

SPECIAL MEETING  
Keene Memorial Library Board Meeting  
Keene Memorial Library  
1030 N. Broad St., Fremont NE  
9:00 A.M.  
March 9, 2020

AGENDA

1. Call to Order/Notice of Meeting
2. Roll Call
3. City Council item - Ordinance 5518

Next Meeting Monday March 16<sup>th</sup> at 6:30 PM - Keene Memorial Library

Agenda posted online at [www.fremontne.gov/library](http://www.fremontne.gov/library) and emailed to Library Board members on March 5, 2020. This meeting is preceded by publicized notice in the Fremont Tribune and the agenda is displayed in the Administration Office at Keene Memorial Library, 1030 North Broad Street. A Copy of the Open Meeting Law is posted at the entrances of the meeting rooms. The Library Board reserves the right to go into Executive Session at any time. The Library Board reserves the right to adjust the order of items on this agenda.

**ORDINANCE NO. 5518**  
**(with Board Amendments)**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, REPEALING AND REPLACING CHAPTER 3, ARTICLE 7 OF THE FREMONT MUNICIPAL CODE AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, THAT:

**ARTICLE 7. – LIBRARY**

**§3-701. - Municipal Library; General Powers and Duties.**

1. The City owns and manages the public Library (Keene Memorial Library) through an appointed Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Library. The Library Fund shall at all times be in the custody of the Director of Finance.

2. The Library Board shall have the power and authority to select and appoint a suitable librarian (Library Director) and assistants (library staff) as they may deem necessary, fix the compensation of said appointees and remove such appointees at the pleasure of the Board; the Board may also pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. Personnel administrative or compensation policies and procedures applying to a director or an employee of the Library shall be approved by the City Council prior to implementation. The Library Board shall provide input, and operate within, the constraints of the City's budget and shall adhere to other applicable employment and personnel guidelines approved by the City Council.

- a) The Librarian shall generally supervise the property and operations of the Public Library. The Librarian shall be accountable to the Board and the approving authority.
- b) The Library Director (Librarian) shall advise and serve as the liaison between the Library Board and the Mayor and City Council in regard to the implementing City Council approved policies and directives as well as the Library's budget; its daily operation, maintenance, and development; and personnel of the public library, and shall recommend to the City Council for their approval any staffing and compensation matters, and any library by-laws, rules and regulations, or changes in by-laws, rules, and regulations recommended by the Library Board for the protection and development of the public library.

3. The Library Board shall be responsible for the intellectual content and development of the library.

### **§ 3-702. - Municipal Library; Damaged and Lost Materials.**

Any person who damages or fails to return any materials taken from the Library shall forfeit and pay to the Library not less than the value of the materials in addition to any replacement costs and penalty which the Library Board may assess.

### **§ 3-703. - Municipal Library; Material Removal.**

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take materials from the Library, without the consent of the Librarian, or an authorized employee of the Library. Any person removing materials from the Library without properly checking it out shall be subject to, and referred for, appropriate legal prosecution.

### **§ 3-704. - Municipal Library; Cost and Use.**

The public library shall provide free library cards for use by the inhabitants of the City or those who own property within the City limits. The Library Director may exclude from the use of the Library any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof.

### **§ 3-705. – Municipal Library; Library Board.**

1. The Library Board shall consist of five (5) appointed members who shall reside within the City limits of Fremont, and who shall serve terms of four (4) years. The Mayor shall appoint the members of the Library Board with the consent of the City Council. The Mayor, members of the Council and City Administration, or City staff shall not be appointed to be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Mayor shall fill the vacancy for the unexpired term with the consent of the Council.

2. No member shall receive any pay or compensation for any services rendered as a member of the Library Board.

3. At the time of the Board's first (1st) meeting in June of each year, the Board shall organize by selecting from their number a Chairperson and Secretary. No member of the Library Board shall serve in the capacity of both the Chairperson and Secretary of the Board. It shall be the duty of the Secretary to keep minutes of all meetings, and to timely file the same with the City Clerk as public records. The Library Board shall conduct their meetings in compliance with the open meetings laws of the State.

4. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall establish regular meeting dates and meet at such times as the City Council may ~~request~~require. Special meetings may be held upon the call of the Chairperson, or a majority of the members of the Board.

5. ~~All~~ actions of the Library Board shall be subject to provisions set forth in the NE Library Statutes and the Nebraska Library Commission Manual; actions of the Board are under the purview~~the review and control~~ of the City Council as prescribed therein.

**§ 3-706. - Library Board; annual report.**

The Library Board shall, on or before the second Monday in February, or upon request, and with advance consent of the City Council, no later than April 30 each year, make a report to the City Council the condition of its trust on the last day of the prior fiscal year. The report shall also show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require.

**§ 3-707. - Internet access.**

It is the policy of the City of Fremont that all public internet access funded in whole or in part by the City will meet standards set by the Children's Internet Protection Act. The annual report of the Library Board shall certify compliance with the Children's Internet Protection Act.

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** This Ordinance of the City of Fremont, Nebraska, repeals and replaces Chapter 3, Article 7 of the Fremont Municipal Code in its entirety. ~~That and any other~~ ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval, and publication according to law. This ordinance shall be published in pamphlet form on December 27, 2019 and distributed as a City Ordinance. PASSED AND APPROVED THIS 12<sup>th</sup> DAY OF DECEMBER, 2019.

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Scott Getzschman, Mayor

ATTEST:

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Tyler Ficken, City Clerk

**ORDINANCE NO. 5518**  
**(Second Reading)**

AN ORDINANCE OF THE CITY OF FREMONT, NEBRASKA, REPEALING AND REPLACING CHAPTER 3, ARTICLE 7, SECTIONS 3-701 AND 3-705 OF THE FREMONT MUNICIPAL CODE AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, PROVIDING WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FREMONT, NEBRASKA, THAT:

**SECTION I.**

Chapter 3, Article 7, Section 3-701 - Municipal Library; Operation and Funding;  
The City owns and manages the City Library, Reading Room, Art Gallery, and Museum through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the City Library. The Library Fund shall at all times be in the custody of the Director of Finance. ~~The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the Library, Reading Room, Art Gallery, and Museum as may be proper for their efficient operation.~~

Chapter 3, Article 7, Section 3-705 - LIBRARY BOARD;

(1) The Library Board shall consist of five (5) appointed members who shall be residents of the Municipality and who shall serve terms of four (4) years. The Mayor shall appoint the members of the Library Board with the consent of the City Council. Neither the Mayor nor any member of the Council shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Mayor shall fill the vacancy for the unexpired term with the consent of the Council.

(2) No member shall receive any pay or compensation for any services rendered as a member of the Library Board.

(3) At the time of the Board's first (1st) meeting in June of each year, the Board shall organize by selecting from their number a Chairperson and Secretary. No member of the Library Board shall serve in the capacity of both the Chairperson and Secretary of the Board. It shall be the duty of the Secretary to keep minutes of all meetings, and to timely file the same with the City Clerk as public records.

(4) A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may

be held upon the call of the Chairperson, or a majority of the members of the Board.

(5) The Library Board shall advise the Mayor and City Council in regard to the operation, maintenance, ~~and~~ development and personnel of the Public Library, and shall recommend to the City Council by-laws, rules and regulations, or changes in by-laws, rules, and regulations for the protection and development of the public library.

(6) The Library Board shall be responsible for the intellectual content and development of the library.

(7) The Librarian shall be appointed by the Mayor with the advice of the Library Board and the consent of the City Council. The Librarian shall generally supervise the staff, property and operations of the Public Library. The Librarian shall be accountable to the Board. ~~but will work under the supervision of the City Administrator.~~

(8) All actions of the ~~Library Board~~ ~~Commission~~ shall be subject to provisions set forth in the Library Statutes of the State of Nebraska and the Nebraska Library Commission Manual; actions of the Board are under the purview of the City Council as prescribed therein. ~~the review and control of the City Council.~~

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** That and any other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage, approval, and publication according to law. This ordinance shall be published in pamphlet form on January 29, 2020 and distributed as a City Ordinance.

PASSED AND APPROVED THIS        DAY OF \_\_\_\_\_ , 2020.

Scott Getzschman, Mayor

ATTEST:

Tyler Ficken, City Clerk