



# City of Foley, AL

407 E. Laurel Avenue  
Foley, AL 36535

## Signature Copy

Ordinance: 13-1030-ORD

File Number: 13-0538

Enactment Number: 13-1030-ORD

An Ordinance ratifying Resolution 06-16-80 that established the Library Advisory Board

WHEREAS, the State of Alabama, under Article 4 of Chapter 7, Title 55 of the Code of Alabama of 1940 provided for the establishment of a free public library, and

WHEREAS, the Foley City Council adopted a resolution on March 18, 1957 establishing a free public library for the use of the citizens, and to that end accept gifts, donations, etc., and further established a Library Board consisting of five members to be appointed by the governing body, and

WHEREAS, on June 16, 1980 adopted Resolution 06-16-80 abolishing the Foley Public Library Board and created a Library Advisory Board of the City of Foley, Alabama under Code of Alabama, 1975, Section 11-90-3, and

WHEREAS, the Code also set forth the powers and duties of the Board giving the Board full power and authority to control the expenditure of all funds received or appropriated for such libraries, to erect or rent buildings to cost not in excess of the fund available to it; to purchase books and equipment; to provide a system of library service to be made easily available to all citizens of the municipality through central library, branches, stations, book truck service, or other appropriate means; to elect a librarian and other employees; and otherwise to have full authority and power to manage and control the said library in order to carry out the full intent and purpose of this article; and a careful and complete record and set of books shall be kept by the Library Board, showing the proceedings of their serveral meetings and the receipts and disbursements in detail of all funds, and

WHEREAS, the Code of Alabama has been updated and continues to allow for the establishments of libraries and gives them the same powers as in the Code of Alabama 1940 under the Code of Alabama, 1975 Section 11-90-3, and

WHEREAS, the Governmental Accounting Standards Board (GASB) Statement No. 54 requires the ratification of the intent of the Library Fund as a special revenue fund because the primary revenues are State Grants which have restrictions, donations from Citizens which are restricted, and fines and related revenues which the City has committed to library purposes, the use of a special revenue fund (as defined by GASB 54) is desired to specifically account for the receipt and expenditure of such restricted and committed revenues.

BE IT ORDAINED that the Foley City Council as follows:

1396335

BALDWIN COUNTY, ALABAMA  
TIM RUSSELL PROBATE JUDGE  
Filed/cert. 5/ 8/2013 11:10 AM  
TOTAL \$ 30.00  
8 Pages

Section 1. Ratifies Resolution 06-16-80 that established the Foley Public Library, a special revenue fund, and established a Board for the Supervisor thereof.

Section 2. All ordinances or parts of ordinances, in any manner conflicting herewith are hereby repealed.

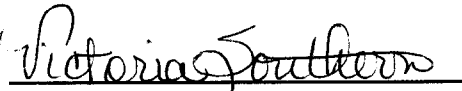
Section 3. This ordinance shall become effective upon its publication as required by law.

PASSED, APPROVED AND ADOPTED this 15th day of April 2013.

President's Signature \_\_\_\_\_

Date \_\_\_\_\_

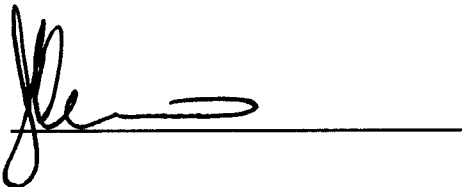
Attest by City Clerk

\_\_\_\_\_

Date

4-18-13

Mayor's Signature

\_\_\_\_\_

Date

4/18/2013



RESOLUTION

03-18-57

WHEREAS, Article 4 of Chapter 7, Title 55 of the Code of Alabama of 1940 provides for the governing body of a municipality to establish a free public library for the use of the citizens, and to that end accept gifts, donations, etc., and

WHEREAS, it is deemed advisable to establish a public library in the City of Foley and to establish a Board for the supervision thereof, all in accordance with the statutes and laws hereinabove referred to,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Foley as follows:

1. That the City of Foley does hereby establish a public library for the use of the citizens of the said City of Foley under and by virtue of the authority granted by Article 4 of Chapter 7 of Title 55 of the Code of Alabama of 1940 with the authority granted by this said statute.

2. That the Government and supervision of such library shall be vested in a Library Board consisting of five members to be appointed by the governing body of the municipality. That the following persons having been nominated and voted upon were unanimously elected as the first board and their appointment and their term of membership shall be as follows: Mrs. Louis Baker \_\_\_\_\_ for the term of one year, Dr. Max Foreman \_\_\_\_\_ for a term of two years, Mrs. Helen Wyrick \_\_\_\_\_ for a term of three years, Mrs. J.W. Britton \_\_\_\_\_ and Mrs. Lois Skipper \_\_\_\_\_ for a term of four years, all beginning as of the date hereof. All appointments hereafter made shall be for a term of four years, unless made for the purpose of filling a vacancy for an unexpired term. Members of the Library Board shall serve without compensation.

3. The powers and duties of the Library Board shall be those as set out in Article 4 of Chapter 7 of Title 55 of the Code of Alabama of 1940, being in general the following:

The library board shall have full power and authority to control the expenditure of all funds received or appropriated for such libraries; to erect or rent buildings, to cost not in excess of the funds available to it; to purchase books and equipment; to provide a system of library service; to be made easily available to all citizens of the municipality through central library, branches, stations, book truck service, or other appropriate means, to elect a librarian and other employees,

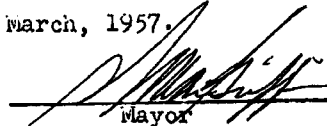
\* See attached  
Code of AL 1975  
11-90-3

c. g. c.

and otherwise to have full authority and power to manage and control the said library in order to carry out the full intent and purpose of this article; and a careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the receipts and disbursements in detail of all funds.

4. The Library Board shall select their own Chairman, Vice-chairman, Secretary and Treasurer, the office of the Secretary and Treasurer may be held by one person.

Done this the 18th day of March, 1957.

  
Mayor

Attest:

  
City Clerk

The foregoing resolution having been presented, read and discussed, on motion made by Councilman Roger Lee Kirkland and seconded by Councilman RW Thompson, the Mayor and all Councilmen voting "aye", it was unanimously approved and the persons hereinabove enumerated were unanimously appointed and selected as members of the Library Board.

**Section 11-90-3**

**Library boards - Powers and duties.**

- (a) The library board shall have full power and authority to:
- (1) Control the expenditure of all funds received or appropriated for such libraries;
  - (2) Erect or rent buildings to cost not in excess of the funds available to it;
  - (3) Purchase books and equipment;
  - (4) Provide a system of library service to be made easily available to all citizens of the county or municipality through central library, branches, stations, book truck service, or other appropriate means;
  - (5) Elect a librarian and other employees; and
  - (6) Manage and control the said library in order to carry out the full intent and purpose of this chapter.
- (b) A careful and complete record and set of books shall be kept by the library board, showing the proceedings of their several meetings and the receipts and disbursements in detail of all funds.
- (c) In counties where a city having a population of not less than 65,000 already maintains a free public library, a separate county library board need not be appointed, and the county libraries and the appropriations authorized shall be administered by the governing board of such free public library on such terms as may be agreed upon between the county commission and the said governing board.

*(Acts 1919, No. 763, p. 1124; Code 1923, §1547; Acts 1939, No. 200, p. 351; Code 1940, T. 55, §287.)*

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  - (5) Elect a librarian and other employees; and
  - (6) Manage and control the said library in order to carry out the full intent and purpose of this chapter.
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RESOLUTION

WHEREAS, the Foley Public Library Board of Trustees has adopted a Resolution recommending that the City of Foley dissolve the Library Board as presently constituted, and that a Library Advisory Board consisting of the members presently serving on the Foley Public Library Board be appointed, and

WHEREAS, it appears to be to the best interest of the City of Foley to comply with the request of the Library Board,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Foley, as follows:

1. That the Foley Public Library Board as now constituted be abolished and that the library be operated as a free public library of the City of Foley.

2. That a Library Advisory Board of the City of Foley, Alabama, is hereby established, the members of which shall be appointed by the governing body of the municipality.

This Board shall consist of five members, and the term of the membership of the Board as first appointed shall be one member for the term of one year, the second member for the term of two years, the third member for the term of three years, and the remaining two members for the term of four years. After the first term, all appointments to the Advisory Board shall be for a term of four years.

3. This Advisory Board shall recommend to the municipality the expenditure of funds, the selection of librarian and other employees, and shall provide and supervise a system of library services to the citizens of this municipality and the surrounding areas.

4. The City of Foley may from time to time authorize the Library Advisory Board to purchase books, to recommend the purchase of equipment, and to manage and control said library in the best interest of the municipality.


5. The Library Advisory Board shall elect a president to preside at meetings, and a secretary to keep a careful and complete record and set of books showing proceedings of all meetings and copies of all written recommendations to the municipality. The members of the Board and officers shall serve without compensation.

6. The Board shall, with the consent of the municipality, act in a supervisory capacity over the librarian and all employees, and shall manage any funds appropriated for the purchase of books and maintenance of the library.

7. The persons presently elected to the Library Advisory Board and their term of office shall be as follows:

Mr. Tim Russell	<u>4</u>	years
Mrs. Frank Smyth	<u>1</u>	years
Mrs. Andy Kaiser	<u>4</u>	years
Mr. David Spivey	<u>2</u>	years
Mr. Stuart Sinclair	<u>3</u>	years

ADOPTED this 16th day of June, 1980.

  
Mayor

ATTEST:

  
City Clerk

The foregoing Resolution having been presented, read and discussed, Frank Smyth moved for its adoption, which motion was seconded by James E. Wright, and was unanimously adopted.