

Crook County Code

Chapter 2.16

LIBRARY BOARD OF TRUSTEES

Sections:

[2.16.010 Authority.](#)

[2.16.020 Repeal of related legislation – Continuation of authority for actions and policies previously adopted.](#)

[2.16.030 Board of trustees created – Term of office defined.](#)

[2.16.040 Existing trustees to continue.](#)

[2.16.050 Term limits.](#)

[2.16.060 Vacancies and resignations.](#)

[2.16.070 Election of a chair – Chair’s duties.](#)

[2.16.080 Duties of library trustees defined – Rights reserved to the governing body.](#)

2.16.010 Authority.

Pursuant to ORS [357.400](#) through [357.621](#), there is hereby created a public library board, to be known as the Crook County library board of trustees. (Ord. 140 § 1, 2001)

2.16.020 Repeal of related legislation – Continuation of authority for actions and policies previously adopted.

Upon passage of the ordinance codified in this chapter, a resolution dated September 23, 1980, adopting provisions for operation of the Crook County Library, and all prior, amending or related orders and resolutions are hereby superseded and replaced, but any actions and policies ratified by a board of trustees or contracts entered into under the authority of such resolution or related resolutions or orders shall continue in force until modified or repealed by the governing body of Crook County or the board of trustees created under this resolution, provided such body shall be empowered to adopt such modification or repeal. (Ord. 140 § 2, 2001)

2.16.030 Board of trustees created – Term of office defined.

There is hereby created a five-member board of trustees which shall govern the affairs of the Crook County Library in accordance with the duties and policies established in CCC [2.16.080](#). The members of the board of trustees shall be appointed by the Crook County court to terms of four years’ duration each. The county clerk shall administer to each trustee appointed to the board an oath of office in the form and manner prescribed for other county appointees. Terms of trustees shall begin on July 1st and end on June 30th or upon appointment of a successor trustee. Terms of trustees shall be staggered,

so that the term of one trustee shall expire each year, except that in one year out of five, the terms of two trustees shall expire. (Ord. 140 § 3, 2001)

2.16.040 Existing trustees to continue.

For purposes of establishing continuity, the trustees serving on July 1, 2001, and appointed under the resolution of September 23, 1980, shall be newly appointed to the board of trustees created herein, and their terms shall expire as previously determined, one in 2002, two in 2003, one in 2004 and one in 2005. (Ord. 140 § 4, 2001)

2.16.050 Term limits.

Term limits are as specified in ORS. No person shall hold appointment as a member of the library board for more than two full, consecutive terms, but any person may be appointed again to the board after an interval of one year. (Ord. 140 § 5, 2001)

2.16.060 Vacancies and resignations.

Vacancies or resignations shall be filled by the county court through appointment for the remainder of the unexpired term. For reasons of nonattendance or for other reasons deemed detrimental to the well-being of the library, the court may remove any member of the board of trustees prior to the expiration of his or her term. (Ord. 140 § 6, 2001)

2.16.070 Election of a chair – Chair’s duties.

In June of each year, the trustees shall elect from among themselves a chair. The term of the chair shall be for one year, commencing on July 1st or upon election, whichever shall be later. The chair shall preside over meetings of the trustees, shall set the agenda of meetings of the trustees, shall report on behalf of the trustees to the county court and other bodies such recommendation as the trustees may deem necessary and shall perform such other duties as may be delegated to him or her by the county court or board of trustees. (Ord. 140 § 7, 2001)

2.16.080 Duties of library trustees defined – Rights reserved to the governing body.

(1) The Crook County court shall establish the duties of the library director and, in appointing the director, shall consider the recommendations of the library trustees. All other personnel matters, including hiring, evaluation, dismissal, compensation and benefits and working conditions and establishment of the duties of staff shall be determined in accordance with the personnel policies of Crook County. The board of

trustees shall, as it deems appropriate or necessary or as the county court may request, make recommendations regarding personnel-related matters.

(2) Rules and policies for the governance of the library shall be formulated and adopted by the library board. Such rules and policies shall be adopted by a majority of the trustees. Once a final rule or policy has been adopted, any Crook County resident may request that the Crook County court consider revising or repealing such rules.

(3) The library director shall prepare an annual budget and submit it to the library board for approval. Upon approval but not later than the deadline established for submission of departmental budgets, the library board shall submit the annual budget for the library to the county budget officer. In preparing and considering budgets, the library board shall follow the budgetary policies and procedures established by the budget officer, chief executive officer, budget committee and county court for other departments of the county.

(4) The library board shall be responsible for obligating and approving expenditures of funds appropriated for use by the library in accordance with the bill-approval and contract-approval policies of Crook County. The library board may delegate this authority to the library director.

(5) Donations, gifts, grants and bequests of real property, personal property or funds with a value in excess of \$1,000 shall be accepted or directed elsewhere by the library board for the purposes of operating the library. Such donations, gifts, grants and bequests shall be administered in accordance with the terms under which they are accepted, but all property or funds shall be held in the name of the governing body, and real property shall neither be purchased or acquired or sold or otherwise disposed of without the consent of the county court. The above notwithstanding, for purposes of this section, the acceptance or disposal of any book or other material intended primarily for the purposes of loan to the public shall be not be subject to these restrictions. (Ord. 140 § 8, 2001)

Oregon Revised Statutes
ORS 357.400 – 357.621

PUBLIC LIBRARIES

357.400 Definitions for ORS 357.400 to 357.621. As used in ORS 357.400 to 357.621:

(1) “Governing body” means the board, commission, council or other body which governs the local government unit.

(2) “Local government unit” means any city, county, library service district established under ORS chapter 451, school district, community college district or a library district established under ORS 357.216 to 357.286.

(3) “Public library” means a public agency that provides to all residents of a local government unit free and equal access to library and information services that are suitable for persons of all ages. [1955 c.432 §2; 1975 c.476 §16; 1981 c.226 §17; 1983 c.740 §119; 2019 c.158 §1]

357.405 Minimum conditions for public libraries. (1) The State Library Board shall establish minimum conditions that a public library must meet.

(2) The conditions established under this section must, at least:

(a) Include financial support from public funds and regularly scheduled open hours; and

(b) Provide reasonable exemptions to libraries with service populations of 2,000 or fewer residents of the local government unit. [2019 c.158 §3]

357.410 Authority of local government units for public libraries. Any local government unit may:

(1) Establish, equip and maintain a public library.

(2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.

(3) Contract with one or more units of local government or library boards pursuant to ORS 190.003 to 190.620 to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.

(4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).

(5) Contract with the State Library Board for assistance in establishing, improving or extending public library service.

(6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.

(7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287A to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.

(8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home rule county. [Amended by 1955 c.432 §5; 1961 c.251 §8; 1965 c.354 §7; 1975 c.112 §1; 1975 c.476 §17; 2015 c.328 §25]

357.415 [1955 c.432 §3; repealed by 1975 c.476 §34]

357.417 Methods of establishing public library by local government unit. (1) A public library may be established by a local government unit by any of the following ways:

(a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS 357.400 to 357.621.

(b) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(3) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS 255.345. [Formerly 357.451; 1981 c.909 §10; 1983 c.350 §224]

357.420 [Amended by 1955 c.432 §6; repealed by 1975 c.476 §34]

357.430 Methods of financing public library by local government unit. If a governing body acts under ORS 357.417 (1)(a) or (c), its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a local option tax to be submitted to the electors pursuant to ORS 357.525, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255. [Amended by 1955 c.432 §7; 1961 c.251 §9; 1975 c.476 §19; 1983 c.350 §225; 1999 c.21 §69]

357.435 Local government required to file plan with State Library. Any local government unit acting under ORS 357.417 shall notify in writing the State Library of its plan for establishing a public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the statewide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or

comment is received within 30 days of the request, the local government unit may act without further delay. [Formerly 357.640]

357.440 [Repealed by 1975 c.476 §34]

357.445 [Amended by 1955 c.432 §8; repealed by 1975 c.476 §34]

357.450 [Repealed by 1961 c.251 §10 (357.451 enacted in lieu of 357.450)]

357.451 [1961 c.251 §11 (enacted in lieu of 357.450); 1975 c.112 §2; 1975 c.476 §18; renumbered 357.417]

357.455 [1961 c.251 §14; 1975 c.112 §3; 1975 c.476 §26; renumbered 357.525]

357.460 Financial interest of public library board and appointive body; compensation. (1) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

(2) Board members may be reimbursed for expenses incurred in the performance of their duties. [Amended by 1975 c.112 §4; 1975 c.476 §22]

357.465 Public library board. (1) Each public library established under ORS 357.417 shall be governed by a library board unless some other method is specified in the charter, ordinance or resolution establishing the library.

(2) Upon resolution, ordinance or election pursuant to ORS 357.417, the governing body may appoint a library board. The library board of a city, county or county service district, as determined by the governing body, shall consist of not less than five members nor more than 15 members. In the case of a school district or community college district, such board shall consist of five, seven or more members at the discretion of the governing body.

(3) If the board will consist of five members, one member shall initially hold office for one year, one for two years, one for three years and two for four years, from July 1 in the year of their appointment. If the board will consist of seven members, one member shall initially hold office for one year, two for two years, two for three years, and two for four years, from July 1 in the year of their appointment. If the board will consist of six members or more than seven members, the members first appointed shall hold office for such terms as will achieve the staggered term base established for smaller boards by this section. Succeeding appointees shall hold office for a term of four years from July 1 in the year of their appointment. At the expiration of the term of any member of such board, the governing body shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year. [1955 c.432 §4; 1961 c.251 §12; 1975 c.476 §21; 1983 c.208 §1; 1991 c.569 §1]

357.470 Board organization; name of library. After appointment, the public library board shall meet and organize by the election of a chairperson from among its members. The librarian shall serve as secretary to the board and keep the record of its actions. [Amended by 1955 c.432 §9; 1975 c.112 §5; 1975 c.476 §23]

357.480 [Amended by 1955 c.432 §10; 1975 c.112 §6; repealed by 1975 c.476 §34]

357.490 Library board general powers. In the ordinance or resolution establishing the library, the governing body shall determine the library board's responsibility for:

(1) Appointment of the librarian and staff, fixing their compensation, determining their working conditions and prescribing their duties.

(2) Formulating rules and policies for the governance of the library.

(3) Preparing and submitting an annual budget request.

(4) Approving, or delegating to the librarian the responsibility for approving, all expenditures from the library fund or the public library building fund.

(5) Acceptance, use or expenditure of any real or personal property or funds donated to the library, or purchase, control or disposal of real and personal property necessary for the purposes of the library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the governing body.

(6) Selection of sites for public library buildings or for location of library facilities.

(7) Entering into contracts.

(8) Such other activities as the governing body may assign. [Amended by 1955 c.432 §11; 1961 c.251 §15; 1965 c.354 §8; 1967 c.67 §19; 1975 c.112 §7; 1975 c.476 §24]

357.500 [Amended by 1955 c.432 §12; repealed by 1975 c.476 §34]

357.510 [Repealed by 1975 c.476 §34]

357.520 Annual report. Each public library established under ORS 357.417 shall make an annual report to the State Library and to the governing body on a form supplied by the State Library. [Amended by 1965 c.354 §9; 1975 c.476 §25]

357.525 Election to authorize local option tax. (1) A local option tax for any of the purposes stated in ORS 357.410, 357.417 or 357.490 shall be submitted at an election as provided in this section. The governing body of the local government unit:

(a) May order the election on its own resolution; or

(b) Shall order the election when a petition is filed as provided in this section.

(2) The resolution or the petition calling the election under this section shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied and the amount to be levied each year, which amount shall be uniform throughout the period of levy.

(3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(4) If ORS 250.265 to 250.346 apply to a city, then notwithstanding ORS 250.325, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.

(5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:

(a) In the case of a county or city, ORS chapters 246 to 260.

(b) In the case of any other local government unit, ORS chapter 255.

(7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS 357.410 or 357.430, or as otherwise provided by law. [Formerly 357.455; 1983 c.350 §226; 1995 c.79 §197; 1999 c.21 §70]

357.530 [Amended by 1953 c.238 §1; 1955 c.432 §13; 1975 c.112 §8; repealed by 1975 c.476 §34]

357.540 [Amended by 1961 c.251 §16; 1975 c.112 §9; repealed by 1975 c.476 §34]

357.545 [1955 c.432 §15; repealed by 1975 c.476 §34]

357.550 [Amended by 1955 c.432 §16; 1961 c.251 §17; repealed by 1975 c.476 §34]

357.560 [Amended by 1955 c.432 §17; repealed by 1975 c.476 §34]

357.570 [Amended by 1955 c.432 §18; repealed by 1967 c.67 §20 (enacted in lieu of 357.570)]

357.571 [1967 c.67 §21; repealed by 1975 c.476 §34]

357.580 [Amended by 1955 c.432 §19; 1965 c.354 §10; repealed by 1975 c.476 §34]

357.590 [Repealed by 1975 c.476 §34]

357.600 [Amended by 1965 c.354 §11; 1967 c.67 §22; repealed by 1975 c.476 §34]

357.610 Conformity to ORS 357.400 to 357.621 by libraries organized prior to enactment of those statutes; effect on executed library contracts. (1) Libraries organized under Oregon laws prior to September 13, 1975, are continued, and may have their organizations changed so as to conform to ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 by resolution of the governing body of the local government unit which established the library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990 shall affect nor change the terms of any library contract executed prior to September 13, 1975. However, by mutual consent, the parties to the contract may amend the contract so as to make it conform to all or any of the provisions of ORS 357.001 to 357.200, 357.330, 357.360, 357.400 to 357.621, 357.975 and 357.990. [Amended by 1975 c.476 §27]

357.620 [Repealed by 1975 c.476 §28 (357.621 enacted in lieu of 357.620)]

357.621 Public hearings required prior to abolishing or withdrawing support from public library. No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing. [1975 c.476 §29 (enacted in lieu of 357.620)]