

Special Meeting / Workshop Lanesboro Public Library Board of Trustees

October 28, 2024

Zoom Meeting

<https://us02web.zoom.us/j/86176812830?pwd=VmQycUtxblpPU1BkVEIxbG9xcWhEZz09>

Meeting ID: 857 5014 9596 Passcode: 795712

Dial by your location • +1 305 224 1968 US • +1 309 205 3325 US • +1 312 626 6799 US (Chicago)

Location: Lanesboro Community Center

Time: 6:00 p.m.

- I. Call to Special Meeting / Workshop to order
 - a. Agenda Approval
 - b. Public Comments
- II. New Business – 50 minutes
 - a. Bullet points for Board Structure
- III. Other Business -- 5 minutes
 - a. Comments and Questions
 - b. Next meeting, **November 13, 2024 at 5:00 pm**
- IV. Adjourn

LIBRARY BOARD

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LANESBORO:

'31.80 ESTABLISHMENT AND PURPOSE OF THE LIBRARY BOARD.

If, at the time this code is adopted, the city has a Library Board, the Library Board for the city is hereby continued. If the city did not have a Library Board at the time of the adoption of this code, the City Council may at any time determine to establish a Library Board by appointing members to the Library Board as provided in '31.81 of this code. The Library Board shall be the advisory library agency authorized by M.S. '134.09. The purpose of this ordinance is to define the composition, organization, powers, funding, and protocol of the Public Library Board for the City of Lanesboro, Minnesota.

'31.81 COMPOSITION.

- (A) *Number of Members.* The Library Board shall consist of seven (7) members, all having full voting privileges. The Mayor, with the consent of the City Council, shall appoint all members.
- (B) *Term(s) of Office.* Of the seven (7) members, one (1) shall be a City Council person, whose term on the library board shall be for a period of one (1) year. The City Council representative appointment shall be made each year during the annual committee appointment process of the City Council. Of the remaining members, members shall be appointed or reappointed to the library board and shall serve for a term of three (3) years. A library board member shall not be eligible to serve more than three (3) consecutive three-year terms. Members shall serve until a successor is appointed and qualifies. The Mayor, with the consent of the City Council, may remove any member.
- (C) *Organization and Procedures.* The library board shall choose one (1) of its members as president and one (1) member as secretary. The library board shall adopt bylaws and regulations for the conduct of its business as may be deemed expedient and conformable to the expenditure of money collected for and placed to the credit of the library fund; interest earned on all money collected or placed to the credit of the fund; of the construction of library buildings, and of the grounds, rooms and buildings provided for library purposes.
- (D) *Compensation.* Library board members shall receive no compensation for their services but may be reimbursed for actual and necessary travel expenses incurred in the discharge of library board duties and activities.

'31.82 POWERS AND DUTIES OF BOARD.

- (A) *Generally.* In order to carry out the general powers granted in accordance with Minnesota State Statute and this Ordinance, the library board shall have the powers granted in the following subdivisions.
- (B) *Employment.* In accordance to the City's personnel policy, the library board shall recommend to the City Council: a qualified library director and other staff as necessary, compensation of employees, and removal of any of them for cause.
- (C) *Construction Contracts.* With approval of the City Council, the library board may purchase grounds and erect a library building thereon. The library board may, with the consent of the City Council, make contracts and leases for the construction and operation

of these facilities for terms not exceeding ten (10) years. The library board may lease rooms for library use. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable and it shall reserve to the library board power to prescribe reasonable rules and regulations from time to time for the conduct of the privilege.

(D) *Purchase of supplies, equipment, and services.* The library board may purchase all necessary materials, supplies, equipment, and services.

(E) *Maintenance.* The library board shall maintain, beautify, and care for all library property.

’31.83 LIBRARY FUNDS.

(A) *Establishment.* For the purpose of carrying out the powers, duties, and responsibilities of the library, there shall be established a Library Fund. All money received for the library shall be paid to the City treasury, credited to the library fund, kept separate from other money of the City, and paid out only upon approval by the board or City Council. The City Council may transfer to the library fund the money it deems necessary for public library purposes.

(B) *Budget.* No later than September 1 of each year or any other date fixed by State Statute, the library board shall present to the City Administrator in the manner and detail the City Council requires, its estimate of the financial needs of the library board for the ensuing fiscal year.

(C) *Annual Report(s).* As soon as practicable following the end of the fiscal year, the library board shall report to the governing body of the City all amounts received during the preceding year and sources thereof, the amounts expended and for what purposes, the number of materials on hand, the number purchased and loaned, and such other information as it deems advisable. No later than April 1 of each year the library board shall file this information with the Department of Education on forms supplied by the Department.

This Ordinance shall take effect immediately from and after its passage and publication according to law.

Passed by the City Council of the City of Lanesboro, Minnesota this ____ of _____, 2024.

Jason Resseman
Its: Mayor

Attested:

Mitchell Walbridge
Its: City Administrator/Clerk

Office of the Revisor of Statutes

Office of the Revisor of Statutes

2023 Minnesota Statutes

[Authenticate](#)  [PDF](#)

134.09 LIBRARY BOARDS.

Subdivision 1. **Appointment.** When public library service is established, except in any city of the first class operating under a home rule charter, the mayor of the city with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine members from among the residents of the city or county. If the city library is a branch or a member of a regional public library system, as defined in section [134.001](#), the mayor, with the approval of the city council, may appoint to the city library board, residents of the county, provided that the county is participating in the regional public library system and that the majority of the members of the city library board are residents of the city. The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners. Not more than one council member or county commissioner shall at any time be a member of the library board. The appointments shall be made before the first meeting of the library board after the end of the fiscal year.

Subd. 2. **Term of office.** If nine board members are appointed, three shall hold office for one year, three for two years and three for three years. If seven members are appointed, three shall hold office for one year, two for two years, and two for three years; if five are appointed, two shall hold office for one year, two for two years, and one for three years. All terms shall end with the fiscal year. Annually the mayor with the approval of the council, or the board of county commissioners shall appoint board members for the term of three years until their successors qualify a sufficient number of members to fill the places of those whose term or terms expire. A library board member shall not be eligible to serve more than three consecutive three-year terms.

Subd. 3. **Removal of members.** The mayor with the approval of the council, or the board of county commissioners may remove any member for misconduct or neglect.

Subd. 4. **Abolishment.** Upon recommendation of a majority of any library board created under the provisions of subdivision 1, the governing body of the city or county may abolish the library board at the end of any fiscal year provided that the governing body shall simultaneously establish a successor library board of either five, seven or nine members by resolution or ordinance. The appointment of successor board members shall be made as provided in subdivision 1. The terms of successor board members shall be as provided in subdivision 2.

History: [\(5663\) RL s 2257](#); [1943 c 245 s 1](#); [1945 c 46 s 1,2](#); [1961 c 235 s 1](#); [1973 c 123 art 5 s 7](#); [1983 c 314 art 11 s 3](#); [1986 c 471 s 2](#)

Official Publication of the State of Minnesota
Revisor of Statutes

134.11 ORGANIZATION OF BOARD; DUTIES.

Subdivision 1. **Organization.** Immediately after appointment, the library board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers as it deems necessary.

Subd. 2. **Duties.** The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all money collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All money received for the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other money of the city or county, and paid out only upon approval by the board. The library board may lease rooms for library use. The library board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause. With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.

History: (5665) *RL s 2259; 1973 c 123 art 5 s 7; 1983 c 314 art 11 s 5*

Below is my side-by-side comparison of Minnesota Statute (the law of the land) with the proposed City ordinance. The only caveat that I saw is regarding any powers conferred by the City Charter, which would override the Statute:

134.08 ESTABLISHING AND DISCONTINUING LIBRARY SERVICE; APPLICABILITY OF LAW.

Subd. 3.Applicability. All public library service heretofore established and now existing in cities and counties is continued and all ordinances and resolutions setting apart public property for their support are hereby confirmed. Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter. If a city charter does not address matters provided for in this chapter, the provisions of this chapter shall apply.

From my work as a regulator, we always had to cite the regulation that empowered us. The proposed ordinance cites Minnesota Statute 134.09 regarding Board make-up, which is fine, but neglects to cite the more important Minn. Stat. 134.11 ORGANIZATION OF BOARD; DUTIES. The bulk of the proposed ordinance is in direct conflict with Minn. Stat. 134.11. In the excerpts below I have identified these conflicts, highlighting them in red text. The City clearly had knowledge of the Statutory language when it wrote the proposed ordinance, but freely added phrases such as “with approval of the City Council” with no legal authority to do so.

Statute	Proposed ordinance	Comments
134.09, Subd 1: the mayor of the city with the approval of the council for a city library or the board of commissioners for a county library, shall appoint a board of five, seven or nine members from among the residents of the city or county. ... The number of members on the board shall be determined by resolution or ordinance adopted by the council or the board of commissioners.	31.81(A) The Library Board shall consist of seven (7) members, all having full voting privileges. The Mayor, with the consent of the City Council, shall appoint all members	Consistent
134.09, Subd 1: ... Not more than one council member or county commissioner shall at any time be a member of the library board.	31.81(B) Of the seven (7) members, one (1) shall be a City Council person, whose term on the library board shall be for a period of one (1) year.	Replace the proposed word “shall” with “may”. There is no legal requirement to have a Council person be on the board
134.09, Subd 2: A library board member shall not be eligible to serve more than three consecutive	31.81(B) A library board member shall not be eligible to serve more than three (3) consecutive three-year	Consistent

three-year terms.	terms.	
134.11 Subd. 1: Immediately after appointment, the library board shall organize by electing one of its number as president and one as secretary, and from time to time it may appoint such other officers as it deems necessary.	31.81(C) The library board shall choose one (1) of its members as president and one (1) member as secretary. ...	Absent is the power to appoint other officers
	31.82	This entire portion of the proposed ordinance is inconsistent with Statute. The Board has its own power to govern itself, without Council involvement.
134.11 Subd. 2: The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its business as may be expedient and conformable to law.	31.82(A) Generally. In order to carry out the general powers granted in accordance with Minnesota State Statute and this Ordinance, the library board shall have the powers granted in the following subdivisions.	Statute says that the Board has the sole power to adopt bylaws and regulations. Here the City is proposing to establish an ordinance contrary to Statute.
134.11 Subd. 2: The library board shall appoint a qualified library director and other staff as necessary, establish the compensation of employees, and remove any of them for cause.	31.82(B) the library board shall recommend to the City Council: a qualified library director and other staff as necessary, compensation of employees, and removal of any of them for cause.	By Statute, the library board has the authority to appoint a library director, and need not recommend to the City Council.
134.11 Subd. 2.Duties. The library board shall adopt bylaws and regulations for the government of the library and for the conduct of its	31.82(C) Construction Contracts. With approval of the City Council, the library board may purchase grounds and erect a library building thereon.	Statute does not require the Board to have City

<p>business as may be expedient and conformable to law. It shall have exclusive control of the expenditure of all money collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes.</p>	<p>The library board may, with the consent of the City Council, make contracts and leases for the construction and operation of these facilities for terms not exceeding ten (10) years.</p>	<p>Council approval. Statute does not restrict use agreements to 10 years</p>
	<p>31.83 LIBRARY FUNDS.</p>	
<p>134.11, Subd. 2: [The library board] shall have exclusive control of the expenditure of all money collected for or placed to the credit of the library fund, of interest earned on all money collected for or placed to the credit of the library fund, of the construction of library buildings, and of the grounds, rooms, and buildings provided for library purposes. All money received for the library shall be paid into the city or county treasury, credited to the library fund, kept separate from other money of the city or county, and paid out only upon approval by the board. ... With the approval of the council or board of county commissioners, the library board may purchase grounds and erect a library building thereon.</p>	<p>31.83(A) Establishment. For the purpose of carrying out the powers, duties, and responsibilities of the library, there shall be established a Library Fund. All money received for the library shall be paid to the City treasury, credited to the library fund, kept separate from other money of the City, and paid out only upon approval by the board or City Council.</p>	<p>By Statute, money is paid out ONLY upon approval by the board. The only authority City Council has over library monies is for the purchase of grounds for building erection.</p>
	<p>31.83(A) ... The City Council may transfer to the library fund the money it deems necessary for public library purposes.</p>	<p>Red flag: Note that the draft ordinance does not allow City Council to transfer funds from the library fund</p>