

ORDINANCE NO. 403

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING CHAPTER 2.70, MOORPARK CITY LIBRARY, OF TITLE 2, OF THE MOORPARK MUNICIPAL CODE

WHEREAS, on January 1, 2007, the City Council established a municipal public library; and

WHEREAS, the City of Moorpark has the authority to establish a public municipal library and a board of library trustees pursuant to the California Education Code Section 18900 et seq. and the requirements therein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES ORDAIN AS FOLLOWS:

SECTION 1. That the Moorpark Municipal Code is hereby amended by revising Chapter 2.70, Moorpark City Library, of Title 2, Administration and Personnel, in its entirety to read as follows:

“2.70.010 Library system established.

The city council of the city of Moorpark hereby establishes the Moorpark city library and adopts the provisions of an act of the legislature of the state of California entitled “Municipal Libraries” as set forth in Education Code Section 18900 et seq. regarding the regulation and maintenance of a public library system. The establishment of the Moorpark city library shall be effective January 1, 2007.

2.70.020 Library board of trustees created.

A city library board of trustees, hereinafter referred to as library board, is established with membership, powers, and duties as provided in this chapter and as set forth in Education Code Section 18900 et seq.

2.70.030 Membership—Term of office.

A. The library board shall consist of five (5) members to be appointed by the city council through an advertisement, recruitment, and appointment process as established by city council policy and/or resolution. Pursuant to that policy, the mayor shall solicit suggested nominees from members of the council; prior to making a motion for appointment, the mayor shall announce the names of all persons he or she intends to nominate, and in the order to be nominated; the mayor shall then make a motion putting forth each individual name to be approved for appointment; a

second shall be required; and the council shall vote on each appointment individually. The term of a library board member shall be for a period of three (3) years, except as specified in California Education Code Section 18911 for the first board. Board members shall serve staggered terms in accordance with California Education Code Section 18911. If a vacancy occurs otherwise than by expiration of a term of office, it shall be filled for the unexpired portion of the term of office in the same manner as the original appointments are made.

B. Nothing in this chapter is intended to preclude the reappointment of any library board member upon the expiration of his or her term.

2.70.040 Qualifications.

A. The members of the library board shall be residents and registered voters of the city. When a person serving on the library board ceases to be a resident of the city, the mayor shall declare such person's position on the board as vacant, and shall nominate another eligible person to the unexpired term of such former member, pursuant to Section 2.70.030(A) of this chapter.

B. Members of the board shall, where possible, be selected on the basis of special knowledge of libraries, library programs, or related subjects.

C. No members of the library board shall receive any compensation from the city or otherwise have any interest in any city contract. For purposes of this section, an interest in a city contract shall be measured as though the library board were the approving body for such contract, utilizing then relevant provisions of the California conflict of interest laws and regulations. The foregoing exclusions shall not apply to any stipend received by the member for service on the library board, or any reimbursement for necessary expenses, to the extent such reimbursement is permitted by city policies. The foregoing exclusions shall also not apply to any contracts in existence as of the date the member assumes office to the extent such continuing contract would not be precluded by state conflict of interest laws if the member were a city councilmember.

2.70.050 Removal of members.

Any member of the library board may be removed for any of the following reasons:

- A. For cause, by a majority vote of the legislative body;
- B. Absence from meetings pursuant to Section 2.70.060.
- C. Conviction of a felony that would preclude an elected official from the right to hold an elected office.

2.70.060 Absence from meetings.

A. If a member of the library board is absent from three (3) successive regular meetings of the board, without cause, the office of such member shall be deemed to be vacant and the term of such member shall be ipso facto terminated and the secretary of the library board shall immediately inform the city council of such termination.

B. An absence due to illness or an unavoidable absence from the city and written notice thereof to the secretary of the board on or before the day of any regular meeting of the board shall be deemed absence for cause.

2.70.070 Resignation.

Any member of the library board may resign at any time. The resignation of the board member shall be in writing and shall be deemed effective immediately upon receipt of the city clerk regardless of the date specified in the resignation. The city clerk shall immediately inform the city council of any such vacancy by causing a copy of the resignation to be sent to each councilmember.

2.70.080 Organization.

A. At the regular meeting in July of each year, the library board shall elect its president from among the appointed members for the term of one (1) year; and, subject to other provisions of law, may create and fill such other offices as it may determine.

B. The board shall hold regular monthly meetings as determined by the board at its July meeting of each year, such determination to include the dates, time and place of such meetings. Should a need arise during the year, the board may, by a majority vote, revise the dates, time and place of such monthly meetings.

C. The board may hold such additional adjourned or special meetings as may be called in accordance with the provisions of the Government Code.

D. If any regular meeting falls on a holiday, it shall be held on the next scheduled business day and all meetings otherwise scheduled or noticed to be held on a regular meeting day falling on a holiday shall be held at the meeting of the next business day without the necessity of any other or further notice.

E. Meetings of the board are governed by the Ralph M. Brown Act, as set forth in Government Code Section 54950 et seq.

F. A majority of the board will constitute a quorum for the transaction of business.

2.70.090 Duties and responsibilities.

The duties and responsibilities of the library board are as follows:

A. The board may recommend to the city council all rules, regulations, and bylaws necessary for the administration, government, and protection of the libraries under its supervision.

B. If directed by the city council, the board may administer any trust declared or created for the library, and receive by gift, devise, or bequest and hold in trust or otherwise, property situated in this state or elsewhere, and where not otherwise provided, dispose of the property for the benefit of the library.

C. The board may recommend to the city council the duties and powers of the librarian, and other employees of the library.

D. The board may make recommendations to purchase necessary books, journals, publications, and other personal property.

E. The board may borrow books from, lend books to, and exchange books with other libraries, and may recommend to the city council policy language to allow nonresidents to borrow books upon such conditions as the board may prescribe.

F. The board shall on or before August 31 of each year review and submit a written report to the city council and state librarian on the condition of the library for the fiscal year ending June 30 preceding. The report shall, in addition to other matters deemed expedient by the board, contain such statistical and other information as deemed desirable by the state librarian.

G. The board may perform such other duties as may be requested from time to time by the city council or as authorized by California Education Code Section 18900 et seq.

2.70.100 Compensation.

Members of the library board shall receive compensation for their attendance at each meeting of the board as approved by resolution of the city council at an amount not to exceed the compensation amount set forth in California Education Code Section 18911."

SECTION 3. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any

one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Ordinance; shall enter the same in the book of original ordinances of said City; shall make a minute of the passage and the adoption thereof in the records of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this 4th day of May, 2011.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk