

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: LIBRARY

AGENDA DATE: JULY 30, 2013 – INTRODUCTION OF ORDINANCE
AUGUST 6, 2013 – PUBLIC HEARING

CONTACT PERSON NAME AND PHONE NUMBER: DIONNE MACK, 543-5413

DISTRICT(S) AFFECTED: ALL

SUBJECT:

An ordinance rescinding Ordinance Nos. 10739, 12141, 15006 and 15167 and authorizing the El Paso Public Library to establish fees by the budget resolution for use of library system for non-residents of the City of El Paso; replacement fees for lost or destroyed cards; fees for overdue, damaged or lost books and other materials; fees for services including, but not limited to copying, printing, faxing, scanning, and meeting room use; and collection fees. The ordinance also authorizes City Council to declare limited periods of "Amnesty" by appropriately adopted Resolution.

BACKGROUND / DISCUSSION:

Ordinance Nos. 10739, 12141, 15006 and 15167 set specific fees to be charged by the El Paso Public Library. The new ordinance would authorize the El Paso Public Library to establish such fees by the annual budget resolution or other duly authorized resolution to provide for flexibility and transparency.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes. Ordinance Nos. 10739, 12141, 15006, and 15167.

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



(If Department Head Summary Form is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

ORDINANCE NO. _____

AN ORDINANCE RESCINDING ORDINANCE NOS 10739, 12141, 15006 AND 15167 AND ESTABLISHING FEE AUTHORIZATION FOR CHARGES BY THE EL PASO PUBLIC LIBRARY TO BE SET IN THE FEE SCHEDULE

WHEREAS, Ordinance Nos 10739, 12141, 15006 AND 15167 set specific fee amounts to be charged by the El Paso Public Library in specific amounts; and

WHEREAS, the City Council finds it prudent to authorize such fees to be set by the annual budget resolution or other duly authorized resolution to provide for flexibility and transparency.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Ordinance Nos. 10739, 12141, 15006 and 15167 are hereby rescinded.

Section 2. That the City Council authorizes the El Paso Public Library (hereinafter "Department") to establish fees by the budget resolution for the following:

A. Use of library system; cards; change of address

1. No fee shall be imposed for the initial issuance of a borrower's card to any resident of the City of El Paso. The Department shall charge a replacement fee in the amount set by the fee schedule for issuance of lost or destroyed cards. The Department shall charge a fee in the amount set by the fee schedule for issuance of a borrower's card to any non-resident of the City of El Paso.
2. It shall be the duty of each person who holds a library borrower's card issued by the Department to notify the Department of any change of his residence address within five days of the change.

B. Overdue, damaged or lost books and other materials

1. Overdue Fee: The Department shall charge a fee in the amount set by the fee schedule for failure of any borrower to return any book, audiovisual material, or other item (hereinafter "Library Material") by the due date established upon the loan or renewal loan of the item. Library Materials are deposited in the self-service return receptacle at any Department facility after closing hours or a day that the facility is not open to the public shall be deemed to have been returned on the day that the facility at which the self-service return receptacle is located was last open to the public. Library Materials returned by mail or other carrier service shall be deemed returned upon the date of deposit with the carrier as evidenced by the carrier's postal mark or other receipt date affixed thereon, however if no

legible postal mark or receipt date applies, the return date shall be the date of delivery to the Department.

2. The Library director shall establish regulations relating to complex multimedia materials, which refers to kits held by the library containing various combinations of multiple Library Materials such as books, workbooks, audio CDs, DVDs or CD-ROMs and are part of an educational course. The director is authorized to set the procedure for determining the number of Library Materials contained therein for application of the above-mentioned fees.
3. Damaged Library Material Fee: The Department shall charge a fee in the amounts set by the fee schedule for damaged Library Materials or for materials borrowed via TxShare Interlibrary Loan (herein after "ILL") in the amounts set by ILL Service, found at <https://www.tsl.state.tx.us/texshare/illprot.html>.
4. Replacement Fee: The Department shall charge a fee to replace any lost Library Material using the calculation method set by the fee schedule. In addition to the replacement fee, the overdue fee as provided in subsection (1) above, shall be applicable through the day of payment if the borrower fails to report the loss and pay the loss fee specified in this subsection on or prior to the return date established for the lost item.

- C. Services. The Department is authorized to offer various services for the convenience of its patrons including, but not limited to, self-service and staff assisted copying, self-serve and staff media printing, staff facsimile transmission, staff reference research, materials reservations (including Interlibrary borrowing), image reproduction and public meeting room use. The Department shall charge a fee for such services in the amounts set by fee schedule.
- D. Collection of unpaid fees. The Library is obligated to attempt the recovery of all outstanding debt and/or library materials. To that end, borrowers with fines or fees of \$50 or more are subject to contact from a collection agency. A non-negotiable collection fee will be applied to the account of any borrower who reaches this threshold. If the collection agency is unable to collect outstanding charges, the collection agency will send the account to the credit bureaus.
- E. Amnesty. The City Council is authorized to declare limited periods of "Amnesty" to allow borrowers of items from the El Paso Public Library to return overdue items or items previously considered lost, without payment of the applicable overdue fines or fees for the lost item by appropriately adopted Resolution.

Section 3. This ordinance shall take effect on _____, 2013.

ADOPTED this _____ day of _____ 2013.

(Signatures appear on the following page)

CITY OF EL PASO

ATTEST:

Oscar Leeser, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Kristen L. Hamilton
Assistant City Attorney

Dionne Mack, Director
El Paso Public Library



Non-Resident Library Card Fee: FY 2014

Why does El Paso do this?

In past years, the El Paso Public Library received outside funding in addition to tax revenue collected by the City of El Paso, and was therefore able to provide materials, service and staff levels to support heavier usage. Most of that additional state and federal funding is no longer received. Currently, City of El Paso residents support 99% of El Paso Public Library's annual costs through their City tax bill (donations contribute 1%).

Asking non-residents to pay a fee for library use is a fairly common practice in the State of Texas. Major library systems such as Fort Worth, San Antonio, Dallas, Arlington and Denton currently charge non-resident fees that range from \$25.00 to \$250.00.

Doesn't the State of Texas or El Paso County provide funding for El Paso libraries?

In prior years, El Paso Public Library received state aid from the Texas State Library and Archives Commission, (\$495,008 in 2011) however the State eliminated direct funding to all Texas libraries in 2012 as a cost-cutting measure. The County of El Paso provided public library service to its communities at one point, however the County's public library in Fabens closed in 2005 due to lack of funding.

As of July 2013, El Paso Public Library has 15,610 non-resident cardholders; 5,363 from New Mexico and 10,247 from communities in El Paso County. None of these communities or the County of El Paso provide financial support to El Paso Public Library for collections or services. City of El Paso taxpayers bear the brunt of funding the library.

I pay local school district taxes - why do I have to pay for a library card?

Local school districts and the City of El Paso are separate taxing entities and do not share funding. All property owners within El Paso's boundaries pay tax to their school districts to cover the cost of educating students. Property owners within the incorporated limits of the City of El Paso pay a separate tax amount to cover the costs of police and fire service, infrastructure, parks & recreation, libraries, and many other services. Visit the City of El Paso's website for more information about how your taxes are used.

Property owners within the Clint or Fabens ISD taxing boundaries should be aware that both districts have community partnerships that offer services to the public in selected school libraries. Visit the Clint or Fabens ISD websites for information on locations, hours and services offered.



I thought libraries were “public places” – why does it cost money?

It does not cost anything to visit the thirteen El Paso library locations, use the public computers or attend any of our programs. The public is welcome to visit the library and make use of materials in-house; however, a library card (resident or non-resident) is necessary to check out materials.

I own property in El Paso, but reside in a different city - am I eligible for a free library card?

Yes. You are eligible for a free library card fee if you live in or own property in the City of El Paso.

I work in El Paso, but live in a different city - am I eligible for a free library card?

The library card fee is based on city of residence, not work location. If you live outside the city the non-resident fee of \$50 will apply.

I am living in El Paso temporarily - am I eligible for a free library card?

Patrons with proof of El Paso residency will be issued free library cards. The El Paso Public Library also offers library cards for those living in shelters or temporary housing facilities, with some restrictions.

Do I have to pay?

Residents living outside of El Paso, who do not pay property taxes in the City of El Paso, will be required to pay \$50 annually or \$25 for 6 months for a full-access library card. Cards will be valid for one year from the purchase date and are non-refundable.

I am now considered a non-resident – when do I have to pay?

Non-resident cardholders wishing to retain their El Paso library card will need to pay the fee prior to any checkout on or after (date to be determined). Non-resident card holders will not be able to check out library items until this fee is paid.

How do I pay?

Pay at the library with cash, check or credit card. We accept MasterCard, Visa and Discover cards. You may also call the El Paso Public Library at XXX-XXX-XXX and ask to purchase a card over the phone. The application and additional information will be mailed to you.

Regional Active Cardholders as of July 2013

Texas			
Community	Current Cardholders	2010 Census Population	Percentage Served
City of El Paso	269,467	649,438	41.49%
Anthony, TX	720	5,011	14.37%
Canutillo, TX	2,501	6,321	39.57%
Vinton, TX	282	1,971	14.31%
Socorro, TX	1,648	32,013	5.15%
Horizon City, TX	2,004	16,735	11.97%
San Elizario, TX	1,862	13,603	13.69%
Clint, TX	654	926	70.63%
Fabens, TX	411	8,257	4.98%
Morning Glory, TX	0	651	0.00%
Tornillo, TX	165	1,568	10.52%
Sparks, TX	0	4,529	0.00%
New Mexico			
Community	Current Cardholders	2010 Census Population	Percentage Served
Anthony, NM	909	9,360	9.71%
Santa Teresa, NM	1,041	4,258	24.45%
Sunland Park, NM	1,110	14,106	7.87%
Chaparral, NM	2,192	14,631	14.98%
Vado, NM	19	3,194	0.59%
Berino, NM	32	1,441	2.22%
Chamberino, NM	49	919	5.33%
Mesquite, NM	11	1,112	0.99%

**Approximately 7% of 286,413 registered card users are not residents of the City of El Paso*

010739

AN ORDINANCE ESTABLISHING A NEW FEE SCHEDULE,
OVERDUE FINES, AND NEW "LOST FEE" CHARGES TO BE CHARGED BY
THE EL PASO PUBLIC LIBRARY.

WHEREAS, it has been determined by the City Council of the City of El Paso that it is necessary to establish a fee schedule, and overdue fines and "lost fee" charges for the El Paso Public Library.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Public Library is authorized to establish a fee schedule, and overdue fines and "lost fee" charges which shall be as follows:

FEEES

*Non-resident card	\$15.00 annual fee
Reserves	1.00
**Meeting room use fee	10.00 per hour

* Non-resident is defined as any person residing outside El Paso County.

** The meeting room use fee may be waived to Library-sponsored groups whose primary objectives support the mission of the public library which is to inform, educate, entertain, and culturally enrich the citizens of El Paso by providing access to information and related activities.

OVERDUE FINES

Adult books	.10 per day
Juvenile books	.05 per day
Paperbacks	.05 per day
Fotonovelas	.10 per day
Revistas	.10 per day
Audiovisual	.10 per day

010739

370

LOST ITEMS

A processing fee of \$5.00 is charged for each lost item. A replacement fee will also be charged based on the actual cost to replace the lost material. When the actual price is not available the following schedule will apply:

Hardback books (by date - listed below)

Published between 1980-Present

Adult Nonfiction	\$25.00
Adult Fiction	20.00
Juvenile Book	12.00

Published between 1970-1979

Adult Nonfiction	15.00
Adult Fiction	10.00
Juvenile Book	5.00

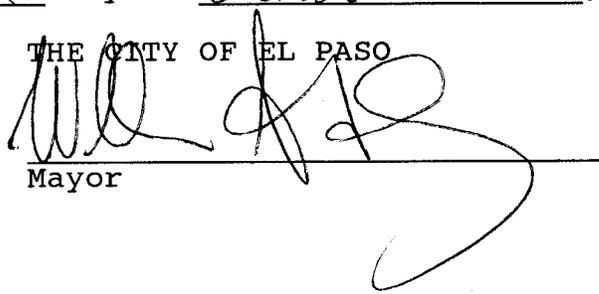
Published before 1970

Adult Nonfiction	7.50
Adult Fiction	5.00
Juvenile Book	5.00

Paperbacks	5.00
Films (per min. of film)	20.00
Video Cassettes	30.00
Fotonovelas	1.50
Kits	20.00
Pamphlets	4.00
Records Cassettes	10.00
Revistas	3.00
Library Card Replacement	1.00

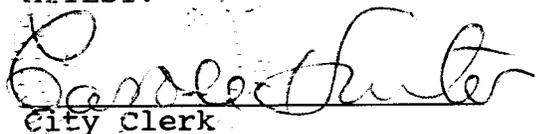
PASSED AND APPROVED this 2nd day of October, 1991.

THE CITY OF EL PASO



Mayor

ATTEST:



City Clerk

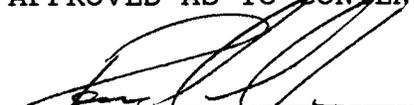
APPROVED AS TO FORM:



Assistant City Attorney

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APPROVED AS TO CONTENT:



Ramiro S. Salazar
Director of Libraries

RA01/klh
Library.ord
10/15/91

APPROVED AS TO CONTENT:



Robert McAlister
Director of OMB

010739

012141

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 10739
TO ESTABLISH A NEW FEE SCHEDULE,
OVERDUE FINES, AND NEW "LOST FEE" CHARGES TO BE CHARGED BY
THE EL PASO PUBLIC LIBRARY.

WHEREAS, it has been determined by the City Council of the City of El Paso that it is necessary to amend the fee schedule, and overdue fines and "lost fee" charges for the El Paso Public Library.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Ordinance No. 10739 which was approved by the City Council on October 22, 1991 to establish a fee schedule, and overdue fines and "lost fee" charges for the El Paso Public Library is hereby amended to read as follows:

FEEES

*Non-resident card	\$15.00 annual fee
Reserves	1.00
**Meeting room use fee	15.00 per hour

* Non-resident is defined as any person residing outside the city limits of El Paso.

** The meeting room use fee may be waived to Library-sponsored groups whose primary objectives support the mission of the public library.

OVERDUE FINES

Adult books	.15 per day
Juvenile books	.05 per day
Paperbacks	.10 per day
Fotonovelas	.15 per day
Revistas	.15 per day
Audiovisual	.20 per day

012141

231

LOST ITEMS

A processing fee of \$5.00 is charged for each lost item. A replacement fee will also be charged based on the actual cost to replace the lost material. When the actual price is not available the following schedule will apply:

Hardback books (by date - listed below)

Published between 1980-Present

Adult Nonfiction	\$25.00
Adult Fiction	20.00
Juvenile Book	12.00

Published between 1970-1979

Adult Nonfiction	15.00
Adult Fiction	10.00
Juvenile Book	5.00

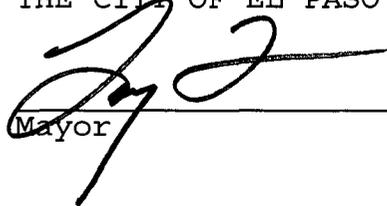
Published before 1970

Adult Nonfiction	7.50
Adult Fiction	5.00
Juvenile Book	5.00

Paperbacks	5.00
Films (per min. of film)	20.00
Video Cassettes	30.00
Fotonovelas	2.50
Kits	20.00
Pamphlets	4.00
Records Cassettes	10.00
Revistas	3.00
Library Card Replacement	1.50

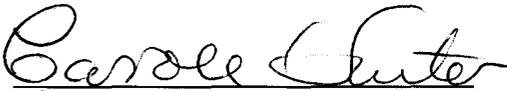
PASSED AND APPROVED this 25 day of October, 1994.

THE CITY OF EL PASO



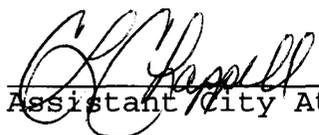
 Mayor

ATTEST:



 City Clerk

APPROVED AS TO FORM:



 Assistant City Attorney

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APPROVED AS TO CONTENT:



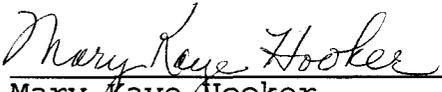
William Chapman
Director of OMB

APPROVED AS TO CONTENT:



Dr. Kenneth Beasley
Chief Administrative Officer

APPROVED AS TO CONTENT:



Mary Kaye Hooker
Director of Libraries

ORDINANCE NO. 15006

AN ORDINANCE AMENDING ORDINANCE NOS. 12909, 12141, AND 10739, TO PROVIDE THAT CITY COUNCIL MAY AUTHORIZE THE EL PASO PUBLIC LIBRARY TO ACCEPT RETURN OF OVERDUE ITEMS WITHOUT PAYMENT OF FINES OR FEES DURING A LIMITED PERIOD OF AMNESTY.

WHEREAS, Ordinance No. 10739, approved by the City Council of the City of El Paso on October 22, 1991, and thereafter amended by Ordinance No. 12141, approved on October 27, 1994, and by Ordinance No. 12909, approved on August 27, 1996, provides the fee schedule, and overdue fines and "lost fee" charges for the El Paso Public Library; and

WHEREAS, accumulation of overdue fines and "lost fee" charges on some overdue items may have deterred patrons of the Library with overdue items from continuing to utilize the Library's services and may also have deprived others of the use of such items; and

WHEREAS, the City Council finds that declaration of a limited period of "amnesty" will foster the return of numerous overdue items to the Library, which would otherwise be unrecoverable and for which payment would be unlikely, and that such amnesty is for a legitimate public and municipal purpose and will promote goodwill among patrons of the Library;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the schedule of fees, overdue fines and fees for lost items for the El Paso Public Library currently contained in Ordinance No. 10739, as amended by Ordinance Nos. 12141 and 12909, shall be amended by the addition of the following paragraph at the conclusion of such schedule:

The City Council shall be authorized to declare limited periods of "amnesty" to allow borrowers of items from the Library to return overdue items or items previously considered lost without payment of the above-described overdue fines or fees for lost items and to allow the Library to accept return of such items without payment of such fines or fees. Any such declaration of amnesty shall be by resolution, duly adopted by City Council, specifying the period of time during which such amnesty shall be effective and finding that such amnesty is for a legitimate public and municipal purpose and that it will promote goodwill among patrons of the Library.

2. Except as expressly herein amended, Ordinance No. 10739, as previously amended by Ordinance Nos. 12141 and 12909, shall remain in full force and effect.

PASSED AND APPROVED this 24th day of December, 2001.

THE CITY OF EL PASO



Mayor

LARRY M. MEDINA

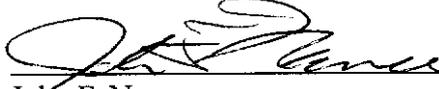
PRO-TEM

ATTEST:



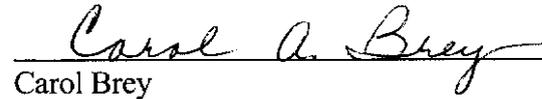
City Clerk

APPROVED AS TO FORM:



John F. Nance
Assistant City Attorney

APPROVED AS TO CONTENT:



Carol Brey
Director of Libraries

15167

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NOS. 15006, 12909, 12141, AND 10739, TO REVISE THE FEE SCHEDULE AND OVERDUE FINES CHARGED BY THE EL PASO PUBLIC LIBRARY.

WHEREAS, it has been determined by the City Council of the City of El Paso that it is necessary to amend/revise the fee schedule, and overdue fines charged by the El Paso Public Library; and

WHEREAS, the ability to read contributes to the overall economy and quality of life in a community; and

WHEREAS, charging fees and fines may restrict the use of the Library by those who need it the most; and

WHEREAS, charging a non-resident card fee prohibits persons in the El Paso area from using the Library who might work or do business in El Paso but live outside the El Paso city limits; and

WHEREAS, the non-resident card fee charged by the Library reduces the amount of direct aid to the El Paso Public Library from the Loan Star Libraries Program of the State of Texas;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the schedule of fees, overdue fines and fees for lost items for the El Paso Public Library currently contained in Ordinance No. 10739, as amended by Ordinance Nos. 12141, 12909, and 15006 shall be amended to read as follows;

FEES

*Meeting Room Use Fee \$20.00 per hour

*The meeting room use fee may be waived for Library-sponsored groups whose primary objectives support the mission of the Public Library.

OVERDUE FINES*

All items (adult books, juvenile books, paperbacks, fotonovelas, revistas, videotapes, audiocassettes, kits, and compact discs) \$.15 per day

*Overdue fines cumulate to no more than the value of the item.

APR 10 2002

LOST ITEMS

A processing fee of \$5.00 is charged for each lost item. A replacement fee will also be charged based on the actual cost to replace the lost material. When the actual price is not available the following schedule will apply:

Hardback books (by date – listed below)

Published between 1980 – Present

Adult Nonfiction	\$25.00
Adult Fiction	20.00
Juvenile Book	12.00

Published between 1970-1979

Adult Nonfiction	15.00
Adult Fiction	10.00
Juvenile Book	5.00

Published before 1970

Adult Nonfiction	7.50
Adult Fiction	5.00
Juvenile Book	5.00

Paperbacks	5.00
Video Cassettes	30.00
Compact Discs (CD's)	15.00
Fotonovelas	2.00
Kits	20.00
Pamphlets	4.00
Cassettes	10.00
Revistas	3.00
Library Card Replacement	
Adult	2.00
Juvenile	1.00

2. That the schedule of fees, overdue fines and fees for lost items described above shall become effective as of August 3, 2002, the implementation date for the Library's new automation system.

3. Except as expressly herein amended, Ordinance No. 10739, as previously amended by Ordinance Nos. 15006, 12141, and 12909, shall remain in full force and effect.

PASSED AND APPROVED this 30th day of July, 2002.

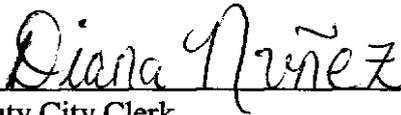
(Signatures on following page)

THE CITY OF EL PASO



Raymond C. Caballero
Mayor

ATTEST:



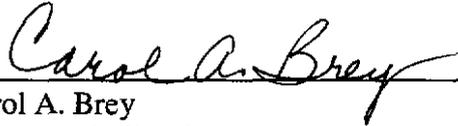
Deputy City Clerk

APPROVED AS TO FORM:



John F. Nance
Assistant City Attorney

APPROVED AS TO CONTENT:



Carol A. Brey
Director of Libraries