

RESOLUTION 61-2011

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ENTITLED "CITY CODE CHAPTER 21: BENSON PUBLIC LIBRARY" DATED SEPTEMBER 20, 2011

BE IT HEREBY RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA:

That certain document entitled "City Code Chapter 21: Benson Public Library" dated September 20, 2011, three (3) copies of which are on file in the office of the Benson City Clerk, is hereby declared to be a public record and such copies are hereby ordered to remain on file with the Benson City Clerk for public inspection.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF BENSON, ARIZONA, this 26th day of September, 2011.



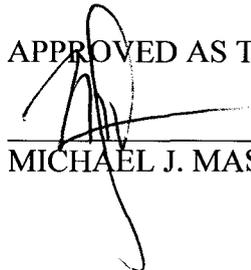
TONEY D. KING, SR., Mayor

ATTEST:



VICKI L. VIVIAN, CMC, City Clerk

APPROVED AS TO FORM:



MICHAEL J. MASSEE, City Attorney

CHAPTER 21 BENSON PUBLIC LIBRARY

ARTICLE 21-1 ESTABLISHMENT

The Department of Library Services is hereby established. This department shall consist of the Director of Library Services, who shall be the head of the department, and all other officers and employees assigned thereto, who shall perform their duties under the supervision of the Director. The Director shall manage and supervise the department in accordance with all City ordinances, regulations, policies and directives, including applicable intergovernmental agreements with Cochise County Library District.

ARTICLE 21-2 POWERS AND DUTIES

21-2-1 Library Director

21-2-2 Library Advisory Board

Section 21-2-1 Library Director

The Library Director shall:

- A. Administer the care, operation and maintenance of the Benson Public Library and all library facilities and programs, including closely coordinating the activities and programs of the Benson Public Library with the Cochise County Library District; plan for future development and operation of all library facilities and programs; and exercise supervisory duties of all library employees and volunteers; all under the general supervision and pursuant to lawful directives of the City Manager. Whenever possible, the Library Director will incorporate recommendations of the Library Advisory Board into the practices and procedures of the Benson Public Library, as appropriate.
- B. Prepare and submit yearly a proposed departmental budget to the City Manager.
- C. Inform the general public of the services and facilities provided by the Benson Public Library; address professional civic groups on library subjects; solicit suggestions from the general public on increasing the effectiveness of the library programs; cooperate with governmental and voluntary agencies or organizations in solving library problems; provide advisory assistance to community organizations, related to library service programs.
- D. Advise the City Council, City Manager and community groups as appropriate concerning the expenditure of public funds for library services; maintain effective and cooperative relations with all city officials, employees, state and federal agencies.
- E. Act as executive secretary to the Library Advisory Board, keeping them informed of all relevant current and future library programs and activities; and soliciting input from them and community members to tailor such programs and activities to the needs and desires of the library users in our community.
- F. Perform such other duties as assigned by the City Manager.

Section 21-2-2 Library Advisory Board

- A. An advisory body is hereby established to be called the "Advisory Board of the Benson Public Library."
- B. The Board shall consist of five members, all of whom shall reside within the service area of the Benson Public Library.

CHAPTER 21 BENSON PUBLIC LIBRARY

- C. The City Council shall appoint the Chairman and the City Manager shall appoint the remaining four members.
- D. The term of office shall be for three years, commencing with the first day of August and expiring on the 31st day of July three years thereafter.
- E. The initial terms of office for three members shall be shortened as necessary so that each year one or two members' terms shall expire.
- F. The chairman shall preside at all meetings of the Board. The members shall elect a vice-chairman, who shall act as chairman in the temporary absence of the chairman.
- G. The Library Director shall serve ex officio as a non-voting executive secretary to the Board, and shall develop by-laws and rules of procedure, which shall include a time for regular monthly meetings and a procedure for calling special meetings. The rules of procedure shall be adopted by the Board and approved by City Manager.
- H. The Board shall comply with the Arizona open meetings laws.
- I. A quorum for all business shall consist of a majority of members then holding office.
- J. The Board, with the assistance of City staff, may establish a working relationship with the Friends of the Benson Public Library for the purpose of raising funds, soliciting and accepting gifts and bequests, and any related activities that benefit the Benson Public Library.

ARTICLE 21-3 REGULATION OF LIBRARY USE

21-3-1 Prohibitions

21-3-2 Library Policies, Standards of Conduct and Appeals Process

21-3-3 Definitions

Section 21-3-1 Prohibitions

- A. It shall be unlawful for any person to commit Library Theft, or to maliciously cut, tear, deface, break or damage any Library Material.
- B. It shall be unlawful and is hereby declared to be a trespass for any person to enter or to remain within the Premises of a Library Facility after having been instructed by the Library Director or authorized designee that the person has been ejected or excluded for a period of time from the Library Premises.
- C. It shall be unlawful and is hereby declared to be a public nuisance for any person to enter or to remain within the Premises of a Library Facility, when due to that person's conduct, attire and/or hygiene the person unreasonably disturbs or prevents the peaceful enjoyment of the Library Facility by other Library patrons or staff.
- D. Except as authorized by law, no person shall possess a dangerous weapon or firearm within the Premises of a Library Facility.
- E. The restrooms of a Library Facility shall not be used for bathing, shampooing, washing of clothes or for any lewd or offensive activity.

Section 21-3-2 Library Policies, Standards of Conduct and Appeals Process

- A. The Library Director, with consent of the City Manager and upon recommendation by the Library Advisory Board, shall develop and disseminate

CHAPTER 21 BENSON PUBLIC LIBRARY

Library Policies, Standards of Conduct for library patrons and an Appeals Process.

- B. The Library Policies shall control the general operating practices of the Benson Public Library, including hours of operation, terms and conditions for issuing a Library Card, terms and conditions for borrowing Library Materials, selection and procurement of Library Materials, use of library bulletin boards, use of library computers, and fees for library services.
- C. The Standards of Conduct for library patrons shall establish the minimum norms of conduct within the Premises of a Library Facility, which shall include regulations and policies to control rowdy or loud behavior, unhygienic attire, unattended children, possession of weapons, use of tobacco products, threatening, fighting or other criminal behavior, use of restrooms, and consumption of food and beverages within the Premises of a Library Facility.
- D. The Appeals Process shall allow any person who has been aggrieved by application of a Library Policy or Standards of Conduct, such as by being denied a Library Card, access to a library computer, or having been ejected or excluded from the Premises of a Library Facility or other similar regulatory action, to expeditiously pursue an administrative appeal to the City Manager or his designee, whose decision shall be final.

Section 21-3-3 Definitions

The following definitions apply to this Article:

Library Card. Card or plate issued by a library facility for purposes of identifying the person to whom the *Library Card* was issued, as authorized to borrow library material(s), subject to all limitations and conditions imposed on borrowing by the library facility issuing the card.

Library Material. Any book, plate, computer disc, picture, photograph, engraving, painting, sculpture, statue, artifact, drawing, map, newspaper, pamphlet, magazine, manuscript, document, coin, model, apparatus or other work of literature or art or mechanics, objects of curiosity, letter, microfilm, sound recording, audiovisual material, magnetic or other tape, electronic data processing record or other documentary, written or printed material regardless of physical form or characteristics, or any part thereof, belonging to, or on loan to, or otherwise in the custody of, a library facility.

Library Theft. A person commits a *Library Theft* by doing any of the following acts:

(a) Intentionally or knowingly removes any Library Material from the Premises of a Library Facility without authority to do so.

(b) Intentionally or knowingly conceals any Library Material upon his or her person or among his or her belongings and removes Library Material beyond the last point in the premises of the library facility at which Library Material may be borrowed in accordance with procedures established by the library facility for the borrowing of Library Material.

CHAPTER 21 BENSON PUBLIC LIBRARY

(c) With the intent to deceive, borrows or attempts to borrow, any Library Material from a library facility by use of a library card issued to another, or use of a Library Card knowing that it is revoked, canceled or expired, or use of a Library Card knowing that it is falsely made, counterfeit or materially altered.

(d) Fails to return overdue Library Material within a reasonable period of time.

Premises of a Library Facility. The interior of a building, structure or other enclosure in which a library facility is located and in which the library facility keeps, displays and makes available for inspection or borrowing Library Material, but for purposes of this section such premises do not include the exterior appurtenances to the building, structure or enclosure nor the land on which the building, structure or other enclosure is located.