the Board of Trustees and library administration.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.12 of the Paso Robles Municipal Code is hereby revised in its entirety to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 3. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

SECTION 4. Publication. The City Clerk will certify to the passage of this Ordinance by the City Council of the City of El Paso de Robles, California and cause the same to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Government Code section 36933.

Introduced at a regular meeting of the City Council held on December 20, 2011, and passed and adopted by the City Council of the City of El Paso de Robles on the _____ day of _____ 2012 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

Exhibit A

Chapter 2.12 - LIBRARY ADMINISTRATION

Sections:

- 2.12.010 - Library established.
- 2.12.020 - Board of trustees—Appointment—Terms.
- 2.12.030 - Board of trustees—Meetings—Records.
- 2.12.040 - Board of trustees—Duties and Responsibilities.
- 2.12.050 - Library Funding.
- 2.12.060 - Free use—Violation of rules.
- 2.12.070 - Lending to neighboring cities—Contract.
- 2.12.080 - Library property—City ownership.

2.12.010 Library established.

There shall be established in and for the City of El Paso de Robles a free public library.

2.12.020 Board of trustees – Appointment – Terms.

A board of library trustees, consisting of five members to be appointed by the City Council, shall advise the City Council in the management of the public library. Said library trustees shall each hold office for three years, serving without compensation, provided that the members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current year, two at the end of the year thereafter and the other two, at the end of two years thereafter. All citizens shall be eligible for such appointment. Vacancies shall be filled by appointment for the unexpired term in the same manner as the original appointments are made.

2.12.030 Board of trustees – Meetings – Records.

The board of library trustees shall meet at least once a month, at such times and places as it may fix by resolution. Special meetings may be called at any time in conformance with requirements of State law, i.e., the Brown Act. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint one of their number president, who shall serve for one year and until a successor is appointed, and in the president's absence, the board shall select a president pro tem. The board shall cause a proper record of its proceedings to be kept.

2.12.040 Board of trustees – Duties and Responsibilities.

The duties and responsibilities of the board of library trustees include:

- (a) To advise the City Council on those matters pertaining to the City Library as the City Council may request.
- (b) To know and interpret library services to the community and seek community involvement in and financial support of the library program.
- (c) To assist in the development of a program for the extension and improvement of library services, resources, and facilities.

- (d) To determine and set, with the assistance of the librarian, library rules, regulations and policies not otherwise within the purview of City Council.
- (e) To annually review the library budget submitted to the City Council with the aim of providing the community with constantly improving library services.
- (f) To keep abreast of library trends and standards by participating in trustees meetings and workshops in affiliation with the state and national associations.
- (g) To encourage the giving of bequests and gifts to, or for the benefit of, the library.
- (h) To be familiar with and be able to interpret local and state laws and actively support library legislation.
- (i) To do and perform any and all other acts and things necessary and proper to carry out the provisions of California Education Code Section 18900 and following, as may be requested by the City Council..

2.12.050 – Library Funding.

The library receives funding from the City and from library support organizations.

2.12.060 - Free use—Violation of rules.

Use of the library shall be forever free to the inhabitants and nonresident taxpayers of the city, subject to such rules, regulations and bylaws as may be adopted by the board of library trustees and/or the City Council. Any person who violates any rule, regulation, or bylaw may be fined or excluded from the privileges of the library. Notwithstanding any of the foregoing, the City Council may adopt a schedule of fees or charges for certain services or use of equipment at the library.

2.12.070 - Lending to neighboring cities—Contract.

Subject to the approval of the City Manager or City Council, as may be applicable, the City Librarian, on behalf of the City, may enter into contracts with the libraries of neighboring municipalities or counties for the lending of books and other materials upon the payment of reasonable compensation.

2.12.080 - Library property—City ownership.

Title to all property acquired for the library, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the city, and in the name of the city may be sued and defended by action at law or otherwise.

**BYLAWS
OF THE CITY OF EL PASO DE ROBLES
LIBRARY BOARD OF TRUSTEES**

ARTICLE I

Establishment

1. A free public library is hereby established in and for the City of El Paso de Robles in accordance with the provisions of Title 2, Chapter 2.12 of the Municipal Code of the City of El Paso de Robles. (See Attachment I.)
2. The Board of Trustees derives its general authority and powers under the Education Code Sections 18900-18965 of the Laws of the State of California. (See Attachment II.)
3. The Library Board of Trustees is the advisory body of the library. In addition, the Library Board of Trustees acts in an advisory capacity to the City Council.

ARTICLE II

Mission Statement

The Library Board of Trustees in consultation with Library staff shall establish the mission for the Library.

ARTICLE III

Appointment and Term

1. The Board of Library Trustees shall consist of five members appointed by the City Council.
2. Members shall serve without pay subject only to reimbursement for travel expenses to meetings outside of the city.
3. Terms of office, which are staggered by appointment, shall be for three years and vacancies shall be filled by City Council for any un-expired term.

ARTICLE IV

Officers

1. The Board of Library Trustees shall elect a president at the July meeting of each year. In the absence of the president, a president pro tem shall be elected by those Trustees present at the meeting. The Board shall select one of the members or a library employee to serve as secretary.
2. The president shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, notify City Council of any vacancies on the Board, execute all documents authorized by the Board and cause an agenda to be prepared.
3. The secretary shall keep a true and accurate account of all proceedings of the Board meetings and keep the minutes and other records of the Board.

ARTICLE V

Duties and Responsibilities

Duties and responsibilities of the Library Board of Trustees include:

1. To know and interpret library services to the community and seek community involvement in and financial support of the library program;
2. To assist in the development of a program for the extension and improvement of library services, resources, and facilities;
3. To determine and set, with the assistance of the librarian, library rules, regulations and policies not otherwise within the purview of City Council;
4. To annually review the library budget submitted to the City Council with the aim of providing the community with constantly improving library services;
5. To keep abreast of library trends and standards by participating in trustees meetings and workshops in affiliation with the state and national associations;
6. To encourage the giving of bequests and gifts to the library;
7. To be familiar with and be able to interpret local and state laws and actively support library legislation.
8. The powers and responsibilities stated in Sections 18920 and 18951-18953 of the California Education Code and referenced in the Municipal Code of the City of El Paso de Robles may be designated by the Board to other library support organizations.

ARTICLE VI

City Librarian / Staff

1. The City Librarian shall be appointed by the city manager in a manner consistent with established city personnel rules and regulations. The City Manager shall, to the extent possible and practicable, consult with the Board before making any such appointment.
2. The City Librarian shall be under the supervision of the Director of Library and Recreation Services and is considered an ex-officio member of the Board. The City Librarian shall consult with the Board in relation to policy and operation of the library.
3. The City Librarian shall select, train and supervise other employees of the library. The City Librarian shall be responsible for the proper direction and supervision of paid and volunteer staff, for the care and maintenance of the library property, for an adequate and proper selection of books and materials in keeping with the stated policy of the Board, for the efficiency of library service to the public and for its financial operation within the limitations of the budgeted appropriation.

ARTICLE VII

Meetings

1. The regular meeting of the Board shall be held each month at the time and place designated by the Board, and announced in the local media. Meetings are subject to the provisions of the Brown Act.
2. The annual meeting, which shall be for the purpose of the election of officers, shall be held at the time of the regular meeting in July of each year.
3. A majority of the Board shall constitute a quorum for the transaction of business.
4. Special meetings may be called at any time by the president, or by a majority of the members of the Board. Special meetings are subject to the provisions of the Brown Act.

ARTICLE VIII

Committees

The President may appoint committees of one or more members for such specific purpose as the business of the Board may require from time to time. The committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board.

ARTICLE IX

Amending or Revising By Laws

1. These bylaws may be amended at a meeting of the Board where a quorum is present, by a majority of the members present, provided a written copy of the proposed amendment shall be mailed to all members at least ten days prior to the meeting at which such amendment is to be voted upon.
2. The bylaws are not official until acted upon by the City Council.

ARTICLE X

Authority

The Board of Trustees shall be considered an appointive body of Council and shall comply with all relevant provisions of State Law (e.g. Brown Act, Conflict of Interest, etc.). Board meetings shall be conducted in the same manner as for other advisory bodies.

Board Adoption 7/1/92

Revised 4/7/93, 10/11/01, and 9/9/10.