

## ORDINANCE NO. 2009-22

### An Ordinance Relating to the Library Board

The Common Council of the City of Cedarburg, Wisconsin, hereby ordains as follows:

SECTION 1. Section 2-4-3 of the Municipal Code of the City of Cedarburg is hereby amended as follows:

#### SEC. 243 LIBRARY BOARD

(a) **Joint Library System**

(1) ~~The City of Cedarburg and the Town of Cedarburg shall own the Cedarburg Public Library with the City holding an undivided 77.78% interest in the facility and the Town holding an undivided 22.22% interest.~~

(2)(1) The City and the Town hereby create~~s~~ and establish~~e~~s a Joint Library Board for the purpose of operating a public library at W63 N583 Hanover Avenue, Cedarburg, Wisconsin, or at such other location as is hereafter determined for the use by residents of the City and the Town and others.

(b) **Joint Library Board Composition**

(1) The Joint Library Board shall have all the powers provided in Sec. 43.58, Wis. Stats., and any other applicable Wisconsin Statute including, but not limited to, exclusive control of the expenditure of all moneys collected, donated or appropriated for the library fund relating to libraries.

(2) ~~The Library Board shall consist of ten (10) members, all of whom shall be residents of the City of Cedarburg or the Town of Cedarburg. Seven (7) members shall be residents of the City and shall be appointed by the Mayor of the City, subject to confirmation by the Common Council of the City. Three (3) members shall be residents of the Town and shall be appointed by the Town Chairperson subject to confirmation of the Town Board.~~ The Library Board shall consist of seven (7) members, all of whom shall be residents of the City of Cedarburg and shall be appointed by the Mayor of the City, subject to confirmation by the Common Council of the City.

(3) The seven (7) member Board shall be divided into three (3) classes. Initially, three (3) members shall serve for three (3) years, two (2) members shall serve for two (2) years and two (2) members shall serve for one (1) year, ending April 30. ~~The Town shall appoint one (1) three (3) year member and one (1) one (1) year member.~~ The City Mayor shall appoint one (1) of the administrators of the Cedarburg Public Schools, or his designate, as one of the City's members of the Board, subject to confirmation by the Common Council of the City.

(4) Appointments to the Board shall be made as soon as practical after approval of this ~~agreement by the parties hereto~~ ordinance. The initial appointees shall all serve interim terms of office expiring ~~June 30, 1985~~ April 30 2010, at which time the three (3) year, two (2) year and one (1) year terms set forth above shall commence.

(5) Not more than one (1) member of the ~~municipal governing body of either party~~

Common Council hereto shall at any one time be a member of the Board.

- (6) Vacancies on the Board shall be filled by appointment for any unexpired term by the ~~appointing authority~~ Common Council in the same manner as original appointments are made.
- (c) **Quorum.** A majority of the members of the Board shall constitute a quorum. ~~but the Board may, by regulation, provide that three (3) or more members thereof may constitute a quorum.~~
- (d) **Organization.** As soon as practicable after the initial appointments are made, the members of the Board shall organize and elect a President, Vice President, Secretary and such other officers as they deem necessary. The President and Vice President shall be members of the ~~Joint Library~~ Board, but other officers need not be members.
- (e) **Compensation.** No compensation shall be paid to members of the Library Board for their services, but they may be reimbursed for actual and necessary expenses incurred if so authorized by the Board.
- (f) **Employees.** The Board shall appoint a Library Director. The Library Director shall appoint such other librarians, assistants and employees as it deems necessary by the Board and shall prescribe their duties and compensation. The Library Director and such other librarians, assistants and employees appointed by the Board shall be considered and treated as employees of the City for tax withholding purposes. Said employees shall also be entitled to such fringe benefits as are provided other full and permanent part-time employees of the City, including group life and health insurance and FICA and state pension fund contributions.
- (g) **Budget.** The ~~Board~~ Library Director shall prepare and submit to the Library Board a draft budget. The Library Board shall submit to the Common Council ~~and Town Board~~ a budget to cover the Board's income and expenses for the following calendar year. Such budget shall be in the form prescribed by Sec. 65.90, Wis. Stats., in respect to municipal budgets. No expenditures shall be made until the budget has been approved by the Common Council ~~and the Town Board~~. No expenditure shall be made or contracted for by the Board or any employee thereof except as authorized by such budget.
- (h) **Rules.** The Library Board may establish and make public rules and regulation governing the use of facilities operated by the Board pursuant to Sec. 43.52, Wis. Stats. The Board may, in its discretion, discontinue library privileges to any person who violates the rules and regulations adopted and published by the Board.
- (i) **Legal Status of Board.** The ~~Joint~~ Library Board created by this Section ~~and joint operating agreements hereunder~~ shall not be considered a separate legal entity for any purpose. ~~Physical assets acquired by the Library Board shall be owned jointly by both the City and the Town, subject to the provisions for division of assets on termination this agreement as set forth in Subsection (j).~~
- (j) **Finances.** In its exercise of the powers and duties set forth in Sec. 43.58, Wis. Stats., ~~the Board will interpret the word "municipality" as referring severally to both municipalities, except that with respect to Sec. 43.58(2),~~ the Board shall designate the Treasurer of the City to pay all expenditures approved by the Board and to receive all Board receipts. Said Treasurer may commingle Board funds with other funds of the City but shall keep separate records of all Board receipts and expenditures. ~~The net expenses of the Joint Library Board as established by the budget shall be borne and paid by the municipalities in the proportion to the usage of the library by the residents of the City and the Town as~~

~~measured by the circulation records for the preceding calendar year. The Town shall, on receipt of statements from the City, reimburse the City for the Town's proportionate share of such expenditures. The City shall keep complete and accurate records of all receipts and expenditures of the Library Board. and shall furnish the Town with quarterly reports thereof.~~

- (k) ~~This Section and joint operating agreements hereunder shall be in effect from the date of execution by both municipalities for a period ending December 31, 1984, and shall continue thereafter from year to year on a calendar year basis unless any party gives written notice to the other party not later than October 1st of any year commencing with the year 1985, that the agreement hereunder is to terminate at the end of the year in which said notice is given. If the termination results in the closing of the library, the real property assets thereof shall be divided among the two municipalities in accordance with their ownership interests as set forth above. The other assets shall be divided in proportion to the average contributions of the City and the Town to the operating budget for the five (5) calendar years immediately preceding the termination of agreements under this Section. In the event of a dispute with respect to such distribution, all assets shall be sold with the proceeds thereof distributed on the same basis.~~

SECTION 2. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 14<sup>th</sup> day of December 2009.

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Gregory P. Myers, Mayor

Countersigned:

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Constance K. McHugh, City Clerk

Approved as to form:

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Kaye K. Vance, City Attorney