



AGENDA REPORT

Meeting Date: November 13, 2007
Item Number: F-6
To: Honorable Mayor & City Council
From: Beverley Simmons, Assistant Director of Community Services/City Librarian
Subject: AN ORDINANCE OF THE CITY OF BEVERLY HILLS RELATED TO THE BEVERLY HILLS PUBLIC LIBRARY AND ESTABLISHING A LIBRARY BOARD
Attachments: 1. Ordinance

RECOMMENDATION

It is recommended that the City Council read the ordinance entitled: "An Ordinance of the City of Beverly Hills Related to the Beverly Hills Public Library and Establishing a Library Board" by title only, waive further reading and introduce the ordinance.

INTRODUCTION

This is a technical cleanup of the City's responsibility under state law to provide library oversight. The ordinance affirms that the City Council is to serve as the Library Board and adopt an annual review of the library in accordance with the Education Code.

DISCUSSION

In July 1929, the City Council established a public library for the City of Beverly Hills to be known as the Beverly Hills Public Library ("Library"). The Education Code requires that the library be managed by a Board of Trustees ("Library Board") which was dissolved by the City Council in January 1946 when the city Council took the powers of the Board for itself pursuant to Ordinance No. 648, which is attached to this report.

In the subsequent 60 years, the succeeding Councils drifted away from direct oversight of the Library. However, the State Education Code requires a general law city (such as Beverly Hills) have a Library Board. In discussions with the State Librarian and their staff, they suggested and we agree that an ordinance be adopted to affirm that the City Council serves as the Library Board. This is common as several other cities have city councils that serve as the Board. This is a technical clean up, and does not impact any of the grants or funding the City of Beverly Hills receives from the California State Library.

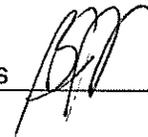
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Since the duties of the Library Board described in the Education Code are administrative and relate to library operations, it seems appropriate that the City Council retain these responsibilities and delegate them to the City Manager. The City Council would need to meet annually and at that time can review Library policies and the City Manager's actions relative to the Library and adopt or confirm any policies for that year. In addition, the Education Code requires that the Library Board provide an annual report to the State Librarian on or before August 31, in each year, on the condition of the library for the previous fiscal year. This special meeting can be held in conjunction with regularly scheduled council meetings.

FISCAL IMPACT

No fiscal impact.

Beverley Simmons
Approved By



ORDINANCE NO. 07-0-

AN ORDINANCE OF THE CITY OF BEVERLY HILLS
RELATED TO THE BEVERLY HILLS PUBLIC LIBRARY
AND ESTABLISHING A LIBRARY BOARD

Whereas, the City Council, pursuant to Ordinance No. 270, adopted on July 23, 1929, as amended, established a public library for the City of Beverly Hills to be known as the Beverly Hills Public Library. On January 15, 1946, the City Council adopted Ordinance No. 648, amending Ordinance 270. Ordinance No. 648 provided that the Beverly Hills Public Library shall be managed and controlled by the City Council of the City of Beverly Hills;

Whereas, the Education Code provides that public libraries shall be managed by a library board of trustees. While the intent of Ordinance No. 648 was to provide that the City Council would serve as the Beverly Hills Library Board of Trustees, the City Council desires to affirm this intent;

Whereas, this Ordinance affirms the intent of the City Council that it has served and will continue to serve as the Beverly Hills Library Board of Trustees;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS
HEREBY ORDAINS AS FOLLOWS:

Section 1. The Beverly Hills Public Library shall be managed by the Beverly Hills Library Board of Trustees. The members of the Beverly Hills City Council shall serve as the Beverly Hills Library Board of Trustees ("Board") and shall comprise the entire Board.

Section 2. The Mayor shall serve as Board president, and the Vice Mayor shall serve as the Board vice president.

Section 3. Meetings.

A. Meetings shall be held at least annually, with a time, date and place noticed in accordance with subsection B of this Section.

B. Special meetings may be called at any time by the Board president or by three (3) trustees when notice is provided as required by the Ralph M. Brown Act.

C. A majority of the Board shall constitute a quorum for conducting business.

D. The City Clerk shall keep a proper record of Board proceedings.

Section 4. Duties and Responsibilities.

A. The Board shall have all of the powers and be subject to all of the duties set forth and contained in the California Education Code 18900 et seq., as may be amended from time to time.

B. The powers of the Board shall be delegated to the City Manager except that, the following actions shall not be final until approved by the Board: (i) approval of the annual operating and capital budgets for the library; (ii) acquisition of real property; and (iii) issuance of debt.

C. The Board, on or before August 31st in each year, shall report to the State Librarian on the condition of the library, for the year ending the preceding June 30th. The reports shall contain the information prescribed in Section 18927 of the California Education Code, as may be amended from time to time.

Section 5. The City Clerk shall cause this ordinance to be published at least once in a newspaper of general circulation published and circulated in the City within fifteen (15) days after its passage, in accordance with Section 36933 of the Government Code, shall certify to the adoption of this ordinance, and shall cause this ordinance and his certification, together with proof of publication, to be entered in the Book of Ordinances of the Council of this City.

Section 6. 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.

Adopted:

Effective:

JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM

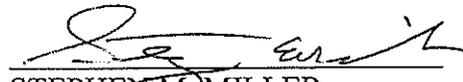


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

[Signatures continue]



STEPHEN M. MILLER
Director of Community Services