

Effective Date: March 10, 2012

2/6/2012

1/25/2012

1/20/2012

12-O-12

AN ORDINANCE

**Amending the Evanston City Code to Make Certain Changes
to the City of Evanston Public Library Board's Authority and Budget**

WHEREAS, the City of Evanston, Cook County, Illinois, (the "City") is a home rule unit of government under the Illinois Constitution of 1970; and

WHEREAS, the Evanston City Council and the Evanston Public Library Board of Trustees held numerous public hearings, pursuant to proper notice during 2010 and 2011, to consider the funding structure and tax levy for the Evanston Public Library, the infrastructure needs relative to the provision of library services to all City of Evanston residents, received information from City staff, and deliberated regarding the setting of budgetary priorities and funding levels for the Library Department; and

WHEREAS, the City considered, in consultation and cooperation with the Evanston Public Library Board, the process to establish consistent budget funding levels for the Library in subsequent years following adoption of this Ordinance; and

WHEREAS, in light of the Illinois Public Library Act (the "Act"), it is desirable to make certain amendments to the City Code to conform certain Code provisions to the Act; and

WHEREAS, the Evanston Public Library Board concurs in finding that the code amendments set forth below will ensure stable and consistent funding necessary to provide library services to the City of Evanston,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: The foregoing recitals are hereby found as fact and incorporated herein by reference.

SECTION 2: Title 7, Chapter 14 of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

7-14-1: ESTABLISHMENT; DESIGNATION:

There is hereby established a free public library and reading room for the use of the inhabitants of the City, which library and reading room shall be known as the "Evanston Public Library".

7-14-2: EVANSTON PUBLIC LIBRARY BOARD OF TRUSTEES TO SUPERVISE:

The library established herein shall be under the supervision and management of a Board of nine (9) Trustees, to be appointed in accordance with Sections 75 ILCS 5/4-1 and 5/4-1.1 of the Illinois Local Library Act (the "Act"), 75 ILCS 5/1-1 *et seq.* The Evanston Public Library Board of Trustees shall have all the powers and authority conferred by the Act. The Board of Trustees shall appoint the Library Director.

7-14-3: INJURING LIBRARY PROPERTY:

- (A) Books: It shall be unlawful for any person to willfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, plate, picture, engraving or statue belonging to or in the possession or under the control of the library.
- (B) Building, Furniture: It shall be unlawful for any person to willfully or maliciously commit any injury upon the grounds, buildings, furniture, fixtures or other property belonging to or under the control of the library.

7-14-4: LIBRARY FUND, BUDGET AND TAX LEVY:

Effective January 1, 2012, there is hereby created a Library Fund for the Evanston Public Library. The Evanston Public Library Board shall have exclusive control of the expenditure of all moneys collected for the library and deposited to the credit of the Library Fund. Effective January 1, 2013, the Evanston Public Library Board shall have the authority to formulate and approve the annual budget for the Library, and to determine the annual levy of taxes to be used for library purposes. The library taxes provided for in this Chapter shall be levied by the corporate authorities in the amounts determined by the Board and the proceeds shall be deposited in the Library Fund.

7-14-5: BUDGET, GENERALLY:

The Board shall, with the assistance of the Library Director, adopt its own Budget and Appropriation Ordinance and Levy Ordinance. They shall be presented to and adopted by the City as a part of its revenue process. These ordinances shall be submitted in the format and in accordance with the City's budget schedule in general use by the City for each fiscal year. The Library Director shall meet with the City Manager or his/her designee and provide such information related to the budget as the City Manager shall request.

SECTION 3: That Section 1-9-1 of the Evanston City Code of 1979, as amended, is hereby further amended to read as follows:

1-9-1: MUNICIPAL OFFICERS AND DEPARTMENTS:

For the purposes of this Code, and for the administration and enforcement of the affairs and policies of the City, there shall be the following executive departments of the City. Each department shall be administered by a department head appointed by the City Manager, except for the Library Director, who shall be appointed by the Evanston Public Library Board of Trustees. Such department heads shall perform such functions as may be prescribed by ordinance or by the City Manager. Department heads and such other employees as may be designated by the City Manager shall be officers of the City.

Departments and department heads shall be as follows:

DEPARTMENT	DEPARTMENT HEAD
Community Development	Director of Community Development
Facilities Management	Director of Facilities Management
Finance	Director of Finance
Fire	Fire Chief
Health and Human Services	Director of Health and Human Services
Human Relations	Executive Director of Human Relations
Human Resources	Director of Human Resources
Law	Corporation Counsel
Library	Library Director
Parks/Forestry and Recreation	Director of Parks/Forestry and Recreation
Police	Police Chief
Public Works	Director of Public Works

SECTION 4: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5: If any provision of this Ordinance 12-O-12 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this ordinance is severable.

SECTION 6: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

SECTION 7: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

Introduced: February 13, 2012

Approved:

Adopted: January 27, 2012

January 29, 2012

Elizabeth B. Tisdahl
Elizabeth B. Tisdahl, Mayor

Attest:

Approved as to form:

Rodney Greene
Rodney Greene, City Clerk

W. Grant Farrar
W. Grant Farrar, Corporation Counsel