

ORDINANCE

- 8 -

AN ORDINANCE 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 Council of the City of Farmington, Iowa:

SECTION 1 Purpose – The purpose of this Ordinance is to provide for the establishment of a free public library for the City and for the creation and appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

SECTION 2 Public Library – There is hereby established a free Public Library for the City, to be known as the Farmington Public Library.

SECTION 3 Library Trustees – The Board of Trustees of the Farmington Public Library, hereinafter referred to as the Board, consists of five (5) members. All resident board members are to be appointed by the Mayor with the approval of the Council. The non-resident member shall be appointed by the Mayor with the approval of the Board of Supervisors.

SECTION 4 Qualification of Trustees – All of the members of the Board shall be bona fide citizens and residents of the City except the non-resident member and shall be over the age of eighteen (18).

SECTION 5 Organization of the Board:

1. Terms of Office – All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third the total number as near as possible, to stagger the terms. The present incumbents are confirmed in their appointments and terms.
2. Vacancies – The position of any trustee shall be vacant if he moves permanently from the City (or County in the case of a non-resident County member); or if he is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City. Vacancies in the Board shall be filled by appointment of the Mayor, with approval of the Council (or Board of Supervisors in the case of the non-resident member), and the new trustee shall fill out the unexpired term for which the appointment is made.

3. Compensation – Trustees shall receive no compensation for their services.

SECTION 6 Powers and Duties – The Board shall have and exercise the following powers and duties:

1. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Clerk shall serve as Board Treasurer, but shall not be a member of the Board.
2. To have charge, control, and supervision of the Public Library, its appurtenances, fixtures and rooms containing the same.
3. To direct and control all the affairs of the Library.
4. To 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.
5. 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, subject, however, to the provisions of Chapter 70, Code of Iowa.
6. To select, or authorize the Librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
7. To authorize the use of the Library by nonresidents of the City and to fix charges therefor.
8. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. To have exclusive control of the expenditure of all funds allocated for library purposes by the Council, and of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys belonging to the Library, including fines and rentals collected, under the rules of the Board.
10. To accept 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; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

11. To keep a record of its proceedings.
12. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the City Council.
13. To have authority to make agreements with the local county historical associations, where such exists, 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 necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for library purposes.

SECTION 7 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, any other city, school corporation, private or semi-private organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the Library by their respective residents.
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 vote of electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five (5) percent in number of the electors who voted for Governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that it is held in the territory of the party who is seeking to terminate the contract.

SECTION 8 Non-resident Use of the Library – The Board may authorize the use of the Library by non-residents in any one or more of the following ways:

1. By lending the books or other materials of the library to non-residents on the same terms and conditions as to residents of the City, or upon payment of a special non-resident library fee.

2. By establishing depositories of Library books or other material to be loaned to non-residents.
3. By establishing bookmobiles or a traveling library so that books or other library material may be loaned to non-residents.
4. By establishing branch libraries for lending books or other library materials to non-residents.

SECTION 9 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 orders of the Board, signed by its President and Secretary. The warrant writing officer is the City Clerk.

SECTION 10 Annual Report – The Board shall make a report to the City Council immediately after the close of the municipal 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 11 Repealer – All Ordinances or parts of Ordinances in conflict with the provision of this Ordinance are hereby repealed These are: None.

SECTION 12 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 not adjudged invalid or unconstitutional.

SECTION 13 When Effective – This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and Approved: July 14, 1975

Robert T. Hambright, Mayor
Mary Jo Smith, City Clerk