
Library Board

Monday, November 18, 2019

Regular Meeting

Item F4

Discussion of Library Board Governance

Ed Meedel and Steve Fosselman met with City Administrator Jerry Janulewicz and Mayor Roger Steele to discuss continued mention of Library Board governance at City Council meetings. Steve has worked with the Library Board in the past to understand both Chapter 51 and Chapter 16 models, and it is recommended that the Library Board be proactive in any subsequent discussions.

The intended process for this discussion includes three parts:

1) November 2019

(a) Discussion of key difference between Chapter 51 and Chapter 16 models, and how libraries in cities of the first class (including Grand Island) are formed under one or the other chapter.

(b) Discussion of two Council meetings in 2012 regarding appointment of department directors. At that time the Library's Chapter 51 structure was clearly laid out to all members of Council. Some of the members have changed, some remain the same. It's a good primer that appeared to be satisfactory to all Council members at the time. See 6/26/2012 Council Meeting - https://grand-island.granicus.com/MediaPlayer.php?view_id=2&clip_id=400 - click on F-2 Res 9389, with the Library mentioned but the resolution approved with potential action on the Library delayed until 7/10/2012. See also 7/10/2012 Council Meeting - https://grand-island.granicus.com/MediaPlayer.php?view_id=2&clip_id=407 - click on F-1 Res 9390, with the Library receiving more mention but again the existing Chapter 51 structure was clearly laid out. There was a concern that the Library Board appoints the Library Director but is not an elected board. And there were questions about who pays the Library Director's salary. The resolution was approved.

2) December 2019

(a) Discussion of information about practices from the 1980's and earlier showing how the Library and City Hall have worked together for many years for the best interests of the citizens of Grand Island.

(b) Information from other Chapter 51 libraries in cities of the first class with attention to similarities in their operations and interactions with City Hall.

3. January 2020

(a) Review of past annual report mechanisms and current report to be approved.

(b) Discussion of proposed annual report presentation to Council by Library Board with information about board governance as well as operations.

Staff Contact: Ed Meedel, Steve Fosselman

Comparing NE Statutes Chapter 51 and Chapter 16 in Regards to Major Library Service Characteristics

Library (free to inhabitants)

Grand Island

51-201. Public libraries; establishment; tax; amount authorized; limitation; library fund; county library; election required; merger authorized.

The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting shall have the power to establish a public library free of charge for the use of the inhabitants of such city, village, county, or township.

§19-1. Established

There shall be established in the City a public library and reading room.

§19-2. To Be Free to Inhabitants of City

The use of the library and reading room established under this chapter shall be forever free to the inhabitants of the City, subject to the rules and regulations of the library board.

Chapter 16 (no mention of free to inhabitants)

16-101. Cities of the first class, defined; population required.

All cities having more than five thousand and not more than one hundred thousand inhabitants as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census shall be known as cities of the first class. The population of a city of the first class shall consist of the people residing within the territorial boundaries of such city and the residents of any territory duly and properly annexed to such city.

Source: Laws 1901, c. 18, § 1, p. 226; R.S.1913, § 4804; C.S.1922, § 3972; C.S.1929, § 16-101; R.S.1943, § 16-101; Laws 1965, c. 85, § 3, p. 328; Laws 1993, LB 726, § 5; [Laws 2017, LB113, § 9.](#)

16-251. Libraries and museums; establishment; maintenance; powers and duties of mayor and city council.

The mayor and city council of any city of the first class may (1) establish and maintain public libraries, reading rooms, art galleries, and museums and provide the necessary grounds or buildings therefor, (2) purchase the papers, books, maps, manuscripts, and works of art and objects of natural or scientific curiosity and instruction therefor, and (3) receive donations and bequests of money or property for the public libraries, reading rooms, art galleries, and museums in trust or otherwise. The mayor and city council may also pass necessary bylaws and regulations for the protection and government of the public libraries, reading rooms, art galleries, and museums. The ownership of the real and personal property of a public library shall be in the city. The mayor and city council shall approve any personnel administrative or compensation policy or procedure applying to a director or employee of a public library, reading room, art gallery, or museum before such policy or procedure is implemented.

Hastings

26-101. Established; name.

There is hereby established in the city a public library and reading room which shall be forever kept and maintained by the city and shall be known as the Hastings Public Library. Whenever in this chapter there shall be used words "public library" the same shall be held to include public library and reading room.

(Code 1973, 19-1; Ord. No. 2007, 2959-2/86)

26-109. Use to be free; exclusion of violators of rules.

The library established under and by virtue of this chapter, shall be forever free to the use of the inhabitants of this city, subject always to such reasonable regulations as the library board may adopt to render the library of greatest use to the inhabitants of the city, and the board may exclude from the use of the library anyone who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof.

(Code 1973, 19-9; Ord. No. 2007, 2959-2/86)

Kearney

6-101 - LIBRARY; ESTABLISHED; HOW DESIGNATED



There is hereby established in the City a public library which shall be perpetually kept and maintained by the City and shall be known as the Kearney Public Library.

(Code 1958, 18.2; Code 1980, 20-1; Ord. No. 5406, 1, 4-14-92; Ord. No. [8333](#), § 1, 3-12-2019)

State Law reference— Similar provisions, Neb. Rev. Stat. 51-201

6-107 - LIBRARY; AVAILABILITY



Except as otherwise provided herein, the public library shall be available to the free use of the inhabitants of the City, subject always to such reasonable regulations as the City may adopt to render such library of the greatest use to the inhabitants of the City. The City may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with the rules and regulations established for the governing thereof.

(Code 1958, 18.5; Code 1980, 20-6; Ord. No. 5406, 3, 4-14-92)

Board

Grand Island

51-202. City or village library; library board; members; elected or appointed; terms; vacancies, how filled.

(1) When any city council or village board decides by ordinance to establish and maintain a public library and reading room under sections 51-201 to 51-219, the city council or village board shall establish a library board. The library board shall have at least five members. Neither the mayor nor any member of the city council or village board shall be a member of the library board. Except as otherwise provided in subsection (2) of this section, the city council or village board shall by ordinance determine the number of members, whether the members are elected or appointed, and the length of the terms of the members. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and the city council or village board shall provide for the appointment or election of their successors. In cases of vacancies by resignation, removal, or otherwise, the city council or village board shall fill such vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the board.

Chapter 16-251 – no mention

Hastings

26-103. Library board -- Membership; qualifications and election of members.

The city council shall elect a library board of eight (8) members, to be chosen from the citizens at large. Neither the mayor nor any member of the city council shall be a member of the Library Board.
(Code 1973, 19-3; Ord. No. 200, 2959-2/86, 3772-11/2000, 4401-8/2014, 4548-2/2018)

Kearney

6-201 - LIBRARY ADVISORY BOARD; CREATED



There is hereby created a Library Advisory Board in and for the City.

(Ord. No. 5406, 6, 4-14-92)

6-202 - COMPOSITION



The Library Advisory Board shall consist of five (5) members chosen from the citizens at large. Neither the Mayor nor any member of the Council shall be a member of the Library Advisory Board. The City Manager and the Library Director shall be ex-officio members of the Board.

(Code 1958, 2.22; Code 1980, 2-99; Code 1980, 20-23; Ord. No. 5406, 6, 4-14-92)

6-207 - POWERS AND DUTIES GENERALLY



The members of the Board shall have such powers and perform such duties as may be conferred upon and required of them by the Council. The Board is an advisory board, thus having only those powers and duties to advise and recommend to the Council and City Manager as are granted to them by the Council.

Library Director

Grand Island

§2-31. Hired Officials

The officials set forth below shall be hired officials which shall be selected for employment by the city as set forth in the personnel rules and regulations. All of the hired officials shall be subject to the personnel rules of the City of Grand Island as adopted by resolution. The personnel rules are supplemental to the civil service rules for the officials set forth in subparagraph (B), and supplemental to the terms of interlocal agreements pertaining to the officials set forth in subparagraph (C) below. The officials listed in subparagraphs (A) and (B) shall be hired by the Mayor with the approval of the City Council. The length of service of all the officials listed below shall be indefinite. The discipline and/or removal of the officials listed in subparagraphs (A), (C), and (D) shall be governed by the City's personnel rules. The discipline and/or removal of the officials listed in subparagraph (B) shall be governed by the City's personnel and civil service rules.

(A) The following shall constitute the general officials of the City of Grand Island:
Building Department Director
Human Resources Director
Parks and Recreation Director
Utility Director

(B) The following shall constitute the officials subject to the civil service rules of the City of Grand Island:
Fire Chief
Police Chief

(C) The following shall constitute the interlocal officials of the City of Grand Island:
Emergency Management Director
Planning Director

(D) The following shall constitute the official subject to the provisions of Article 2, Chapter 51 of the Nebraska Revised Statutes pertaining to libraries:
Library Director

Amended by Ordinance No. 9389, effective 07-17-2012
Amended by Ordinance No. 9390, effective 07-31-2012

51-211. Library board; general powers and duties; governing body; duty; discrimination prohibited.

(1) The library board may erect, lease, or occupy an appropriate building for the use of a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The governing body of the county, city, or village in which the library is located shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the library board.

§19-5. Library Board; Powers Generally

The board of directors of the public library shall have power to purchase or lease grounds, to exercise the power of eminent domain and to condemn real estate for the purpose of securing a site for a library building; to erect, lease or occupy any appropriate building for the use of such library; to appoint a suitable librarian and assistants, to fix their compensation and to remove their appointments in accordance with the Personnel Rules of the City; to establish regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency; to fix and impose by general rules, penalties and forfeitures for trespasses or injury upon or to the library, grounds, rooms, books or other property, or the failure to return any book, or for any violation of any bylaw or regulation; and to exercise such power as may be necessary to carry out the spirit and intent of Neb. Rev. Stat. §51-201 through §51-219 and to carry out the provisions of this chapter in establishing and maintaining the public library and reading rooms.

Amended by Ordinance No. 8977, effective 06-08-2005

§2-17. Mayor; Additional Powers; Duties

In addition to the foregoing powers and duties, the mayor shall:

(1) Appoint and remove, with approval of the city council, all statutory officials; appoint with the approval of the city council, the Police Chief and the Fire Chief; appoint, remove, correct, or discipline all other hired officials and subordinate employees in the departments in both the classified and unclassified service, which appointments shall be upon merit and fitness alone pursuant to the personnel rules, and in the classified service all appointments and removals shall be subject to civil service requirements.

(2) Appoint all members of advisory boards, commissions, and committees established by ordinance or action of the council, subject to council approval.

(3) Have the power to grant reprieves and pardons for all offenses arising under the ordinances of the city after conviction to remit fines and forfeitures.

Amended by Ordinance No. 9389, effective 07/17/2012

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of a public library shall be in the city. The mayor and city council shall approve any personnel administrative or compensation policy or procedure applying to a director or employee of a public library, reading room, art gallery, or museum

Hastings

2-103. Division and departments of city government.

City government shall be divided generally into four divisions with the various departments of city government assigned to those divisions as follows:

The various departments of city government which are not assigned to one of the foregoing divisions shall operate under their respective boards. Those departments or functions of city government not assigned to a division, or operating under an individual board, shall report directly to the Mayor and/or City Administrator. The Mayor shall, with the approval of the City Council, appoint the directors of the various divisions. Each division director shall hold that office until the end of the Mayor's term and until a successor is appointed and qualified, unless sooner removed by the Mayor with the consent of the City Council.

Article V. Appointive Offices.

2-501. Department heads.

(1) The following positions under the control of the Mayor and City Council are hereby created and confirmed:

City Administrator	City Attorney
City Clerk	City Engineer
Finance Director/City Treasurer	Director of Human Resources
Director of Parks & Recreation	Director of Information Technology
Fire Chief	Police Chief
Library Director	Manager of Utilities
Museum Director	Director of Development Services

The persons holding these positions shall be heads of their respective departments.

(2) Department heads shall be appointed by the Mayor with consent of a majority of the Council, and may be removed in the same manner; provided however, only the positions of City Administrator, City Attorney, City Clerk, City Engineer, and City Finance Director/City Treasurer shall hold the office to which they may be appointed until the end of the mayor's term of office and until their successors are appointed and qualified, unless sooner removed or the ordinance creating the office is repealed, or as otherwise provided by law. The appointment, tenure, and removal of the Fire Chief and Police Chief shall be subject to the provisions of Nebraska statutes.

(3) The compensation of department heads shall be determined by the City Council by resolution at the last regular Council meeting in September of each year.
(Ord. No. 3698-7/99, 4473-4/2017, 4548-2/2018)

26-108. Library Director.

The Library Director shall be a City department head as provided by Section 2-501 of this Code and shall be appointed by the Mayor with the approval of the City Council. Compensation for the Library Director shall be approved by the Mayor and City Council and included in the City's annual salary schedule approved as part of the City's annual municipal budget.
(Code 1973, 19-8; Ord. No. 2007, 2959-2/86, 4548-2/2018)

Kearney

1-208 - DEPARTMENTS AND OFFICES; CONTROL



The Council shall have authority, subject to the provisions of Sections 19-601 to 19-648 R.R.S., inclusive, to create and discontinue departments, offices and employments, and by ordinance or resolution to prescribe, limit or change the compensation of such officers and employees.

State Law reference— Similar provisions, Neb. Rev. Stat. 19-620

1-302 - CITY MANAGER; POWERS AND DUTIES



The powers and duties of the City Manager shall be (1) to see that the laws and ordinances are enforced, (2) to appoint and remove all heads of departments and all subordinate officers and employees in the departments in both the classified and unclassified service, which appointments shall be upon merit and fitness alone, and in the classified service all appointments and removals shall be subject to the civil service provisions of the Civil Service Act, (3) to exercise control over all departments and divisions thereof that may be created by the Council, (4) to attend all meetings of the Council with the right to take part in the discussion, but not to vote, (5) to recommend to the Council for adoption such measures as he/she may deem necessary or expedient, (6) to prepare the annual budget and keep the Council fully advised as to the financial condition and needs of the City, and (7) to perform such other duties as may be required of him/her by ordinance or resolution of the Council.

State Law reference— Similar provisions, Neb. Rev. Stat. 19-646

Board Policy/Rule Making

Grand Island

51-205. Library board; bylaws, rules, and regulations.

The library board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with sections [51-201](#) to [51-219](#).

§19-4. Library Board; Organization; Rules

The library board directors shall, immediately after their appointment, meet and organize by electing one of the members president, and one secretary, and such other officers as they shall deem advisable. Four members of such board shall be a quorum to transact business, and such board shall have power to make and adopt such bylaws, rules, and regulations for its guidance and for the government of the library and reading room that they may deem expedient, subject to the supervision and control of the city council. Such board shall have exclusive control of the expenditures of all money collected or donated to the credit of the library fund and of the renting or construction of any library building, the supervision, care, and custody of the grounds, rooms or buildings, constructed, based, or set apart for that purpose.

Amended by Ordinance No. 8878, effective 12-24-2003

§19-5. Library Board; Powers Generally

The board of directors of the public library shall have power to purchase or lease grounds, to exercise the power of eminent domain and to condemn real estate for the purpose of securing a site for a library building; to erect, lease or occupy any appropriate building for the use of such library; to appoint a suitable librarian and assistants, to fix their compensation and to remove their appointments in accordance with the Personnel Rules of the City; to establish regulations for the government of such library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency; to fix and impose by general rules, penalties and forfeitures for trespasses or injury upon or to the library, grounds, rooms, books or other property, or the failure to return any book, or for any violation of any bylaw or regulation; and to exercise such power as may be necessary to carry out the spirit and intent of Neb. Rev. Stat. §51-201 through §51-219 and to carry out the provisions of this chapter in establishing and maintaining the public library and reading rooms.

Amended by Ordinance No. 8977, effective 06-08-2005

§19-11. Amendment of Library Rules

Any bylaw or regulation established by the library board may be amended or annulled by the city council.

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otherwise. The mayor and city council may also pass necessary bylaws and regulations for the protection and government of the public libraries, reading

Hastings

26-106. Same -- Officers; quorum; powers.

The Library Board shall, at their first regular meeting in August of each year, organize by electing one of their members as president, another as secretary and such other officers as may be necessary. Four (4) members of the Board shall constitute a quorum. The Library Board shall recommend the adoption of such rules and regulations for governance of the Library as may be appropriate, subject to the review and approval of the Mayor and City Council. These rules and regulations may include penalties and forfeitures for trespasses upon or injury to Library grounds, rooms, books, or other property, or for the failure to return any book, or for establishing and maintaining a public library and reading room. The Library Board shall recommend the expenditure

Kearney

6-211 - RULES AND REGULATIONS



The Board shall, from time to time, recommend general bylaws, rules or regulations for the operation and government of the library to the City Manager and file a copy thereof with the City Clerk to be recorded and indexed in the records of the Clerk's office. Such rules and regulations shall be submitted to the Council for approval and adoption, and when so approved and adopted by Council, shall be published in a manner as provided for ordinances, and a copy thereof shall be kept on file at the office of the City Clerk for public inspection. A violation by any person of any such rule or regulations after adoption by the Council shall be deemed a violation of this Code, punishable as an infraction.

(Code 1980, 20-31; Ord. No. 5406, 6, 4-14-92)

Expenditures, Budget & Donations

Grand Island

51-207. Library board; funds; buildings; custody and control.

The library board shall have exclusive control of expenditures, of all money collected or donated to the credit of the library fund, of the renting and construction of any library building, and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose.

51-209. Public library; funds; disbursements; sinking fund; bonds.

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of any public library shall be kept for the use of the library separate and apart from all other funds of the city, village, county, or township, shall be drawn upon and paid out by the treasurer of such city, village, county, or township upon vouchers signed by the president of the library board and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner.

The city, village, county, or township may establish a public library sinking fund for major capital expenditures.

The county may issue bonds for library purposes pursuant to Chapter 10.

Source: Laws 1911, c. 73, § 5, p. 315; R.S.1913, § 3796; C.S.1922, § 3189; C.S.1929, § 51-205; R.S.1943, § 51-209; Laws 1997, LB 250, § 20.

§19-4. Library Board; Organization; Rules

The library board directors shall, immediately after their appointment, meet and organize by electing one of the members president, and one secretary, and such other officers as they shall deem advisable. Four members of such board shall be a quorum to transact business, and such board shall have power to make and adopt such bylaws, rules, and regulations for its guidance and for the government of the library and reading room that they may deem expedient, subject to the supervision and control of the city council. **Such board shall have exclusive control of the expenditures of all money collected or donated to the credit of the library fund** and of the renting or construction of any library building, the supervision, care, and custody of the grounds, rooms or buildings, constructed, based, or set apart for that purpose.

Amended by Ordinance No. 8878, effective 12-24-2003

§19-7. Donations

Any person may make any donation of money or lands for the benefit of the public library and the title to property so donated may be made to and shall rest in the library board and their successors in office and such board shall thereby become the owners thereof in trust for the uses of the public library.

§19-9. Library Fund

Any tax levied or collected or funds donated for the benefit of the public library shall be kept for the use of such library separate and apart from all other funds of the city and shall be drawn upon by the proper officers upon the authenticated vouchers of the library board, and shall not be used or disbursed for any other purpose.

Chapter 16-251 – no mention

Hastings

26-106. Same -- Officers; quorum; powers.

The Library Board shall, at their first regular meeting in August of each year, organize by electing one of their members as president, another as secretary and such other officers as may be necessary. Four (4) members of the Board shall constitute a quorum. The Library Board shall recommend the adoption of such rules and regulations for governance of the Library as may be appropriate, subject to the review and approval of the Mayor and City Council. These rules and regulations may include penalties and forfeitures for trespasses upon or injury to Library grounds, rooms, books, or other property, or for the failure to return any book, or for establishing and maintaining a public library and reading room. **The Library Board shall recommend the expenditure of all the money collected or donated to the credit of the Library which expenditure shall be approved by the Mayor and City Council.** In addition, the Library Director and Library Board shall have exclusive control of the library collection, and the books, subscriptions, programming, and materials purchased for use by patrons of the Library.
(Code 1973, 19-6; Ord. No. 2007, 2959-2/86, 4401-8/2014, 4548-2/2018)

26-107. Library budget and expenditures.

The Library Director after consultation with the Library Board shall make a recommendation through the City Administrator as to the Library's receipts and expenditures to be made part of the City's annual budget to be approved by the Mayor and City Council by the Mayor and City Council.
(Code 1973, 19-7; Ord. No. 2007, 2959-2/86, 4548-2/2018)

26-113. Donations.

Any person may make a donation of money, land or property for the benefit of such library, and the title to the property donated may be made to and shall vest in the City of Hastings or the Hastings Library Foundation, to be used for public library purposes, and such property shall thereafter be exempt from taxation. All real estate or interest in real estate donated or devised to the Library for the benefit of the Library may be sold and disposed of in the manner provided by law.
(Code 1973, 19-13; Ord. No. 2007, 2959-2/86, 4548-2/2018)

Kearney

6-105 - LIBRARY; EXPENDITURE OF LIBRARY FUNDS



All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the City public library, shall be kept for the use of the City public library, separate and apart from the other funds of the City.

(Code 1958, 18.4; Code 1980, 20-4)

State Law reference— Similar provisions, Neb. Rev. Stat. 51-209

Collections Policy

Grand Island - related to Board Policy/Rule Making section

Chapter 16-251 – related to Board Policy/Rule Making section

Hastings

26-106. Same -- Officers; quorum; powers.

The Library Board shall, at their first regular meeting in August of each year, organize by electing one of their members as president, another as secretary and such other officers as may be necessary. Four (4) members of the Board shall constitute a quorum. The Library Board shall recommend the adoption of such rules and regulations for governance of the Library as may be appropriate, subject to the review and approval of the Mayor and City Council. These rules and regulations may include penalties and forfeitures for trespasses upon or injury to Library grounds, rooms, books, or other property, or for the failure to return any book, or for establishing and maintaining a public library and reading room. The Library Board shall recommend the expenditure of all the money collected or donated to the credit of the Library which expenditure shall be approved by the Mayor and City Council. In addition, the Library Director and Library Board shall have exclusive control of the library collection, and the books, subscriptions, programming, and materials purchased for use by patrons of the Library.
(Code 1973, 19-6; Ord. No. 2007, 2959-2/86, 4401-8/2014, 4548-2/2018)

Kearney - related to Board Policy/Rule Making section

Confidentiality of Library Records Policy

Grand Island - related to Board Policy/Rule Making section

Chapter 16-251 – related to Board Policy/Rule Making section

Hastings- related to Board Policy/Rule Making section

Kearney - related to Board Policy/Rule Making section

Sources:

http://city.grand-island.com/City_Code/ref_code_index.htm
<https://nebraskalegislature.gov/laws/laws-index/chap51-full.html>
<https://nebraskalegislature.gov/laws/laws-index/chap16-full.html>
<https://www.cityofhastings.org/departments/administrative-services/city-code.html>
https://library.municode.com/ne/kearney/codes/code_of_ordinances

Report to Grand Island Public Library Board, November 18, 2019