

VILLAGE OF EAGLE NEST ORDINANCE NO. 2026-XX
VILLAGE OF EAGLE NEST PUBLIC LIBRARY AND LIBRARY BOARD ORDINANCE

AN ORDINANCE REPEALING ORDINANCE NOS. 1979-5 AND 1992-2 AND ALL ORDINANCES RELATED TO THE EAGLE NEST PUBLIC LIBRARY IN THEIR ENTIRETY AND RESTATING THE EAGLE NEST PUBLIC LIBRARY ORDINANCE.

WHEREAS, pursuant to NMSA 1978, § 3-18-14, the Village of Eagle Nest is empowered to establish and maintain a free public library;

WHEREAS, the Eagle Nest Village Council finds it necessary to establish a municipal Library Board to provide for operation and administration of said library;

WHEREAS, Ordinance No. 1979-5 establishing the Eagle Nest Public Library and creating the Eagle Nest Public Library Board ("Library Board") was adopted by the Eagle Nest Village Council on December 18, 1979;

WHEREAS, Ordinance No. 1979-5 was amended by Ordinance No. 1992-2, adopted by the Eagle Nest Village Council on September 8, 1992;

WHEREAS, the Eagle Nest Village Council finds that it is necessary to repeal Ordinance Nos. 1979-5 and 1992-2 and replace in the entirety with this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF EAGLE NEST, NEW MEXICO, that Ordinance No. 1979-5 and all other Ordinances pertaining to the Eagle Nest Public Library are repealed, and that this "Eagle Nest Public Library Ordinance" is adopted in its entirety as follows:

SECTION 1. TITLE

1.1 Short Title. This Ordinance may be cited as the "Eagle Nest Public Library Ordinance."

SECTION 2. AUTHORITY

2.1 NMSA 1978, § 3-18-14 empowers municipalities to establish and operate free public libraries.

SECTION 3. ESTABLISHMENT AND FUNDING OF THE EAGLE NEST PUBLIC LIBRARY

3.1 The Village of Eagle Nest shall establish, maintain, and operate the free public library

known as the "Eagle Nest Public Library."

- 3.2 The Eagle Nest Public Library shall be a proper and legitimate object of expenditure of the Village of Eagle Nest.
- 3.3 The "Eagle Nest Public Library Operational Budget" shall be part of the Village of Eagle Nest General Fund Budget.
- 3.4 The Village of Eagle Nest General Budget shall include a separate "Library Fund" account for the purchase of books and funding programs. All funds received by the Eagle Nest Public Library from charges, fines, penalties, gifts, bequests, and/or donations are to be deposited to the Library Fund.
- 3.5 The Village of Eagle Nest Finance Officer shall administer the Village of Eagle Nest General Fund Budget, the Eagle Nest Public Library Operational Budget, and the Library Fund.
- 3.6 The Village of Eagle Nest Finance Officer shall provide the Library Board established herein with a quarterly accounting of funds deposited to and paid out of the Eagle Nest Public Library Operational Budget and the Library Fund, along with a quarterly report of the balance in both accounts.

SECTION 4. ESTABLISHMENT OF THE LIBRARY BOARD

- 4.1 The Village of Eagle Nest shall establish a board ("Library Board") of five (5) members to serve solely in an advisory capacity to the Mayor, the Village of Eagle Nest Village Council, and the Village Administrator regarding the Eagle Nest Public Library. The Library Board shall have the authority to make recommendations only to the Mayor, the Village of Eagle Nest Village Council, and Village Administrator regarding operations, policies and procedures, personnel needs, hours, maintenance, and other related matters concerning the Eagle Nest Public Library. Any such recommendations shall be advisory only and, in no circumstances, shall any recommendation by the Library Board be binding on the Village of Eagle Nest or its employees, agents, contractors, or others performing services for the Village of Eagle Nest or Eagle Nest Public Library. The Library Board shall not have the authority to manage, operate, administer, supervise, or direct the operations of the Eagle Nest Public Library nor to supervise, direct, or otherwise instruct employees, agents, contractors, or others performing services for the Village of Eagle Nest. The Library Board shall not have authority to make unilateral decisions or take binding action on behalf of the Village.
- 4.2 The Mayor, with the approval of the Village of Eagle Nest Village Council, shall appoint the five (5) voting members of the Library Board. The Library Director, employed by the Village of Eagle Nest, or other employee of the Eagle Nest Public Library, may not serve as a member of the Library Board.
- 4.3 Library Board members shall be residents of the community served by the Eagle Nest

Public Library and, to the extent possible, represent the various geographic, ethnic, socio-economic, professional, and business interests of such community.

- 4.4 Persons wishing to be considered for appointment to the Library Board shall obtain a Library Board Application from the Village Administrator and submit the completed Library Board Application to the Village Administrator, along with a letter of interest.
- 4.5 Library Board members shall be appointed in staggered terms of service. For the first term, the first two (2) Library Board members shall serve for 3 years, the next two (2) Library Board members shall serve for 2 years, and the last one (1) Library Board member shall serve for 1 year. For each term thereafter, all Library Board members shall be appointed for 4-year terms.
- 4.6 Library Board members who have served one (1) or more terms on the Library Board may apply to the Eagle Nest Village Council to serve successive terms pursuant to the application process set forth in Subsection 4.4.
- 4.7 Library Board members shall serve without compensation but may be reimbursed for travel expenses incurred on library business outside the municipal boundaries of the Village of Eagle Nest, subject to approval on a case-by-case basis by a majority of the Library Board.
- 4.8 The Mayor of the Village of Eagle Nest or designee shall be an ex-officio member of the Library Board but shall have no authority to vote and shall not be counted toward a quorum.

SECTION 5. LIBRARY BOARD DUTIES

- 5.1 The Library Board may recommend to the Mayor and the Village Administrator the qualifications for the Village of Eagle Nest Library Director ("Library Director"). Final authority to establish qualifications and an associated job description for the Library Director shall rest with the Village Administrator, under direction from the Mayor.
- 5.2 The Library Board may provide non-binding recommendations to the Mayor regarding the hiring, retention, and evaluation of the Library Director. The Library Board shall not have the authority to hire, terminate, discipline, evaluate, or supervise the Library Director.
- 5.3 The Library Board may provide recommendations to the Library Director, the Village Administrator, and/or the Village of Eagle Nest Village Council regarding library services, programming, community outreach, long-term planning, or other matters related to the Eagle Nest Public Library. Any such recommendations shall be advisory only and, in no circumstances, shall any recommendation by the Library Board be binding on the Village of Eagle Nest or its employees, agents, contractors, or others performing services for the Village of Eagle Nest.
- 5.4 The Library Board shall hold an "Annual Library Board Meeting" each April and may hold monthly Library Board Meetings at its discretion. The Library Board shall not, absent

emergency circumstances, hold more than one meeting per month.

- 5.5 For any meeting of the Library Board the Library Board shall comply with all requirements of the Open Meetings Act, NMSA 1978, § 10-15-1 *et seq.* and the Village of Eagle Nest Open Meetings Resolution as may be amended from time to time. The Library Board shall comply with the same policies and procedures which govern meetings held by the Village of Eagle Nest Village Council.
- 5.6 The Library Board shall not have the authority to expend or otherwise obligate Village funds; enter into contracts or agreements on behalf of the Village; purchase goods or services; supervise, direct, or manage Village employees, agents, contractors, or others performing services for the Village of Eagle Nest; adopt binding policies, procedures, or other rules; or otherwise bind the Village of Eagle Nest in any manner.

SECTION 6. LIBRARY BOARD ORGANIZATION

- 6.1 At the Annual Library Board Meeting, the Library Board shall elect from its membership a President, Vice President, and Secretary.
- 6.2 Newly elected Library Board officers shall assume the duties and responsibilities of office on June 1st following their election at the Annual Library Board Meeting.
- 6.3 For the first term, Library Board officers shall be elected from its membership no later than one (1) month from the appointment of the fifth (5th) and final Library Board member. First-term officers shall assume the duties and responsibilities of office effective immediately upon election.
- 6.4 Library Board officers shall serve in such offices for terms of one (1) year during their terms as Library Board members.
- 6.5 Library Board officers may be re-elected in successive years at the Annual Library Board Meeting.
- 6.6 The Library Board may adopt non-binding internal procedural guidelines for conducting meetings, which shall not conflict with or be less restrictive than the Village of Eagle Nest Open Meetings Resolution, any other Village ordinance or resolution, or applicable state law. Any such procedural guidelines shall be advisory in nature and shall not create binding authority.

SECTION 7. DUTIES OF LIBRARY BOARD OFFICERS

- 7.1 The President of the Library Board shall prepare the agenda for all meetings of the Library Board and provide the same to the Village Administrator at least five (5) business days in advance of any such meeting. The President of the Library Board shall also serve as the presiding officer at meetings of the Library Board and, in the exercise of duties as the presiding officer, ensure the Library Board acts in accordance with all Village ordinances, resolutions, and state law. The President of the Library Board shall present

any recommendations in accordance with this ordinance to the Mayor, the Village of Eagle Nest Village Council, and/or the Village Administrator, along with any information requested by the Mayor, the Village of Eagle Nest Village Council, or Village Administrator.

- 7.2 In the President's absence, the Vice President shall perform the duties of President.
- 7.3 The Secretary of the Library Board shall prepare minutes from any meeting of the Library Board and submit the same to the Village Administrator within ten (10) business days after each such meeting. The Secretary shall also conduct and record a roll-call vote for any matter voted on by the Library Board during a public meeting.

SECTION 8. REMOVAL FROM LIBRARY BOARD

- 8.1 Library Board members may be removed from the Library Board for just cause. Removal shall not be based on unlawful discrimination, retaliation, or other unlawful bases prohibited by federal, state, or local law. A recommendation for removal of a Library Board member may be made to the Mayor upon a majority vote of the Library Board. Upon receipt of the recommendation, the Mayor shall present the potential removal to the Village of Eagle Nest Village Council for consideration and approval or disapproval. Only upon a majority vote of the Village of Eagle Nest Village Council may a member of the Library Board be removed for just cause.
- 8.2 Good cause for removal from the Library Board may include, but is not limited to, unexcused absence from two consecutive, scheduled Library Board meetings and other acts or omissions which would be considered just cause pursuant to applicable ordinances, resolutions, or state law.

SECTION 9. LIBRARY BOARD VACANCIES

- 9.1 Upon the death, removal, resignation, change of residence to a place outside of the community served by the Eagle Nest Public Library, or other inability of a Library Board member to serve on the Library Board, the unexpired portion of the member's term shall be filled in the same manner that the original appointment was made.

SECTION 10. LIBRARY BOARD MEETINGS

- 10.1 Prior to all Library Board meetings, Library Board members may receive (electronically or via hand delivery) documents and other materials for review.
- 10.2 A majority of the members of the Library Board constitute a quorum for the transaction of business. The Mayor or designee, as an ex officio member of the Library Board, shall not count towards a quorum.
- 10.3 The Library Board may approve recommendations for presentation to the Village of Eagle Nest or Village Administrator by majority vote.

- 10.4 All Library Board meetings shall be open to the public unless otherwise provided by New Mexico law.
- 10.5 When applicable and available, information regarding video conferencing will be included in the meeting agenda or event notice.

SECTION 11. LIBRARY PERSONNEL

- 11.1 A Library Director and other personnel necessary for the operation of the Eagle Nest Public Library shall be employed by the Village of Eagle Nest and be bound by the Village of Eagle Nest Personnel Policy, as may be amended from time to time. All hiring, supervision, evaluation, discipline, and other personnel management authority shall rest solely with the Mayor or Village Administrator in accordance with the Village of Eagle Nest Personnel Policy in effect at the time.
- 11.2 Volunteers may assist the Eagle Nest Public Library as needed, at the discretion of the Village Administrator. Persons seeking to volunteer at the Eagle Nest Public Library must contact the Village Administrator prior to performing any volunteer services. Supervision and direction to volunteers for the Eagle Nest Public Library shall be by the Village Administrator only. The Library Board may make non-binding recommendations to the Village Administrator regarding the need for volunteers at the Eagle Nest Public Library but shall not have any supervisory duties related to volunteers at the Eagle Nest Public Library.

SECTION 12. DUTIES OF THE LIBRARY DIRECTOR

- 12.1 The duties of the Library Director are such as are imposed on persons in like employment, including but not limited to the following:
- A. Administration of the Eagle Nest Public Library under the direction, supervision, and evaluation of the Village Administrator, including establishing and maintaining:
- i. Policies for the administration of the Eagle Nest Public Library in accordance with the Ordinances of the Village of Eagle Nest and the laws of the State of New Mexico;
 - ii. Rules and regulations for the public use of the Eagle Nest Public Library, posted appropriately within the Eagle Nest Public Library for public notice and inspection;
 - iii. An annual Library Budget provided to the Eagle Nest Village Administrator in sufficient time for its inclusion in the total budget for the Village of Eagle Nest;
 - iv. Operational procedures for the Eagle Nest Public Library under the financial conditions set forth in the annual budget;

- v. Qualifications for other Eagle Nest Public Library employees and volunteers;
 - vi. Procedures to facilitate the care and maintenance of the Eagle Nest Public Library building and equipment;
 - vii. Procedures for the direction and oversight of other Eagle Nest Public Library staff and volunteers; and
 - viii. Procedures for the provision of the services of the Eagle Nest Public Library to the public.
- B. Attending all Library Board meetings;
 - C. Maintaining custody of Library Board meeting minutes, financial records, and other records of the Eagle Nest Public Library and Library Board, subject to Village recordkeeping requirements;
 - D. Notifying Library Board members and the Village Administrator of vacancies on the Library Board; and
 - E. Supervising other Library personnel and volunteers, if and only if so directed by the Village Administrator.

SECTION 13. [Reserved].

SECTION 14. TITLE TO PROPERTY

- 14.1 The Village of Eagle Nest shall hold title to all real and personal property belonging to the Eagle Nest Public Library.

SECTION 15. REPEAL OF PRIOR CONFLICTING ORDINANCES

- 15.1 By approval and adoption of this Ordinance, Village of Eagle Nest Ordinance No. 1979-5 and Village of Eagle Nest Ordinance No. 1992-2 are repealed in their entirety.
- 15.2 All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 16. INSPECTION OF ORDINANCE

- 16.1 A copy of this Ordinance is available for inspection during normal and regular business hours at the Office of the Municipal Clerk of the Village of Eagle Nest and may be inspected during such hours by any interested party.

SECTION 17. SAVINGS CLAUSE

- 17.1 If any section, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remainder of this Ordinance.

SECTION 18. TIME OF TAKING EFFECT

18.1 This Ordinance shall be in full force and effect five (5) days after publication.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2026 by the following vote:

Councilor Michelle Dahl	_____
Councilor Jamie Archuleta	_____
Councilor Dale Fuller	_____
Councilor Debra Espie	_____

VILLAGE OF EAGLE NEST, NEW MEXICO

By: _____
Fox Guinn, Mayor

ATTEST:

By: _____
Village Clerk