

**ORDINANCE NO. 07-04-2010**

**AN ORDINANCE ESTABLISHING THE LIBRARY BOARD OF  
SANTAQUIN CITY**

**WHEREAS**, the City of Santaquin (“the City”) is a fifth-class municipality of the State of Utah; and

**WHEREAS**, the City owns and operates a municipal public library for the benefits of its citizens; and

**WHEREAS**, the Utah State Law requires the establishment of a library board of directors for the purpose of governing the operations of a public library;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
SANTAQUIN CITY, UTAH, AS FOLLOWS:**

**SECTION I.**

**TITLE II**

**Chapter 4 - LIBRARY BOARD**

**2-4-1: LIBRARY ESTABLISHED; MANAGEMENT:**

The city library is hereby established to be kept and maintained for the purpose of enhancing the public health, safety, morals and general welfare. The library shall be managed and operated by the library board pursuant to the provisions of this article.

**2-4-2: BOARD ESTABLISHED; TERMS OF OFFICE; BYLAWS:**

A. Board of Directors: There is hereby created and established a library board of directors of the city library, which shall consist of seven (7) members who shall be residents of the city. Pursuant to state law, only one member of the city council may be a member of the board. It is hereby established that one member of the board shall be a member of the city council. All directors shall be appointed by the mayor, with the advice and consent of the city council, for terms as set forth below or until their respective successors are appointed. If any member is an elected official, he or she shall be deemed replaced by his or her successor in office. Subject to the above, any vacancy on the board will be filled by appointment by the mayor, with the advice and consent of the city council.

- B. Terms of Office: The mayor shall initially appoint a library board member for one (1), two (2), or three (3) year terms, subject to confirmation by the city council. Annually thereafter the mayor shall, before July 1 of each year, or as soon thereafter as possible, appoint for three (3) year terms, subject to confirmation by the city council, directors to take the place of retiring directors. No director may serve more than two consecutive terms.
- C. Bylaws: The board shall govern itself by a set of bylaws that it shall prepare and have approved by the city council. A current copy of the bylaws shall be maintained in the office of the city recorder for public use. The bylaws may be amended by board recommendation to the city council, provided written notice of the proposed amendments shall have been mailed to all board members at least ten (10) days prior to the meeting at which such action proposed will be taken. The board shall appoint, under the procedures outlined in the bylaws, any board officers designated in those bylaws. The bylaws shall include provision for training of the board members as well as the library staff.

#### **2-4-3: REMOVAL; ABSENCE AND VACANCIES:**

- A. The City Council may remove any director for misconduct or neglect of duty.
- B. Absence of a member of the board from three (3) regular meetings in any four (4) month period shall have the effect of vacating the office of the member, unless such absence is authorized or approved by board action.
- C. Vacancies in the board of directors occasioned by removals, resignations or otherwise, shall be filled for the unexpired term in the same manner as original appointments.

#### **2-4-4: COMPENSATION:**

Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

#### **2-4-5: CHAIRPERSON DUTIES:**

Following their appointment, the directors shall meet and elect a chairperson and vice chairperson, and such other officers as they deem necessary, for one year terms. The chairperson shall present the agenda, as hereinafter provided, of all

matters pertaining to the library to be considered at each and every meeting of the board.

**2-4-6: SPACE FOR BOARD MEETINGS, EQUIPMENT:**

The city administration shall establish and furnish suitable space for the meetings and business of the library board.

**2-4-7: SECRETARY AND OTHER EMPLOYEES:**

The library board shall appoint a secretary from the library board and such other officers as may be necessary to carry on the duties and functions thereof. Upon request by the board, the mayor, or designee, shall provide the board with city employees and employee management, pursuant to the pay range tables and other employee policies established for city employees. The funding for said employees shall come from the library budget.

**2-4-8: MEETINGS; ABSENCE:**

The board shall meet in regular meetings at a time designated by the board. Special meetings may be convened at any time as determined by the city council or the chairperson of the board, upon giving notice to all members of the board. The Board must comply with Utah Code Annotated title 52, chapter 4, as amended, relating to open and public meetings.

**2-4-9: AGENDA; POWERS:**

- A. Preparation of Agenda: The agenda for each meeting of the board shall be prepared by the chairperson or the chairperson's designee, and said agenda may cover all matters pertaining to the operation of the library.
- B. Minutes: Written minutes shall be kept of all regular and special meetings in compliance with the Utah Open Public Meetings Act and shall be transmitted to board members following such meetings. A permanent set of minutes of open public meetings shall be maintained and shall be open to inspection during normal business hours.
- C. Maintenance, Operation of Library; State Law Provisions: The library board shall:
  - 1. Maintain and care for the library;

2. Establish policies for its operation; and
3. In general, carry out the spirit and intent of the state law as set forth in Utah Code Annotated section 9-7-401 et seq., as amended.

D. Authority to Adopt Policies: The board has the authority, consistent with city and state statute, to adopt policies and procedures for the city library.

E. Powers: Upon the approval of the city council, the board may:

1. Have control of the expenditures of the library fund, in coordination with the mayor, or designee, and within the purchasing policies and budgets established by the city council;
2. Authorize the construction, lease or sale of library buildings and land; and the operation and care of the library;
3. Purchase, lease or sell land and purchase, lease, erect or sell buildings for the benefit of the library; and
4. Solicit gifts or bequests from any person or source, on behalf of the city, for the development or improvement of the library or for the acquisition of books, equipment or materials for the library. Such gifts or bequests shall be received by the city treasurer and shall be put in a special fund for the purpose for which the money was received.

F. Administrative Control Reserved To Mayor: Except as set forth in this article or by resolution, all other administrative control with respect to the library is reserved to the mayor, or designee.

G. Advisory Board to City Council: The library board shall act as an advisory board to the city council on all policy and budgetary matters pertaining to the library and to the mayor in respect to the administrative powers reserved to the mayor in this title.

#### **2-4-10: APPOINTMENT OF LIBRARIAN:**

The library board of directors shall recommend a competent person as librarian to have immediate charge of the library with such duties and compensation for his/her services as it shall fix and determine pursuant to the pay range tables and other employee policies established for city employees and approved by the city council. The mayor and city council will appoint the librarian upon the recommendation of the board. The librarian shall act as the executive officer for the library board. The funding for the librarian shall come from the library budget.

#### **2-4-11: BOARD COMMITTEES:**

Matters of business for the board should, when suitable, go through committees and should be brought to the board by the committees. Referrals for study and recommendations should be made by the board to committees. Appropriate records should be made of all committee meetings and action, and recommendations to be made to the board shall represent clearly the committee decision and recommendation. Committees shall be established by the board as needed.

#### **2-4-12: ANNUAL REPORTS:**

The library board of directors shall make an annual report to the city council on the condition and operation of the library, including a financial statement. The directors shall also provide for the keeping of such records as shall be required by the Utah state library commission in its request for an annual report from the public libraries, and shall submit such annual report to the commission.

#### **2-4-13: ADOPT RULES FOR LIBRARY USE; FREE USE OF LIBRARY:**

- A. Required: The library board of directors shall make and adopt rules and regulations, not inconsistent with law, for the governing of the library. Subject to such rules and regulations, the library shall be free to the use of the citizens of the city.
- B. Violators Excluded: The board may exclude from the use of the library any and all persons who shall willfully violate such rules.
- C. Use by Residents Outside City: The board may extend the privileges and use of the library to persons residing outside of the city on such terms and conditions as it may prescribe by its regulations.

#### **2-4-14: UNLAWFUL ACTS:**

- A. Destruction: It shall be unlawful for any person to mark, tear or in any manner injure, deface, mutilate or destroy any book, pamphlet or other property of the library.
- B. Failure to Return: It shall be unlawful for any person to fail to return any book, pamphlet or other property of the library when due. The board shall recommend the collection policy within its bylaws.

- C. Penalty: Any person violating any provision of this section shall be guilty of a class C misdemeanor and upon conviction, subject to penalty as provided in section [1-4-1](#) of this code.

#### **2-4-15: FUNDING:**

- A. Budget: Beginning in February of each year, a preliminary budget shall be prepared by the librarian and staff for the following fiscal year, which runs from July 1 to June 30. After review and approval of the board, the draft shall be presented to Mayor, or designee, along with other city budgets, by the month of April, for the public hearing and final approval of the city council.
- B. Credit to Library Fund: All tax monies received for the library, as well as donated monies, shall be deposited in the city treasury to the credit of the library fund and shall not be used for any other purpose except that of the city library. Said fund shall be drawn upon by the authorized officers of the city upon presentation of the properly authenticated vouchers.

#### **2-4-16: HOURS OF OPERATION:**

The library board of directors shall recommend to the city council the hours of operation which shall include a minimum of four hours of operation per day, six days per week, with exception of city approved holidays. The library board may allow for the closure of the library for limited periods of time for cleaning, maintenance, technological upgrades, or other temporary purposes deemed appropriate by the board.

### **SECTION II. Codification, Inclusion in the Code, and Scrivener's Errors**

It is the intent of the City Council that the provisions of this ordinance be made part of the City Code as adopted, that sections of this ordinance may be re-numbered or re-lettered, that the word *ordinance* may be changed to *section*, *chapter*, or other such appropriate word or phrase in order to accomplish such intent regardless of whether such inclusion in a code is accomplished, sections of the ordinance may be re-numbered or re-lettered. Typographical errors which do not affect the intent of this ordinance may be authorized by the City without need of public hearing by its filing a corrected or re-codified copy of the same with the City Recorder.

### **SECTION III. Severability**

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**SECTION IV. Effective Date**

The City Recorder shall deposit a copy of this ordinance in the official records of the City on July 22, 2010, and before 5:00 p.m. on that same day, shall place a copy of this ordinance in three places within the City. This ordinance shall become effective at 5:00 p.m. on July 22, 2010.

Passed and duly adopted this 21<sup>st</sup> day of July, 2010.

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JAMES E. DEGRAFFENRIED, Mayor

ATTEST:

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SUSAN B. FARNSWORTH  
Santaquin City Recorder

Council Member Filip Askerlund \_\_\_\_\_  
Council Member Martin Green \_\_\_\_\_  
Council Member Rick Steele \_\_\_\_\_  
Council Member James Linford \_\_\_\_\_  
Council Member Brent Vincent \_\_\_\_\_