

ORDINANCE NO. 329

AN ORDINANCE ESTABLISHING A PUBLIC LIBRARY SYSTEM IN AND FOR THE BENEFIT OF THE CITY OF BROOKINGS WITH PROVISIONS RELATING TO THE MAINTENANCE, OPERATION AND CONTROL THEREOF.

WHEREAS, the Chetco Community Public Library, located at 420 Alder Street, Brookings, Oregon has been in existence prior to the passage of this ordinance; and further, that on or about July 8, 1955 said library was formally given to the City of Brookings; and

WHEREAS, the Chetco Community Public Library has maintained its prior de facto existence by way of operation and control under the auspices of the Chetco Community Public Library Board of Trustees; and further, there having been prior minutes and resolutions from the common council of the City of Brookings in regards to such operation and control of said library, most notably that certain Resolution No. 184 dated November 12, 1975; and

WHEREAS, at the present time, it appears that in conformance with the current Oregon Revised Statutes it is necessary, appropriate and in the best interest of the City of Brookings that a formal ordinance be adopted definitively establishing a public library system in and for the City of Brookings, with provisions therein contained delineating the maintenance, operation and control of such a public library between the Brookings City Council, being the "governing body" and the Public Library Board;

THE CITY OF BROOKINGS ORDAINS AS FOLLOWS:

Section 1. Pursuant to the authority contained within ORS 357.400 to 357.621, the City of Brookings does herein establish a Public Library within and for the City of Brookings to be known as the Chetco Community Public Library.

Section 2. Said Library shall be governed by a Library Board whose title shall be the Chetco Community Public Library Board of Trustees; and further, said Library Board shall be an advisory body responsible to the Brookings City Council in making known to said Council all pertinent information and recommendations necessary for said Council's decisions in regards to the well-being, operation and control of the Chetco Community Public Library.

Section 3. The Chetco Community Public Library Board of Trustees shall be appointed by the Brookings City Council in conformance with ORS 357.465; and further, as provided in ORS 357.470, the Librarian shall serve as secretary to the Board and keep the records of its actions.

Section 4. The City of Brookings shall finance the continued operations of the Chetco Community Public Library by all means necessary and in accordance with local, State and Federal laws and regulations in effect at the time when such financial expenditures are necessary and appropriate.

Section 5. The Library staff shall be a department of the City of Brookings; and further, the Librarian shall be the Department Head of such Department. The appointment of the Librarian and the Library staff shall follow such other ordinances and resolutions of the City of Brookings as provides for department and personnel management, operation and control,

including the determination of working conditions and duties; however, the compensation of the Librarian and of the Library staff remains within the strict authority and decision-making power of the Brookings City Council.

Section 6. The Librarian, as Department Head, shall prepare and submit an annual budget request for the operation and control of the Chetco Community Public Library according to the normal and customary procedures for the submittal of such request as provided by the internal operating procedures of the other departments within the City of Brookings.

Section 7. The Chetco Community Public Library Board of Trustees shall formulate rules and policies for the governance of the Library, in an advisory capacity, and submit such proposed rules and policies from time to time to the Brookings City Council for their authorization and/or enactment.

Section 8. In conformance with the City of Brookings Ordinance No. 260(3)(d) and other internal operating procedures usual and customary for the departments of the City of Brookings, the Librarian as Department Head, shall make out requisitions for the necessary purchases beneficial to the Chetco Community Public Library, and submit such for approval by the Brookings City Manager.

Section 9. All property or funds of the Chetco Community Public Library, whether presently existing or hereafter acquired, shall be held in the name of the City of Brookings; and further, the acceptance, use or expenditures of any real or personal property of funds donated to said Library, or, the purchase, control or disposal of any real or personal property necessary for the purposes of said Library, shall be so effectuated or accomplished only upon the approval by the Brookings City Council, excepting only that each donation must be administered by said Council in accordance with its terms. The Chetco Community Public Library Board of Trustees shall have the duty and responsibility to inform the Brookings City Council of matters or proposals connected with the substance of this provision; and further, said Board shall advise the Council as to their recommendations for the best use, operation and control of any of such purchases, disposals, uses or expenditures.

Section 10. The Brookings City Council shall have the sole authority for the making of and entering into contracts connected with the use, operation or control of Chetco Community Public Library.

Section 11. Selection of future sites for the Chetco Community Public Library buildings or location of facilities, or enlargements or expansions thereof, shall rest within the decision-making power of the Brookings City Council; and further, the Chetco Community Public Library Board of Trustees shall serve the City Council in making any decision in connection therewith as advisors.

Section 12. Where not otherwise herein stated, this ordinance is meant to establish, according to the Oregon Revised Statutes, that certain public library system known as the Chetco Community Public Library, creating an appointive advisory body for the ongoing operation and control of said Library to be known as the Chetco Community Public Library Board of Trustees, and to create the Librarian and Library staff as a department of the City of Brookings; in consequence whereof, any and all other motions, resolutions, ordinances and policies of the City of Brookings in connection with such format of organization

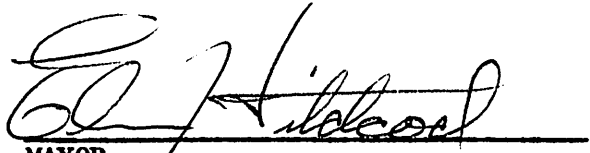
shall apply to the parties' entities herein mentioned and established, where not inconsistent with the specific terms and provisions herein contained.

Section 13. Resolution No. 184 of the Brookings City Council dated November 12, 1975 is hereby revoked and repealed.


Section 14. If any provision or provisions of this ordinance shall be declared void and/or unconstitutional, it is hereby provided that all other parts of the same which are not expressly held to be void and/or unconstitutional, shall be and remain valid in continuing full force and effect.

Section 15. The Brookings City Council hereby deems that the public peace, health and safety of the City of Brookings requires that this ordinance be immediately adopted, and an emergency is therefore declared to exist, and that this ordinance shall be in full force and effect from and after the date of its passage.

PASSED BY THE COUNCIL AND SIGNED BY THE MAYOR THIS 13th day of March, 1980.


MAYOR

ATTEST:


CITY RECORDER