

ORDINANCE NO. 596

AN ORDINANCE ESTABLISHING A PUBLIC CITY LIBRARY; APPOINTING A LIBRARY BOARD; DETERMINING THE RESPONSIBILITIES OF THE LIBRARY BOARD AND ITS AUTHORITY; AND PRESCRIBING A PENALTY FOR UNAUTHORIZED DETENTION OF LIBRARY MATERIAL

WHEREAS, the City of Canby has operated and maintained a municipal public library for many years, but there is no record of its establishment or creation by prior City Ordinance, Resolution or action of the City Council; and

WHEREAS, the Oregon Legislative Assembly, 1975 Regular Session, approved Senate Bill 21 relating to libraries which became effective September 13, 1975, and changes in ORS 357.400 to ORS 357.640 by reason of said Senate Bill justify, if not require, the enactment of an appropriate Ordinance by the City of Canby for its establishment, equipping and maintenance of a public library. Therefore:

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: A municipal public library in and for the City of Canby, Clackamas County, State of Oregon, is hereby established under the provisions of ORS 357.400 to ORS 357.640, and its location shall be at 150 North Holly Street, Canby, or at such other place as the Council may subsequently direct. It shall be known as the "CANBY PUBLIC LIBRARY." The Council proposes to finance the library by an annual tax levy; and the estimated amount of any annual tax levy necessary to provide for the library is \$10,000.00.

Section 2: The City's public library as established by Section 1 shall be governed by a Library Board consisting of five persons who are residents of the City and at least 18 years of age, and are not officials or employees of the City.

Section 3: Members of the Library Board shall be appointed by the City Council and may be removed by the City Council with or without cause. Any vacancy shall be filled by the Council for the unexpired term of the predecessor in the office; and at

the expiration of the term of any member, the City Council shall appoint a new member for a term of four years.

Section 4: All members of the Library Board shall be appointed within ten (10) days after the effective date of this Ordinance. One member shall hold office for one year, one for two years, one for three years, and two for four years, from July 1 in the year of their appointment. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the Board after an interval of one year.

Section 5: The Library Board which is first appointed and each Board thereafter shall elect a Chairman and a Vice Chairman and appoint a librarian, who shall serve as Secretary to the Board and keep the records of its actions.

Section 6: The Library Board shall have authority to fix and pay compensation for its appointed librarian and any clerks or assistants which the Board may employ and providing the City Council has budgeted sufficient funds for such purposes. The Library Board shall not under any circumstances exceed its budget as may be funded for its use by the City Council.

Section 7: Board Members shall receive no compensation but shall be reimbursed for duly authorized expenses; and no member of the Board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party.

Section 8: Unless and until another place is assigned to it by the City Council, the Library Board shall maintain its office, hold its meetings, transact its business and keep its records at the library.

Section 9: The Library Board shall meet at least once a month and may make and alter rules and regulations for its government and procedure consistent with the laws of this State and with the City Charter and Ordinances. A majority of the members of the Board constitutes a quorum.

Section 10: It shall be the responsibility of the Library

Board to:

- a. Appoint a librarian, approve the employment of any assistants and fix their compensation.
- b. Formulate rules and policies for the governance of the library.
- c. Prepare and submit an annual budget to the Canby City Budget Committee.
- d. Approve all expenditures from the library fund and/or the public library building fund.
- e. Approve the acceptance, use or expenditure of any real or personal property or funds donated to the library; and purchase, control and dispose of real or personal property necessary for the purposes of the library with funds donated for such purposes, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the Canby City Council.
- f. Recommend to the Canby City Council selection of sites for a public library building or for location of library facilities.
- g. Enter into contracts for the purposes of the library which are first approved by the Canby City Council.
- h. Perform such other functions and engage in such other activities relating to the purpose of the library as the Canby City Council may assign.
- i. Make an annual report to the State Library and to the Canby City Council on a form supplied by the State Library.

Section 11: It shall be unlawful for any person wilfully or maliciously to detain any book or library materials belonging to the CANBY PUBLIC LIBRARY for 30 days after notice in writing from the librarian of said library, given after the expiration of time which by regulations of the library such materials may be kept. The notice shall bear upon its face a copy of this section violations of which are punishable by a fine of not less than \$5.00 or more than \$25.00. 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 to the library such material.

Passed on first reading at a regular meeting of the Canby City Council on the 3 day of November, 1975, ordered

posted in three (3) public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as required by the Canby City Charter, and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 1 day of December, 1975, at the hour of 8:00 o'clock p.m. at the Canby City Hall.

ATTEST:

Paul N. Roth
PAUL N. ROTH Mayor

Harold A. Wyman
HAROLD A. WYMAN City Recorder

Passed on final reading by the Canby City Council at a regular meeting thereof held on the 1st day of December, 1975, by the following vote: Yeas 5. Nays 0.

ATTEST:

Paul N. Roth
PAUL N. ROTH Mayor

Nancy S. Beagan
~~HAROLD A. WYMAN~~ City Recorder
Acting