



# CITY OF PLANO COUNCIL AGENDA ITEM

<b>CITY SECRETARY'S USE ONLY</b>				
<input type="checkbox"/> Consent <input type="checkbox"/> Regular <input type="checkbox"/> Statutory				
Council Meeting Date:		6.22.15		
Department:		Library Administration		
Department Head		Cathy Ziegler		
Agenda Coordinator (include phone #): <b>Jeanne Argomaniz X4208</b>				
<b>CAPTION</b>				
An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2014-10-20 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to add late fees for laptop computers and mobile devices and to add repair and/or replacement cost for damaged or lost laptop computers and mobile devices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.				
<b>FINANCIAL SUMMARY</b>				
<input type="checkbox"/> NOT APPLICABLE <input type="checkbox"/> OPERATING EXPENSE <input checked="" type="checkbox"/> REVENUE <input type="checkbox"/> CIP				
FISCAL YEAR:	<b>2014-2015</b>	<b>Prior Year (CIP Only)</b>	<b>Current Year</b>	<b>Future Years</b>
		0	372,537	0
	Encumbered/Expended Amount	0	0	0
	This Item	0	2,000	0
	<b>BALANCE</b>	0	374,537	0
<b>FUND(S):     GENERAL FUND</b>				
<p><b>COMMENTS:</b> The purpose of this Ordinance is to add late fees for laptop computers and mobile devices and to add repair and/or replacement cost for damaged or lost laptop computers and mobile devices. Approval of this item is anticipated to add approximately \$2,000 in additional Library Fine revenue.</p> <p><b>STRATEGIC PLAN GOAL:</b> An Ordinance of the City of Plano, Texas, amending Section 10-3 of Article I, Chapter 10, Library of the Code of Ordinances of the City of Plano to add late fees for laptop computers and mobile devices relates to the City's Goal of a Financially Strong City with Service Excellence.</p>				
<b>SUMMARY OF ITEM</b>				
Amend certain sections of Ordinance 2014-10-20 to include the standards for the cost of repairs for computer laptops or mobile devices not to exceed \$800; or the cost to replace lost or stolen computer laptops or mobile devices not to exceed market value.				
List of Supporting Documents: Cathy Ziegler Memo 6/1/15 Amending Ordinance File for 2014.10.20			Other Departments, Boards, Commissions or Agencies	



# Memorandum

**Date:** June 1, 2015

**To:** LaShon Ross, Deputy City Manager

**From:** Cathy Ziegler, Director of Libraries

**Subject:** City Council Approval to Amend City Ordinance No. 2014-10-20

The purpose of the ordinance amendment is to revise the current Ordinance No. 2014-10-20 to include the public use of the Library's laptop computers and mobile devices. The ordinance amendment takes into account the Plano Public Library's User Agreement for Laptop Computers and Mobile Devices and the cost of late fees or replacement costs associated with usage of these library devices.

**An Ordinance of the City of Plano, Texas, amending certain sections of Ordinance No. 2014-10-20 codified as Section 10-3 of Article I, Chapter 10, Library, of the Code of Ordinances of the City of Plano to add late fees for laptop computers and mobile devices and to add repair and/or replacement cost for damaged or lost laptop computers and mobile devices; and providing a severability clause, a repealer clause, a savings clause, a penalty clause, a publication clause and an effective date.**

**WHEREAS**, the Plano Public Library System will provide opportunity for its patrons to borrow laptop computers and mobile devices for in-house check-out; and

**WHEREAS**, staff recommends amending certain sections of Ordinance No. 2014-10-20 codified as Section 10-3 (Identification of borrowers; overdue materials; fines and fees) to add late fees for laptop computers and mobile devices to the fee schedule and to add repair and/or replacement cost for damaged or lost laptop computers and mobile devices; and

**WHEREAS**, the City Council, after all things considered, deems it is in the best interest of the citizens of the City of Plano that late fees and repair and/or replacement cost for damaged or lost laptop computers and mobile devices be added.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PLANO, TEXAS, THAT:**

**Section I.** Section 10-3(c) (Identification of borrowers; overdue materials; fines and fees) of Article I, Chapter 10, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

- “(c) The fees assessed against any person who fails to return or damages library materials and/or devices to the Plano Public Library System by the due date and/or time shall be as follows:
- (1) DVDs, kits, and non-renewable specialty books, per day .....\$1.00
  - (2) All other materials, per day .....\$0.25
  - (3) Except as otherwise provided in subsection (c), items for in-house check-out, per hour .....\$1.00
  - (4) Maximum accrual for library materials, per one item .....\$10.00
  - (5) Non-refundable processing fee per lost library material item .....\$5.00
  - (6) Materials returned without proper packaging, per item.....not to exceed \$10.00
  - (7) Laptop computers and mobile devices for in-house check-out, per ½ hour.....\$1.00
  - (8) Repair cost for damaged laptop computer or mobile device, per item.....not to exceed \$800.00
  - (9) Replacement cost for irreparable or lost laptop computer and mobile device, per item...not to exceed market value”

**Section II.** Section 10-3(d) (Identification of borrowers; overdue materials; fines and fees) of Article I, Chapter 10, of the Code of Ordinances of the City of Plano, is hereby amended to read in its entirety as follows:

“(d) Fines will be assessed daily against the patron who returns incomplete set materials until the complete set is returned. If the complete set is not returned within thirty (30) days, the patron will be charged the cost of the entire replacement set.”

**Section III.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**Section IV.** All provisions of the Code of Ordinances of the City of Plano, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Plano, codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

**Section V.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

**Section VI.** Any violation of the provisions or terms of this ordinance by any person, firm or corporation shall be a misdemeanor offense and shall be subject to a fine in accordance with Section 1-4(b) of the City Code of Ordinances for each offense. Every day a violation continues shall constitute a separate offense.

**Section VII.** This Ordinance shall become effective immediately upon its passage and publication as provided by law.

**DULY PASSED AND APPROVED** this the 22<sup>nd</sup> day of June, 2015.

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Harry LaRosiliere, MAYOR

ATTEST:

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Lisa C. Henderson, CITY SECRETARY

APPROVED AS TO FORM:

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Paige Mims, CITY ATTORNEY