



AGENDA REPORT

Meeting Date: November 20, 2007
Item Number: P-5
To: Honorable Mayor & City Council
From: Laurence S. Wiener, City Attorney
Subject: ORDINANCE OF THE CITY OF BEVERLY HILLS RELATED TO THE BEVERLY HILLS PUBLIC LIBRARY AND ESTABLISHING A LIBRARY BOARD
Attachments: Ordinance

RECOMMENDATION

Staff recommends that the City Council adopt the ordinance.

INTRODUCTION

This ordinance is a technical clean-up reaffirming that the City Council is to serve as the Library Board of Trustees for the Beverly Hills Public Library.

DISCUSSION

At the City Council meeting of November 13, 2007, the City Council conducted a first reading of this ordinance.

FISCAL IMPACT

There is no fiscal impact.

Laurence S. Wiener, City Attorney

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.

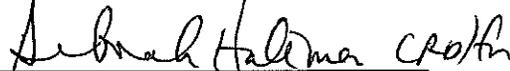
Adopted:
Effective:

JIMMY DELSHAD
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM

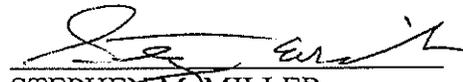


LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

[Signatures continue]



STEPHEN M. MILLER
Director of Community Services