

ORDINANCE NO. 5969

**AN ORDINANCE ADOPTING PROVISIONS
CONCERNING RAPID CITY PUBLIC LIBRARIES BOARD OF TRUSTEES
BY ADDING CHAPTER 2.86 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, pursuant to SDCL Chapter 14-2 and SDCL 9-12-15, municipalities may provide public library services and establish and maintain a municipal library; and

WHEREAS, the City of Rapid City (“the City”) has established and maintained a municipal library for more than a century; and

WHEREAS the Library Board was appointed by the City pursuant to state law at some point prior to 1914; and

WHEREAS although the Library Board is a policy making board, they are also an executive board, which differentiates it from most other city boards; and

WHEREAS per state statute the Library Director is hired by the Board and is accountable to taxpayers through the the Library Board of Trustees; and

WHEREAS the Library Board of Trustees is accountable to the Common Council and Mayor via the budgeting and board appointment process; and

WHEREAS, the City has consistently provided public library services through the Rapid City Public Libraries throughout the decades since the Library Board’s appointment; and

WHEREAS, the City believes it is in the best interests and general welfare of its citizens to codify certain provisions concerning the membership of the Rapid City Public Libraries Board of Trustees and certain policies concerning affairs of the Board.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Chapter 2.86 of the Rapid City Municipal Code is hereby enacted as follows:

CHAPTER 2.86 RAPID CITY PUBLIC LIBRARIES BOARD OF TRUSTEES

- 2.86.010 Establishment of Rapid City Public Libraries Board of Trustees recognized.
- 2.86.020 Members – Qualifications – Compensation.
- 2.86.030 Members – Appointment – Terms – Vacancies.
- 2.86.040 Officers and Employees – Compensation – Duties.
- 2.86.050 Duties.
- 2.86.060 Library Director created.
- 2.86.070 Powers.
- 2.86.080 Signature authority of Board officers.
- 2.86.090 Contracting authority of Library Director.

- 2.86.100 Budget preparation.
- 2.86.110 Board budget authority.
- 2.86.120 Reporting requirements–Records inspection.

2.86.010 Establishment of Rapid City Public Libraries Board of Trustees recognized.

There has been established and created for the City a Rapid City Public Libraries Board of Trustees as authorized by to SDCL 14-2-35 to provide public library services pursuant to SDCL Chapter 14-2.

2.86.020 Members – Qualifications – Compensation.

A. The Board shall be composed of at least 6 members. Board membership shall consist of the following:

1. Five citizen members who shall be competent citizens broadly representative of the population of the City and shall be residents of the City.
2. One member shall be a member of the Common Council who shall be selected by the Common Council to serve as a full voting member of the Board during that member’s term of office, pursuant to SDCL 14-2-35.
3. Additional members of the Board may be annually appointed by governing bodies who contract with the Board as allowed in SDCL 14-2-36. Any such appointment shall be for a term of one year. The residency requirement shall be within the boundaries established for the governing body who is contracting with the Board.

B. Members shall be appointed as hereinafter provided and shall serve without compensation; however, nothing herein shall limit payment to members as reimbursement for expenses incurred in the performance of duties as members of the Board in accordance with applicable city policies and regulations.

2.86.030 Members – Appointment – Terms – Vacancies.

A. The Mayor shall recommend and the Common Council shall confirm each citizen member of the Board for a term of 3 years; provided that the current citizen members of the Board will serve until their appointments expire. Thereafter, appointments shall be made as they expire.

B. The Common Council shall appoint and confirm one of its members to serve as a full voting member pursuant to RCMC 2.86.020.A.2.

C. In case of any vacancy in membership of the Board due to death, resignation or otherwise, a successor shall be appointed to fill the unexpired portion of the term of the member he or she replaces. The Mayor with the confirmation of the Common Council shall after public hearing have authority to remove any member of the Board for cause which cause shall be stated in writing and made a part of the record of the hearing.

2.86.040 Officers and Employees – Compensation – Duties.

A. The Board may employ and allocate funds for such officers and employees as it may deem necessary for provision of library services and shall prescribe and fix their duties and compensation, in accordance with the City’s salary and personnel policies and/or union contract as may be applicable. All employees of the Libraries shall be deemed employees of the City and subject to the nonunion personnel policy or applicable union contract.

B. The Board may hear grievances from officers and employees as delegated by the Mayor.

2.86.050 Duties.

The Board shall:

A. Appoint a Library Director to serve at the pleasure of the Board. Any paid librarian shall receive any employee benefits provided all other employees of the City and shall be compensated at rates determined by the City’s compensation schedule;

B. Adopt bylaws for the conduct of their business and adopt policies for the selection of public library materials, the governance of the library, and the use of public library services and materials;

C. Prepare and submit an annual budget request to the Common Council and hold budget hearings as appropriate;

D. Adopt a final annual budget within those funds certified to it as being appropriated in the City’s annual budget;

E. Meet at least once during each quarter of the year;

F. Prepare and submit an annual report to its governing body and to the South Dakota State Library on such forms as may be provided by the State Library; and

G. Adhere to state law regarding open meetings of public agencies, including those provisions found in SDCL Chapter 1-25.

2.86.060 Library Director created.

A. There is hereby created the Library Director position. The Director shall be appointed by the Board and shall serve at the pleasure of the Board.

B. The duties of the Director shall include, but are not limited to, the following:

1. Serve as secretary to the Board and keep all its records;

2. Prepare such reports, budgets, and other documents as are required by the Board or are required by the Common Council;
3. Appoint such staff as are necessary to operate the public library within its budgetary limitations.
4. Select and purchase all public library materials for use by the Library in its provision of public library services within policies established by the Board;
5. Publish and enforce the policies of the Board;
6. Execute all contracts and agreements approved by the Board;
7. Keep an accurate account of the financial transactions of the public library;
8. Review and approve payment of bills and claims against the libraries; and
9. Carry out any other activities authorized by law that the Board consider appropriate in the development, improvement, and provision of public library services.

2.86.070 Powers.

The Board shall have any and all powers available under state law, including but not limited to the following:

A. To establish a collection of public library materials to be loaned on a pay or non-pay basis and make reasonable charge for use thereof;

B. To enter into any contracts for the provision of or for the improvement of public library services;

C. To seek and solicit bids and proposals pursuant to SDCL Chapters 5-18A, 5-18B, 5-18C, and 5-18D;

D. To accept any gift, grant, devise, or bequest made or offered by any person, private agency, agency of state government, the federal government, or any of its agencies, for library purposes; and

E. To establish a special public library gift fund; and

F. The Board shall have the power to sell, trade, loan, destroy, or otherwise dispose of any vehicles, equipment, or other personal property which the Board has, by appropriate motion, determined is no longer necessary, useful, or suitable for the purpose for which it was acquired. The Board shall follow all applicable state law, city ordinance, and city policy for disposal of surplus property. Upon passage of a resolution declaring any property surplus, the Board shall promptly notify the Finance Officer of such action.

2.86.080 Signature authority of Board officers.

The President of the Board, and in his or her absence or disability the Vice President, shall have authority to sign, execute and acknowledge in the name of the Board all contracts or documents of any character required by this chapter or by SDCL Chapter 14-2.

2.86.090 Contracting authority of Library Director.

The Library Director shall have the ability to approve and sign purchase orders for equipment and supplies pursuant to the terms found in Rapid City Municipal Code 3.04.030. The Library Director shall have the authority to enter into contracts on behalf of Board as provided in RCMC 3.04.090.

2.86.100 Budget preparation.

The Board, on or before the date annually designated by the Finance Office, shall make a lump sum appropriation request to the Common Council of the amount of money necessary to provide public library services, purchase public library materials, and provide for and maintain quarters for the public library. The request shall specify the amount required therefor. After the Common Council has made its final appropriation determination, the Board President shall certify an itemization of the final appropriation to the Finance Officer on or before October 15 of each year.

2.86.110 Board budget authority.

The Board is authorized to allocate or reallocate funds that have been designated by the Common Council to the Board, as otherwise allowed in the Rapid City Municipal Code and state law. The Board will provide notice and information to the Finance Office of all reallocations. The Board may vote to reallocate money that has been designated as wages and salaries to operations expenses.

2.86.120 Reporting requirements–Records inspection.

The Board shall make an annual report to the Common Council of its accounts and expenditures. The Common Council may require a report from the Board at any time, and the books, papers, records and accounts shall be open to the inspection of the Common Council and its officers and agents at all reasonable times.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: