





## VII. GOVERNANCE AND FUNDING: RECOMMENDATIONS FOR IMPROVED SERVICE

### Introduction

Among the possible outcomes of the evaluation study indicated to be very valuable by the library board members, government officials, and staff who attended the initial onsite meeting were suggestions for improved understanding of responsibilities of all groups and individuals concerned with the library, and suggestions for how library services might be improved through a reorganization of libraries in Linn County. The recommendations offered in Section VII will attempt to respond to the need for guidance in these areas.

The issues involved with defining the roles and understanding the responsibilities of groups and individuals concerned with the library will be discussed in this section under the general topic of library governance. There is some evidence that governance issues in regard to the public library in Sweet Home have not been clearly defined. An Oregon Public Library Statistical Report was not submitted by the library for fiscal years 1982 through 1985, yet neither the Library Board nor the City Council seemed to notice that the library was not in compliance with State law which mandates submission of this report. There are evidently no written policies on file in the library approved by any governing body. The ordinance establishing the library does not appear to reflect current practice or conform to current State law in all sections.

The issues involved with improving library services through reorganizing the libraries in Linn County will be discussed below under the general heading of funding. It is known that there has been a committee actively working on forming a Linn County

Library District since 1985. A previous task force worked on a similar plan in 1981 and 1982. Other funding alternatives will also be discussed.

### Governance

The document by which a public library in Oregon is legally established is most often a resolution or ordinance passed by the local government unit and entered in its minutes, stating that a public library is established under the appropriate provisions of the Oregon Revised Statutes. ORS Chapter 357.400-357.621 enables local government units to establish public libraries. The ordinance or resolution should conform to provisions in ORS 357.400-357.621 by containing some language set forth fairly exactly in the provisions. The ordinance or resolution should also contain certain sections which are required to be included but in which local decisions about details can be made. Most establishment documents usually contain some sections which are prudent to include for the purpose of clarification. ORS 357.400-357.621 also sets forth some requirements which must be met by a local government but do not have to be stated in the establishment document.

The current establishment ordinance for the Sweet Home Public Library is Ordinance #647, dated February 11th, 1975, entitled, "An Ordinance Establishing a City Library Board of Trustees, Providing for Rules and Regulations and Maintenance of Said City Library Board of Trustees and Prescribing the Duties of Said Board." This ordinance does not conform to the present provisions of ORS 357.400-357.621 in the areas listed below. The appropriate ORS section governing each noted area is cited in boldface type.

- The ordinance does not state that the library is established under the provisions of ORS 357.400-357.621. **ORS 357.417 (1)(a)**

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- The methods of financing the library are not stated in the ordinance. The methods of financing chosen can be locally determined. **ORS 357.430**
- The ordinance states that the Library Board shall elect a secretary from among its members yet the Oregon statutes require that the librarian shall serve as secretary to the Board and keep the record of its actions. It is not required that this be stated in the establishment ordinance. **ORS 357.470**
- The ordinance does not determine the Library Board's responsibility in several of the areas the Oregon statutes advises. By default, it is assumed some other person or group has responsibility in these areas but this is unstated. **ORS 357.490 (1)-(7)**

It should be pointed out that when the Oregon Revised Statutes section on public libraries was revised in 1975 a grandfather clause was included (ORS 357.610) which continued libraries organized under Oregon laws prior to September 13, 1975 but which enabled them to amend their organization by resolution. Sweet Home's library establishment ordinance is dated prior to the cutoff date in the ORS and therefore would not have to be amended to conform to present law.

The responsibilities not addressed in Sweet Home's library establishment ordinance are important responsibilities. The ORS state that 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

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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 or 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.

It is not required by state law that a local government assign responsibility in these areas to the Library Board, just that the local government unit determine the extent of the Board's responsibility. The City of Sweet Home does assign responsibility for the budget to the Library Board and does assign other responsibilities in Ordinance #647. In this ordinance, a five member Library Board of Trustees is established "to serve at the pleasure and in service to the City Council." The duties of the Library Board of Trustees are listed in Section 2 of the ordinance as follows:

- 2.01 Promote use of library resources and services in the community
- 2.02 Prepare by March 15th of each year, recommend and present an annual budget proposal to the Budget Committee.
- 2.03 Support and advise the Librarian in carrying out her duties and responsibilities.
- 2.04 Keep the City Council informed of immediate and future needs of the library.
- 2.05 To explore and seek out information about increasing services and resources to be available to the community.
- 2.06 To do and perform any and all other acts and things necessary or proper to carry out the provisions of this ordinance; and in general to study and to propose such measures as may be advisable for the promotion of the public interest, health, morals, safety, comfort, convenience and welfare of said community.

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2.07 The Library Board of Trustees shall also have all the powers which are now or may hereafter be given to it under the general laws of the State of Oregon.

Questions might be raised after comparing the areas of responsibility as mentioned in the Oregon statutes and the duties as assigned by the City of Sweet Home. Who has the responsibility for appointment of the librarian and staff and prescribing their duties? Who formulates rules and policies for the governance of the library? Who approves expenditures for the library? Who enters into contracts on behalf of the library?

The key issue here is what type of library board the Sweet Home Board is intended to be. In the early days of public library history library boards of trustees were governing boards with policy making authority and responsibility for personnel and fiscal matters. Library boards with this level of power and authority are no longer common, unless the board is elected to manage a special library district. City and county library boards are more often advisory in nature. According to criteria of the International City Managers Association, there are three types of library boards:

Administrative

Where the library board appoints the librarian and approves the budget (in the case of a library district) or submits the budget to the mayor or city manager or directly to the city council (in the case of a city library.)

Advisory

Where the mayor, city manager, or other local government administrator appoints the librarian and where the librarian submits the budget directly to the city manager or city council.

Mixed

Where the library board appoints the librarian or submits the budget, but not both.

In part of Ordinance #647 it sounds as if the Sweet Home Public Library is clearly advisory in nature since they "serve at the pleasure and in service to the City Council."

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The duties are also of an advisory nature, except for the administrative nature of the duty to "prepare...recommend and present an annual budget proposal..." Therefore, according to the above criteria the Sweet Home Public Library Board would be of a mixed nature. However, another document on file in the library does not support preparation of the budget as a Library Board responsibility. An undated, but seemingly current, librarian's job description assigns this responsibility to the librarian in the following words, "Prepares the annual departmental budget together with justification with the advice and guidance of the Library Board for submission to the City Manager." Interviews carried out for the purpose of this Project Report support that this latter statement reflects the practice in Sweet Home. This information supports interpreting the Library Board's role as advisory in nature.

The librarian's job description also provides limited insight into the questions of who appoints the librarian and staff and prescribes their duties and who formulates policies and procedures. It is stated in this document that the librarian works "under the general direction of the City Manager" and it is known that the City Charter assigns personnel responsibilities to the City Manager. The job description states that the librarian "selects books and related library material pursuant to the general policy set by the Library Board." It also states that the librarian "formulates Department rules and regulations, work methods and procedures, recommends appointments, promotions, suspensions and dismissals to the City Manager" and that the librarian "attends Board meetings, keeping the Trustees informed of library plans, goals, problems, and progress and with their aid prepares necessary library policies and procedures." These statements do not represent a very clear picture in regard to some aspects of governing the Sweet Home Public Library. The Board may have authority to approve at least a general library materials selection policy but it is unclear if they have more







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- Revert to funding the library with general fund revenues of the City of Sweet Home.
- Continue funding the library from special levies dedicated to the library.
- Form a Linn County Library District with funding approved by the voters in the district.
- Form a Sweet Home Library District with funding approved by the voters in the district.

The first two options would be under the purview of the City of Sweet Home budget committee and the City Council. There appears to be city support for funding the library again with general fund revenues. Given the city's economic situation in the past few years, the loss of federal revenue sharing funds, and the fact that the city's emergency services are also funded by a special levy, it is unknown whether they will be able to commit to this action. It is more assured that, if need be, the city will continue to put special operating levies dedicated to the library before the voters. It is hoped that some acceptable percentage of growth would be built into these levies. Given that the present special levy won by a margin of 35% and that Oregon's economy is currently stable, although not prospering by any measure, there is reason to hope that special library operating levies will continue to be approved by the voters.

A more long-term solution to providing stable funding for the library may be found in the formation of a library district. Since 1981, Oregon citizens have had the ability, under State law, of creating and financing special library districts to provide public library services to a defined geographic area. A library district is a special and separate governmental unit with the power to gain voter approval for its own funding dedicated only to the library district. The Oregon State Library views the special library

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district form of library governance as holding great promise for improved library services. A stable, secure funding base managed by a board dedicated to the best possible library service in the district could be the solution to the major problem of libraries having to compete for funding with other services provided by local governments. If the district is formed under a philosophy of combining small units of service into a larger, stronger, more cost-effective county-wide consolidated library district, cooperative services could be designed and long range planning for the development of library services could take place. While library district budgets still must be approved by the electorate in the district, there is legislative authority for a tax base measure to be presented and voted on by the electorate which would provide stability for library funding in future years.

There are presently six fully-funded library districts in Oregon. Five of these now have permanent, stable funding through tax base requests which were passed by the district voters. One district is still funded by a tax levy. Four other library districts have been formed. Two of these have not yet passed their funding requests, and two have not yet held their first funding elections. In a survey of library districts carried out by the State Library the following significant reasons were cited for forming a library district:

- The city taxing district did not reflect the natural service area of the library and an inequitable funding situation existed between two groups: the city residents, library users and non-users who in the aggregate paid taxes to support the library, and non-residents, of whom only library users paid fees to use the library. There was heavy usage of the library by non-residents and city residents ended up subsidizing this usage. When non-resident fees were increased to a level based upon per capita city support, a serious financial barrier to library use by non-residents was created. A library district was seen as a solution since it would equalize the tax support between residents and non-residents, and would promote usage of library services by unserved populations.
- In a time of economic belt-tightening, some taxing jurisdictions (cities or counties) would no longer support the level of funding needed by the library. A

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library district was seen as a solution to provide stable funding for the library, as well as to broaden the tax base of support and permit improvements in services. For some of the districts-in-formation, this emergency situation of withdrawn funds has not occurred yet, but cutbacks are being experienced, and formation of a library district has been chosen as the route to prevent a funding crisis for the library.

- A citizens group in a county with independent city libraries wanted to develop a county-wide library system as a way of extending service to all residents of the county, while at the same time strengthening the available library service. A library district was seen as a viable method of funding and governing such a county-wide system.

To some degree all of these reasons for forming a library district would apply to the situation of the public library in Sweet Home. It has already been seen that economic belt-tightening in Sweet Home resulted in reduced funding for the library until the special levy was approved by the voters. The Sweet Home Public Library does serve a population group which lives outside of its taxing district. The library sells library cards to persons who live outside the boundaries of the City of Sweet Home. The fee structure for non-resident borrowing privileges is \$10.00 for an individual card, \$15.00 for a family card, and \$5.00 for senior citizens, whether individual or family. It was reported on the Oregon Public Library Statistical Report for FY 85-86 that approximately \$940 of revenue was generated from selling non-resident library cards. No statistics are kept in the library on use of the library services by the non-resident cardholders but a general impression exists that the Sweet Home Public Library is depended on for library service by a larger population than just the city of Sweet Home.

There are seven public libraries in Linn County. Sweet Home Public Library, along with five other independent city libraries, has no access to membership in a consolidated or cooperative library system of any sort. The seventh public library is a

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member of a cooperative regional library service due to that city's location within a specific community college district which forms the boundaries for that regional library service. A committee of citizens, the Linn Committee for Better Library Service, has been actively working on formation of a county-wide library district for Linn County since 1985. A previous task force studied the idea in 1981 when the library district enabling legislation was first passed. The League of Women Voters revived the study in 1984 and their work resulted in the formation of the library district working committee. A final plan for the operation of the Linn County Library District has not been presented in full but it appears that the committee has been working toward a consolidated county-wide library district.

There would be impacts on the governance and services of the Sweet Home Public Library if the Linn County Library District succeeds. As a branch of a larger system, decision-making about the library would be made at the central headquarters, and good communication about local needs would be critical. It is assumed that there would be local input into decision-making through election of library district board members by zone. There could be many benefits to Sweet Home of membership in a well-funded and well-managed consolidated library system. Many technical processes such as acquisitions and cataloging could be centralized for increased efficiencies and cost reduction. It is possible more books and non-book materials could be afforded. An automated database of bibliographic holdings in the county could be built for resource sharing purposes and searching of the online catalog could be carried out in each branch. A courier system could be implemented to facilitate delivery of materials between the libraries in the system. All district residents could use the services of any library in the consolidated system.

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The Linn Committee for Better Library Service has experienced some difficulties in the district formation process. There are two methods by which to start district formation proceedings. The county commissioners can initiate the formation process or the district formation can be initiated through submission to the commissioners of a petition signed by 15% of the registered voters. The Linn County Commissioners have not supported initiation of the district formation process without seeing that there is citizen backing for the district. The Commissioners are also requiring that a \$4,000 security deposit on election costs accompany the filing of the petition for formation, as allowable by law. The Linn Committee for Better Library Service began signature collection of the 6,000 required signatures on a petition for formation in December, 1986. Approximately 1,000 signatures have been collected to date. According to Oregon law on special districts, "a petition shall not be accepted for filing unless the signatures thereon have been secured within six months of the date on which the first signature on the petition was affixed." Therefore, it will not be until June, 1987, that it will be known if the Committee's efforts toward initiating district formation have been successful.

Supporting the formation of a county-wide Linn Library District would appear to be advantageous for Sweet Home in the pursuit of stable funding for the future. There are two other county-wide districts in Oregon which can be observed and evaluated as models for decision-making. One of these districts is a county-wide Baker County Library District. The formation of this district was initiated by the County Court, and no formation election was petitioned by voters. An almost county-wide district has been formed in Umatilla County (Hermiston and Helix were excluded by choice.) The Commissioners initiated formation but a request for election was submitted. The district formation question was approved by the voters. Passing funding requests for

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the Baker County Library District and the Umatilla Library District are the next steps for both these districts. The Umatilla Library District levy will be voted on in the May, 1987 election. The Baker Library District wants to put a tax base request before the voters as their first funding request, and so, will need to wait until the allowable time when a tax base can be presented to voters -- in a statewide general or primary election in an even numbered year. Baker County has agreed to continue funding the library until that time.

Another possibility in the pursuit of stable funding for the future would be the formation of a Sweet Home Public Library District encompassing the city of Sweet Home and some area surrounding the city which could be considered the natural service area of the library. This is the more common model of library districts in Oregon as illustrated by the six fully formed and funded library districts operating currently. One other such library district has been formed but not yet funded. The benefits to the library would be stable, adequate funding with a broader base of financial support, equalizing of financial support between all residents in the natural service area, the end of direct competition with other city services for scarce resources, independence in planning through an administrative library board. The disadvantages of the idea of a Sweet Home Library District are found in the complexity of the formation process, the need to pass special levy funding requests until a permanent tax base is approved by the voters, the increased administrative and legal responsibilities of the library board, the need to negotiate for use of the library building and the book stock with a local government which may not want to relinquish these properties.

There is an Oregon State Library publication, Library Districts in Oregon: A Planning Sourcebook, which reports on a survey of Oregon's library districts including







APPENDIX A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE RELATING TO THE LIBRARY ESTABLISHING THE  
\_\_\_\_\_ PUBLIC LIBRARY AND CREATING A LIBRARY BOARD

The City of \_\_\_\_\_ does ordain as follows:

Section 1. \_\_\_\_\_ PUBLIC LIBRARY ESTABLISHED.

- a. A public library is hereby established for the City of \_\_\_\_\_ under the provisions of ORS 357.400 to 357.621.
- b. The public library shall be financed through the use of general fund monies, revenue obtained from the operation of the library, grants, gifts, donations and bequests received and designated to be used for library purposes, and any tax levies that may be authorized by the electors.
- c. The \_\_\_\_\_ Public Library shall be the public agency responsible for providing and making freely accessible to all residents in the City of \_\_\_\_\_ library and information services suitable to persons of all ages.

Section 2. LIBRARY BOARD.

- a. The \_\_\_\_\_ Public Library Board is hereby created. The board shall consist of five members to be nominated by the Mayor and appointed and confirmed by the City Council.
- b. The term of office of the board members shall be four years and their terms shall commence on July 1 in the year of their appointment. The terms of office shall be staggered so that the terms of not more than two board members will expire in the same year. Of the first five board members appointed, one member shall initially hold office for one year, one for two years, one for three years and two for four years. At the expiration of the term of any members of such board, the City Council shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs during a term of office, 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.
- c. Members of the board shall receive no compensation for their services, but may be reimbursed for expenses incurred in the performance of their duties.

**Section 3. BOARD ORGANIZATION.**

- a. The Library Board shall elect a chairperson from its members.
- b. The Library Director shall serve as secretary to the board and keep the record of its actions.
- c. The board may establish and amend rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the charter, ordinances, resolutions, and regulations of the City of \_\_\_\_\_.
- d. The board shall meet at least ten times each year and at such other times as it may provide by its rules.

**Section 4. LIBRARY BOARD GENERAL POWERS.**

The Library Board shall be an advisory board and shall have no executive or administrative powers or authority, and this Ordinance shall not be construed as depriving elected or appointed officials of the City of any power they may have under the laws of the State or the Charter of the City. The board shall have powers and duties as follows:

- a. The Library Board shall assist in the interview process of selecting and appointing a Library Director. The City Administrator, as the fiscal and internal administrative agent for the library, shall have primary responsibility for library personnel, including recruitment, selection, classification and pay, and supervision.
- b. The Library Board shall make recommendations to the City Council about rules and policies for the efficient and effective operation of the library, its services and programs.
- c. The Library Board shall assist the Library Director in preparation of the annual budget request to be submitted by the Library Director to the City Administrator.
- d. The Library Board shall make recommendations for the acceptance, use, or expenditure of any real or personal property or funds donated to the library under Section 5, or make recommendations for the purchase, control, or disposal, of real and personal property necessary for the purposes of the library.
- e. The Library Board shall make recommendations for the selection of sites for public library buildings or for location of library facilities.
- f. The Library Board shall review and recommend to the City Council terms for contracts and working relationships with private and public agencies regarding library services.
- g. The Library Board shall approve an annual report to the State Library and to the City Council submitted in a timely manner on a form supplied by the State Library.
- h. The Library Board shall develop and recommend to the City Council long-range plans for library service, consistent with City priorities and with State, regional and national goals for libraries.

**Section 5. ACCEPTANCE OF GIFTS FOR LIBRARY PURPOSES.**

Gifts of any real or personal property or funds donated to the library and accepted by the governing body shall be administered in accordance with each gift's terms, and all property or funds shall be held in the name of the City of \_\_\_\_\_.

**Section 6. INTERNAL ADMINISTRATIVE POLICIES AND PROCEDURES.**

The City Administrator shall be the fiscal and internal administrative agent for the \_\_\_\_\_ Public Library and the library shall operate in conformance with city administrative procedures including those pertaining to the following:

- a. Personnel, including recruitment, selection, classification and pay for library personnel.
- b. Receipt, disbursement, and accounting for monies.
- c. Maintenance of general books, cost accounting records, and other financial documents.
- d. Budget administration.
- e. Operation and maintenance of equipment and buildings.

**Section 7. PROHIBITED ACTIONS AND PENALTIES.**

- a. It shall be unlawful for any person to wilfully or maliciously detain any library materials belonging to the \_\_\_\_\_ Public Library for 30 days after notice in writing from the Library Director that the library material is past due. The notice shall bear upon its face a copy of ORS section 357.975 and 357.990.
- b. Violation for wilful detention of library materials is punishable upon conviction by a fine of not less than \$25 nor more than \$250. Such conviction and payment of the fine shall not be construed to constitute payment for library material, nor shall a person convicted under this section be thereby relieved of any obligation to return such material to the library.

GUIDE TO MODEL ORDINANCE

- Section 1.a. Required to be included, ORS 357.417 (1)(a).  
1.b. Required to be included but method of financing can be locally determined, ORS 357.430.  
1.c. Not required to be included but this definition of a public library is set forth in ORS 357.400. The word "freely" has been added to clarify legislative intent as interpreted by Oregon State Library policy.
- Section 2.a. ORS 357.465 enables a local government to appoint a governing library board, although currently, most library boards are of an advisory nature. It is not required to appoint a Library Board if some other method of governing is specified in the ordinance and there are instances of libraries which have no library board. The number of Library Board members can be locally determined, ORS 357.465 (2).  
2.b. Not required to be included but procedures must be followed as legislated, ORS 357.465 (3).  
2.c. Not required to be included but procedures must be followed as legislated, ORS 357.460 (1) and (2).
- Section 3.a. Not required to be included but procedures must be followed as legislated, ORS 357.470.  
3.b. Not required to be included but procedures must be followed as legislated, ORS 357.470.  
3.c. Prudent to include.  
3.d. Prudent to include.
- Section 4.a.-f. It is required to include the responsibilities of the Library Board as determined by the governing body in these areas. The extent of the Library Board's responsibilities can be locally determined, ORS 357.490 (1)-(7). In this model ordinance the Library Board, as an advisory board, would not have any authority for approving or delegating approval for expenditures from the library fund or the public library building fund. Therefore, a statement of responsibility in this area has been omitted.  
4.g.-h. The governing body can include other such duties as they wish to assign to the Library Board, ORS 357.490 (8). It is required that each public library shall make an annual report to the State Library. It is not required to include this statement in the establishment document, ORS 357.520.
- Section 5. Not required to be included in establishment document but procedures must be followed as legislated, ORS 357.490 (5).

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**Section 6.a.-e.** Prudent to include depending on local governing situation.

**Section 7.** Not required to be included in establishment document, but prudent to include, ORS 357.975 and 357.990.

