

ORDINANCE NO. 1109

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTION 2.48.010 OF THE PAYETTE MUNICIPAL CODE TO CHANGE THE CALCULATION OF TAXES COLLECTED, WHERE THE FUNDS ARE DEPOSITED AND HOW THEY ARE USED; AMENDING SECTION 2.48.020A OF THE PAYETTE MUNICIPAL CODE TO DELETE THE REQUIREMENTS OF THE FIRST APPOINTMENT AND TO PROVIDE THAT A CITY COUNCIL MEMBER BE A LIAISON TO THE LIBRARY BOARD; AMENDING SECTION 2.48.030B OF THE PAYETTE MUNICIPAL CODE SETTING FORTH CUSTODY OF LIBRARY FUNDS AND THE AMOUNT OF EXPENDITURES WHICH CAN BE MADE; AMENDING SECTION 2.48.050 OF THE PAYETTE MUNICIPAL CODE CHANGING THE DATE OF FILING OF ANNUAL OPERATIONS REPORT, SETTING FORTH THE CONTENTS OF SAID REPORT AND REQUIRING PRESENTATION TO THE CITY COUNCIL; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. Section 2.48.010 of Title 2 of the Payette Municipal Code, is hereby amended to read as follows:

2.48.010 Library and reading room--Established--Funding. A public library and reading room is established in the city under the provisions of Chapter 26 of Title 33 of the Idaho Code and, for such purpose, the city council shall annually levy and cause to be collected, as other taxes are, a tax up to but not exceeding ~~three mills on the dollar~~ one-tenth percent (.10%) of market value of the taxable property of the city to constitute a library fund. All fines, fees, donations, gifts, or property accepted in accordance with library board policy shall be deposited with the city treasurer and included as a part of the library fund. Said fund shall be kept by the city treasurer, ~~separate and apart from other moneys of the city,~~ and shall be used exclusively for the purchase of books, periodicals, necessary furniture and fixtures and whatever is required for the maintenance of such library and reading room, subject to the city budgeting process. Donations and gifts offered and accepted for specific purposes shall only be used for those purposes.

Section 2. Section 2.48.020A of Title 2 of the Payette Municipal Code, is hereby amended to read as follows:

2.48.020 Appointment--Vacancy filling--Compensation.
A. For the government of the public library ~~and reading room,~~

there shall be a board of five library trustees appointed by the Mayor and approved by the city council from among the citizens thereof at large, ~~and not more than one member of the council shall, at any time, be a member of said board.~~ Such trustees shall hold their office for five years from the date of appointment and until their successors are appointed, ~~but upon their first appointment they shall divide themselves at their first meeting, by lot, into five classes:--one member shall form the first class and shall serve for one year from the date of appointment; one member shall form the second class and shall serve for two years from the date of appointment; one member shall form the third class and shall serve for three years from the date of appointment; one member shall form the fourth class and shall serve for four years from the date of appointment; and one member shall form the fifth class and shall serve for five years from the date of appointment.~~ Each year, the city council shall appoint one of its members to be a liaison to the board, but he/she will have no voting rights.

Section 3. Section 2.48.030B of Title 2 of the Payette Municipal Code is hereby amended to read as follows:

B. All funds for the library shall be in the custody of the city treasurer and shall be used only for library purposes. ~~They~~ The library board shall have the exclusive control of the expenditure of all moneys collected and budgeted for the library fund, and the supervision, care, and custody of the room or building constructed, leased or set apart for that purpose; and such moneys shall be drawn from the city treasury by the proper officers and by properly authenticated vouchers of the board without otherwise being audited. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated for library purposes. ~~They~~ The board may, with the approval of the mayor and city council, lease and occupy or purchase or erect, on purchased ground, an appropriate building; provided, that not more than one-half of the income in any one year can be set apart in said year for such purchase or building.

Section 4. Section 2.48.050 of Title 2 of the Payette Municipal Code is hereby amended to read as follows:

2.48.050 Filing of annual operations report. The library board of trustees shall annually, and no later than the first day of ~~September~~ January of each year, file with the State Library Board, ~~in the office of the State Librarian,~~ a report of the operations of the library for the fiscal year just ended, stating the condition of their trust; the various sums of money received from the library fund and from all sources, and how much has been expended; the number of books and periodicals on hand, and the number added by purchase, gift or otherwise during the year; the number lost or missing; the number of books loaned out and the

general character of such books, with such other statistics, information and suggestions as they may deem of general interest and the State Library Board may require. The report shall be of such form and contain such information as the State Library Board may require, but in all cases must include a complete accounting of all financial transactions for the fiscal year being reported. The library board of trustees shall present the report to the city council at the second regularly scheduled city council meeting in January.

Section 5. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 6. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the ordinance shall constitute ordinance number 1109.

Section 7. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 8. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 17th day of July, 1995.

CITY OF PAYETTE

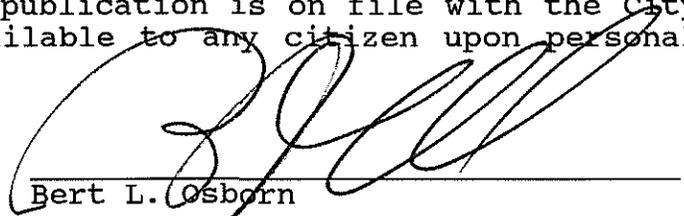
By James E. McCue
Mayor

ATTEST: John P. Franks
City Clerk

SUMMARY OF ORDINANCE 1109

Ordinance 1109 passed July 17, 1995, is an ordinance of the City of Payette, Payette County, Idaho, amending Sections 2.48.010, 2.48.020A, 2.48.030B and 2.48.050 of the Payette Municipal Code. The Ordinance amends Section 2.48.010 of Title 2 by changing the annual levy for the library from three mills on the dollar to one-tenth percent of market value of the taxable property of the city; by adding that all fines, fees, donations, gifts or property accepted in accordance with library board policy shall be deposited with the city treasurer and included as a part of the library fund; striking language that requires the city treasurer to keep the library fund separate and apart from other moneys of the city; and adding language that provides that the funds are subject to the city budgeting process and that donations and gifts offered and accepted for specific purposes shall only be used for those purposes. The Ordinance amends Section 2.48.020A of Title 2 by deleting the words "reading room"; by providing that the trustees be appointed by the Mayor and approved by the city council; striking the language that not more than one member of the council shall at any time be a member of said board; deleting all language with reference to dividing the board into classes; and adding that each year, the city council shall appoint one of its members to be a liaison to the board, with no voting rights. The Ordinance amends Section 2.48.030B of Title 2 by providing that all funds for the library shall be in the custody of the city treasurer and shall be used only for library purposes; adds the language "budgeted" and provides that the board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated for library purposes. The Ordinance amends Section 2.48.050 of Title 2 by changing the date of filing of the annual report from September to January, setting forth the form of the report and that the library board of trustees shall present the report to the city council at the second regularly scheduled city council meeting in January. The Ordinance contains a repealer clause, a severability clause and an effective date clause and a paragraph allowing publication by summary.

I, Bert L. Osborn, legal advisor for the City of Payette, state the foregoing summary is true and complete and provides adequate notice to the public. The full text of the ordinance which is summarized by this publication is on file with the City Clerk and shall be made available to any citizen upon personal request.


Bert L. Osborn