

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, AMENDING CHAPTER 2.16 OF TITLE 2 OF THE FULLERTON MUNICIPAL CODE RELATING TO THE FULLERTON PUBLIC LIBRARY

THE CITY COUNCIL OF THE CITY OF FULLERTON DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.16 of Title 2 of the Fullerton Municipal Code is hereby deleted in its entirety and replaced by the following:

2.16.010 Fullerton Public Library established.

The Fullerton Public Library, having been established in 1906 pursuant to "An Act to Provide for the Maintenance and Establishment of Public Libraries within Municipalities," is governed by Education Code Section 18900 *et seq.* (Municipal Libraries).

2.16.020 Library Board – Appointment – Term.

The Fullerton Public Library shall be managed by a Board of Library Trustees consisting of five members appointed by the City Council. Appointees shall be current members of the City Council.

2.16.030 Library Board – Meetings.

The Board of Library Trustees shall meet at least once a month at such times and places as they may fix by resolution.

2.16.040 Library Board – Attorney.

The City Attorney shall be attorney for the Board of Library Trustees.

2.16.050 Annual Report

The Board of Library Trustees on or before August 31st, in each year, shall report to the City Council and to the State Librarian on the condition of the library, for the year ending the 30th day of June preceding. The reports shall, in addition to other matters deemed expedient by the Board of Library Trustees or Library Director, contain such statistical and other information as is deemed desirable by the State Librarian.

2.16.060 Library Fund.

All moneys acquired for library purposes by gift, devise, bequest or otherwise, shall be apportioned to a fund to be designated the "Library Fund" and shall be applied only to the purposes authorized herein or by state law, consistent with the terms and conditions of any gift, devise or bequest.

2.16.070 Free public library.

The library shall be and forever remain free to the inhabitants and nonresident taxpayers of the city, subject to the rules and regulations of the Board of Library Trustees.

2.16.080 City to retain title to library property.

The title to all property acquired for the library shall be and remain in the city, when not inconsistent with the terms of its acquisition.

2.16.090 Library Advisory Commission established.

There is established the Fullerton Public Library Advisory Commission, which may be referred to as the "Library Advisory Commission."

2.39.100 Library Advisory Commission – Members.

The Library Advisory Commission shall consist of five members, each of whom shall be direct appointments of the City Council, subject to Chapter 2.11, Conditions Governing Commission Appointments and Office. The Library Director shall serve as an ex officio member of the Library Advisory Commission. The City Council shall appoint the first members of the Library Advisory Commission on or about January 2020.

2.39.110 Library Advisory Commission – Regular meetings.

The Library Advisory Commission shall hold at least one regular meeting every other month at a time and place fixed by resolution of the Library Advisory Commission.

2.39.120 Library Advisory Commission – Organization and records.

The Library Advisory Commission shall elect a chair and vice-chair from among its members at its first regular meeting in January of each year. The commission shall adopt rules and regulations for the transaction of its business and shall cause proper records to be kept of all its official acts and proceedings including minutes, resolutions, actions, findings and determinations. Minutes, resolutions and recommendations shall be filed with the city clerk with copies to the director of the library who shall cause appropriate reports to be made to the library board.

2.39.130 Library Advisory Commission – Duties.

The Library Advisory Commission shall have the following duties:

A. Act in an advisory capacity to the Board of Library Trustees in all matters pertaining to the library and cooperate with other governmental agencies and civic groups in the advancement of sound library planning and programming;

B. Review and recommend policies on library services to the Board of Library Trustees;

C. Review proposals and recommend library projects, programs and improvements, including grant proposals and requests for new services;

D. Regularly report to the Board of Library Trustees current or future library services;

E. Review and make recommendations to the Board of Library Trustees regarding financing of the library, including establishment or amendment of fees and charges, capital campaigns and receipt of donations;

F. Review and make recommendations to the Board of Library Trustees regarding the annual library budget and capital improvement program;

G. Assist in ascertaining community attitudes and issues and promote public awareness, involvement and investment in library services and facilities;

H. Provide legislative support and promotion; and

I. Promote intellectual freedom and enhancement of services to achieve the goal of serving the diverse needs of patrons, fostering learning, providing resources, inspiring creative thinking and bringing the community together in a safe and inviting public environment.

SECTION 2. Any provision of the Fullerton Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, phrase or clause of this Ordinance is for any reason held to be unconstitutional, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases or clauses may be declared unconstitutional.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty days from and after its passage.

ADOPTED BY THE FULLERTON CITY COUNCIL ON _____, 2018.

Douglas B. Chaffee, Mayor

Lucinda Williams, City Clerk