

WAUKEE PUBLIC LIBRARY	BOARD
POLICY SECTION 1.1	ADOPTED
CITY MUNICIPAL CODE PROVIDING FOR A LIBRARY	Council adopted May 12, 1987 Ordinance amended November 7, 2005 Reviewed and approved November, 2006 Reviewed by Library Board June, 2011

AN ORDINANCE REPEALING CHAPTER 206, WAUKEE MUNICIPAL CODE, AND SUBSTITUTING THEREFORE PROVISIONS CONCERNING THE APPOINTMENT POWERS AND DUTIES OF A BOARD OF LIBRARY TRUSTEES

BE IT ENACTED by the Council of the City of Waukee

- 206.1 **Purpose.** The purpose of this ordinance is to provide for the creation and appointment of a city library board of trustees, to confirm the establishment of a free public library for the city, to be known as the Waukee Public Library, and to specify the powers and duties of the board of library trustees.
- 206.2 **Library Trustees.** The board of trustees of the Waukee Public Library, hereinafter referred to as the board, consists of 7 members. All board members are to be appointed by the mayor with the approval of the council.
- 206.3 **Qualifications of Trustees.** Members of the Board shall be bona fide citizens and residents of the city of Waukee, Iowa, and all shall be over the age of eighteen (18); provided however, not more than two of said board members may be rural residents of the Waukee Library service area. [Nov. 10, 1987 – Ordinance 2090]
- 206.4 **Organization of the Board.**
- A. **Terms of Office.** All appointments to the board shall be for three (3) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every year of one-third of the total number as near as possible, to stagger the terms. The present incumbents are confirmed in the appointments and terms. [Nov. 10, 1987 – Ordinance 2090]
- B. **Vacancies.** The position of any trustee shall be vacant if he moves permanently from the city; or if he is absent without due explanation from six (6) consecutive regular meetings of the board, except in the case of sickness or if he is removed for cause by the mayor with the approval of the city council. The mayor, with approval of the council, shall fill any vacancy by appointment of a new trustee to fill the unexpired term.
- C. **Quorum and Voting.** All action by the board shall require a

majority of the whole number of members appointed by the board. The removal of a library assistant, or employee, however, shall require a two-thirds vote of the board as provided in Section 4 and 5 of this ordinance.

- D. Compensation. Trustees shall receive no compensation for their services.

206.5 **Powers and duties.** The board shall have and exercise the following powers and duties:

- A. To meet and elect from its members a president, and a treasurer, and such other officers as it deems necessary.
- B. To have charge, control and supervision of the public library, its appurtenances, fixtures and rooms.
- C. To direct and control all the affairs of the library.
- D. To employ the librarian, assistants, and other employees for proper management of the library, and to fix their salaries.
- E. To remove by a two-thirds vote of the board the librarian, assistants or employees for misdemeanor, incompetence, or inattention to duty.
- F. To select and purchase all items considered necessary for the operation of the library.
- G. To authorize the use of the library by nonresidents of the city and to fix charges for this privilege.
- H. To make and adopt, amend, modify or repeal bylaws, rules and regulations for the care, use, government, and management of the library and the business of the board, and to fix and enforce penalties for violations. Copies of such bylaws, rules and regulations shall be posted in the library where they can be seen by the public.
- I. To control exclusively the expenditures of all portions of the municipal enterprises fund allocated for library purposes by the council, and of all money available by gift, or otherwise for the erection of library buildings, and of all other money belonging to the library fund, including fines and rental collected under the rules of the board.
- J. To make and send to the city council, on or before the fifteenth day of February in each year, an estimate of the amount necessary for the improvement, operation, and maintenance of the library for the coming fiscal year, the amount expended for like purposes for the two preceding years, and the amount of income expected for the fiscal year from sources other than taxation.
- K. To accept gifts, in the name of the library, of real property, personal property, or mixed property, and devises and bequests, including trust funds; to execute deeds and bills of sale for the conveyance of such property; and to expend funds received from such gifts for the improvement of the library.
- L. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the city by action against the city council.
- M. To keep records of its proceedings.

206.6 Gifts to City. All gifts, donations, devises, and bequests that may be made to the City for the purposes of establishing, increasing, or improving the library shall be administered by the Board of Library Trustees.

206.7 Power of Contract for the use of the Library

- A. Contracting. The board may contract with any other city, town, school corporation, townships, county, or with the trustees of a county library district for the use of the library by their respective residents. Such a contract between the board and a county shall supercede all contracts between the board and townships or school corporations outside of cities or towns in that county. All of the contracts mentioned in this subsection shall provide for the rate of tax to be levied by other city, town, school corporation, township, county or county library district.
- B. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It may also be terminated at any time by a majority vote of the 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 presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

206.8 Nonresident 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:

- A. By lending the books 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.
- B. By establishing depositories or library books to be loaned to non residents.
- C. By establishing a traveling library so that books may be loaned to non residents.
- D. By establishing branch libraries for lending books to non residents.

206.9 Fund Treasurer. All money allocated by the council for the maintenance of the library shall be deposited with the city treasurer to the credit of the library fund. This money shall be kept separate from all other monies and shall be paid out only on order of the board, signed by its president and secretary.

206.10 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 number lost or not returned, the amount of fines collected, the amount of money expended in the maintenance of the library during the year, and any further information required by the council.

206.11 Parental Responsibility for Library Materials. A library card may be issued to a minor only with the written consent of a parent or guardian on the minor's

application card, granting the minor the privilege of checking out library materials and equipment. In the event of said authorization, a library card may be issued to said minor, however, the parent shall be responsible for all materials or property obtained by the minor through the use of said library card as though the parent had checked out the material or property themselves. Said parent or guardian shall be responsible for the return, destruction or loss of said material and be governed by all laws, rules, regulations and policies associated with any library material or property checked out by said minor.

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206.12 Injury to Books or Property. It is unlawful for a person to willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room. (Code of Iowa, Sec. 716.1)

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206.13 Theft. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof. (Code of Iowa, Sec. 714.1)

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206.14 Notice posted. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure to Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such equipment is overdue or criminal actions will be taken, has been made to reclaim the materials or equipment..

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to the law.

(Code of Iowa, 808.12)

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206.15 Violations. Any person who acts in violation of this chapter shall be guilty of a misdemeanor punishable by fine of not more than \$500 or imprisonment for a period of not more than 30 days or shall be guilty of a municipal infraction punishable by civil penalty and any other relief deemed appropriate as allowed by Iowa Code 364.22 et seq. (2005) and any amendments thereto.

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

206.17 Saving Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity or the ordinance as a whole or any section, provision, or part not adjudged invalid or unconstitutional.

206.18 Effective date. The ordinance shall be in effect after its final passage, approval, and publication as required by law.

(Original repealed on this date)(May 12, 1987 – [Ordinance 2084])