

GENERAL ORDINANCE NO. 88-1094

AN ORDINANCE ESTABLISHING AND CONTINUING A PUBLIC LIBRARY FOR THE CITY OF THE DALLES, CREATING A LIBRARY BOARD, ESTABLISHING PENALTIES, REPEALING ORDINANCE NO. 737 AS AMENDED AND DECLARING AN EMERGENCY.

The people of the City of The Dalles ordain as follows:

Section 1. The Dalles-Wasco County Public Library Established.

- a. A public library is hereby established and continued for the City of The Dalles under the provisions of ORS 357.400 to 357.621.
- b. The public library shall be financed through the use of general fund monies, revenue obtained from the operation of the library, intergovernmental agreements, grants, gifts, donations and bequests received and designated to be used for library purposes, and any tax levies that may be authorized by the electors.
- c. The public library shall be the public agency responsible for providing and making freely accessible to all residents in the City of The Dalles library and information services suitable to persons of all ages.

Section 2. Library Board.

- a. A public library board is hereby created. The board shall consist of five (5) members appointed by the Mayor.
- b. The term of office of the board members shall be four years and their terms shall commence on July 1 in the year of their appointment. The terms of office shall be staggered so that the terms of not more than two board members will expire in the same year. All current members of the Library Board shall continue to serve the balance of their appointed terms. Of the three (3) Board members whose terms expire June 30, 1989, successors shall be appointed so that one shall initially hold office for one (1) year, one for three (3) years, and one for four (4) years from July 1, 1989. At the expiration of the term of any members of such board, the Mayor shall appoint a new

member or may reappoint a member for a term of four (4) years. If a vacancy occurs during a term of office, the Mayor shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two (2) full consecutive terms, but any person may be appointed again to the board after an interval of one (1) year.

- c. Members of the board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

Section 3. Board Organization.

- a. The Library Board shall elect a chairperson from its members.
- b. The Librarian shall serve as secretary to the board and keep the record of its actions.
- c. The board may establish and amend rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the charter, ordinances, resolutions, and regulations of the City of The Dalles.
- d. The board shall meet at least four (4) times each year and at such other times as it may provide by its rules.

Section 4. Library Board General Powers. The Library Board shall be an advisory board and shall have no executive or administrative powers or authority, and this Ordinance shall not be construed as depriving elected or appointed officials of the City of any power they may have under the laws of the State or the Charter of the City. The board shall have powers and duties as follows:

- a. The Library Board shall assist in the interview process of selecting and appointing a Librarian. The City Manager, as the fiscal and internal administrative agent for the library, shall have responsibility for library personnel, including recruitment, selection, classification and pay, and supervision.
- b. The Library Board shall make recommendations to the City staff and City Council about rules and policies for the efficient and effective operation of the library, its services and programs.
- c. The Library Board shall assist the Librarian in identifying and prioritizing budget needs in preparation of the annual budget request to be submitted by the Librarian to the City Manager.

- d. The Library Board shall make recommendations to the City Manager for the acceptance, use, or expenditure of any real or personal property or funds donated to the library under Section 5, and make recommendations for the purchase, control, or disposal of real and personal property necessary for the purposes of the library.
- e. The Library Board shall make recommendations for the selection of sites for public library buildings or for location of library facilities.
- f. The Library Board shall review and recommend to the City Council terms for contracts and working relationships with private and public agencies regarding library services.
- g. The Library Board shall approve an annual report to the State Library, and City Council, submitted in a timely manner on a form supplied by the State Library.
- h. The Library Board shall develop and recommend to the City Council through the Librarian, long-range plans for library service, consistent with City priorities.

Section 5. Acceptance of Gifts for Library Purposes. Gifts of any real or personal property or funds donated to the library and accepted by the City Council shall be administered in accordance with each gift's terms, and all property or funds shall be held in the name of the City of The Dalles.

Section 6. Internal Administrative Policies and Procedures. The City Manager shall be the fiscal and internal administrative agent for the public library and the library shall operate in conformance with City administrative procedures including those pertaining to the following:

- a. Personnel, including recruitment, selection, classification and pay for library personnel.
- b. Receipt, disbursement, and accounting for monies.
- c. Maintenance of general books, cost accounting records, and other financial documents.
- d. Budget administration.
- e. Operation and maintenance of equipment and buildings.

Section 7. Prohibited Action.

- a. It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the public library for 30 days after notice in writing from the Librarian that the library material is past due. The notice shall bear upon its face a copy of ORS section 357.975 and 357.990.
- b. No person shall violate any rule or regulation adopted by the City Council relating to the use of the library.
- c. No person shall willfully or maliciously write upon, injure, deface, tear or destroy any library materials belonging to the library.

Section 8. Penalties.

- a. Violation of any provision of this ordinance is punishable upon conviction by a fine of not less than \$25 nor more than \$250. Such conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return such material to the library.

Section 9. Repeal. Ordinance No. 737, as amended, is hereby repealed.

Section 10. Declaration of an Emergency. Because State statutes and City ordinances are currently not coordinated, an emergency is declared to exist and this ordinance shall go into full force and effect immediately upon its passage and approval.

Adopted by Council and approved by the Mayor October 3, 1988.