

ORDINANCE NO. 1272

AN ORDINANCE OF THE CITY OF KYLE, TEXAS AMENDING THE CODE OF ORDINANCES: CHAPTER 2 ADMINISTRATION, AMENDING ARTICLE III BOARDS, COMMITTEES AND COMMISSIONS, DIVISION 1 GENERAL, DIVISION 4 ECONOMIC DEVELOPMENT AND TOURISM BOARD, DIVISION 5 KYLE ARTS AND CULTURAL COMMISSION; AND ADDING DIVISION 6 LIBRARY BOARD; RENUMBERING ARTICLE IV OFFICERS AND EMPLOYEES; ARTICLE V LIBRARY DIVISION 1 GENERALLY, REPEALING DIVISION 2 BOARD OF DIRECTORS, RENUMBERING DIVISION 3 FUND; RENUMBERING ARTICLE IV OFFICERS AND EMPLOYEES; AND PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE

WHEREAS, the City Council of the City of Kyle previously amended the Boards, Committees and Commissions section of the Code of Ordinances for the purpose of standardizing application procedures for boards, committees and commissions to promote efficient governmental operations, representation and involvement of citizens in community issues; and

WHEREAS, the Library Board section was originally located in the Library Department, rather than the Boards, Committees and Commissions section of the Code of Ordinances; and

WHEREAS, the Library Board is a Council appointed board that City Council intends to follow the standard procedures making the Library Board more appropriately placed under the Boards, Committees and Commissions Section of the Code of Ordinances; and

WHEREAS, the Council has recently amended its policy for appointment of members to its Boards, Committees, and Commissions, which requires amendment to its previously adopted Section 2-42 Appointment as well as amendment to the membership requirements for the Economic Development and Tourism Board;

WHEREAS, the Council desires to amend the officers and terms for members to the Arts and Cultural Commission to ensure a smooth and timely transition between terms;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact.

Section 2. Title Change. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 1 – Generally, Subdivision I – Boards shall be amended to Subdivision I – Boards and Commissions.

Section 3. Process Simplification. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 1 – Generally, Subdivision I – Boards and Commissions, Section 2-42 – Appointment. The following paragraph shall be amended in its entirety to read as follows:

(c) Applications will be accepted through a process as established by the City Council. The current policy is on file in the Office of City Secretary.

Section 4. Qualifications. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 1 – Generally, Subdivision I – Boards and Commissions, Section 2-45 – Qualifications shall be amended as follows:

An individual shall not be eligible for appointment to a board or commission unless the individual meets the following qualifications on the day prior to the date of appointment: (1) be at least 18 years of age; (2) be a citizen of the United States; (3) have been a resident of the State of Texas and the city for at least six consecutive months ~~or have significant presence in the community~~; and (4) not be delinquent on any indebtedness to the city. An appointee may not be a city employee. If any appointee ceases to possess any of these qualifications, such position to which the appointee was appointed shall, ~~upon such fact being determined by the council,~~ immediately become vacant.

Section 5. Liaisons. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 1 – Generally, Subdivision I – Boards and Commissions shall be amended to include Section 2-51 – Liaisons as follows:

Sec. 2-51. – Liaisons

Each Board and Commission shall have a City employee that is designated as a Liaison for official communication between the board or commission and the City. A current list of Liaisons may be obtained through the City Secretary.

Section 6. Economic Development and Tourism Board. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 4. – Economic Development and Tourism Board is amended as follows:

Sec. 2-113.5. - *Qualifications for appointment and membership.*

Qualifications, applications and appointments for the board shall follow the requirements established for all boards. Membership for the economic development board shall include, at minimum, representation from key local stakeholders including: major employer, utility, healthcare, higher education and tourism. Ex-Officio members may be appointed from key sectors and/or stakeholders. Members shall maintain confidentiality and abide by all prevailing ethics, either professionally, legally or as a part of the city code of ethics. Residency requirements may be exempted at the discretion of City Council if an applicant can show specialized knowledge in the specific seat of the Economic Development and Tourism board being applied for and a connection to the City through a business operating within the City limits.

Section 7. Kyle Arts and Cultural Commission. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 5. – Arts and Cultural Commission is amended in its entirety to be as follows:

Sec. 2-117. - Officers. At the first meeting of the board after annual term vacancies are filled, the board shall meet and elect one member as chairperson, one as vice-chairperson, and another as secretary.

- (a) Each officer shall serve for one year and thereafter until their successor is selected and the board completes a determination of their qualifications for the position.
- (b) Officers shall perform the duties prescribed by the board.
- (c) No member shall serve as an officer more than two consecutive terms.

Sec. 2-118. - Term of office. The members of the arts and cultural commission shall be appointed by majority vote of the city council for a term of two years. The members of the commission shall be identified by place numbers one through seven. Members initially appointed to odd numbered places will expire on September 30, 2023 and those initially appointed to even numbered places will expire September 30, 2024. As such, a simple majority of the members being appointed to a two-year term beginning October 1 in every odd-numbered year shall expire on September 30 of odd-numbered years and the remaining members being appointed to a two-year term beginning October 1 in every even-numbered year shall expire on September 30 of even-numbered years.

Section 8. Library Board. Chapter 2 Administration, Article III Boards, Committees and Commissions, Division 1 – Generally, Subdivision I – Boards and Commissions, Division 6. – Library Board is added as follows:

Division 6. – Library Board.

Sec. 2-123. Established. There is hereby established the library board for the City of Kyle which shall consist of seven voting board members who shall be appointed by the mayor and city council. Except as specifically provided otherwise in this article the authority and powers of the board shall be advisory only.

Sec. 2-124. Duties and Powers. The board shall have the following duties and powers:

- (a) The board shall be responsible for providing the city council and the Director with advice and recommendations on all policies, rules, and regulations relating to the administration of the library and operations.
- (b) The board shall have the power to develop and propose to the city council rules and regulations for the proper conduct of the library. Such rules and regulations shall become in effect upon adoption by the city council as provided by law.
- (c) The board shall pass library policies and procedures to include:
 - (1) The issuance and cost of library cards;
 - (2) The maximum checkout time limits for all library materials;

- (3) The fine schedules for overdue library materials;
 - (4) The fine schedules for lost or severely damaged library materials;
 - (5) The fine schedules for other charges or administrative fees; and
 - (6) Other procedural areas of library operations.
- (d) The board shall carry out and perform such other functions and duties as the council may assign to it.
 - (e) The board shall promote the library's programs and services in the greater Kyle community.
 - (f) The board is authorized to solicit gifts and bequests of money or other personal property, or donations to be applied, principle or income, for library functions and to conduct fund-raisers for the library. All such funds, gifts and bequests shall be made and received directly the City's Director of Finance and placed in a special account or fund established for such purposes.

Sec. 2-125. *Officers.* At the first meeting of the board after annual term vacancies are filled, the board shall meet and elect one member as chairperson, one as vice-chairperson, and another as secretary.

- (a) Each officer shall serve for one year and thereafter until their successor is selected and the board completes a determination of their qualifications for the position.
- (b) Officers shall perform the duties prescribed by the board.
- (c) No member shall serve as an officer more than two consecutive terms.

Sec. 2-126. *Board meetings.*

- (a) *Regular meetings.* The board shall hold at least one regular meeting each month and shall prescribe by rule regular meeting dates at a regular meeting place.
- (b) *Special meetings.* The board may hold special meetings upon the request of the presiding officer, mayor, city secretary, city attorney, or upon the written request of three members.
- (c) *Voting.* The presiding officer shall be entitled to vote on any matter before the board.
- (d) *Rules of decorum.* Board rules shall not be inconsistent with city ordinances, resolutions, or regulations.

Secs. 2-127—2-135. *Reserved.*

Section 9. Renumbering. Chapter 2 Administration, Article IV Officers and Employees, Division 1, Section 2-123 shall be renumbered as 2-136. Secs 2-124 – 2-141 currently marked as reserved will now be Secs. 2-137—2-141. Reserved.

Section 10. Library Department. Chapter 2 Administration, Article V. – Library, Division I. - Generally shall be amended as follows:

Sec. 2-420. *Definitions.*

The following definitions shall apply in this article unless the context clearly indicates otherwise:

~~"Board" means the library board of directors created herein.~~

"Director" means the director/librarian of the city's public library.

"Greater Kyle Community" means any citizen eligible for a Kyle Public Library card.

"Library" means the City of Kyle Public Library.

~~"Member" means a voting member of the library board of directors.~~

Sec. 2-421. *Creation of library department.*

- (a) *Created.* There is hereby established the Department of the Public Library of the City of Kyle.
- (b) *Director, personnel and facilities.* The library department shall be headed by a director appointed by the city manager ~~administrator~~, ~~and confirmed by the city council~~, and the department shall have such personnel as may be authorized in the annual budget of the city.
- (c) *Duties of the director of the library.* The director of the library shall, subject to the direction, supervision and oversight of the city manager ~~administrator~~ and within the funds appropriated, budgeted and available for such purposes:
 - (1) Supervise and manage the development, enlargement, improvement, acquisition of materials and equipment and operations of the City of Kyle Public Library, pursuant to policies and procedures approved by the city council;
 - (2) Oversee the maintenance ~~maintain~~ of the city's buildings, grounds, materials and equipment at the library;
 - (3) Provide the day-to-day operations and management of the library;
 - (4) Enforce the rules and regulations adopted by the city council, for the use of the library;

- (5) In consultation with the city ~~manager~~ administrator, suspend or restrict any or all library operations whenever he or she believes such action to be necessary and appropriate; and
- ~~(6) Facilitate communications and serve as a liaison between the library board, the city manager administrator and the city council; and~~
- (6) Perform other duties and responsibilities as directed by the city manager ~~administrator~~.

Sec. 2-422. Department policies.

- (a) *Generally.* A person shall not remove or borrow any books, articles, or library materials from the premises of the library unless or until the library consents to, records, and checks out the removal of the books, articles, or materials through the circulation desk. It shall be unlawful for any person to retain or fail to return any books, articles, or materials beyond the date designated by the library.
- (b) *Use of false identification or false name.* It shall be unlawful for any person to register or furnish a false name or address with the library, furnish identification or a library card not belonging to that person with the library, or forge a library card for the purpose of borrowing or removing any book, article, or other material from the library.
- ~~(c) *Rules.* The board shall pass rules, subject to council approval, regulating:~~
 - ~~(1) The issuance and cost of library cards;~~
 - ~~(2) The maximum checkout time limits for all library materials;~~
 - ~~(3) The fine schedules for overdue library materials;~~
 - ~~(4) The fine schedules for lost or severely damaged library materials;~~
 - ~~(5) The fine schedules for other charges or administrative fees; and~~
 - ~~(6) Other procedural areas of library operations.~~

(c) *Assessment of fines and late charges.*

- (1) Any person failing to return any books, articles, or other materials on or before the designated date shall be liable for a fine or late charge for each day as provided by the ~~board rules~~ fine schedules as established by the board.
- (2) If the person in violation of this article is under 18 years of age, then the parent or guardian of the person shall be notified by certified mail of the violation(s). If the parent or guardian fails to return or ensure the return of any books, articles, or other materials within ten days after receipt of notice, then the parent or guardian shall be liable for a fine or late charge, in

addition to the minor's fines and charges, for each day of his or her failure to return or ensure the return of the books, articles, or other materials as provided by the ~~board rules~~ fine schedules as established by the board.

(d) Filing complaints. Persons shall not retain or damage library materials after the date such materials are due or fail to pay fines and assessments as required herein.

(1) The ~~code enforcement officer~~ Director, or any person authorized by the ~~code enforcement officer~~ Director, may file a complaint in the city municipal court against any person that violates the provisions of this article if:

- a. Before filing the complaint, the ~~code enforcement officer~~ Director or authorized person sends a certified letter, return receipt requested, to the person in violation of this article stating that unless the person returns any overdue books, articles, or materials to the library and pays any overdue charges, fees, or administrative fines within ten days after receipt of the certified letter, the ~~code enforcement officer~~ Director or authorized person shall file a complaint against the person in city municipal court; and
- b. The person in violation of this article does not comply with the requirements provided in the certified letter.

(2) In the event the person in violation of this article is a minor, then the ~~code enforcement officer~~ Director or authorized person shall also send a certified copy of the letter to the minor's parent or guardian.

(3) Postage costs incurred by the library under this subsection shall be charged against the person in violation of this article whether or not a complaint is filed, or a hearing is held on the complaint in city municipal court. In addition, the borrowing privileges of the person in violation of this article shall be suspended until such costs are paid in full.

Sec. 2-423. Prohibited conduct.

Conduct prohibited in this section shall be subject to citation with or without written notification of such violation. Any police officer of the city or employee of the library may file a complaint in municipal court for violations alleged under this section.

- (a) It shall be unlawful for any person to willfully interfere with, disrupt, or prevent the orderly conduct of persons utilizing the library facilities.
- (b) It shall be unlawful for any person to refuse to leave the library area after being advised by a city police officer or employee that his or her conduct is disruptive to others and being directed by such city officer or employee to leave the library area.

(c) It shall be unlawful for any person to possess, use or consume any alcoholic beverage, as defined in the Texas Alcoholic Beverage Code, as amended, on, or upon any public property within ten feet of, any property, owned or operated by the city for use as a public library.

(d) It shall be unlawful to ride a bicycle, adult-sized tricycle, roller skates, in-line skates, skateboard or any similar device or vehicle on any sidewalk, walkway, pavilion, or other area designed for pedestrian use within the library property.

Sec. 2-424. Penalty.

Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$500.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

Secs. 2-425—2-440. Reserved.

Section 11. Repeal. Chapter 2 Administration, Article V. – Library, Division 2. - Board of Directors shall be repealed in its entirety.

Section 12. Reorganization. Chapter 2 Administration, Article V. – Library, Division 3. - Fund shall be renumbered and amended as follows:

DIVISION 2. – LIBRARY FUND

Sec. 2-~~441~~461. -Library fund.

There is hereby created a "library fund" (the "fund") which shall be maintained and reported as a separate fund of the city. All funds, gifts and bequests offered to the library from private or public entities shall be deposited in the fund which shall be administered by the city council. No expenditures or withdrawals shall be made from the fund except to finance and purchase materials, equipment and property for the use and benefit of the library and to pay costs of library personnel, and as authorized by a majority vote of the city council for the benefit of the library.

Secs. 2-442-480 Reserved.

Section 13. Repeal of Conflicting Ordinances. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted and amended herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 14. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby and to this end the provisions of this ordinance are declared to be severable.

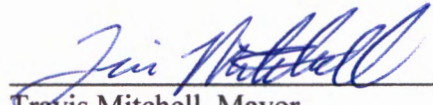
Section 15. Open Meetings. That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.

Section 16. Effective Date. This ordinance shall be effective from and after its approval and passage in accordance with the Texas Local Government Code and the city charter.

PASSED AND APPROVED on this the 6th day of June, 2023.

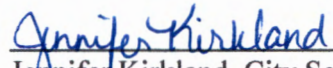
FINALLY PASSED AND APPROVED on this the 20th day of June, 2023.

The City of Kyle, Texas



Travis Mitchell, Mayor

ATTEST:



Jennifer Kirkland, City Secretary