

RESOLUTION NO. 2007-117

A RESOLUTION OF THE LODI CITY COUNCIL  
AUTHORIZING PARTICIPATION IN THE 49-99  
COOPERATIVE LIBRARY SYSTEM

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WHEREAS, a cooperative library system is being organized by former members of the 49-99 Cooperative Library System Joint Powers Agency, recently abolished, to include public library systems in the City of Lodi, city of Stockton, and the counties of Amador, Calaveras, Merced, Stanislaus, and Tuolumne; and

WHEREAS, the organizational model for the new cooperative library system is the joint resolution approach utilized by the North State Cooperative Library System and the Mountain- Valley Library System, in which the joint powers law is not used or relied upon and no joint powers agency agreement is needed; and

WHEREAS, each public library system, which desires to join the new cooperative, can do so by adopting a joint resolution in this form, which makes reference to the Bylaws of the new cooperative and promises to abide by them so long as the joining agency is a member of the new cooperative; and

WHEREAS, it is the desire of this public entity, the City of Lodi, to join and become a member of the new 49-99 Cooperative Library System along the terms expressed herein,

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the Library Director, or other appropriate designee, of this agency is authorized and directed to participate in the new 49-99 Cooperative Library System, and the Bylaws of the said new System, a copy of which is attached hereto as Exhibit A, shall govern this agency's participation in and the operation of the new 49-99 Cooperative Library System.

Dated: June 20, 2007

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I hereby certify that Resolution No. 2007-117 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 20, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Katzakian, Mounce, and Mayor Johnson

NOES: COUNCIL MEMBERS – Hansen and Hitchcock

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None



RANDI JOHL  
City Clerk

**BYLAWS  
for the  
49-99 COOPERATIVE LIBRARY SYSTEM**

**PREAMBLE:**

The former members of the 49-99 Cooperative Library System joint powers agency, having abolished that JPA, and having formed the 49-99 Cooperative Library System ("System") as a joint resolution cooperative under the terms of the California Library Services Act (Education Code §18700 *et seq.*), do hereby enact the following Bylaws for governing the structure, operation, and management of the System.

**ARTICLE I: NAME**

The name of this organization shall be the "49-99 Cooperative Library System" (hereinafter called the "System").

**ARTICLE II: PURPOSE**

The objectives of the System shall be to improve library services to the citizens served by member libraries through sharing of resources and services, through developing new services and resources, and through offering system services as described in the California Library Services Act.

**ARTICLE III: MEMBERSHIP**

**Section 1. Members**

The following public library agencies have joined the System: Amador County Library, Calaveras County Library, Lodi Public Library, Merced County Library, Stanislaus County Free Library, Stockton-San Joaquin County Public Library, and Tuolumne County Free Library. Membership in this organization shall be open to any library eligible to join Cooperative Library Systems as specified in the California Library Services Act.

**Section 2. Additional Members**

Additional public and private libraries, such as university, college, school and special libraries, may become Affiliate Members of the System if, in the opinion of the Administrative Council, membership would be mutually beneficial.

**Section 3. Withdrawal from Membership**

a. Any participating agency may withdraw from membership in the System by resolution of its governing body. Notice of withdrawal of any member of the System will be given in writing to the Administrative Council on or before February 1 of the current fiscal year.

b. Upon failure to pay dues on or before January 31 for the fiscal year for which the dues are assessed, membership shall automatically terminate. Such termination shall be effective thirty (30) days after a written notification of delinquency is given personally or mailed to the chief officer of the member by the Chair of the Administrative Council. Automatic termination may be avoided by paying delinquent dues within that thirty-day period.

#### ARTICLE IV: ADMINISTRATIVE COUNCIL

##### Section 1. Governing Body

The System shall be governed by an Administrative Council composed of the head librarian of each public library participating as a member of the System, pursuant to Education Code section 18747(a). In addition, academic and other libraries accepted as affiliates of the System by the Administrative Council may have a representative.

##### Section 2. Voting

Each public and affiliate member library shall have one vote. Only representatives of public library jurisdictions may vote on issues related to the California Library Services Act. All members may vote on issues that do not relate to the Act, including any fees, dues and/or assessments. In the case of unavoidable absence from a meeting, the head librarian may designate an alternate to attend the meeting and cast a vote.

##### Section 3. Policy and Duties

a. The Administrative Council shall establish policy and prepare plans for the continued development and growth of the System within the provisions of the California Library Services Act and within the rules and regulations adopted by the Library of California Board. The Administrative Council shall direct, and through System personnel or contractors, administer the program stipulated herein.

b. The Administrative Council shall contract for a Fiscal Agent and such other contractors as deemed necessary by the Administrative Council. The Administrative Council shall be responsible for the allocation, and through a Fiscal Agent for the System, the disbursement of monies received from federal, state, and/or local sources. The Fiscal Agent shall receive and disburse System funds as required in the implementation of the California Library Services Act. The Administrative Council shall appoint from among its members a liaison to maintain communication with the Fiscal Agent.

c. The Administrative Council shall determine, if and when necessary for the continued operation of the system, the frequency and amount of any assessment required of its members. Notice of any assessment shall be given to all members at least ninety (90) days before it is to take place. Each member's share shall be determined by criteria determined by the Administrative Council. Failure to meet a duly agreed assessment shall require withdrawal from the System by such member.

ARTICLE V: OFFICERS AND DUTIES

Section 1. Officers

a. The officers of this organization shall be a Chair and Vice-Chair/Chair-Elect, elected from the Administrative Council.

b. The office of Vice-Chair/Chair-Elect will rotate among the directors. The rotation order shall be as follows:

Tuolumne  
Stanislaus  
Calaveras  
Merced  
Stockton-San Joaquin Co.  
Amador  
Lodi

c. No Chair or Vice-Chair/Chair-Elect shall succeed him/herself in office.

d. If for any reason the office of Chair falls vacant, the Vice-Chair/Chair-Elect shall serve as Chair for the remainder of that term. If the office of Vice-Chair/Chair-Elect becomes vacant, a special election shall be held to fill the office for the remainder of the term.

Section 2. Duties of Officers

a. The Chair shall preside at all meetings of the Administrative Council.

b. The Chair shall appoint members to committees authorized by the Council.

c. The Chair shall be the authorized representative of the Council.

d. The Vice-Chair/Chair-Elect shall act in the absence of the Chair.

ARTICLE VI: MEETINGS

Section 1. Regular Meetings

Meetings shall be held at least four (4) times yearly.

Section 2. Determination of Meetings

The power to determine the date and place of Administrative Council meetings shall be vested in the Council. The Administrative Council or Chair thereof may set an alternate date provided that this new date is set at least fourteen (14) days prior to the originally scheduled date. The Council may also meet upon the call of the Chair, or upon petition of the majority of the members. The purpose of the meeting shall be stated in the call. In cases of emergency, at least three (3) days notice shall be given.

Section 3. Notice

Notice and agenda of each regular meeting of the Administrative Council shall be in writing and transmitted at least seven (7) days prior to each meeting. In cases of emergency, at least three (3) days notice shall be given.

Section 4. Quorum

At any regular meeting of the Administrative Council, a simple majority of the total membership shall constitute a quorum. Provided, however, resolutions may be passed by a majority of those present at the meeting.

ARTICLE VII: COMMITTEES

Section 1. Standing and Special Committees

Standing and special committees may be established by the Administrative Council as deemed necessary. Committees shall prepare recommendations and reports for consideration and action by the Administrative Council. A liaison from the Administrative Council to each Committee shall be appointed by the Chair and will report and/or present the Committee recommendation(s) at each Administrative Council meeting. The liaison serves in an ex officio capacity to the Committee.

Section 2. Committee Membership

Member library staff and Advisory Board members are encouraged to serve on committees. The Administrative Council Chair shall serve as an ex officio member of all standing committees. System personnel and/or contractors may serve as ex officio members of committees.

ARTICLE VIII:       ADVISORY BOARD

Section 1:       Composition and Voting

The governing body of each public library member shall appoint one Advisory Board member. The appointing jurisdiction shall ensure that members of the Advisory Board are representative of the public-at-large and of the underserved residents in the system service area. Each member jurisdiction shall have one vote to be cast by its representative.

Section 2.       Term of Office

The term of any member of the Advisory Board shall be for two years, and each member shall serve no more than two consecutive terms.

Section 3.       Duties

The duties of the System Advisory Board shall include the following: assist the Administrative Council in the development of the Plan of Service; advise the Administrative Council on the need for services and programs; and assist in the evaluation of services provided by the System.

Section 4.       Meetings

The Advisory Board meets at least once a year, generally in conjunction with an Administrative Council meeting. The Advisory Board establishes its own agenda, elects its own officers, and records its own minutes. The Advisory Board Chair may give a report at the Administrative Council meeting and Advisory Board minutes may be distributed with the Administrative Council agenda packet.

ARTICLE IX:       SYSTEM STRUCTURE AND ORGANIZATION

Section 1.       System Personnel

The System shall employ such professional, clerical and operating staff and/or contractors and consultants as deemed necessary by the Administrative Council. System personnel and/or contractors shall be selected according to job description and recruitment announcements approved by the Administrative Council. The Administrative Council shall approve appointments of personnel and/or contractors.

Section 2. Travel Expense

The Administrative Council shall establish and maintain a schedule of reimbursements for authorized travel expenses for the Administrative Council, System personnel, contractors, and Advisory Board members. The Council Chair and members of the Council may receive reimbursement for extraordinary expenses incurred in the fulfillment of System responsibilities at the discretion of the Council.

Section 3. Ownership and Distribution

Any materials and equipment purchased for a member library with System funds shall remain the property of that library. System property shall be distributed on an equitable basis as determined and agreed to by the Administrative Council. This determination shall be recorded in the minutes of the Council.

ARTICLE X: PARLIAMENTARY AUTHORITY

Section 1. Parliamentary Procedure

To the extent not determined by these Bylaws the Administrative Council shall be governed in all its meetings by parliamentary procedure as contained in Robert's Rules of Order (current edition).

Section 2. Amendments

Amendments to these Bylaws may be made at any meeting of the Administrative Council by a two-thirds (2/3) vote of those present, after notification in writing to each member at least two (2) weeks prior to the meeting at which the voting is to take place.

Bylaws Adopted: June 8, 2007