

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: January 27, 2015		DATE SUBMITTED: November 20, 2014	
DEPARTMENT OF ORIGIN: Library Services		SUBMITTED BY: Larry Koeninger	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
AGENDA ITEM DESCRIPTION: Consider repeal of Ordinance No. 1647 and approval of a new ordinance making revisions to the fees, fines and charges levied by the Bryan + College Station Public Library System.			
SUMMARY STATEMENT: Ordinance 1647, the current Library System Fees and Fines Ordinance, was approved on January 9, 2007. The ordinance establishes the fines charged for overdue library materials, establishes maximum limits on overdue fines, and determines how library users are charged for lost and damaged materials.			
<p>The current ordinance, which has been in place for eight (8) years, does not address recent changes in the System's collection, including the removal of the sculpture and art print collection and the addition of Blu-ray disks. Additionally, the System has found that due to the lack of fines on children's books, many children's books are being checked out and not returned for weeks or even months. Changes are needed to clarify how fees are assessed and collected, to allow the Library System Director to make certain administrative decisions as needed to ensure the efficient functioning of the System and the provision of excellent customer service and collection management by the System.</p> <p>The proposed ordinance includes several changes to the Bryan + College Station Library System policies regarding fees, fines, and charges:</p> <ol style="list-style-type: none"> 1. Removal of sculptures and art prints from the ordinance. The sculptures and art prints were removed from the collection in 2010. 2. Addition of children's books to the list of items that accrue overdue fines. 3. Separation of non-book items (DVDs, Blu-ray discs, video cassettes, and periodicals) from books in the fine structure to allow for more clarity in fine assessment, when needed. 4. Addition of the Blu-ray video format to the list of items that generate overdue fines. 5. Authorize the Library System Director or his designee to reduce or waive fines on a case-by-case basis. 6. Authorize the Library System to collect fees on accounts that are reported to the collection agency. 7. Authorize the Library System Director to implement policies and procedures relative to administrative issues. 			
STAFF ANALYSIS AND RECOMMENDATION: Library staff recommends adoption of the proposed changes, as they will allow for greater clarity in the assessment of fees, fines, and charges by the Library System. The proposed changes allow the Library System Director the flexibility to provide the best service possible to Library System users. The Library Advisory Board recommended approval of this ordinance at their regular meeting held on November 19, 2014.			
OPTIONS (In Suggested Order of Staff Preference):			

1. Approve the proposed revisions of the Library System fees, fines, and charges Ordinance as submitted.
2. Modify and approve the Ordinance making changes to the Library System fees, fines, and charges policy, which may require consideration at a future City Council meeting.
3. Do not approve a new ordinance with revisions, and leave the provisions in Ordinance 1647 in place.

ATTACHMENTS: (pdf documents combined into one attachment)

1. Proposed Ordinance (attached to CAF)
2. Original Ordinance with markup (pdf document)
3. Minutes from Library Board Meeting on November 19, 2014 (pdf document)

FUNDING SOURCE: While specific action on this item does not require funding, the changes proposed by the Ordinance should provide improved material recovery, and increased revenue to the City's General Fund on fines and fees collected by the Library System.

APPROVALS: Joey Dunn, 12-30-14; Hugh R. Walker, 01/05/2015

APPROVED FOR SUBMITTAL: CITY MANAGER Kean Register, 12-5-2015

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 1-5-2015

Revised 05/2013

ORDINANCE NO. _____

AN ORDINANCE RESCINDING ORDINANCE NO. 1647, ESTABLISHING FINES, FEES AND CHARGES TO BE CHARGED AND COLLECTED BY THE BRYAN + COLLEGE STATION PUBLIC LIBRARY SYSTEM; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:

That this ordinance shall be entitled the Bryan + College Station Public Library System Fines, Fees and Charges Ordinance.

1.

That the fines, fees and charges to be charged and collected shall be as follows:

A. FINES

Books: \$0.25 per day with a maximum being the replacement cost of the book

Audiobooks: \$0.25 per day with a maximum being the replacement cost of the audiobook

DVDs and Blu-rays: \$1.00 per day with a maximum being the replacement cost of the item

Periodicals: \$0.25 per day with a maximum being the replacement cost of the periodical

There shall be a 5-day grace period for books. There shall be no grace period for audiobooks, DVDs, Blu-rays, or periodicals.

The Library System Director or his designee shall work with patrons to resolve disputed library fines. Circumstances, such as long-term hospitalization, deployment, fire, theft, or natural disasters may warrant a reduction or waiving of fees and fines. The Library System Director may authorize exemptions to the Fines, Fees, and Charges Ordinance for participants in programs or services such as the Books to Go program.

B. CHARGES

Lost materials: Charges for lost items include the replacement cost of the item plus a \$5.00 non-refundable service charge.

Damaged materials: Charges for irreparably damaged items include the replacement cost of the item plus a \$5.00 non-refundable service charge. Charges for partially damaged items are determined by the Technical Services department of the Library, based on amount of time spent and materials used in repairing the item.

Returned check: Charge for returned checks is \$15.00. Use of the library system shall be restricted until charges are paid. Charges shall be paid in cash or a money order. A personal check shall not be accepted.

C. FEES

Replacement Borrower's Card: The initial card for Brazos County residents is free of charge. A \$3.00 fee shall be charged to replace a lost card.

Non-Resident Library Cards: Library cards shall be issued to out-of-county residents for an annual fee of \$24.00 valid for one year from the date of payment.

Collection Agency Fee: The library system uses a collection agency to recoup losses incurred when library materials are not returned. The patron shall be responsible for any collection agency costs incurred by the library system. The collection agency fee is non-refundable.

2.

The Library System Director is hereby expressly authorized to implement policies and procedures relative to administrative issues not addressed by and not inconsistent with state law, the Interlocal Agreement between Bryan and College Station, ordinances of either City, or any other existing agreement or regulation governing Library System policies.

3.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its second and final reading and passage.

PRESENTED AND GIVEN first reading the 13th day of January, 2015, at a regular meeting of the City Council of the City of Bryan, Texas; **PASSED AND APPROVED** on the 27th day of January, 2015 , by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Bryan, Texas.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis Hampton, City Attorney