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## Chapter 2.20

### LIBRARY SYSTEM

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2.20.010 Short Title. This chapter shall be referred to as the county library system ordinance. (Ord 93-6-1, 1993)

2.20.015 Library Mission. A. The mission of the Douglas County Library System is to provide quality library service to the public of all ages, and to provide and maintain an organized collection of books and other materials to meet the informational, recreational, educational, and cultural needs of our communities. The library's mission reflects the importance in a democratic society of allowing and encouraging the individual to form his or her own opinion on issues, particularly controversial issues. To fulfill this mission, the

library collection must represent many points of view. Therefore, the library will acquire some materials of a controversial nature. Inclusion of a title in the collection shall not constitute endorsement of a particular viewpoint. In selection of books and other materials, the library subscribes fully to the principles stated in the "Library Bill of Rights" adopted by the American Library Association and "The Freedom to Read" joint statement by the American Library Association and the Association of American Publishers.

B. This chapter and administrative rules adopted pursuant to this chapter shall be construed to effectuate the library's mission. (Ord 93-6-1, 1993)

2.20.020 Definitions. A. Except as provided in Subsection B of this section, the definitions set forth in Section 1.04.010.

B. Unless the context clearly indicates otherwise, the definitions in this subsection shall apply to this chapter and shall take precedence over contrary definitions in Section 1.04.010.

1. "Cardholder" means any person who has been issued a library card that is current and valid.

2. "County Counsel" means the Douglas County Counsel.

3. "Director" means the Director of Library Services for the Douglas County library system .

4. "Individual" means a natural person.

5. "Juristic person" includes corporations, associations, and governmental agencies.

6. "Library" means the county library system.

7. "Library Board" means the Douglas County library board.

8. "Library premises" means the library headquarters building in Roseburg, Oregon, premises for library branches located in other cities in the county, the bookmobile operated by the library, and any other premises in the custody and control of the library.

9. "Library fund" means the county library system fund.

10. "Materials" means all books, periodicals, records, microfilm, photographs, motion pictures, audio recordings, serials, CD-ROM software, video cassettes, and other similar items and media within the library's collection.

11. "Person" includes individuals and juristic persons.

(Ord 93-6-1, 1993)

2.20.030 Interpretation. deleted (Ord. 97-1-4, §7, 1997)

2.20.040 Creation. The county library system is created as a public library in accordance with Chapter 357 of the Oregon Revised Statutes. (Ord 93-6-1, 1993)

2.20.050 Fund. The county library system fund is created for the accounting system for deposits and expenditures made on behalf of the library. (Ord 93-6-1, 1993)

2.20.055 Director.

A. The director shall be appointed by the board of commissioners and shall serve at the pleasure of the board of commissioners. The board of commissioners shall consult

the library board before appointment or removal of the director.

B. The director shall have the authority and duty to:

1. Administer all library operations and take any lawful actions necessary to implement this chapter and administrative rules adopted pursuant to this chapter.
2. Establish policies and procedures for operation and use of the library that are consistent with the provisions of this chapter and administrative rules adopted pursuant to this chapter.
3. Recommend adoption, amendment, or repeal of administrative rules in accordance with Sections 2.20.110 to 2.20.135.
4. Hire, supervise, discipline, and terminate library employees.
5. Prepare a budget for operation of the library.
6. Advise the board of commissioners and the library board on all matters pertaining to this chapter and the operation of the library.
7. Implement and collect fees authorized by this chapter.
8. Approve expenditures from the library system fund in accordance with the budget for the library.
9. Take any other actions authorized by order or directive of the board of commissioners.

C. The library director is designated as the person in charge, as that phrase is used in ORS 164.205, of all library facilities and may designate other persons in charge of specified library facilities such as the branch libraries or bookmobile.

(Ord 93-6-1, 1993)

2.20.060 Authority of Library Board. The county library system board is created as an advisory body to assist and advise the director and the board of commissioners on matters concerning the library. The library board shall be composed of seven members. The library board shall have the authority and duty to:

- A. Advise the board of commissioners regarding the appointment or removal of the director.
- B. Adopt administrative rules subject to review of the board of commissioners in accordance with Sections 2.20.110 to 2.20.135.
- C. Make recommendations to the board of commissioners on amendments to this chapter.
- D. Review and make recommendations on the annual budget as prepared by the director for submission to the board of commissioners and the budget committee.
- E. Review and make recommendations to the board of commissioners on the acceptance, use and disposition of any real or personal property or funds donated to the library .
- F. Appoint subcommittees to assist and advise the library board in performance of its duties.
- G. Establish fees in accordance with Section 2.20.136.

(Ord 93-6-1, 1993)

2.20.065 Restrictions on Authority of Library Board. Except as specifically provided in sections 2.20.060 to 2.20.110, 2.20.130 and 2.20.136, the library board shall have no executive or administrative powers. The board of commissioners reserves

exclusive authority to approve or enter into contracts on behalf of the county and to delegate contracting authority to county officers and agents. The board of commissioners declines to delegate authority to the library board under ORS 357.490 to approve expenditures from the library fund and to enter into contracts on behalf of the county. (Ord 93-6-1, 1993)

2.20.070 Terms of members. A. Upon the effective date of the ordinance codified in this chapter, the persons presently serving on the library board shall serve the remaining portion of their terms which will expire as follows:

1. One member's term shall expire on June 30, 1982;
2. Two members' terms shall expire on June 30, 1983;
3. Two members' terms shall expire on June 30, 1984;
4. Two members' terms shall expire on June 30, 1985.

B. Thereafter each member shall be appointed for a term of four years. At the expiration of a member's term, the board of commissioners shall appoint a new member or may reappoint a member for a term of four years. If a member is removed by the board of commissioners or resigns from the library board any replacement member shall serve for the remainder of the term of the member being replaced. No person shall serve as a member for more than two full consecutive terms, but any person may be appointed again to the library board after an interval of one year. (Ord 93-6-1, 1993)

2.20.080 Meetings. The library board shall meet and organize by the election of a chairperson from among its members. The organizational meeting to elect a chairperson shall occur between July 1 and July 31 each year. The library board shall meet at the call of the chairperson or any two members as necessary to perform the duties required by Section 2.20.060. The director shall assist the chairperson in scheduling meetings. The chairperson shall preside at all meetings of the library board and shall conduct the meetings in accordance with procedural rules established by the library board. (Ord 93-6-1, 1993)

2.20.085 Library Board Bylaws. The library board may adopt bylaws to govern its meetings and actions. The bylaws shall not affect the powers and duties of the library board established by this chapter. In the event of a conflict or discrepancy between the bylaws and the provisions of this chapter and administrative rules adopted pursuant to this chapter, the provisions of this chapter and the administrative rules shall take precedence over inconsistent provisions in the bylaws. (Ord 93-6-1, 1993)

2.20.090 Library Board Action. Four voting members shall constitute a quorum. No decision shall be made by the library board unless a quorum is present. A majority of the members present at a meeting must vote in favor of any proposed decision or action of the library board before it may be implemented. (Ord 93-6-1, 1993)

2.20.100 Compensation--Reimbursement for Expenses. The members of the library board shall receive no compensation for services provided as members, except for reimbursement of actual and necessary travel and other expenses incurred in the

performance of their duties. Request for reimbursement of expenses shall be submitted to the director. (Ord 93-6-1, 1993)

2.20.110 Administrative Rules -- Scope. The library board or the board of commissioners may adopt, amend, or repeal administrative rules to:

- A. Establish policies and procedures for the library as may be necessary to implement any provision of this chapter.
- B. Regulate the use of the library facilities, equipment and materials.
- C. Establish policies for selection and withdrawal of materials.
- D. Establish policies for acceptance, use and disposition of any real or personal property or funds donated to the library.

(Ord 93-6-1, 1993)

2.20.120 Administrative Rules -- Interpretation. In the event of a conflict or discrepancy between the provisions of this chapter and the administrative rules, the provisions of this chapter shall take precedence over inconsistent provisions in the administrative rules. (Ord 93-6-1, 1993)

2.20.130 Administrative Rules--Action by Library Board.

- A. The director may propose adoption, amendment, or repeal of administrative rules to the library board.
- B. The library board shall specify the date on which the library board's action on administrative rules take effect, but the effective date shall be no sooner than the fifteenth day after the board of commissioners receives notice of the library board's action.
- C. The director shall promptly give the board of commissioners written notice of adoption, amendment, or repeal of administrative rules by the library board.
- D. Unless the board of commissioners elects to review the action of the library board within fourteen days after the board of commissioners receives notice pursuant to subsection C of this section, the administrative rules adopted, amended, or repealed by the library board shall take effect on the date specified by the library board, without express approval of the board of commissioners.
- E. If the board of commissioners does not review actions of the library board concerning administrative rules, the board of commissioners shall have the administrative rules adopted, amended, or repealed by the library board filed in the county journal as soon as practicable after the changes in the rules take effect.

(Ord 93-6-1, 1993)

2.20.135 Administrative Rules--Action by Board of Commissioners. A. The board of commissioners may affirm, modify, or reverse any action of the library board concerning administrative rules.

- B. The board of commissioners may initiate adoption, amendment or repeal of administrative rules within the scope of Section 2.20.110. Except in compelling circumstances, the board of commissioners shall seek the advice of the library board before taking final action on changes in administrative rules initiated by the board of commissioners.(Ord 93-6-1, 1993)

2.20.136 Fees. A. Upon the recommendation of the director, the library board may establish, modify or rescind fees for:

1. Library cards subject to Subsection 2.20.140 B.
2. Interlibrary loans.
3. Lost or damaged materials or equipment.
4. Replacement cards.
5. Mailing Materials
6. Failure to return materials when due.
7. Special services provided by the library.

B. The library board shall specify the effective date of any action on fees, which shall be no sooner than the fifteenth day after the board of commissioners receives notice of the library board's action. The director shall immediately give the board of commissioners written notice of any action of the library board on fees. The board of commissioners has discretion to overrule the action of the library board.

C. Unless the board of commissioners elects to overrule the action of the library board within fourteen days after the board of commissioners receives notice of the library board's action pursuant to subsection B of this section, the action of the library board shall take effect on the date specified by the library board. In that event, the board of commissioners shall have the fees established, modified, or rescinded by the library board filed in the county journal as soon as practicable after the fees take effect.

D. Before fees may be charged the director shall give public notice of the fees by posting them in all library premises. The director may give such additional notice as the director deems appropriate. (Ord 93-6-1, 1993)

2.20.140 Library cards-- Eligibility. A. A library card may be issued to any individual or juristic person. No person shall borrow library materials or equipment without holding a valid library card.

B. No fee shall be charged for issuing a library card unless the applicant resides or has its place of business in another county or a city outside Douglas County, and the city or county of residence does not have a reciprocal borrowing agreement with the library. (Ord 93-6-1, 1993)

2.20.150 Library cards--Cardholder's Responsibilities. A cardholder shall be responsible for any use of the cardholder's library card by any person. If a library card is stolen or lost, the cardholder shall immediately notify the library. The cardholder shall be responsible for all items charged to a lost card before the loss is reported to the library. The cardholder shall notify the library of any change of address after the card is issued, and the cardholder shall not check out materials with the card until such notice is given. (Ord 93-6-1, 1993)

2.20.151 Library cards--Suspension of Borrowing Privileges. A. The director has discretionary authority to suspend the borrowing privileges of any cardholder who fails to return materials when due, fails to pay fees imposed pursuant to this chapter or violates any provision of this chapter, the administrative rules, or other library policies.

B. Standards for suspension of borrowing privileges may be established by

administrative rule. (Ord 93-6-1, 1993)

2.20.155 Use of Library Premises. A. Library premises are limited public fora that are open to use by all persons for receiving information consistent with the library's mission as stated in section 2.20.015. Library premises are not appropriate fora for public expression by any patron that interferes with or disrupts other patrons' reading, studying, or using materials. Any single patron's right to use the library is secondary to library's interest in promoting and maintaining an environment that will allow all patrons of the library to use its collection and facilities to the greatest extent possible.

B. Any person on library premises who is unreasonably disruptive or violates the provisions of this chapter, administrative rules, or library policies, or otherwise substantially interferes with other patrons' use of the collection and facilities, may be removed from the premises at the direction of the person in charge.

C. If a person is frequently disruptive on library premises, interferes with library employees or patrons, or engages in a pattern of violations of this ordinance, administrative rules, or library policies, the director, by written notice to the person, may prohibit such person from entering any library premises.

D. The library board may adopt administrative rules that specify prohibited disruptive behavior, but failure to adopt such rules shall not limit the authority of the person in charge from removing any person from library premises who unreasonably engages in disruptive behavior that is inconsistent with the purpose and intent of this section. (Ord 93-6-1, 1993)

2.20.160 Prohibited acts. It is unlawful for any person to commit any of the following acts:

A. To fraudulently use another person's library card.

B. To fail to return library materials or equipment in accordance with rules adopted pursuant to this chapter.

C. To fail to pay any fees, rentals or costs assessed for damaged, lost, or overdue materials or equipment. (Ord 93-6-1, 1993)

2.20.170 Violation--Penalties. A violation of any provision of Section 2.20.160 is punishable upon conviction by:

A. A fine of not more than twenty-five dollars upon conviction of each violation; and

B. Conviction and payment of a fine under this section shall not relieve the violator liability for fees established pursuant to Section 2.20.136 or suspension of borrowing privileges pursuant to Section 2.20.151. (Ord 93-6-1, 1993)