

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 2/8/2023

Weekly Agenda Date: 2/14/2023

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Julie Hamann, Co. Library Board

WORDING FOR AGENDA ITEM:

Approve first reading of county ordinance establishing county library system

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

AN ORDINANCE TO ESTABLISH A COUNTYWIDE PUBLIC LIBRARY SYSTEM AND TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES OF A LIBRARY BOARD OF TRUSTEES.

BACKGROUND:

In 1947, the Iowa Legislature passed a law establishing public library districts and permitting counties to establish countywide public library systems. In 1948, a public measure on the ballot in Woodbury County to establish our countywide library system was passed. Our county library staff found documentation of the measure passing -- 3,775 votes "yes" and 2,056 votes "no." At some point after the vote, the Board of Supervisors would have had to pass an ordinance establishing our county's library. This ordinance cannot be found. Library staff have inquired with the county auditor's office, Board of Supervisors office and the county attorney's office, as well as searching within our library records in Merville and the State Library of Iowa. The documentation found concerning the certified vote results was on file at the State Library of Iowa, on Woodbury County Auditor's Office letterhead, dated April 1, 1960.

This issue was discovered as we are preparing to submit paperwork to the state to obtain accreditation. This paperwork is due Feb. 28, 2023. We may only apply once a year by the Feb. 28 deadline.

The proposed ordinance was written from a template used by city governments and provided by the State Library of Iowa. Library staff made appropriate changes to apply the ordinance to a countywide system, and cross-referenced the ordinance with our by-laws and Iowa Code Chapter 336 establishing library districts. This information has been submitted to the county attorney's office for review. We anticipate this review to be completed by the Feb. 14 meeting.

FINANCIAL IMPACT:

None. However, obtaining accreditation could make the county library eligible for additional grant funding sources.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

At the Feb. 14 meeting, complete three steps:

- 1) Public hearing on the proposed ordinance.
- 2) An agenda action item to waive the second and third readings of the ordinance.
- 3) A motion to adopt the ordinance.

ACTION REQUIRED / PROPOSED MOTION:

- 1) Motion to waive the second and third readings of proposed ordinance.
- 2) Motion to approve the ordinance establishing a countywide public library system in Woodbury County, and to provide for the appointment, powers and duties of a Library Board of Trustees.

Woodbury County Library Ordinance

AN ORDINANCE FOR THE COUNTYWIDE PUBLIC LIBRARY SYSTEM, AND TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES OF A LIBRARY BOARD OF TRUSTEES.

Be it Enacted by the Supervisors of Woodbury County, Iowa:

SECTION 1. PURPOSE. The purpose of this ordinance is to provide a free countywide public library system, and to provide for the appointment, powers and duties of a county library Board of Trustees, hereinafter referred to as "The Board."

SECTION 2. PUBLIC LIBRARY. There is hereby established a free public library system for the county, to be known as the Woodbury County Public Library.

SECTION 3. LIBRARY TRUSTEES. The Board consists of nine (9) members. Board members are to be nominated by the Board President and appointed by the County Board of Supervisors or governed bodies of each jurisdiction forming the library district.

SECTION 4. QUALIFICATIONS OF TRUSTEES. All of the members of The Board shall be citizens and residents of the cities and townships of the Woodbury County Library districts, and all shall be over the age of eighteen (18).

SECTION 5. ORGANIZATION OF THE BOARD.

1. Terms of office. Appointments to The Board shall be: three (3) trustees serve two (2) year terms, three (3) trustees serve four (4) year terms, and three (3) trustees serve six (6) year terms, except to fill vacancies. Each term shall commence on July 1st. 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 in the county library district or Woodbury County; 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 county. Vacancies in The Board shall be filled by nomination of the Board President and appointment of the Board of Supervisors, 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. Mileage will be available upon request.

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 of The Board, a secretary, and such other officers as The Board may deem necessary. The Woodbury County Library Board monitors budgets and makes recommendations on expenditures, however all receipts, disbursements, income, and such are directed through the County Treasurer's Office.
2. To direct and control all affairs of the library district, as well as to have charge and supervision of the libraries at all locations, their rooms, appurtenances and fixtures.
3. 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 district. The Board shall fix the compensation of such employees. Prior to such employment, the compensation of the librarian, assistants, and employees shall be fixed and approved by a majority of the members of The Board voting.
4. 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.
5. To authorize the librarian to select and make purchases of books, magazines, periodicals, papers, maps, journals, furniture, fixtures, technology, and supplies for the library district.
6. To authorize the use of the public library by nonresidents of the area which is taxed to support the public library and to fix charges for library services.
7. To make and adopt, amend, modify or repeal bylaws, rules and regulations, not inconsistent with law, for the care, use, government, and management of the public library and the business of The Board, fixing and enforcing penalties for violations. The Board shall keep a record of its proceedings.
8. To have exclusive control of all funds allocated for public library purposes, all moneys available by gift or otherwise for the erection of public library buildings, and of all other moneys belonging to the public library, including fines and rental fees collected, under the rules of The Board.
9. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title of the property in the name of the public library; to execute deeds and bills of sale for the conveyance of the property; and to expend the funds generated from the gifts, for the improvement of the public library.
10. To make agreements with local county historical associations to set apart the necessary room and to care for such articles that come into the possession of the association. The Board

may purchase necessary receptacles and materials for the preservation and protection of articles which are of an historical and educational nature.

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 of any other city, school 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. Whenever a public library district is established in accordance with the chapter, its board of trustees shall assume all the obligations of the existing public library service contracts made by jurisdictions participating in the public library district.

2. Termination. A city may withdraw from the county public library upon a majority vote in favor of withdrawal by the electorate of the city in an election held on a motion by the city council. The election shall be held simultaneously with a general or city election. Notice of a favorable vote to withdraw shall be sent by certified mail to The Board and to the County Auditor, prior to January 10, and the withdrawal shall be effective on July 1. (Expanded by Iowa Code 336.15)

SECTION 8. NONRESIDENT USE OF THE LIBRARY.

The Board may authorize the use of the public library by nonresidents of the county in any one or more of the following ways:

1. By lending books or other materials of the library to nonresidents on the same terms and conditions as to residents of the county, or upon payment of a special nonresident library fee.
2. By establishing depositories of library books or other materials to be loaned to nonresidents.
3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to nonresidents.
4. By establishing branch libraries for lending books or other library materials to nonresidents.

SECTION 9. LIBRARY ACCOUNT.

All money appropriated by the county from the general fund for the operation and maintenance of the public library shall be set aside in an account for the library. Expenditures shall be paid only on orders of The Board, and signed by its president, secretary or financial secretary. The warrant writing officer is the Woodbury County Auditor.

SECTION 10. ANNUAL REPORT.

The Board shall make a report to the Board of Supervisors no later than ninety (90) days immediately after the close of the municipal fiscal year.

SECTION 11. REPEALER.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

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 by the Board of Supervisors on the _____ day of _____ 20 __ ,

and approved this _____ day of _____ , 20__

_____ Board of Supervisors Chairperson

Attest: _____ Board of Supervisors Secretary