

**MARION COUNTY, IOWA**

**City of Pella**

**City School Election**

**November 7, 2023**

**PUBLIC MEASURE OO**

SHALL THE FOLLOWING PUBLIC MEASURE BE ADOPTED? **YES**  
**NO**

Shall the City of Pella, in the Counties of Marion and Mahaska, State of Iowa, be authorized to adopt an Ordinance Repealing and Replacing Chapter 22 Library Board of Trustees? The proposed ordinance would alter the form and structure of the Library Board of Trustees to limit its authority over the affairs of the Pella Public Library and allow the City Council to revise library policies, rules, and regulations. The proposed ordinance also authorizes the City Administrator to supervise the library staff, including the Library Director.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 22 LIBRARY BOARD OF TRUSTEES**

Be it enacted by the City Council of the City of Pella, Iowa:

SECTION 1. City Code Chapter 22 is hereby amended by repealing the chapter in its entirety and replacing it with the following:

**CHAPTER 22 LIBRARY BOARD OF TRUSTEES**

- 22.01 Public Library
- 22.02 Library Trustees
- 22.03 Qualifications of Trustees
- 22.04 Organization of the Board
- 22.05 Powers and Duties
- 22.06 Contracting with Other Libraries
- 22.07 Nonresident Use
- 22.08 Injury to Books or Property
- 22.09 Theft
- 22.10 Appeal Process

22.01 PUBLIC LIBRARY.

The public library for the City is known as the Pella Public Library. It is referred to in this chapter as the Library.

#### 22.02 LIBRARY TRUSTEES.

The Board of Trustees of the Library, hereinafter referred to as the Board, consists of six (6) resident members and one (1) nonresident member. All resident members are to be appointed by the Mayor with the approval of the Council. The nonresident member is to be appointed by the Mayor with the approval of the County Board of Supervisors.

#### 22.03 QUALIFICATIONS OF TRUSTEES.

All members of the Board shall be bona fide citizens and residents of the City except one member who may reside in the Pella Community School District within rural Marion County. All members shall be over the age of eighteen (18) years.

#### 22.04 ORGANIZATION OF THE BOARD.

The organization of the Board shall be as follows:

1. Term of Office. All appointments to the Board shall be for three (3) years, except to fill vacancies. Each term shall commence on July 1. Appointments shall be made every year of one-third (1/3) the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that 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.

#### 22.05 POWERS AND DUTIES.

The Board shall have and exercise the following powers and duties:

1. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.
2. The Board may adopt, amend or repeal bylaws governing the activities of the board and relating to its duties.
3. The Board shall develop and oversee plans for the development and maintenance of the public library facilities, furnishings and fixtures.
4. The Board shall provide recommendations and advice to the City Administrator regarding control and supervision of the public library staff, including the Library Director.

5. The Board shall have the authority to adopt, amend or repeal policies, rules and regulations, not inconsistent with law, for the use of the public library facilities and resources, including establishing and enforcing penalties for violations of the rules and regulations regarding the public's use of the library. Such policies adopted by the Board may be amended or repealed by resolution of the Pella City Council.

6. The Board shall provide recommendations and advice to the Library Director regarding selecting and purchasing books, pamphlets, magazines, periodicals, papers, maps, journals, audiovisual matters, software, other library materials, furniture, fixtures, computer equipment, stationery and supplies for the library within budgetary limits.

7. The Board shall have the authority to authorize the use of the library by nonresidents of the city and to fix charges therefor.

8. The Board shall have authority to accept gifts of real property, personal property or mixed property, and devises and bequests, including trust funds, on behalf of the library; to coordinate with the City Administrator for the establishment of a special trust and agency account, to determine, consistent with the city's annual budget process, the expenditures of the funds in the special trust and agency account for the improvement of the library; and to enforce the performance of conditions on gifts, devises and bequests accepted.

9. The Library Director, in consultation with the Board, shall prepare an annual budget request for the library's operation, based upon the municipal fiscal year, and submit the same to the City Administrator for review and incorporation into the City Administrator's budget request prior to being submitted to the Council.

10. Immediately following the close of each municipal fiscal year, the Board shall make an annual written report to the Council which shall contain a statement of the Board's activities during the preceding year, statements regarding the condition of the Library, the number of books and other materials added thereto, including statistics on patron acquisition requests approved and denied, the number circulated, the amount of fines collected, and recommendations for proposed activities for the coming year.

11. To keep a record of its proceedings.

12. To have authority to make agreements with the local County historical association where such exists, and to set apart the necessary room and to care for such articles as may come into the possession of the association. The Trustees are further authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of a historical and educational nature and pay for the same out of funds allocated for Library purposes.

#### 22.06 CONTRACTING WITH OTHER LIBRARIES.

The Board may recommend contracting 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. Any such contracts shall be approved by the City Council.

#### 22.07 NONRESIDENT USE.

The Board may authorize the use of the Library by persons not residents of the City or County in any one or more of the following ways:

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

#### 22.08 INJURY TO BOOKS OR PROPERTY.

It is unlawful for a person 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)

#### 22.09 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)

#### 22.10 APPEAL PROCESS.

Any person aggrieved by a decision of the Board may file an appeal with the Council within thirty (30) days of the action appealed from.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. 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 thereof not adjudged invalid or unconstitutional.

SECTION 4. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.