

Chapter 357 Libraries; State Archivist; Poet Laureate

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<https://www.oregonlaws.org/ors/chapter/357>

Public Library Laws of Oregon

ORS 357.400-621

ORS 357.400¹

Definitions for ORS 357.400 to 357.621

As used in ORS **357.400 (Definitions for ORS 357.400 to 357.621)** to **357.621 (Public hearings required prior to abolishing or withdrawing support from public library)**:

(1) “Governing body” means the board, commission, council or other body which governs the local government unit.

(2) “Local government unit” means any city, county, library service district established under ORS chapter 451, school district, community college district or a library district established under ORS **357.216 (Definitions for ORS 357.216 to 357.286)** to **357.286 (Retirement system for employees)**.

(3) “Public library” means a public agency that provides to all residents of a local government unit free and equal access to library and information services that are suitable for persons of all ages. [1955 c.432 §2; 1975 c.476 §16; 1981 c.226 §17; 1983 c.740 §119; 2019 c.158 §1]

ORS 357.405¹

Minimum conditions for public libraries

(1) The State Library Board shall establish minimum conditions that a public library must meet.

(2) The conditions established under this section must, at least:

(a) Include financial support from public funds and regularly scheduled open hours; **and**

(b) Provide reasonable exemptions to libraries with service populations of 2,000 or fewer residents of the local government unit. [2019 c.158 §3]

ORS 357.410¹

Authority of local government units for public libraries

Any local government unit may:

(1) Establish, equip and maintain a public library.

(2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.

(3) Contract with one or more units of local government or library boards pursuant to ORS **190.003 (Definition for ORS 190.003 to 190.130)** to **190.620 (Effect of corrected certificate on payments to cities or counties)** to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.

(4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS **357.340 (Interstate Library Compact)**).

(5) Contract with the State Library Board for assistance in establishing, improving or extending public library service.

(6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.

(7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287A to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.

(8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home rule county. [Amended by 1955 c.432 §5; 1961 c.251 §8; 1965 c.354 §7; 1975 c.112 §1; 1975 c.476 §17; 2015 c.328 §25]

ORS 357.417¹

Methods of establishing public library by local government unit

(1) A public library may be established by a local government unit by any of the following ways:

(a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS **357.400 (Definitions for ORS 357.400 to 357.621)** to **357.621 (Public hearings required prior to abolishing or withdrawing support from public library)**.

(b) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS **250.165 (Prospective petition)** to **250.235 (Retention of petition materials)**.

(b) In the case of a city, in ORS **250.265 (Prospective petition)** to **250.346 (Retention of petition materials)**.

(c) In the case of any other local government unit, in ORS **255.135 (Prospective petition)** to **255.205 (Retention of petition materials)**.

(3) If ORS **250.155 (Application of ORS 250.165 to 250.235)** makes ORS **250.165 (Prospective petition)** to **250.235 (Retention of petition materials)** inapplicable to a county or if ORS **250.255 (Application of ORS 250.265 to 250.346)** makes ORS **250.265 (Prospective petition)** to **250.346 (Retention of petition materials)** inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS **255.345 (Special election dates)**. [Formerly **357.451**; 1981 c.909 §10; 1983 c.350 §224]

ORS 357.430¹

Methods of financing public library by local government unit

If a governing body acts under ORS **357.417 (Methods of establishing public library by local government unit)** (1)(a) or (c), its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a local option tax to be submitted to the electors pursuant to ORS **357.525 (Election to authorize local option tax)**, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255. [Amended by 1955 c.432 §7; 1961 c.251 §9; 1975 c.476 §19; 1983 c.350 §225; 1999 c.21 §69]

ORS 357.435¹

Local government required to file plan with State Library

Any local government unit acting under ORS **357.417 (Methods of establishing public library by local government unit)** shall notify in writing the State Library of its plan for establishing a

public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the statewide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or comment is received within 30 days of the request, the local government unit may act without further delay.

[Formerly [357.640](#)]

ORS 357.460¹

Financial interest of public library board and appointive body

- **Compensation**

(1) No member of any public library board or the body appointing such board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

(2) Board members may be reimbursed for expenses incurred in the performance of their duties. [Amended by 1975 c.112 §4; 1975 c.476 §22]

ORS 357.465¹

Public library board

(1) Each public library established under ORS [357.417 \(Methods of establishing public library by local government unit\)](#) shall be governed by a library board unless some other method is specified in the charter, ordinance or resolution establishing the library.

(2) Upon resolution, ordinance or election pursuant to ORS [357.417 \(Methods of establishing public library by local government unit\)](#), the governing body may appoint a library board. The library board of a city, county or county service district, as determined by the governing body, shall consist of not less than five members nor more than 15 members. In the case of a school district or community college district, such board shall consist of five, seven or more members at the discretion of the governing body.

(3) If the board will consist of five members, one member shall initially hold office for one year, one for two years, one for three years and two for four years, from July 1 in the year of their appointment. If the board will consist of seven members, one member shall initially hold office for one year, two for two years, two for three years, and two for four years, from July 1 in the year of their appointment. If the board will consist of six members or more than seven members, the members first appointed shall hold office for such terms as will achieve the staggered term base established for smaller boards by this section. Succeeding appointees shall hold office for a term of four years from July 1 in the year of their appointment. At the expiration of the term of any member of such board, the

governing body shall appoint a new member or may reappoint a member for a term of four years. If a vacancy occurs, the governing body shall appoint a new member for the unexpired term. No person shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year. [1955 c.432 §4; 1961 c.251 §12; 1975 c.476 §21; 1983 c.208 §1; 1991 c.569 §1]

ORS 357.470¹

Board organization

- **name of library**

After appointment, the public library board shall meet and organize by the election of a chairperson from among its members. The librarian shall serve as secretary to the board and keep the record of its actions. [Amended by 1955 c.432 §9; 1975 c.112 §5; 1975 c.476 §23]

ORS 357.490¹

Library board general powers

In the ordinance or resolution establishing the library, the governing body shall determine the library board's responsibility for:

- (1) Appointment of the librarian and staff, fixing their compensation, determining their working conditions and prescribing their duties.
- (2) Formulating rules and policies for the governance of the library.
- (3) Preparing and submitting an annual budget request.
- (4) Approving, or delegating to the librarian the responsibility for approving, all expenditures from the library fund or the public library building fund.
- (5) Acceptance, use or expenditure of any real or personal property or funds donated to the library, or purchase, control or disposal of real and personal property necessary for the purposes of the library, except that each donation shall be administered in accordance with its terms, and all property or funds shall be held in the name of the governing body.
- (6) Selection of sites for public library buildings or for location of library facilities.
- (7) Entering into contracts.
- (8) Such other activities as the governing body may assign. [Amended by 1955 c.432 §11; 1961 c.251 §15; 1965 c.354 §8; 1967 c.67 §19; 1975 c.112 §7; 1975 c.476 §24]

ORS 357.520¹

Annual report

Each public library established under ORS **357.417 (Methods of establishing public library by local government unit)** shall make an annual report to the State Library and to the governing body on a form supplied by the State Library. [Amended by 1965 c.354 §9; 1975 c.476 §25]

ORS 357.525¹

Election to authorize local option tax

(1)A local option tax for any of the purposes stated in ORS **357.410 (Authority of local government units for public libraries)**, **357.417 (Methods of establishing public library by local government unit)** or **357.490 (Library board general powers)** shall be submitted at an election as provided in this section. The governing body of the local government unit:

(a)May order the election on its own resolution; **or**

(b)Shall order the election when a petition is filed as provided in this section.

(2)The resolution or the petition calling the election under this section shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied and the amount to be levied each year, which amount shall be uniform throughout the period of levy.

(3)Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a)In the case of a county, in ORS **250.165 (Prospective petition)** to **250.235 (Retention of petition materials)**.

(b)In the case of a city, in ORS **250.265 (Prospective petition)** to **250.346 (Retention of petition materials)**.

(c)In the case of any other local government unit, in ORS **255.135 (Prospective petition)** to **255.205 (Retention of petition materials)**.

(4)If ORS **250.265 (Prospective petition)** to **250.346 (Retention of petition materials)** apply to a city, then notwithstanding ORS **250.325 (Procedure following filing of initiative petition)**, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.

(5)If ORS **250.155 (Application of ORS 250.165 to 250.235)** makes ORS **250.165 (Prospective petition)** to **250.235 (Retention of petition materials)** inapplicable to a county or if ORS **250.255 (Application of ORS 250.265 to 250.346)** makes ORS **250.265 (Prospective petition)** to **250.346 (Retention of petition materials)** inapplicable to a city, the requirements for preparing, circulating and filing a

petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:

(a) In the case of a county or city, ORS chapters 246 to 260.

(b) In the case of any other local government unit, ORS chapter 255.

(7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS **357.410 (Authority of local government units for public libraries)** or **357.430 (Methods of financing public library by local government unit)**, or as otherwise provided by law. [Formerly **357.455**; 1983 c.350 §226; 1995 c.79 §197; 1999 c.21 §70]

ORS 357.610¹

Conformity to ORS 357.400 to 357.621 by libraries organized prior to enactment of those statutes

- **effect on executed library contracts**

(1) Libraries organized under Oregon laws prior to September 13, 1975, are continued, and may have their organizations changed so as to conform to ORS **357.001 (Legislative findings)** to **357.200 (Miscellaneous Receipts Account)**, **357.330 (Definitions for ORS 357.330 to 357.370)**, **357.360 (Compliance with laws on taxes and bonds required)**, **357.400 (Definitions for ORS 357.400 to 357.621)** to **357.621 (Public hearings required prior to abolishing or withdrawing support from public library)**, **357.975 (Willful detention of library property)** and **357.990 (Penalties)** by resolution of the governing body of the local government unit which established the library. The resolution shall outline the procedure necessary to be taken for such change.

(2) Nothing contained in ORS **357.001 (Legislative findings)** to **357.200 (Miscellaneous Receipts Account)**, **357.330 (Definitions for ORS 357.330 to 357.370)**, **357.360 (Compliance with laws on taxes and bonds required)**, **357.400 (Definitions for ORS 357.400 to 357.621)** to **357.621 (Public hearings required prior to abolishing or withdrawing support from public library)**, **357.975 (Willful detention of library property)** and **357.990 (Penalties)** shall affect nor change the terms of any library contract executed prior to September 13, 1975. However, by mutual consent, the parties to the contract may amend the contract so as to make it conform to all or any of the provisions of ORS **357.001 (Legislative findings)** to **357.200 (Miscellaneous Receipts Account)**, **357.330 (Definitions for ORS 357.330 to 357.370)**, **357.360 (Compliance with laws on taxes and bonds required)**, **357.400 (Definitions for ORS 357.400 to**

357.621 to **357.621 (Public hearings required prior to abolishing or withdrawing support from public library)**, **357.975 (Willful detention of library property)** and **357.990 (Penalties)**. [Amended by 1975 c.476 §27]

ORS 357.621¹

Public hearings required prior to abolishing or withdrawing support from public library

- No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing. [1975 c.476 §29 (enacted in lieu of **357.620**)]

ETHICS POLICY

FOR THE

MT. ANGEL PUBLIC LIBRARY ADVISORY BOARD, LIBRARY EMPLOYEES & LIBRARY VOLUNTEERS

The Mt. Angel Public Library is dependent on the trust of its community to successfully achieve its mission. Therefore, it is crucial that all Board members, employees and volunteers conduct business on behalf of the Mt. Angel Public Library with the highest level of integrity, avoiding any impropriety or the appearance of impropriety.

Guiding Principles for Library Advisory Board, Library Employees and Library Volunteers:

- Should uphold the integrity of the Mt. Angel Public Library and should perform their duties in a fair, impartial, objective, and diligent manner
- Should not engage in discrimination of any kind including that based on race, class, ethnicity, religion, sex, sexual orientation, or belief system
- Must respect the confidential nature of library business and not disclose such information to anyone
- Shall support the efforts of the library in resisting censorship of library materials by groups or individuals, and also be aware of and in compliance with Freedom of Information laws and policies
- Should avoid situations in which their personal interests, activities or financial affairs are, or are likely to be perceived as being, in conflict with the best interests of the Mt. Angel Public Library
- Should not knowingly act in any way that would reasonably be expected to create an impression among the public that they are engaged in conduct that violates the public's trust
- Should not use or attempt to use their position with the Mt. Angel Public Library to obtain unwarranted privileges or advantages for themselves or others
- Should not be swayed by partisan interests, public pressure, or fear of criticism
- Should not denigrate the organization or fellow Board members, employees and volunteers in any public arena
- Shall comply with all the laws, rules and regulations that apply to them and to their library
- Must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board/Library even if they disagree
- Shall immediately disqualify him/herself whenever a conflict of interest or the appearance of a conflict of interest exists