

STATE LIBRARY
OF IOWA

MAY 05 2000

LIBRARY
DEVELOPMENT

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CODE OF ORDINANCES
OF THE
CITY OF
HARLAN, IOWA
1995

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ORDINANCE NO. 2018-01

AN ORDINANCE AMENDING THE PROVISIONS OF CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF HARLAN, IOWA, AND ADOPTING SECTIONS 22.02, 22.03 & 22.04(2), AS AMENDED, ESTABLISHING MEMBERSHIP REQUIREMENTS FOR THE LIBRARY BOARD OF TRUSTEES.

BE IT ENACTED by the City Council of the City of Harlan, Iowa:

SECTION 1. SECTIONS MODIFIED. Sections 22.02, 22.03 & 24.04(2) of the Code of Ordinances of the City of Harlan, Iowa, are amended in the following particulars:

Ch. 22.02 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, shall consist of at least five (5), but no more than eight (8) adult Harlan residents and at least one (1), but no more than four (4) adult residents from Shelby County, excluding Harlan. All resident members are to be appointed by the Mayor with the approval of the Council. All non-resident member(s) are to be appointed by the Mayor with approval of the County Board of Supervisors.

Ch. 22.03 QUALIFICATIONS OF TRUSTEES. All resident members of the Board shall be bona fide citizens and residents of the City. The non-resident members of the Board shall be bona fide citizen(s) and resident(s) of Shelby County. Members shall be over the age of eighteen (18) years.

Ch. 22.04(2) VACANCIES. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of a non-resident Trustee shall be vacated if such member moves permanently from Shelby County or into Harlan; with the exception that if a non-resident member moves from Shelby County into Harlan, that member may serve out the rest of his/her term. 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.

SECTION 2. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage approval and publication as provided by law.

Passed and approved by the City Council this 1st day of May 2018.

Mike Kolbe, Mayor

Attest:

Jane Smith, City Clerk

STATE LIBRARY
OF IOWA

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LIBRARY
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CHAPTER 22

LIBRARY BOARD OF TRUSTEES

22.01 Purpose	22.08 Nonresident Use
22.02 Public Library	22.09 Expenditures
22.03 Library Trustees	22.10 Annual Report
22.04 Qualifications of Trustees	22.11 Injury to Books or Property
22.05 Organization of the Board	22.12 Theft
22.06 Powers and Duties	22.13 Notice Posted
22.07 Contracting with Other Libraries	22.14 Limitation of Service

22.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

22.02 PUBLIC LIBRARY. The public library for the City is known as the Harlan Public Library. It is referred to in this chapter as the Library.

22.03 LIBRARY TRUSTEES. The Board of Trustees of the Library, hereinafter referred to as the Board, consists of eight (8) 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.

22.04 QUALIFICATIONS OF TRUSTEES. All resident members of the board shall be bona fide citizens and residents of the City. The nonresident member of the board shall be a bona fide citizen and resident of the unincorporated County. Members shall be over the age of eighteen (18) years.

22.05 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 four (4) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every year, in such a manner as to stagger the terms. No individual shall serve more than two consecutive terms.

2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City.

Supp. Apr-96

Code of Ordinances, Harlan, Iowa

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.

22.06 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Treasurer shall serve as Board Treasurer, but shall not be a member of the Board.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.

3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. 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, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Personnel Rules and Regulations. To ensure compliance by the librarian and all library employees with City of Harlan Personnel Rules and Regulations Handbook for all City employees as amended from time to time by the Council. (Added by Ordinance No. 1993-03)

6. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty, subject however, to the provisions of Chapter 70 of the Code of Iowa.

Supp. Mar-93

Code of Ordinances, Harlan, Iowa

7. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.
 8. Use by Nonresidents. To authorize the use of the Library by nonresidents and to fix charges therefor unless a contract for free service exists.
 9. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
 10. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library including fines and rentals collected under the rules of the Board.
 11. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.
 12. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City by action against the Council.
(Code of Iowa, Ch. 661)
 13. Record of Proceedings. To keep a record of its proceedings.
 14. County Historical Association. 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.
- Supp. Mar-93

22.07 CONTRACTING WITH OTHER LIBRARIES. The Board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semiprivate 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.
(Code of Iowa, Sec. 392.5 & Ch. 28E)

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated 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 of not less than five (5) percent in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

22.08 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.

22.09 EXPENDITURES. All money appropriated by the Council for the operation and maintenance of the Library shall be set aside

Supp. Mar-93

in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President and Secretary.

(Code of Iowa, Sec. 384.2 & 392.5)

22.10 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

22.11 INJURY TO BOOKS OR PROPERTY. It shall be 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)

22.12 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)

22.13 NOTICE POSTED. There shall be posted in clear public view within the Library a notice stating:

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 material or equipment is overdue and 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 law.

(Code of Iowa, Sec. 808.12)

22.14 LIMITATION OF SERVICE. In order to obtain a reasonable turnover in the personnel of this Board or Commission, as well as promote fresh ideas and generate new and innovative approaches to the various problems facing this Board or Commission, any person

Supp. Apr-96

Code of Ordinances, Harlan, Iowa

who has served two consecutive Board or Commission terms shall not be eligible for reappointment to the Board or Commission for a period of two years from the expiration of his or her final term. However, notwithstanding the foregoing limitation, a former Board or Commission member may be reappointed to fill a vacancy in emergency situations. An emergency shall exist when a vacancy persists which cannot be filled by appointment of a qualified and appropriate person within 40 days from the date the vacancy occurs. Any former Board or Commission member who would otherwise be ineligible because he or she served two consecutive terms, may serve by emergency appointment only until a qualified and appropriate replacement can be appointed. (Added by Ordinance No. 1996-02)

Supp. Apr-96

Code of Ordinances, Harlan, Iowa

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SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage approval and publication as provided by law.

Passed and approved by the City Council this 1st day of May 2018.

Mike Kolbe, Mayor

Attest:

Jane Smith, City Clerk