



City of Grand Island

Tuesday, May 24, 2005

Council Session

Item F3

#8977 - Consideration of Amendments to Chapter 19 of the Grand Island City Code Relative to Library Board Authority

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: May 24, 2005

Subject: Public Hearing on Amending Chapter 19 of the Grand Island City Code Relative to Library Board Authority

Item #'s: F-3

Presenter(s): Douglas R. Walker, City Attorney

Background

An amendment to the City Code is being requested to make it consistent with the provisions of the Nebraska statutes. Section 19-5 of the City Code sets forth the various powers of the Library Board to acquire property. The changes that are being proposed would grant the Library Board all of the powers granted in Section 51-210 of the Nebraska statutes.

Discussion

As currently drafted, City Code Section 19-5 gives the Library Board most of the powers to acquire property that are mentioned in Neb. Rev. Stat., §51-210 with the exception of the authority to use eminent domain. This Nebraska statute states that a Library Board shall have these powers and the proposed ordinance will now reflect the language of Neb. Rev. Stat., §51-210 and grant the Library Board the power of eminent domain and to condemn real estate for the purpose of securing a site for a Library building.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the amendments to Section 19-5 of the Grand Island City Code.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve the ordinance which will revise Section 19-5 of the City Code to include granting the Library Board the power to use eminent domain and to condemn real estate for the purpose of securing a site for a Library which Neb. Rev. Stat., §51-210 states that a Library shall have.

Sample Motion

Motion to approve the ordinance amending Section 19-5 of the Grand Island City Code.

ORDINANCE NO. 8977

An ordinance to amend Chapter 19 of the Grand Island City Code; to amend Section 19-5 pertaining to the Library Board authority; to repeal Section 19-5 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 19-5 of the Grand Island City Code is hereby amended to read as follows:

§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.

SECTION 2. Section 19-5 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8977 (Cont.)

Enacted: May 24, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk