

ORDINANCE 3140

AN ORDINANCE CREATING TITLE 2, CHAPTER 49 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) ESTABLISHING THE GREAT FALLS PUBLIC LIBRARY

* * * * *

WHEREAS, a free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational and educational activities; and

WHEREAS, since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library; and

WHEREAS, the City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day; and

WHEREAS, Ordinance 341 is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided in state law, should be maintained; and

WHEREAS, the need for independent management of the library must be balanced with the City Commission’s authority under both state law and the City Charter to approve the budget and mill levy for the library. To accomplish that balance, there is a need to establish a structured relationship between the Library Board of Trustees and the City Commission; and

WHEREAS, the City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of its public library, as well as contributions from individuals and foundations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

- Section 1. There shall be and hereby is created and established a free public library in the City of Great Falls, under the provisions of Montana law relating to public libraries, to be known as the “Great Falls Public Library” as set forth in Title 2, Chapter 49, Sections 010 through 070 of the OCCGF. The full text and provisions of which are set forth in Exhibit “A,” attached hereto and, by this reference, made a part hereof.
- Section 2. This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.
- Section 3. That Ordinance 341, adopted October 31, 1910, is hereby repealed.

APPROVED by the City Commission on first reading April 19, 2016.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading May 3, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3140 in three places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

EXHIBIT "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 49 - GREAT FALLS PUBLIC LIBRARY

Chapter 49 GREAT FALLS PUBLIC LIBRARY

Sections:

[2.49.010 Legislative Findings.](#)

[2.49.020 Establishment.](#)

[2.49.030 Purpose.](#)

[2.49.040 Tax Levy – Special Library Fund.](#)

[2.49.050 Library Board of Trustees.](#)

[2.49.060 Trustees – Powers and Duties.](#)

[2.49.070 City Authority to Contract with Board of Trustees for Library Services.](#)

2.49.010 Legislative Findings.

A. Since 1890, when Paris and Valeria Gibson, and Robert Vaughn, contributed toward the establishment of the first library in this city, the people of Great Falls have enjoyed the benefits of a free public library.

B. The City of Great Falls assumed operation of the library in 1892, and in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day.

C. The 1910 ordinance is antiquated in several particulars, and is in need of revision, although independent management and control of the library, through an appointed Board of Trustees, as provided by law, should be maintained.

D. The need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library. To accomplish this balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission.

E. The City Commission welcomes the continued cooperation of other public bodies, including the State of Montana and Cascade County, in the operation of the public library, as well as contributions from individuals and foundations.

2.49.020 Establishment.

The first library was established in Great Falls in 1890. The City assumed operation of the library in 1892 and, in accordance with Ordinance 341 adopted in 1910, as well as state law, a free public library remains operational to this day. Pursuant to Mont. Code Ann. § 22-1-303(1) and Article VII, Section 3 of the Charter of the City of Great Falls, the Great Falls Public Library is hereby established in the Official Code of the City of Great Falls.

2.49.030 Purpose.

A free public library allows residents the fullest opportunity to enrich and inform themselves through reading, as well as social, cultural, recreational and educational activities.

EXHIBIT "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 49 - GREAT FALLS PUBLIC LIBRARY

2.49.040 Tax Levy – Special Library Fund.

- A. Subject to provisions of state law and the Charter of the City of Great Falls, the City Commission may levy in the same manner and at the same time as other taxes are levied a tax for the support of public library services.
- B. The City Commission may, by resolution, submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in state law.
- C. Upon a petition being filed with the City Commission and signed by not less than five percent (5 %) of the resident taxpayers of the City of Great Falls requesting an election for the purpose of imposing a mill levy, the City Commission shall submit to a vote of the qualified electors at an election conducted as provided by state law the question of imposing the mill levy.
- D. The proceeds of the tax constitute a separate fund called the public library fund and may not be used for any purpose except those of the public library.
- E. Money may not be paid out of the public library fund by the Department of Fiscal Services of the City of Great Falls except by order or warrant of the Library Board of Trustees, or its authorized designee with approval by the Library Board.

2.49.050 Library Board of Trustees.

- A. The City Commission shall appoint an advisory board to govern and manage the Great Falls Public Library to be known as the "Great Falls Library Board of Trustees," hereafter referred to as the "Board."
- B. The Board shall consist of five (5) members. In addition, one member of the City Commission shall be appointed by the City Commission to sit on the Board as an *ex officio*, non-voting member.
- C. Members of the Board shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.
- D. Trustees shall hold office for five (5) years from the date of appointment by the City Commission and until their successors are appointed. Appointments shall be governed by state law. All trustees serving on the Library Board of Trustees in existence at the time Ordinance 3140 becomes effective shall retain their offices for the duration of their appointments. If a Board member vacates that member's seat, a successor member shall be appointed to fill the remainder of that member's appointment, which term shall not be considered a full term under Mont. Code Ann. § 22-1-308.
- E. In July of each year, or the next regularly scheduled Board meeting afterward, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for one (1) year terms. Vacancies on the Board of Trustees must be filled for the unexpired term in the same manner as original appointments.

2.49.060 Trustees – Powers and Duties.

- A. The Board has those powers and duties as provided by Mont. Code Ann. §§ 22-1-309 and -311, including, but not limited to, the management and control of the Great Falls Public Library.
- B. In accordance with Article VII, Section 3, of the City Charter, the Board is also considered advisory with respect to the City Commission in the exercise of its duties. The Board may advise the City Commission on such matters as it deems necessary and appropriate, and the City Commission may seek Board advice and comment on such matters as it deems necessary and appropriate.

EXHIBIT "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 49 - GREAT FALLS PUBLIC LIBRARY

- C. Pursuant to state law, the Board may exclude from the use of the Great Falls Public Library any and all persons who shall willfully violate the rules of the Great Falls Public Library. The Board may extend the privileges and use of the Great Falls Public Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.
- D. The Board shall keep a record of its transactions, and shall make a report to the City Commission at least once each calendar year, addressing the business transacted during that year.
- E. The Board may exact and enforce reasonable fines and penalties to be assessed for violations of Great Falls Public Library rules, policies and regulations.

2.49.070 City Authority to Contract with Board of Trustees for Library Services.

- A. The City, through its Manager, with the approval of the City Commission, may contract with the Board to provide various services, including, but not limited to, personnel services.
- B. Any and all contracts between the City and the Board in effect as of the date of adoption of Ordinance 3140 shall remain in full force and effect.

(Ord. 3140, 2016)