

**PETERSBURG BOROUGH
ORDINANCE #2013-23**

**AN ORDINANCE PROVIDING FOR CHAPTER 3.52 (PUBLIC LIBRARY) OF THE MUNICIPAL CODE,
UPDATING CURRENT LANGUAGE TO REFLECT BOROUGH INCORPORATION; AND PROVIDING
PROVISIONS FOR THE RETENTION OF A LIBRARY BOARD FOR THE BOROUGH**

Whereas, on January 3, 2013 the Election Division for the State of Alaska, certified the election results of the December 18, 2012 incorporation election for the Petersburg Borough; and

Whereas, the certified election confirmed the incorporation of the Petersburg Borough and dissolved the City of Petersburg, and

Whereas, Borough Charter Section 19.08 subsection C reads "Except for those provided for by this Charter, all appointed and elected advisory boards, committees, and commissions in effect at the time of this Charter shall be dissolved one year after the effective date of this Charter unless specifically continued by ordinance", and

Whereas, at a regular assembly meeting held on November 4, 2013, the Borough Assembly determined that an elected Library Board should be retained for Borough government purposes.

Therefore the Petersburg Borough ordains, the existing provisions for providing for a public library and a library board of the dissolved City of Petersburg, Alaska, as noted with amendments below, are hereby approved and adopted as a borough ordinance to be administered on an areawide (borough-wide) basis.

Section 1. Classification: This ordinance is of a permanent nature and shall be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to provide for the administration, operation and maintenance of a borough library and to provide for the retention of an elected library board.

Section 3. Substantive Provisions: The provisions of the former City of Petersburg (Service Area 1) Municipal Code, Chapters 3.52 and 3.53 are hereby transferred and incorporated into this borough ordinance. Chapter and section numbers from the prior city code have been amended to reflect a combining of Chapter 3.52 and 3.53 into one Chapter.

Chapter 3.52 of Title 3 (Administration and Personnel) of the Petersburg Borough Code shall read:

Chapter 3.52 - ~~LIBRARY BOARD~~ PUBLIC LIBRARY

Sections:

3.52.010 – Department Established.

3.52.020 - ~~Membership.~~ Library Director.

3.52.030 - ~~Terms.~~ Duties and responsibilities of department.

3.52.040 - ~~Absences and vacancies.~~ Establishment of Library Board.

3.52.050 - ~~Compensation.~~ Board composition and terms.

3.52.060 - ~~Quorum.~~ Board member qualifications.

3.52.070 - ~~Meetings.~~ Board structure.

3.52.080 - ~~Reserved.~~ Meetings.

3.52.090 - ~~Meetings—Reports and minutes.~~ Library Regulations.

3.52.100 - ~~Officers.~~

3.52.110 - ~~Reserved.~~

3.52.120 - ~~Submission of library budget.~~

3.52.130 - ~~Powers with respect to property.~~

3.52.140 - ~~Powers with respect to employees.~~

3.52.150 - ~~Appeal from decisions.~~

3.52.010 – Department established.

There is established a ~~public library department board, which is authorized to manage and operate the public library,~~ which shall manage and operate the borough public library. The department shall have jurisdiction over all equipment, collections and persons within and using the borough's library facilitiesy.

3.52.020 – Library Director.

A. The library director shall be the head of the library department. The library director is an administrative officer of the borough appointed by the manager with the approval of both the library board and assembly. The director may be terminated by the manager only for just cause.

B. The library director shall carry out the duties and responsibilities of the public library department under the supervision and control of the borough manager.

C. The library director may select personnel to serve as employees of the department, but all such appointments and the number thereof, shall require prior approval by the manager.

D. The library director may approve departmental expenditures in accordance with subsection 4.04.020A of this code.

3.52.030 – Duties and responsibilities of department.

The library department, through the library director, shall have the duty and responsibility:

A. To plan, manage, improve, operate and maintain the library facility;

B. To enforce policies, rules and regulations adopted by the board relating to equipment, collections, and persons within the jurisdiction of the department;

C. To recommend rules and regulations to the board to facilitate the planning, management, operation and maintenance of the borough's library facility;

D. To make recommendations to the board with regard to the annual budget and capital improvement plan of the library department; and

E. To perform related duties as assigned.

3.52.040 - Establishment of Library Board

~~There is established a public library board, which is authorized to manage and operate~~ adopt policies, rules and regulations regarding the planning, management, operation and maintenance of the borough's public library, subject to assembly oversight. The board shall review the performance of the library director on an annual basis and provide the results of that review to the borough manager, approve a proposed budget, appropriation request and capital improvement plan on an annual basis and cause same to be timely delivered to the manager; and review, investigate and make recommendations on any further matter referred by the borough assembly or manager.

3.52.040 - Absences and vacancies.

- ~~A. The office of a member of the library board shall become vacant on the failure of a member to:~~
- ~~1. Attend three consecutive regular meetings without an excuse; or~~
 - ~~2. Attend a majority of regular and special meetings during any calendar year without an excuse.~~
- ~~B. A member intending to be absent at a regular meeting shall request to be excused in advance of the meeting from which the member will be absent.~~
- ~~C. If a vacancy exists in one of the seven board positions described in Section 3.52.020(A) of this section, the vacancy shall be filled pursuant to Section 3.04.060(B) of this code.~~

3.52.02-50 - Membership. Board composition and terms

~~A. The library board shall consist of seven voting members and one advisory member, selected in the following manner: elected at large at a regular election to staggered three-year terms and shall serve until their successors have taken an oath of office. Vacancies on the board shall be filled in the same manner as vacancies on other elected borough boards, as set out in subsection 3.04.060 (A) of this code. A vacancy is created on the board in the same manner as vacancies on the assembly, as set out in paragraphs A and B of section 2.04 of the borough charter.~~

~~A. Seven members shall be elected at a regular city election. The members shall be qualified electors of the city and have resided within the city for a period of one year.~~

~~B. One high school representative, who shall be a currently enrolled student selected by the associated student body, shall be an advisory, nonvoting member of to the board.~~

~~C. The conflict of interest provisions of Section 6.3 of the Municipal Charter, insofar as they may apply, are binding on members of the board.~~

~~Library board members shall serve staggered terms of three years and until their successors have been selected and have qualified~~

3.52.050 - Compensation.

~~No member of the library board shall be paid for any services rendered or duties performed in connection with the administration or operation of the library, but out-of-pocket expenses may be reimbursed to board members at the discretion of the board.~~

3.52.060 - Board member qualifications.

A member of the library board must be a qualified voter of the borough and have resided within the borough for a period of one year immediately preceding election or appointment to office.

3.52.060 - Quorum.

~~Four members of the library board constitute a quorum for the transaction of business. At least four affirmative votes shall be necessary to carry any question. In the absence of a quorum for the transaction of business, any number less than a quorum may recess a meeting to a later time or date. The secretary shall maintain a record of those members attending and absent from regular and special meetings. Any unexcused absence from a regular or special meeting, even if a quorum is not present, will apply to the vacancy provisions prescribed in Section 3.52.040 of this chapter.~~

3.52.070 - Board structure.

A. At the first meeting held after the annual municipal election of each year, the board shall, by majority vote, elect from its members a chairperson and a vice-chairperson.

1. The chairperson shall preside at board meetings, set meeting agendas, and attest to approved minutes. The chairperson shall vote in the same manner and with the same restrictions as other board members and shall be counted for quorum purposes.

2. In the absence of the chairperson, the vice-chairperson shall assume the chairperson's duties.

B. The library director, or the library director's designee, shall give notice of board meetings to each board member and to the general public; attend board meetings; assure minutes of the meeting are taken and serve as staff resource to the board. The library director shall not vote on any matter before the board.

3.52.0780 - Meetings.

A. The library board shall meet at the call of the chairperson, or any four board members, on an as needed basis and meetings shall be given public notice as required in subsection 3.10.020(B) of this Code.

B. "Robert's Rules of Order", current edition, shall govern the parliamentary proceedings of the board to the extent not in conflict with borough charter and code provisions. The board may adopt written procedural rules it finds necessary and appropriate to conduct business. The rules shall be reviewed and revised as necessary.

C. Four members shall constitute a quorum. At least four affirmative votes shall be necessary to carry any question.

D. The board shall designate a public meeting area where meetings will be held. All meetings shall be held in accordance with Alaska's Open Meetings Law and in a facility that is accessible to persons with disabilities.

E. Meetings shall be open to the public and the meeting agenda shall afford an opportunity for the public to address the board.

1. Each person addressing the board shall give their name and address. All remarks shall be addressed to the board as a body and not to any individual board member. No person shall be permitted to enter into any discussion without the permission of the chairperson.

2. When a group of people wish to address the board on the same subject, the chairperson may request a spokesperson be chosen by the group to address the board.

3. Any person making personal, impertinent or slanderous remarks, or who becomes boisterous while addressing the board, may be barred from further attendance at the meeting by the chairperson unless permission to continue is granted by a majority vote of the board.

4. Unless further time is granted by the board, a person's or group's comments shall be limited to five minutes.

- ~~A. The library board shall hold meetings from September through May, but meetings need not be held if no business is pending. The president of the board may call a special meeting of the board.~~
- ~~B. The board shall designate a public meeting area that is accessible to persons with disabilities and all meetings will be open to the public and conducted in accordance with Alaska's Open Meetings Law. Meetings shall be given public notice as required in Chapter 3.10 this code and the meeting agendas shall afford an opportunity for the public to address the board.~~
- ~~C. The board may adopt its own written rules of procedure but in the absence of such rules, meetings shall be conducted pursuant to "Robert's Rules of Order," current edition.~~

~~3.52.080 – Reserved.~~

~~3.52.090 – Meetings—Reports and minutes.~~

~~The library board shall keep minutes of the board proceedings and file approved, signed copies with the city clerk which shall be a public record open to inspection by any person. The board shall prepare an annual report to be submitted to the city council summarizing the activities and business of the board during the previous year.~~

~~3.52.100 – Officers.~~

~~The library board shall elect from the board membership a president, a secretary, and such other officers as it shall deem necessary.~~

~~3.52.110 – Reserved.~~

~~3.52.120 – Submission of library budget.~~

~~The library board shall annually, on or before March 1st of each year, submit to the city manager, its appropriation request and proposed budget setting forth the expenses of the library operation for the next fiscal year commencing July 1st. The purpose of the budget is to allow the council to provide necessary funds for the operation of the library.~~

~~3.52.130 – Powers with respect to property.~~

~~The custody and management of the library books, other materials, furniture, and equipment is entrusted to the library board.~~

~~3.52.140 – Powers with respect to employees.~~

~~The library board, with the advice of the city manager, may employ and dismiss the city librarian. The library board will evaluate the performance of the city librarian annually. Other library employees will be employed, supervised and dismissed by the city librarian.~~

~~3.52.150 – Appeal from decisions.~~

~~Any action or decision of the library board may be appealed to the city council within ten days by filing with the city manager a written notice of appeal expressly setting forth the grounds for the appeal. The city manager shall place the appeal on the next council agenda and the council may continue the appeal hearing up to thirty days. After a hearing on the record the council may, in whole or in part, affirm, modify or deny the appeal.~~

Chapter 3.53 – LIBRARY REGULATIONS

Sections:

~~3.53.010 – Use of library may be denied.~~

~~3.53.020 – Damage of property.~~

~~3.53.030 – Failure to return library property.~~

3.52.090 – Library Regulations

~~A.~~ The library director ~~ian~~ may prohibit any person the use of the public library who willfully or persistently violates any rule or regulation prescribed for the operation of the library or whose physical condition is deemed dangerous or offensive to other people. No person shall fail to leave the library when so ordered by the library director ~~ian~~ or other person in charge.

B. Any person who intentionally damages any library property, or any person who willfully fails to return any book, newspaper, periodical, publication or other property of the public library within thirty days after notice to return same, may be subject to a fine or denied use of the library, in accordance with library policy, and shall be responsible for the cost of replacing the damaged or non-returned property.

~~**3.53.020 – Damage of property.**~~

~~B.~~ Any person who intentionally damages any library property shall be guilty of a misdemeanor.

~~**3.53.030 – Failure to return library property.**~~

~~C.~~ Any person who willfully fails to return any book, newspaper, periodical, publication or other property of the public library within thirty days after notice in writing to return same shall be guilty of a misdemeanor; and in addition such person may be denied the use of the library by the librarian.

Section 4. Initial Transition Terms. Members of the library board in office on the effective date of this ordinance shall continue to serve until the first regular borough election to be held in October, 2014. At that election, three board members will be elected for a term of three years, two elected for a term of two years, and two elected for a term of one year. The initial terms will be assigned to the members by lot.

Section 5. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected.

Section 6. Effective Date: This Ordinance shall become effective areawide immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this ____ day of _____, 2013.

Mark Jensen, Mayor

ATTEST:

Kathy O'Rear, Clerk

Adopted:
Published:
Effective: