# Chapter 17 LIBRARY[1]

## *ARTICLE I. IN GENERAL*

### Sec. 17-1. Established.

There is hereby established the Laredo Public Library, hereinafter called the library, as a department of the city to be administered under the general direction and supervision of the city manager. The library shall be open to all citizens of Webb County under identical conditions as may be provided by this chapter and by library rules adopted in the manner hereinafter provided.

(Ord. No. 2012-O-145, 9-17-12)

### Sec. 17-2. Funding.

(a) The director of the department shall include proposed library expenditures for current operations and capital improvements in the annual city budget.

(b) Any moneys or gifts of monetary value donated to the city for library purposes and not of direct benefit to library users shall be placed in a separate trust account or fund by the city finance director and invested in authorized investment to maximize the appreciation of any such investment. Expenditures from such trust fund or funds or trust account or accounts will be made only with approval of the city manager after receiving a recommendation from the library advisory committee created herein. If any proposed expenditure is over two thousand dollars ($2,000.00) or does not receive the favorable recommendation of the library advisory committee, prior approval of the city council will be required.

(c) Moneys paid into the library for fines, fees and any other charges shall be deposited in the general fund. Moneys received for contractual services performed by the library shall be deposited in the general fund unless the terms of the contract, in any instance, specify that payment shall be made to a trust fund for specific use. The level of library-generated general fund income will be considered in determining the annual budget for the library.

(Ord. No. 2012-O-145, 9-17-12)

[1]Editor's note(s)—Ord. No. 2012-O-145, adopted Sept. 17, 2012, amended ch. 17 in its entirety to read as set out herein. Former ch. 17, §§ 17-1—17-4, §§ 17-21—17-23, 17-31—17-36, pertained to similar subject matter and derived from Ord. No. 89-100, § 1(17-1)—(17-4), (17-6)—(17-13), adopted June 5, 1989; Ord. No. 98-168, § 1, adopted June 22, 1998; Ord. No. 2005-O-089, § 1, adopted May 2, 2005; Ord. No. 2007-O-245, § 1, adopted Dec. 3, 2007; Ord. No. 2008-O-048, § 1, adopted March 24, 2008.

Cross reference(s)—Administration generally, Ch. 2.

State law reference(s)—Authority of city relative to libraries, V.A.C.S. arts. 1015(33), 1175(15).

## Sec. 17-3. Library rules.

The library advisory committee shall *propose,* upon recommendation of the library director and subject to approval of the city manager, [~~adopt~~] procedures and regulations governing acquisition of library materials, public use of the library, use of library facilities by public or private agencies, and such other matters as may be found necessary. The library director shall keep a copy of adopted rules in the library available for public reference. In addition, the library director shall provide copies of this chapter and of all adopted rules to members of the library advisory committee and the Texas State Library and Archives Commission, and shall assure that all library employees are familiar with these documents.

(Ord. No. 2012-O-145, 9-17-12)

## Sec. 17-4. Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application; and to this end the provisions of this chapter are declared to be severable.

(Ord. No. 2012-O-145, 9-17-12)

## Sec. 17-5. Fines and fees for library services.

Laredo Public Library

Policies and Procedures for Room and Equipment Use

(a) *Room rentals.* The following are available for rent at the Laredo Public Libraries: Multi-purpose rooms, meeting rooms, computer labs and classrooms. *The rooms available for rent vary by location.* Rooms are available for non-profit and [~~profit making~~] *profit-making* organizations and may not be used for [~~social,~~] religious, political or commercial purposes. A non-profit organization must be a 501(c)(3) as defined by the IRS. A copy of the organization's current IRS 501(c)(3) status letter must accompany all applications. Profit-making organizations may use rooms for meetings or staff training sessions. Sales, distribution or promotion of merchandise for sale is not allowed. Individual profit-making organizations will be approved to use rooms no more than quarterly.

*The library will not be responsible for decorating, all decorations and set ups brought in for events are the responsibility of the renter.*

Any exhibition of copyrighted material, i.e., video, music, documents, etc., must comply with United States Copyright Laws, which include public performance rights. Proof of copyright compliance must be submitted at the time of room reservation.

*Events may occur after library operating hours but will not be held on observed holidays. Renters may review the Laredo Public Libraries' holidays and closures schedule to confirm holidays and closures.*

*Events or meetings occurring after library operating hours will be charged the cost of a dedication staff member to be present. Renters can pay for dedicated staff to assist during the event for an additional fee.*

Room use fees must be paid within two (2) weeks of application's approval. Reservation is not guaranteed until payment is received. *Walk-in reservations will be accommodated on a case-by-case basis*. Additional [~~equipment use~~] fees will also apply (See fines, fees and personnel services schedule). [~~Payments must be made in the form of a money order or check. Cash is not accepted.~~] Failure to submit payment will result in the cancellation of the application. Cancellations must be submitted in writing. Fees paid will not be applied to future room rentals.

Refund of total fees paid including those for equipment rental are made according to the following cancellation schedule:

- 61—90 calendar days in advance[~~.....~~] - 100%
- 31—60 calendar days in advance[~~.....~~] - 75%
- 22—30 calendar days in advance[~~.....~~] - 50%
- Under 21 calendar days [~~.....no~~ ] - *No refund*

All library-sponsored programs or functions take precedence over new applicants for room use. All government entities [~~including~~] *excluding* city departments are also assessed fees and must also comply with all other requirements as stated herein.

Rooms will be reserved no more than three (3) months but at least [~~two (2)~~] *three (3)* weeks in advance. The application form will be filled out and signed by an authorized representative of the organization and approved by a library staff designee. The application form is available at the circulation desk or online at www.laredolibrary.org. Applicants must select from available room setups. Special setups or reconfigurations will be [~~accessed~~] *assessed* an additional fee. Reservations are made for one (1) four-hour interval and include applicant preparations.

*Room use applications not requiring any setup or equipment requests, such as the use of a meeting room, may be rented out on a per-hour basis.*

*Youth Groups*. An adult must sponsor and supervise youth groups. A ratio of one (1) adult per twenty-five (25) students is required. An authorized representative of the organization must be present one (1) hour before the scheduled event to confirm that setup and equipment requests are in order.

No [~~last minute~~] *last-minute* setup changes or equipment requests will be honored.

Refreshments are not permitted in meeting rooms, the computer labs or the classrooms (no exceptions). Refreshments are permitted in the multi-purpose rooms but require prior library administration approval. Drinks containing red dye or greasy foods are strictly prohibited (no exceptions). Menus must be submitted along with room application. Applicants will be notified of the room use decision within [~~twenty-four (24)~~] *forty-eight (48) hours* of application submittal. [~~No alcoholic beverages are permitted without special permission from the city council.~~]

All meetings will be free and open to the public. Admission fees will not be charged. Meetings will end fifteen (15) minutes before the library closes. *All meetings and uses of meeting rooms, multi-purpose rooms, and classrooms will adhere to the Code of Conduct located in the Laredo Public Libraries Policy and Regulation Manual.* Meeting rooms, the computer labs and the classrooms are available only during regular library operating hours. The multi-purpose rooms may be used beyond normal library hours with prior library administration approval.

~~[Use of the room beyond normal library hours will require additional fees for security services. The library will contract security. For multipurpose room functions, one (1) security guard per one-hundred (100) persons attending a function is required.]~~ The rooms must be left clean and in an orderly condition and will be inspected to [~~insure~~] *ensure* readiness for the next group. An additional fee will be accessed if room is not left in its original condition. *Renters that do not cleanup after their reservation will be assessed a $300.00 cleanup fee.* The classrooms and meeting rooms are equipped with tables and chairs. If furniture is moved, it must be returned to the original configuration before leaving. The City of Laredo and the Laredo Public [~~Library~~] *Libraries* are not responsible for accidents or injury caused by reconfiguration of furniture setup.

*Renters wishing to have a dedicated custodian on-site during the event can pay for a custodian to be present. On-site cleanup assistance will not be available during the event unless paid for at the time of the reservation.*

Groups using the rooms agree to indemnify and hold harmless the City of Laredo and the Laredo Public [~~Library~~] *Libraries*, its agents and its representatives from any and all suits, actions, claims, or demands of any character or nature arising out of, or brought on by, any injuries or damages sustained by any person as a

consequence, or result of the use of the room, its furnishings or equipment. *All events and meetings held at any Library facility must provide proof of insurance for the duration of the event or meeting period as requested by the City of Laredo or Laredo Public Libraries. It is the renter's responsibility to acquire insurance certificate(s) from vendor(s) and ensure that vendors can comply with requirements before contracting with them.*

Groups using the rooms are responsible for the condition of the room. They will be billed for any damages to the room as a result of their use. *Any damages exceeding the damage deposit value of $200.00 will be billed for any additional damages assessed at cost.* [~~Items to be displayed shall not be taped or tacked to walls or moldings. The library assumes no responsibility for any materials on display or items left behind.~~]

Group conduct is the responsibility of the presiding officers or the contact person. The library director or designee will refuse application for any particular room if its intended use will disrupt the normal use of the library. Disruptions include excessive traffic through common areas, distracting visuals or sound effects or use which attracts attendees in excess of posted occupancy loads. The maximum occupancies for rooms are posted and depend on room configuration. *All events, including private events, must adhere to each room's capacity limits as posted on the room reservation application. Events and or meetings that exceed room capacities will be warned. Failure to adhere to room capacity and correct the issue after the initial warning will result in the immediate termination of the event.*

Any individual participant's misbehavior will result in expulsion and/or will result in denial of future use for the organization.

*A group or individual forfeits their reservation if they fail to appear within thirty (30) minutes past its scheduled time.*

*Private events. While the library's rooms are primarily intended to support library programs and activities, City of Laredo events, and Friends of the Library activities, individuals may request use of the multipurpose room for private events such as birthday parties, wedding ceremonies, or similar gatherings.*

*Private events will only be held at the Joe A. Guerra Laredo Public Library. The library will not be responsible for decorating. All decorations and set ups brought in for events are the responsibility of the renter.*

*Rental times for all events and meetings will include set-up, breakdown, and cleanup time. Please ensure coordination so that renters will be ready to exit the facility at the end of your reservation time. Library staff are not responsible for the setup, break down, or cleanup for the reservation. Renters that do not cleanup after their reservation will be assessed a $300.00 cleanup fee.*

*Decorations: The library will not be responsible for any decorating, all decorations and set ups brought in for any event are the responsibility of the renter. Decorations that include open flames, burning incense, lit candles cooking equipment, and any other items that may pose a fire hazard are strictly prohibited. Decoration may not be attached to the walls or ceiling. Paint, glue, or anything that will damage carpet or cleaning equipment is prohibited. Items to be displayed shall not be taped or tacked to walls or moldings. The library assumes no responsibility for any materials on display or items left behind.*

By applying for use of a room, the sponsoring group acknowledges that the City of Laredo and the Laredo Public [~~Library~~] *Libraries* do not sponsor the activity. The group also agrees that the City of Laredo and the Laredo Public [~~Library~~] *Libraries* will not be identified as parties associated in any way with the group's activities in any of its literature or publicity. [~~The library administration reserves the right to deny or withdraw permission for the use of any room to any organization that violates library policies and procedures or if the room is needed for emergencies.~~]

*Advertising: The Library will not provide advertising for any meetings or events held in the Library facilities unless they are held by the City of Laredo or the Library.*

*Any printed and electronic marketing materials for meetings held at any LPL facilities must display the following disclaimer, in legible, bold font no smaller than 10 point and be located on the front/outside of any multi-page/part materials:*

*"This event is not sponsored by the Laredo Public Libraries of the City of Laredo and neither the Library nor the City of Laredo endorses any views expressed by those sponsoring the event."*

(b) *Study rooms. Study rooms are only available at the Joe A. Guerra Laredo Public Library and the Sophie Christen McKendrick Francisco Ochoa & Fernando A. Salinas Branch Library.* Study rooms are available on a first-come [~~first-served~~] *first-serve* basis. Study rooms have maximum [~~occupation~~] *occupancy* loads posted which [~~will~~] *may* not be exceeded. Study rooms equipped with computers are restricted to patrons age eighteen (18) and above. Study rooms will not be used for commercial purposes. Library administration will set time limits depending on demand. Due to high demand, patrons may not reserve study rooms in advance. No refreshments or food are permitted. Study rooms must be left clean and in an orderly condition. Individuals or groups will not disturb other library patrons. Library administration reserves the right to deny use or terminate use of study rooms if they are being used for activities other than their intended use, or to any individual or group that violates library policies and procedures.

(c) *Media services.* Some equipment will require operation and/or supervision by a trained media technician to ensure proper use, maintenance and longevity of specialized apparatuses (See fines, fees and services schedule). *Fees for media equipment are per item/per day and do not include on-site technical support. Renters wishing to have assistance during their event or meeting may pay for a media technician to be present. On-site assistance will not be available during the event unless paid for at the time of the reservation.*

The Laredo Public [~~Library~~] *Libraries* [~~is~~] *are* not responsible for any equipment malfunction or operator error, which might cause damage to CDs, DVDs, or computer software. The library is not responsible for any malfunction or operator error which might result in a loss of information or data in any media format. In addition, the library is not liable for technical failures or operator errors which might inhibit the quality, delay, or otherwise cause ineffective presentations and/or room use. All reasonable efforts will be made to accommodate the audio-visual needs of the user.

(d) [~~*Fines, fees and services schedule.*~~] *Security Services. After Hours use of the rooms beyond normal library hours will require additional fees for security and staff, of which the applicant will be charged.*

*For multi-purpose room functions, one (1) security guard per one hundred (100) persons attending a function is required. If attendance surpasses one hundred (100) persons, it will require additional fees for security services, of which the applicant will be charged.*

*(e) Fines, fees and services schedule.*

~~*[Room use fees:*~~

~~*For nonprofit organizations:*~~

~~Multipurpose room (includes podium and handheld microphone) per 4 hours$150.00~~

~~Computer labs*, per 4 hours200.00~~

~~Classrooms, per 4 hours50.00~~

~~Meeting rooms, per 4 hours50.00~~

~~*For profit-making organizations:*~~

~~Multipurpose room, (includes podium and handheld microphone) per 4 hours400.00~~

~~Computer labs*, per 4 hours500.00~~

~~Classrooms, per 4 hours100.00~~

~~Meeting rooms, per 4 hours100.00~~

~~*Requires media technician setup~~

~~Special room set-up configuration50.00~~

~~Coffee service1.25/cup~~

~~*Refund cancellation schedule:*~~

~~61—90 calendar days in advance100%~~

~~31—60 calendar days in advance75%~~

~~22—30 calendar days in advance50%~~

~~Under 21 calendar daysno refund~~

~~*Equipment use fees:*~~

~~Television and DVD player, per day$40.00~~

~~Portable media projector w/laptop cart setup, per day$100.00~~

~~Portable projection screen*, per day10.00~~

~~Overhead projector*, per day20.00~~

~~Copy stand, per day50.00~~

~~Lapel microphones, per day30.00~~

~~Flip charts, per day10.00~~

~~White board, per day10.00~~

~~Coffee urn20.00~~

~~*Personnel services fees:*~~

~~After-hours security, per hour$50.00~~

~~Media technician, per hour50.00~~

~~Custodial services/cleanup services25.00~~

~~*Library materials fines and fees:*~~

~~Overdue book and audio book on CD fine, per day, per item$0.35 (max value of item)~~

~~Overdue music CD, DVD, and video game fine, per day, per item1.00 (max value or item)~~

~~Lost or damaged materials (current cost of replacement plus processing fee)5.00~~

~~Library card replacement5.00~~

~~Temporary library card (one day)1.00~~

~~*Office supplies and vending machine fees:*~~

~~Plain white paper, 8½ × 11, per page$0.10~~

~~Plain white paper, 11 × 17 (when available), per page0.15~~

~~Personal hygiene products, each0.25~~

~~Copier vending fee 8½ × 11, one-sided, per page0.10~~

~~*Service fees:*~~

~~Computer printouts, B&W, 8½ × 11 only, per page$0.10~~

~~Archival photo reproduction, per hour30.00~~

~~Scanning services (8½ × 11 only), per page5.00~~

~~Exam proctoring by librarian with MLS degree, per exam30.00~~

~~In-depth research by librarian with MLS degree, first hour50.00~~

~~Additional hours20.00~~

~~Local fax services, per page1.00~~

~~Long-distance fax services, first page2.00~~

~~additional pages1.00~~

~~Notary serviceAs set by State of Texas~~

~~*Passports:*~~

~~Execution fee, per applicationAs set by U.S. Dept. of State~~

~~Photo$15.00~~

~~(Ord. No. 2012-O-145, 9-17-12~~)]

*I.* *Room use fees:*

*a.* *General Room Use Requirements:*

*i.* *All renters will be subject to the following fees:*

*1.* *Damage deposit, $200 (refundable)*

*ii.* *Within seventy-two (72) hours of the meeting or event, only the deposit will be refunded unless damage is incurred.*

*1.* *Cleanup fee, $300.00*

*b.* *Nonprofit organizations:*

*i.* *Multipurpose room (includes podium and handheld microphone) per 4 hours $150.00*

*ii.* *Computer labs (requires media technician setup), per 4 hours $50.00*

*iii.* *Classrooms, per 4 hours $50.00*

*iv.* *Meeting rooms, per 4 hours $50.00*

*c.* *For-profit organizations:*

*i.* *Multipurpose room, (includes podium and handheld microphone) per 4 hours $400.00*

*ii.* *Computer labs (requires media technician setup, per 4 hours $100.00*

*iii.* *Classrooms, per 4 hours $100.00*

*iv.* *Meeting rooms, per 4 hours $100.00*

*v.* *Special room set-up configuration $50.00*

*vi.* *Coffee service $1.25/cup*

*d.* *Private events:*

*i.* *Multipurpose room, per hour $250.00*

*ii.* *Meeting rooms, per hour $100.00*

*e.* *Refund cancellation schedule:*

i. 61—90 calendar days in advance: 100%
ii. 31—60 calendar days in advance: 75%
iii. 15—30 calendar days in advance: 50%
iv. Under 14 calendar days: No refund

II. Equipment use fees:
a. Television and DVD player, per day $40.00
b. Portable media projector w/laptop cart setup, per day $100.00
c. Portable projection screen (requires media technician setup), per day $10.00
d. Overhead projector (requires media technician setup), per day $20.00
e. Lapel microphones, per day $30.00
f. Microphone, per day $20.00
g. Whiteboard, per day $10.00
h. Coffee urn $20.00

III. Security services fees:
a. After-hours security, per hour $50.00
b. Security for events over 100 persons, per hour $50.00

IV. Dedicated Staff Fees:
a. Media technician, per hour $50.00
b. Staff fees, per hour $75.00
c. Custodial services/cleanup services, per hour $50.00

V. Library materials fines and fees:
a. Overdue book and audiobook on CD fine, per day, per item $0.35 (max value of item)
b. Overdue music CD, DVD, and video game fine, per day, per item $1.00 (max value or item)
c. Overdue hotspot, per day, $10.00
d. Lost or damaged materials (cost of item replacement) (processing fee) $5.00
e. Library card replacement $1.00
f. Temporary one-day card $.50
g. Item returned missing barcode $2.00
h. Item marked "Return Inside" returned via exterior book drop $5.00
i. Electronic items returned via exterior book drop $5.00
j. Non-resident borrower (e-resources only): $50.00/year
k. Replacement DVD or videogame case, $5.00

VI. Office supplies and vending machine fees:
a. Plain white paper, 8½ × 11, per page $0.15
b. Copier vending fee 8½ × 11, one-sided, per page $0.15

VII. Service fees:
a. Computer printouts, B&W, 8½ × 11 only, per page, single-sided $0.15
b. Computer printouts, B&W, 8½ × 11 only, per page, double-sided $0.30
c. Exam proctoring by librarian with MLS degree, per exam $30.00
d. In-depth research by librarian with MLS degree, first hour $50.00
i. Additional hours $20.00
e. Local fax services, per page $1.00
f. Long distance fax services, first page $2.00

i. *Additional pages $1.00*

g. *Notary service, As set by the State of Texas*

VIII. *Passports:*

a. *Execution fee, per application, As set by U.S. Dept. of State*

b. *Photo $15.00*

(Ord. No. 2012-O-145, 9-17-12)

**Secs. 17-6—17-15. Reserved.**

# *ARTICLE II. ADMINISTRATION*

## *DIVISION 1. GENERALLY*

**Secs. 17-16—17-20. Reserved.**

## *DIVISION 2. DIRECTOR*

### Sec. 17-21. Appointment.

The city manager shall appoint and may remove or suspend a library director *or designee, hereinafter called library director.* As a condition of appointment, the library director *or designee* must have a minimum of ten (10) hours of continuing education credits annually.

*The default designee in lieu of a director will be the assistant director. If there is no director or assistant director, another designee may be appointed by the city manager.*

(Ord. No. 2012-O-145, 9-17-12)

### Sec. 17-22. Powers.

Subject to approval by the city manager, the library director is empowered to:

(1) Receive donations, gifts and bequests of real and personal property to be devoted to library use or purposes under such terms as may be deemed proper, not inconsistent with law, provided that all such property shall become the property of the city to be disposed of in such manner as the city manager may direct when this property is no longer needed or suited for library use.

(2) Prepare requests for library grants from federal, state and private services.

(3) Negotiate contracts for provision or receipt of library services, subject to final approval of the city manager, and, when the Charter so requires, of the city council.

(Ord. No. 2012-O-145, 9-17-12)

## Sec. 17-23. Duties.

The library director shall administer the library in accordance with policy established by the city council and under the direction of the city manager and shall assure that:

(1) The library cooperates fully with other libraries and library agencies.

(2) The library maintains or exceeds the standards required for accreditation by the Texas State Library and Archives Commission.

(3) Effective library service is provided for the County of Webb if a contract for such services is in effect.

(4) Continuous effort is made to improve the library and to maintain high standards of service for the public.

(5) The public is kept advised of available library resources and services.

(6) Accurate account is kept of library moneys, expenditures and property and that all property is safeguarded, kept in good repair, and periodically inventoried.

(7) Good order is maintained in the library and all necessary precautions are taken to assure the safety of library patrons and employees.

(8) The city manager, and the library advisory committee are kept well informed of library activities [~~, concerns~~] and plans.

(Ord. No. 2012-O-145, 9-17-12)

## Secs. 17-24—17-30. Reserved.

# *DIVISION 3. LIBRARY ADVISORY COMMITTEE*

## Sec. 17-31. Established.

(a) There is hereby established the Laredo Library Advisory Committee hereinafter called the library advisory committee to consist of nine (9) lay persons. Each of the councilmen and the mayor will appoint one (1) member. A lay person is defined as a person who is not currently employed by a public library or public library system, or in any capacity with the city.

(b) Members of the library advisory committee shall be qualified voters and resident citizens of the city.

(c) The terms of office shall be concurrent with that of the council member making the appointment. Vacancies, which occur during members' terms, shall be filled for the unexpired balance of the term in the same manner as initial appointments. If a replacement has not been appointed at the end of a member's term, the member shall continue to serve until replaced or reappointed.

(d) Members shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred as long as the expenses are approved by the library advisory committee and by the city manager and included in the library's approved budget.

(e) Recognizing the responsibility of the library to serve the public as a whole, the city council will strive to ensure that the library advisory committee is representative of a good cross-section of the occupations and interests within the city, giving particular attention to individuals who have indicated willingness to support the library by donating their time, talent or other resources.

(f) A library advisory committee member shall forfeit appointment if he (1) shall fail to meet the residency requirements for appointment, (2) is convicted of a crime involving moral turpitude, or (3) fails to attend [~~three (3) consecutive regular~~] *four (4) regularly-scheduled* meetings *in one (1) calendar year* [of the library advisory committee without being excused by the committee.] *irrespective of whether said absences are excused, unexcused, consecutive, or non-consecutive.*

(Ord. No. *2019-O-110, 8-5-19, 2018-O-050, 4-2-18,* 2012-O-145, 9-17-12)

## Sec. 17-32. Organization.

At its first meeting the library advisory committee shall organize by electing a chairman, vice-chairman and secretary from its members and shall hold an annual election of officers thereafter. The director shall provide such secretarial and other clerical assistance as the advisory committee may require in the performance of its official duties. When involved in official duties, members of the library advisory committee shall be entitled to use the library meeting facilities, office supplies, telephone, mailing and reproduction services.

(Ord. No. 2012-O-145, 9-17-12)

## Sec. 17-33. Duties.

The library advisory committee shall provide advice and assistance to the library director, city manager and city council and shall serve as a liaison between the public and the library. In particular, the library advisory committee shall:

~~[(1) Inform itself of laws and policies governing public library operation and of the procedures and technologies employed in such operation.~~

~~(2) Evaluate library resources and ongoing services with special attention to economy, efficiency, and value to the public.~~

~~(3) Assist in the development of long-range plans for library expansion and improvement as appropriate to meet the requirements of population growth.~~

~~(4) Review/propose capital improvement programs, programs of service, budget estimates, contracts, grant proposals, and library rules; and attach a certificate of review, stating concurrence or nonconcurrence, before these documents are sent to the city manager.~~

~~(5) Promote and encourage interlibrary cooperative services.~~

~~(6) Initiate proposed library rules as it deems necessary.~~

~~(7) Make such recommendations to the library director and city manager as it finds appropriate.]~~

*(1) Promote and encourage interlibrary cooperative services.*

*(2) Make recommendations to the library director and city manager as it finds appropriate.*

*(3) Advocate for library services and promote library services within the community.*

*(4) Evaluate library resources and ongoing services with special attention to economy, efficiency, and value to the public.*

(Ord. No. 2012-O-145, 9-17-12)

## Sec. 17-34. Powers.

The library advisory committee is hereby empowered to adopt bylaws and other rules governing its own operation and to take such action as may be necessary for the performance of its official duties.

(Ord. No. 2012-O-145, 9-17-12)

## Secs. 17-35—17-40. Reserved.

# *DIVISION 4. PUBLIC ART PROGRAM*

## Sec. 17-41. Purpose.

The intent of this division is to promote and encourage private and public programs to further the development and public awareness of, and interest in, the [~~fine~~] arts and cultural properties, to increase employment opportunities in the arts, to develop a tourism economy, to encourage the integration of art into the architecture of municipal structures for the city, and to provide for the citizens of the city high quality, publicly accessible works of art, which contribute to the urban landscape and symbolize the city's sense of place.

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-42. Definitions.

For this division, the following definitions apply:

*Capital improvement project* means any permanent public improvement project paid wholly or in part by monies appropriated by the city to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a street, a sidewalk, a parking facility, a utility, or any portion thereof, within the city limits or under the jurisdiction of the city.

*Conservation* or *conservation project* means the treatment of deteriorated or damaged artwork to approximate as nearly as possible its original form, design, color, and function with minimal further sacrifice of aesthetic and historic integrity.

*Conservation plan* means that portion of the public art program related to conservation, including a prioritized list of conservation projects and a budget prepared, [~~and~~] recommended, *and presented* by the [~~fine arts and culture commission and the affected departments,~~] *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~] and the affected departments and [~~presented for~~] *approved by* the city council [~~for approval,~~] describing all conservation projects to be started during a respective fiscal year, subject to available public art program appropriations.

*Construction cost* means the total city-funded portion of a capital improvement project less demolition costs, equipment costs, normal major maintenance costs, and real property acquisition costs.

*Demolition costs* means payments for any work needed for the removal of a building or other existing structure from city property.

*Equipment costs* means payment for any rolling stock, equipment, or furnishing that is portable and of standard manufacture or that is installed as part of normal major maintenance, whether portable or affixed. The term does not include an item, whether portable or affixed, that is custom designed or specially fabricated for a facility.

*Maintenance* means actions taken by each city department to retard or prevent deterioration or damage to that portion of the public art collection under its control by controlling the environment and/or treating the structure to maintain such portion of the public art collection in as unchanging state as possible.

*Normal major maintenance costs* means payments for any work needed to maintain and preserve city property in a safe and functional condition, including, but not limited to, the cleaning, replacement, and repair of floors, ceilings, roofs, landscaping, and plumbing, mechanical, and electrical systems.

*Public art account* means a separate account established within each capital improvement project fund by the city to receive monies appropriated to the public art program, provided that:

(1) City bond proceeds to be used for the public art program must be maintained in the respective bond funds established in accordance with the city ordinance authorizing the issuance of the bonds; and

(2) Monies from non-bond sources that are appropriated from a city fund to be used for the public art program must be maintained in a separate account within that fund.

*Public art administration fund* means an annual appropriation from each public art account for administration of the public art program.

*Public art collection* means all city-owned works of art that are not under the care and control of nonprofit institutions operating under management agreements with the city.

*Public art master plan* means a plan that reflects the city's commitment to the public engagement process to develop policy that will enhance public spaces with art that reflects the culture of the community.

*Public art plan* means an annual prioritized list, to be *developed*, recommended *and presented* by the *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~], and be approved by the city council, of public art projects, including budgets, location, artist selection process and recommended design approaches, developed in consultation with city departments anticipating capital improvement projects.

*Public art program* means the process for administration, selection, approval, funding, acquisition, or commissioning of public works of art under this division.

*Real property acquisition costs* means payment made for the purchase of parcels of land, and any existing building, structures, or improvements on the land, and costs incurred by the city for appraisals or negotiations in connection with the purchase.

*Work of art* or *artwork* means any public art project that is a work of visual art, including, but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, stone, concrete, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects that involve no structure, a work of art may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rocks, fountains, reflecting pools, sculptures, screens, benches, and other types of streetscapes). A work of art may include an artist participating in master planning, conceptual development, design development, construction drawings, or construction oversight for any municipal project. Except as provided herein, the term work of art or artwork excludes the performing arts of dance, music, theatre, or the literary arts, unless expressed in or combined with a work of visual art or design.

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-43. Funding.

(a) Capital improvement projects shall include an amount for works of art equal to two (2) percent of the construction costs available for the project whether funded by general obligation bonds, revenue bonds or

certificates of obligation, but shall not include capital acquisitions; provided, however, that if the bond election ordinance, the bond ordinance authorizing the revenue bonds, other appropriate laws or regulations, or an official interpretation by the state attorney general regarding allowable uses of funds which it is providing for the project precludes art as an expenditure of funds, the amount of funds so restricted shall be excluded from the total funding available in calculating the amount to be committed to works of art.

(b) Method of calculation. The amount to be appropriated for artists' services and artworks is equal to the total capital improvement project construction costs multiplied by 0.02; provided that amounts budgeted for financing costs, costs paid for from the contingency reserve fund, capital reserve funds, or interest earnings on city bond proceeds, costs of any below-grade water, wastewater or stormwater improvements, and costs of resurfacing or repair of existing streets, sidewalks, and appurtenant drainage improvements are not subject to the calculation.

(c) The appropriation for the public art program will be calculated only on the original appropriation for design and construction services, excluding any subsequent amounts appropriated for amendments and change orders.

(d) In order to ensure that works of art have sufficient public visibility and impact, funds generated from the various capital improvements projects, if allowed by law, may be pooled or aggregated together and utilized for one (1) or more large works of art as recommended *and presented* by the *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~], and upon approval by the city council.

(e) If not otherwise prohibited by law, monies appropriated as part of one (1) project, but not deemed necessary by the city council in total or in part for the project, may be expended on other projects approved under the public art plan; provided that proceeds from bonds issued and authorized for a particular use or purpose shall not be used or diverted for a different use or purpose.

(f) Funds generated pursuant to this section shall be budgeted as part of the capital improvements program budget. Additional private or public contributions for works of art may be added to these funds and shall be budgeted in a similar manner. Such contributions may be earmarked for particular projects. A fund or funds will be established within the [~~library~~] *assigned* department *designated by the City Manager* for the public arts program. Funds will be administered by the *assigned department director, or their designee*. [~~director of the library department~~.]

(g) The city manager, or his/her designee, shall establish appropriate accounting procedures for the public art program and shall report to the city council periodically regarding the amounts appropriated, encumbered and expended under the program.

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-44. Use of monies in public arts accounts.

(a) Monies appropriated under this division may be used for artists' design concepts and for the selection, acquisition, purchase, commissioning, placement, installation, exhibition, and display of works of art. Funds shall not be used for professional graphics, mass produced work or work not produced by an approved artist.

(b) Monies appropriated under this division may also be used for costs and expenses of a conservation project included in the conservation plan. Such costs and expenses may include, but are not limited to fees, costs and/or expenses for: assessment of condition and conservation needed for a work of art included in the public art collection; conservation of a work of art, including conservation fees and expenses; and preparation of a condition report and method of treatment.

(c) An artist or artist team will be contracted for the commissioning or purchase of art. Progress payments may be made to the artist for works of art that have been recommended *and presented* by the *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~], and approved by the city council. Such payments may reimburse the artist for the cost of materials. The city may negotiate a final payment to the artist or artist team that will be withheld until the completion of the work. The final payment shall be no less than fifteen (15) percent. If feasible, and if the law allows, the city may negotiate a payment of up to twenty (20) percent of the total project cost to the artist once the contract is signed for the purchase of material, design work, or labor.

(d) To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of the work of art into the project architecture.

(e) No more than fifteen (15) percent of the total annual public art appropriation may be expended for the administrative costs of the public art program. Examples of administrative costs include, but are not limited to, project administration, artist-selection related costs, architect's fees where collaboration is involved, design, drawing, and maquette costs, community education, insurance, curatorial services, identifying plaques, documentation, publicity, and such other purposes as may be deemed appropriate by the city council for the administration of the public art program.

*(f) Unexpended funds may be carried forward to subsequent fiscal years, as projects identified in prior annual public art plans typically require multiple years to execute.*

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-45. Administration.

(a) The city hereby designates the *department director selected by the city manager* [~~of the library department~~] to administer the public art program including appropriate staffing and administrative support of the program, subject to budget appropriations approved by the city council.

(b) In alignment with the public arts master plan, its goals and policies, implementation guidelines, and any of its updates, the [~~fine~~] arts and culture *advisory committee* [~~commission~~], *shall provide* recommendations to [~~acting in cooperation with~~] the *assigned department director, or their designee.* [~~library director and~~] *The assigned department director or their designee* shall have the following duties and responsibilities associated with the administration of the public art program:

(1) Submit an annual public art plan in alignment with the public arts master plan to the city council for approval. The public art plan shall include new projects to be initiated in the following fiscal year, and shall describe the planned location, proposed budget, timetable and artist selection process for each project; as well as updates on public art projects in progress.

(2) Recommend written regulations as are necessary to carry out the purpose of this division. The regulations shall include, but not be limited to, criteria for the selection of artists and works of art.

(3) Make recommendations regarding the establishment of program policies and guidelines and the budget of the public art program.

(4) Develop an annual report to be presented the city council setting forth the prior year's public art program activities, including a detailed accounting of expenditures of the public art program and administrative expenses related thereto.

(5) Make recommendations regarding the commission of works of art, the review of the design, placement of the works of art, and the removal of works of art from the public art collection.

(6) Make recommendations regarding the designation of sites for the implementation of the public art program, the determination of the scope of public art projects, and the oversight of the artist selection process.

(7) Review of a survey of the condition of the public art collection. The survey must include a report on the condition of each artwork, prioritized recommendations for the restoration, repair, and maintenance of the artwork, and estimated costs.

(8) Make recommendations on an annual designation of funds for repair and maintenance of the public art collection.

(9) Make recommendations on additional sources of public funds for the public art program: provided, however, that any such public funding shall be subject to approval by the city council and to the city's financial review and control.

(10) Examine all works of art or designs or models of same that are proposed for permanent or long-term placement on city property or that are to become the property of the city by purchase, gift or otherwise (other than those works to be placed in a museum or gallery), and make recommendations to the mayor and city council for the proposed location and suitability of such works of art.

(11) Recommend policies and guidelines to ensure the long-term collection of works of art by the city represents a broad range of artistic schools, styles, tastes and media, without giving exclusive support to any particular one.

(12) Make recommendations for programs and activities to educate the community on the public art program and further the development and public awareness of art in public places.

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-46. Selection process.

(a) [~~The fine arts and culture commission may assemble artist selection panels to review proposals and recommend artists to the fine arts and culture commission. The fine arts and culture commission will review the recommendations and create the annual public art plan to be presented to the city council for review and approval.~~] *The assigned department director, or designee, shall oversee the public art program selection process, with input from the arts and culture advisory committee, including the following:*

*(1) An artist selection process that is fair, standardized, equitable, publicly communicated, and designed to select the most qualified artist for each opportunity.*

*(2) The process shall utilize a well-qualified, impartial artist selection panel in the manner set forth in the public art master plan and the city's procurement processes.*

*(3) Artist selection panels shall review proposals and provide recommendations for artist selection.*

*(4) Shall review the recommendations and develop the annual public art plan, including any amendments or addenda thereto, to be presented to the city council for review and approval.*

(b) For works of art that are commissioned and are listed in the annual public art plan. Artists will be selected by the approved artist selection process slated in the annual public art plan in accordance with the written regulations for the criteria for selection of artists and works of art.

(c) For all works of art, the *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~], shall consult with the department that oversees the site where the work of art will be located and involve them in the artist and art selection process in the manner that appears most feasible.

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-47. Selected works of art.

(a) The work of art shall be an integral part of the project or be placed in, at, or near the project or other city property.

(b) Any work of art that is chosen must comply with the following standards in addition to any regulation, guidelines, and timetables recommended *and presented* by the *assigned department director, or their designee, with input from the* [~~fine~~] arts and culture *advisory committee* [~~commission~~] and approved by the city council for the public art program:

(1) Works of art funded by general obligation bonds, revenue bonds, or certificates of obligation shall have a permanence of at least comparable to the lifetime of the project and shall be likely to remain a thing of value for this time period. Works of art funded from other sources may be permanent or temporary.

(2) The work of art must be located in a public place with visibility and impact.

(3) The work of art shall enhance the environment of the City of Laredo.

*(4) The work of art shall be selected, as feasible, by the assigned department director, or designee, in alignment with the public arts master plan and in coordination with the department overseeing the site, subject to budget appropriations approved by the city council; provided, however, that amendments or addenda may be made as necessary to address site conditions, project requirements, or other exigent circumstances.*

(Ord. No. 2019-O-177, § 1, 10-21-19)

## Sec. 17-48. Ownership and maintenance of works of art.

(a) The city shall have absolute, unrestricted rights incidental to its full ownership of the final artistic wok to alter, change, modify, destroy, remove, move, replace, transport, or transfer in whole or in part, the final artistic work when the city deems necessary within its discretion in order to exercise the city's powers and responsibilities in regard to public works and improvements, in furtherance of the city's operations or for any other good cause. The artist may retain copyright and other intellectual property rights in and to the final design and the final artistic work itself. The artist shall grant to the city a perpetual, irrevocable license to graphically depict or display the final artistic work for any non-commercial purpose whatsoever.

(b) Maintenance of works of art shall be the responsibility of the city department having jurisdiction over the work of art included in the city collection: provided, however, that such maintenance activities shall not include conservation of the public art collection. Such maintenance shall comply with any contractual obligations, if any, which may have been entered into upon the acquisition of the work of art.

(c) The city may request as part of the contract process that the artist or artist team include maintenance provisions that includes repairs. The artist, or artist team, will also be required to provide a maintenance manual.

(Ord. No. 2019-O-177, § 1, 10-21-19)

# *DIVISION 5. [~~FINE~~] ARTS AND CULTURE ADVISORY COMMITTEE* [~~COMMISSION~~]

## Sec. 2-240. Created; composition, qualifications, and term limits.

(a) The [~~fine~~] arts and culture *advisory committee* [~~commission~~] is hereby created.

(b) The [~~fine~~] arts and culture *advisory committee* [~~commission~~] shall be comprised of nine (9) voting members who shall reside in the city, and who shall be appointed by the mayor and city council.

(c) Each member shall be appointed based upon their professional competence and experience in the arts and culture and may include concerned members of the public.

(d) At least two-thirds (⅔) of the members appointed by the city council will be required to demonstrate an expertise, or experience in the following areas and professional fields: performing arts, visual arts, media or literary arts, arts education, architecture or landscape architecture, visitor industry, galleries and arts businesses, marketing and public relations and organizational or strategic planning. At least three (3) of these persons shall demonstrate experience, education, or expertise in art history. Such persons shall submit a written statement to the city manager or designee detailing the requisite knowledge or experience.

(e) Individuals appointed pursuant to this section may be artists, business owners, professional consultants, architects, design professionals and other professionals.

(f) To avoid possible conflicts of interest in administering the mission of the [~~fine~~] arts and culture *advisory committee* [~~commission~~] and the distribution of funds by or through the City of Laredo, a nominee for appointment to the [~~fine~~] arts and culture *advisory committee* [~~commission~~] shall not be an officer or board member of any local organization that is receiving or applying for city funding.

(g) The members of the [~~fine~~] arts and culture *advisory committee* [~~commission~~] will serve staggered terms that will coincide with the term of the appointing member of the city council. The [~~fine~~] arts and culture *advisory committee* [~~commission~~] members may not serve more than two (2) consecutive terms.

(h) The initial terms of the members nominated by the mayor and councilmembers 1, 2, 3, and 6 shall run through October 31, 2018. The initial terms of the members nominated by councilmembers 4, 5, 7, and 8 shall run through October 31, 2020. Thereafter, all terms shall be four (4) years, except for appointments made to fill vacancies occurring during any term, which shall be for the remainder of the unexpired term.

(Ord. No. 2017-O-087, § 1, 8-4-17; Ord. No. 2019-O-177, § 2, 10-21-19)

## Sec. 2-241. Duties and powers.

(a) The [~~fine~~] arts and culture *advisory committee* [~~commission~~] will make recommendations to [~~city council~~] *the assigned department director or their designee,* for the expenditure of city hotel occupancy funds for the promotion of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms.

(b) The [~~fine~~] arts and culture *advisory committee* [~~commission~~] shall advise the [~~city council~~] *assigned department director or their designee,* on matters pertaining to, but not limited to, the arts funding program and public art programming in accordance with section 17-45 of the Code of Ordinances.

(c) The [~~fine~~] arts and culture *advisory committee* [~~commission~~] is expressly authorized to:

(1) Actively solicit interest in the submission of applications from qualified individuals, groups and companies for funding for permanent display art. "Permanent display art" includes sculpture, painting, or similar art work that is intended for permanent display for a period of more than one (1) year;

(2) Make recommendations to the [~~city council~~] *assigned department director, or their designee,* for [~~fine~~] arts and culture programs to be offered at city recreation centers and city events;

(3) *Make recommendations to the assigned department director, or their designee, on* [~~Develop~~] guidelines and curriculums for [~~fine~~] arts and culture programs to be offered at city recreation centers and city events;

(4) *Make recommendations to the assigned department director, or their designee, on* [~~Develop and adopt procedural~~] guidelines for evaluating funding applications; [~~and~~]

(5) Make recommendations to [~~city council~~] *the assigned department director, or their designee* for permanent display art, including recommendations made independently of funding applications;

(6) Establish standing and special committees [~~, including artist selection panels,~~] as needed to support the [~~commission's~~] *committee's* activities *and advisory functions related to public art programming; and*

*(7) The committee may nominate, or permit a member to self-nominate, to serve as the committee's representative on artist or proposal selection panels, subject to applicable City procedures and requirements; provided, however, that committee participation shall not be required for the administration of the Public Art Program to proceed.*

(d) With respect to applications for funding for permanent display art, the [~~fine~~] arts and culture *advisory committee* [~~commission will make recommendations to city council~~] *may provide input to the assigned department director, or their designee,* for awards of funding and proposed locations.

(e) The *assigned department director, or their designee, shall evaluate and present the most feasible recommendations to city council, and* city council will make the final decision on funding and locations for permanent display art.

(Ord. No. 2017-O-087, § 1, 8-4-17; Ord. No. 2019-O-177, § 2, 10-21-19)