

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-18

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING CHAPTER 2.80 PUBLIC LIBRARY TO REMOVE LIBRARY BOARD AND CREATE A LIBRARY ADVISORY BOARD BY RESOLUTION AND TO AMEND SECTIONS LIBRARIAN AND VIOLATION OF LIBRARY PROPERTY**

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BE IT ENACTED BY THE VOTERS OF THE CITY OF DILLINGHAM:

**Section 1. Classification.** This is a code ordinance.

**Section 2. Amend Chapter 2.80, Public Library, to delete references to Library Board.** Chapter 2.80 of the DMC is hereby amended to repeal sections 2.80.040 through 2.80.140 and reenact as follows:

Sections:

- 2.80.010 Established.
- 2.80.020 Purpose.
- 2.80.030 Management.
- 2.80.040 Library board. **Library Advisory Board.**
- 2.80.050 Library board duties. **Librarian.**
- 2.80.060 Vacancy. **Inventory of books and other property.**
- 2.80.070 ~~City council may remove any member(s) for just cause.~~ **Violation of Library property.**
- 2.80.080 ~~Organization and procedures.~~ *Repealed*
- 2.80.090 ~~City manager and librarian to act as ex officio members.~~ *Repealed*
- 2.80.100 ~~Policies and procedures.~~ *Repealed*
- 2.80.110 ~~Librarian.~~ *Repealed*
- 2.80.120 ~~Inventory of books and other property.~~ *Repealed*
- 2.80.130 ~~Violation of Library property.~~ *Repealed*
- 2.80.140 ~~Violation prohibited.~~ *Repealed*

**2.80.010 Established.**

There shall be a library in and for the city of Dillingham to be known as the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

**2.80.020 Purpose.**

The Dillingham public library shall provide community library services to the residents of Dillingham and may apply for and receive grants and donations for such purpose. (Ord. 95-04 § 1 (part), 1995.)

**2.80.030 Management.**

The city council shall have the overall authority and responsibility for the city library. (Ord. 95-04 § 1 (part), 1995.)

**2.80.040 Library board. Library Advisory Board.**

**There shall be a Library Advisory Board created by a resolution.**

~~A. There is established the Dillingham public library board, consisting of five members who are appointed by the city council. The members shall be adult residents of Dillingham.~~

~~B. Members of the board shall serve for terms of three years, or until their successors are appointed and qualified; provided, that the terms of no more than three members shall expire in any one calendar year.~~

~~C. Members shall serve without pay, except that they may be compensated for expenses in accordance with the budget appropriations. (Ord. 95-04 § 1 (part), 1995; Ord. 12-12 § 1, 2012.)~~

#### ~~2.80.050 Library board duties.~~

~~A. Establish operational policies for the library program, and submit same to the city council for approval. All policies of the program established by the library board are effective until review by the council and remain effective unless specifically disapproved by the council. (Ord. 95-04 § 1 (part), 1995.)~~

#### ~~2.80.060 Vacancy.~~

~~In the event of a vacancy for any reason, the city council shall appoint a person having the qualifications as provided in Section 2.80.040 to fill such vacancy for the unexpired term. If a member has three consecutive absences from regular meetings, without excuse, such seat shall immediately be declared vacant. (Ord. 95-04 § 1 (part), 1995.)~~

#### ~~2.80.070 City council may remove any member(s) for just cause.~~

~~The city council may remove a member for cause by majority vote at a public meeting. (Ord. 95-04 § 1 (part), 1995.)~~

#### ~~2.80.080 Organization and procedures.~~

~~A. Each October at a regular meeting the members of the board shall elect a chairman, vice chairman and secretary to conduct business for the following year. In the event of vacancy in these offices, the members shall promptly elect interim officers to serve until the regular election of officers the following October.~~

~~B. The board may adopt laws for the orderly conduct of its business. In the absence of bylaws, meetings shall be conducted in accordance with Robert's Rules of Order.~~

~~C. The board shall establish a time and place for regular meetings and make such information available to the residents of Dillingham.~~

~~D. Special meetings of the board may be called by the chairman, or in the chairman's absence, the vice chairman, or by any two members of the board, on any question, upon two days' prior notice.~~

~~E. The board shall keep records or minutes of its meetings as permanent records of the city. (Ord. 95-04 § 1 (part), 1995.)~~

#### ~~2.80.090 City manager and librarian to act as ex officio members.~~

~~The city manager and the librarian shall serve as ex officio members of the board, but shall have no vote or office. (Ord. 95-04 § 1 (part), 1995.)~~

#### ~~2.80.100 Policies and procedures.~~

~~A. The board shall advise the city council on policies and procedures desirable for library operation, shall provide for the acceptance of gifts, endowments and other like donations; may advise the librarian on preservation and protection of historical donations and acquisitions.~~

~~B. On or before September 15th of each year the board shall submit to the city council a written report concerning the proceedings of the board with reference to the library and a statement of all receipts and expenditures, donations, gifts and acquisitions and their value and the value of any lost or destroyed property during the preceding fiscal year.~~

~~C. The board shall prepare rules for the operation of the library including, but not limited to, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the city council.~~

~~D. The board shall perform all necessary and proper acts permitted by this chapter, or as assigned by the city council, for the development and maintenance of the library and its programs. (Ord. 95-04 § 1 (part), 1995.)~~

**2.80.110 2.08.050 Librarian.**

There is established the position of librarian for the Dillingham public library, who shall be appointed by and serve under the supervision of the city manager. **The librarian attends the meetings of the Library Advisory Board and serves as a liaison between the board and the city manager.** The librarian shall be responsible for the efficient and economical conduct of the library. (Ord. 95-04 § 1 (part), 1995.)

**2.80.120 2.80.060 Inventory of books and other property.**

All books and other property owned by the library shall be cataloged and inventoried and clearly marked as property of the Dillingham public library. (Ord. 95-04 § 1 (part), 1995.)

**2.80.130 2.80.070 Violation of library property.**

A. No person shall willfully detain any library property for more than thirty days after the date upon which it was to be returned. Notification that library property is overdue may be made by mail. **email when available and by mail if possible.** A person who fails or refuses to return overdue property shall be liable for the full replacement value of the overdue property.

B. The librarian shall revoke borrowing privileges for any person who accrues more than **three** ten dollars in fines for overdue property or who, upon notice, has failed or refused to return borrowed property thirty days thereafter, or who has failed or refused to pay the full replacement cost of borrowed property. (Ord. 95-04 § 1 (part), 1995.)

**2.80.140 Violation prohibited.**

~~Violation of this chapter constitutes a misdemeanor and is punishable by a fine of not more than three thousand dollars. (Ord. 95-04 § 1 (part), 1995.)~~

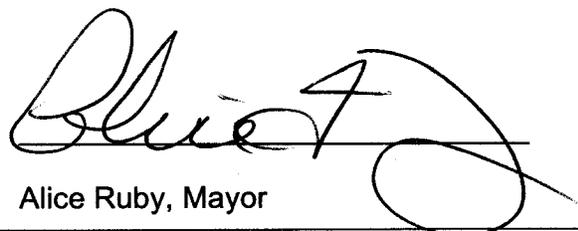
**Section 3. Effective Date.** This ordinance shall be made effective upon passage.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

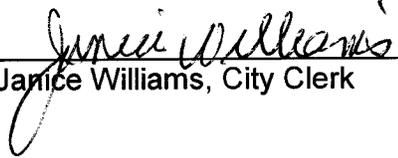
Nov. 7, 2013

SEAL:



  
Alice Ruby, Mayor

ATTEST:

  
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Janice Williams, City Clerk

**Subject:** An Ordinance of the Dillingham Municipal Code amending Chapter 2.80 to create a Library Advisory Board by resolution and remove reference to Library Board in the Dillingham Municipal Code

Agenda of: **November 7, 2013**

Council Action:
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Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Library / Sonja Marx	SM	
X	City Clerk / Janice Williams	JW	

**Fiscal Note:** Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- Resolution No. 2013-71 - Adopting a Library Advisory Board
- Notice of a Public Hearing was advertised in the October 31, 2013 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

**Summary Statement.**

This item was added to the Code Review Committee's task list resulting from a recommendation from the Library Board to make some changes in the Library ordinance. As a result of examining the recommendations, the Code Review Committee discussed the differences between the Library Board and the Friends of the Library, and advised recreating the Library Board as an advisory board to bring it more in line with the committee process.

The Library Advisory Board will be adopted by proposed Resolution No. 2013-71 in the packet and will follow the parameters adopted in Ordinance No. 2010-08, June 2010, establishing future advisory boards and commissions.

The Code Review Committee is recommending to the Council that this ordinance be adopted.

This ordinance was advertised in the October 31 edition of the Bristol Bay Times to meet the mandatory requirement that a public hearing of a proposed ordinance will follow publication by at least five days.

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-XX

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL CREATING A CITY OF DILLINGHAM LIBRARY ADVISORY BOARD**

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WHEREAS, the Library Board had offered some changes to Dillingham Municipal Code Chapter 2.080, Public Library; and

WHEREAS, the City Council recommended vetting those suggested changes through the Code Review Committee; and

WHEREAS, the City has been working to standardize the format of the various boards and committees, following the adoption of DMC Chapter 2.90, Advisory Boards and Commissions, enacted June 24, 2010, that established future advisory boards and committees of the council would be authorized by resolution; and

WHEREAS, at the October 10, 2013, Regular Council Meeting, Ordinance No. 2013-18 was introduced as approved by the City Council, and scheduled for a public hearing and adoption at the November 7, 2013 Council meeting;

WHEREAS, Ordinance No. 2013-18 would replace the Library Board with a Library Advisory Board structured after Chapter 2.90;

WHEREAS, the existing members of the Library Board would be seated on the newly formed Library Advisory Board through the remainder of their terms;

NOW, THEREFORE, BE IT RESOLVED, that the Dillingham City Council establishes a Library Advisory Board with the following structure and responsibilities:

1. The Board shall be made up of seven members nominated by the Mayor and confirmed by the Council. At least two of the members will represent the University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School.
2. A member shall be a resident of the greater Dillingham area and be a registered voter with the State of Alaska.
3. The presiding officer shall be recommended by the Library Advisory Board, nominated by the Mayor and confirmed by the City Council.
4. Members of the Board, with the exception of the two representatives, shall serve for three years with seats staggered that expire in September or until their successors are appointed and qualified; provided that the terms of no more than three members shall expire in any one calendar year. The University of Alaska Fairbanks Bristol Bay Campus and Dillingham Middle/High School representatives will be appointed annually in September.
5. The Board shall be advisory to the City Manager and Librarian recommending operational policies for the library program, and submitting same to the City Council for approval.

6. The Board shall prepare rules for the operation of the library, including, but not limited to, general promotion and community outreach, the hours of operation, length of time books or other items may be borrowed and fines. All rules must be approved by the City Council.
7. The Board may not obligate the City of Dillingham, but may serve as advisory to the City Manager on application for, receipt of and/or management of any funds for or by the City of Dillingham for the Public Library.
8. The Presiding Officer shall ensure that written minutes of every meeting are kept and provide copies of the minutes to the City Clerk. All meetings shall be conducted in accordance with Robert's Rules of Order and DMC Chapter 2.90.050, Procedures.
9. The Library Advisory Board shall remain in existence unless otherwise notified by the City Council.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

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SEAL:

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Alice Ruby, Mayor

ATTEST:

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Janice Williams, City Clerk