

ORDINANCE NO. 1182

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SIMI VALLEY ADDING CHAPTER 15 TO TITLE 2 TO THE SIMI VALLEY MUNICIPAL CODE, ESTABLISHING A MUNICIPAL LIBRARY FOR THE CITY AND A LIBRARY BOARD OF TRUSTEES

WHEREAS, effective December 31, 2011, the City has withdrawn from the County Free Library System and has noticed its intent to do so with the Ventura County Board of Supervisors pursuant to Education Code Section 19104; and

WHEREAS, the City is authorized to establish a municipal public library under Chapter 5 of Title 1 of the California Education Code, commencing at Section 18900 (hereinafter referred to as the "Municipal Public Library Act"); and

WHEREAS, the City Council desires that the Simi Valley Public Library be established as a municipal public library to be operated by the City.

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

SECTION 1. The Simi Valley Municipal Code is hereby amended by adding Chapter 15, Simi Valley Public Library, of Title 2, Administration, to read as follows:

Sec. 2-15.01 Public Library Established.

The City Council of the City of Simi Valley hereby establishes the Simi Valley Public Library and adopts the provisions under Chapter 5 of Title 1 of the California Education Code commencing at Section 18900, as it may be amended ("Municipal Public Library Act"), regarding the regulation and maintenance of a public library system.

Sec. 2-15.02 Governance and Operation of Library.

The Simi Valley Public Library shall be governed and operated by the Simi Valley Library Board of Trustees in accordance with the Municipal Public Library Act, and such additional rules and regulations as may be adopted by the Library Board of Trustees pursuant to such Act.

Sec. 2-15.03 Library Board of Trustees.

The Simi Valley Public Library will be managed by the Simi Valley Library Board of Trustees ("Board"), consisting of five members, to be appointed by the Mayor, with the consent of the City Council. All board members shall be residents of the City. Except as provided below, each Trustee shall hold office for a term of three years. If a member of the City Council also sits on the Board, the term of office for that Board member shall automatically expire upon the expiration or termination of their term of office as a City

Council member. Vacancies on the Board will be filled by appointment for the unexpired term in the same manner as the original appointments are made.

Sec. 2-15.04 Meetings.

The Board shall meet at least once a month at such time and place as the Board may fix by resolution. Meetings of the Board are governed by the Ralph M. Brown Act (commencing with Government Code section 54950). A majority of the Board will constitute a quorum for the transaction of business. The Board shall cause a proper record of its proceedings to be kept. Board members shall not receive any compensation for their appointment to and participation on the Board.

Sec. 2-15.05 President and President Pro-Tem.

The Board shall, on an annual basis, appoint one of its members to serve as President and another to serve as President Pro-Tem. The President and President Pro-Tem shall each serve for one year and until a successor is appointed. The President Pro-Tem shall preside over the Board during any absence of the President.

Sec. 2-15.06 Powers and Duties.

(a) The Board may make and enforce all rules, regulations, and bylaws necessary for the administration, governance, and protection of the Library under its management, and all property belonging to the Library.

(b) 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 prescribe the duties and powers of the librarian, and other officers and employees of the Library, determine the number of and appoint all officers and employees, and fix their terms of employment and compensation. The Board may delegate these duties and powers to the City Manager.

(d) The Board may purchase books, journals, publications, and other personal property, and may borrow books from, lend books to, and exchange books with other libraries, and may allow nonresidents to borrow books upon such conditions as the Board may prescribe.

(e) The Board may do and perform any and all other acts and things necessary or proper to carry out the provisions of the Municipal Public Library Act.

Sec. 2-15.07 Annual Report.

The Board shall, on or before August 31st of each year, cause a report to be prepared on the condition of the Library for the fiscal year ending June 30th. 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. The board shall provide a copy of the annual report to the State Librarian.

SECTION 2. Staggered Terms of First Board. In accordance with Education Code section 18911, the terms of the members of the first board will expire as provided for in that section, which provides in part, as follows:

The members of the first board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and two at the end of two years thereafter.

Thereafter, each Board member shall have a three-year term as provided in Section 2-15.03.

SECTION 3. Severability. 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 will 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, clauses, phrases, parts, or portions be declared invalid or unconstitutional.

SECTION 4. The City Clerk shall cause this ordinance or a summary hereof to be published in a newspaper of general circulation, published in the County of Ventura and circulated in the City, and if applicable, to be posted, in accordance with Section 36933 of the California Government Code; shall certify to the adoption of this ordinance and shall cause a certified copy of this ordinance, together with proof of publication, to be filed in the Office of the Clerk of this City.

SECTION 5. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the thirty-first (31st) day after its passage.

PASSED and ADOPTED this 30th day of January 2012.

Attest:

/s/
Wendy K. Green
Assistant City Clerk

/s/
Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

Approved as to Content:

/s/
Tracy M. Noonan, City Attorney

/s/
Mike Sedell, City Manager