

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO: The Honorable City Council**

**FROM: Jennifer Mellon, Administrative Services Manager** 

**DATE: March 22, 2011 (CC meeting of April 20, 2011)**

**SUBJECT: Consider an Ordinance of the City of Moorpark, California Amending Chapter 2.70, Moorpark City Library, of Title 2 of the Moorpark Municipal Code**

**BACKGROUND**

In January, 2007, the Moorpark City Library was established and Ordinance 341 was adopted establishing the library and library board and adding Chapter 2.70, Moorpark City Library, to the Municipal Code. Since establishment of the Library, the City Council has served as the Library Board and all library related items have been brought before Council for consideration. Upon recommendation of the City Attorney, staff is bringing an ordinance revision forward for your consideration to further clarify the responsibilities of the Library Board of Trustees (Board) and clarify the appointment procedure.

**DISCUSSION**

Pursuant to the California Education Code § 18900 et seq. and the requirements therein, the City of Moorpark is authorized to establish a public library for the municipality and appoint a library board of trustees. The current language in Section 2.70.020 of the Municipal Code includes that the members of the Moorpark City Council shall serve as the library board and shall comprise the entire library board.

While there is no prohibition in the California Education Code against appointing the City Councilmembers to the board of library trustees, the terms of office for the trustees as set forth in the Education Code differ from those of the City Councilmembers. Accordingly, staff is recommending at this time that the Moorpark Code be modified to address this inconsistency between Councilmember terms of office and library board of trustee terms of office.

The City Council could still serve as the Board or could appoint members of the community. If the Council serves as the Board, and if a Councilmember is not reelected, they would remain on the Library Board until such time as their Library Board term of office expired (unless they resigned earlier). Alternatively, the City Council could appoint other members of the community to the Board.

If, at the time of adoption of the Ordinance, the Council direction is to proceed with the appointment of all seated Councilmembers as the Board, staff recommends that Council schedule and set a meeting of the Board in July to determine the meeting schedule for Fiscal Year 2011/12, set terms of office, and conduct Board duties as identified per the Ordinance. If the Council direction, at the time of adoption of the Ordinance, is to recruit for public members to be considered for appointment to the Board, staff recommends Council authorize the City Clerk to begin recruitment for the Board.

The attached draft ordinance includes language adding provisions pertaining to Library Board membership, terms of office, qualifications, removal of members, absence from meetings, resignations, organization of the Library Board, duties and responsibilities of the Board as acting as an advisory committee to the City Council, and compensation.

Staff has written the Chapter to be generally consistent with Municipal Code language for City Commissions (Planning, Parks and Recreation, and Arts) to the extent permitted by the requirements of California Education Code § 18900 et seq. Where the Education Code is permissive versus mandatory for duties and powers of the library board, staff has retained the City Council as the decision-making body (reference Section 2.70.080 of the attached draft ordinance). Some revisions to the draft ordinance may be needed if the Council's direction is to retain the entire City Council as the Board.

The City Attorney's office has reviewed the attached draft ordinance.

### **FISCAL IMPACT**

The fiscal impact of a Board may include the compensation paid to each member of the Board; the cost of video services at the meetings; the staff costs for agenda and staff report preparation, meeting attendance; as well as the meeting follow-up responsibilities (such as minutes). The California Education Code limits the compensation paid to a Board member as not to exceed \$50.00 per month. The City Council, by resolution, would need to establish the meeting compensation of between \$0.00 and \$50.00 per meeting, not to exceed \$50.00 per month. Following the initial year of operation, some funding for annual conference attendance and related expenses would possibly be needed; but, attendance could be limited to one or two Board members per year.

**STAFF RECOMMENDATIONS**

1. Introduce Ordinance No. \_\_\_\_\_ for first reading, waive full reading, and direct staff to schedule second reading for May 4, 2011.
2. Direct staff to schedule a special meeting of the Library Board of Trustees to be held in July, 2011.
3. Select the date of the July special meeting.
4. Direct the City Clerk to conduct recruitment for the Library Board of Trustees if the Council direction is to proceed with recruitment.

Attachment: Draft Ordinance

ORDINANCE NO.

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.

~~\_\_\_\_\_The Moorpark city library shall be managed by the Moorpark library board. The members of the Moorpark city council shall serve as the library board and shall comprise the entire Moorpark library board. The Moorpark library board may establish an advisory library committee or commission. (Ord. 341 § 1 (part), 2006)~~ 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 mayor with the consent of the city council. The advertisement, recruitment, and appointment process shall be as

established by city council policy. 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 2.72.020(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.

2.70.900 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..

2.72.100 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.

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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 \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

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Maureen Benson, City Clerk