

AN ORDINANCE OF THE CITY OF MELISSA, TEXAS, CREATING THE LIBRARY BOARD; PROVIDING FOR THE APPOINTMENT/REMOVAL OF ITS MEMBERS AND THE METHOD OF FILLING VACANCIES; PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS; PROVIDING FOR POWERS AND AUTHORITIES; PROVIDING FOR VOTING AND PROCEDURES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of the City of Melissa, Texas ("City Council"), has investigated and determined that it will be advantageous and beneficial to the City of Melissa, Texas ("Melissa") and its citizens to create the Library Board as set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS:

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Establishment of Library Board. There is hereby created and established within Melissa a Library Board ("Board") which shall be subject to the jurisdiction of the City Council of Melissa.

SECTION 3: Number of Members. The Board shall be composed of seven (7) members appointed by the City Council.

SECTION 4: Term of Office. The term of office of each member shall be two (2) years; provided, however, at the time of appointment of the initial members of the Board, the City shall draw by lot to determine three (3) members who shall serve a one (1) year term and four (4) members who shall serve a two (2) year term. The Board shall serve without compensation.

SECTION 5: Vacancies. When vacancies occur on the Board, the City Council shall appoint, by majority vote, a replacement to serve the remainder of that term.

SECTION 6: Officers. The Board shall have, at a minimum, a Chair and Secretary whose terms shall be one (1) year. These positions will be appointed through the means decided by the City Council and are subject to change without notice.

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SECTION 7: Meetings/Attendance/Adherence to City Council Policies relating to Boards and Commissions. The Board shall have its regular meeting on the first Thursday of each month and at such other times as the Board and/or City Council deem necessary and appropriate. The Board shall keep minutes of its proceedings which shall be of public record. Board members are required to be in compliance with policies defined by the City Council for Board members that are in existence or as modified in the future.

SECTION 8: Removal From Office. Members of the Board may be removed, without cause, by an affirmative vote of a majority of the full membership of the City Council.

SECTION 9: Quorum/Voting. Four (4) members of the Board shall constitute a quorum for the transaction of business. No action or recommendation of the Board shall be valid or binding unless adopted by the affirmative vote of a majority of the Board members present. The Chairman shall be considered a voting member of the Board.

SECTION 10: Powers and Authority. The Board shall be responsible to and act as an advisory board to the City Council. The Board shall:

- (A) Advise and recommend to the City Council on matters relating to the operation of the Melissa Public Library (“Library”).
- (B) Review and recommend policies and procedures regarding the Library.
- (C) Recommend to the City Council on matters relating to the acquisition on Library sites.
- (D) Review plans and specifications for proposed Library facilities and recommend to the City Council the implementation of those plans.
- (E) Review and approve special requests for the use of Library facilities.
- (F) Attend Board meetings and other committee meetings deemed necessary for promoting the Library.
- (G) Recommend to the City Council various fines and the amounts to be charged as fees for the use of Library facilities.
- (H) Solicit gifts and donations to the Library subject to the approval of the City Council.
- (I) Use its influence for services of the Library and the community.

- (J) Perform all functions and duties required by law and such other and further duties requested of it by the City Council.

SECTION 11: Procedure.

- (A) Any and all rules and regulations adopted by the Board, if any, shall be forwarded in writing to the City Administrator who shall submit them to the City Council with the City Administrator's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Board may modify them and submit such modified rules and recommendations to the City Council.
- (B) Should any person on the Board have a conflict of interest, pursuant to any state laws and/or Melissa ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Board, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.
- (C) Should any person on the Board choose to abstain from voting on any question before the Board, where no conflict of interest exists, the person's vote shall be recorded as a negative vote in the official minutes of the meeting.

SECTION 12: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 13: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Melissa hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 14: Effective Date. This Ordinance shall become effective upon its passage.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
MELISSA, TEXAS on this 8 day of April 2008.



David E. Dorman, Mayor

ATTESTED AND CORRECTLY
CORRECTLY RECORDED:




Linda Bannister, City Secretary