

CHAPTER 21

LIBRARY BOARD OF TRUSTEES

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21.01 ESTABLISHMENT OF PUBLIC LIBRARY. There is hereby established a free public library for the use of residents of the City, to be known as the Marion Public Library. It is referred to in this chapter as the Library.

21.02 LIBRARY TRUSTEES. The Mayor, with the approval of the Council, shall appoint nine (9) persons to constitute a Board of Library Trustees. The Mayor shall appoint bona fide citizens and residents of the City over the age of twenty-one (21).

21.03 ORGANIZATION OF THE BOARD. The organization of the Board shall be as follows:

1. **Term of Office.** All appointments shall be for six (6) years, from July 1 following appointment, except appointments to fill vacancies. Appointment of three (3) of the Board members shall be made every two (2) years, to stagger the terms. No person shall hold appointment as a member of the Library Board for more than two (2) full consecutive terms, except that when the initial appointment was to fill a vacancy there may be appointment for two (2) full consecutive terms thereafter. Any person may be appointed to the Library Board again after an interval of two (2) years, subject to the above limit of two (2) full consecutive terms. Board members appointed and serving at the time of the approval of this measure may be reappointed for two (2) full consecutive terms after the expiration of their current term.

(Ord. 09-23 – Dec. 09 Supp.)

2. **Honorary or Ex Officio Members.** The Board may, on its own motion, establish honorary board positions or ex officio board positions as the Board deems advisable under such term limitations as the Board may set.

3. **Vacancies.** The position of any Trustee shall be vacated if such member moves permanently from the City, or if the Trustee is absent without due explanation from six (6) consecutive regular meetings of the

Board, except in the case of sickness or temporary absence from the City. The Mayor, with the approval of the Council, shall fill any vacancy by appointment of a new trustee to fill the unexpired terms.

4. Quorum and Voting. All action by the Board shall require a majority vote of the whole number of members appointed to the Board. The removal of the librarian, however, shall require a two-thirds vote of the Board.

5. Compensation. Trustees shall receive no compensation for their services.

21.04 POWERS AND DUTIES. The Board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary.

2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms.

3. Charge of Affairs. To direct and control all affairs of the Library.

4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the Library, and fix their compensation, provided, however, that prior to such employment, the compensation of the librarian, assistants and employees shall have been fixed and approved by a majority of the members of the Board voting in favor thereof.

5. Removal of Personnel. To remove the librarian, by a two-thirds vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetence or inattention to duty, subject however, to the provisions of Chapter 35C of the Code of Iowa.

6. Purchases. To authorize the librarian to select and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other Library materials, furniture, fixtures, stationery and supplies for the Library within budgetary limits set by the Board.

7. Use by Nonresidents. To authorize the use of the Library by nonresidents of the City and to fix charges for this privilege.

8. Rules and Regulations. To make and adopt, amend, modify or repeal bylaws, rules and regulations for the care, use, government and management of the Library and the business of the Board, and to fix and

enforce penalties for violations. Copies of such bylaws, rules and regulations shall be made available to the public at the circulation desk.

9. Expenditures. To have exclusive control of the expenditure of all funds allocated for Library purposes by the Council, and of all moneys available by gift or otherwise for the erection of Library buildings, and of all other moneys belonging to the Library, including fines and rentals collected under the rules of the Board.

10. Budget. To make and send to the Council, following City procedures and timelines, an estimate of the amount necessary for the improvement, operation and maintenance of the Library for the coming fiscal year, the amounts expended for like purposes for the two preceding years, and the amount of income expected for the next fiscal year from sources other than taxation.

11. Gifts. To accept gifts, in the name of the Library, of real property, personal property, or mixed property, and devises and bequests, including trust funds; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received from such gifts, for the improvement of the Library.

12. Enforce the Performance of Conditions on Gifts. To enforce the performance of conditions on gifts, donations, devises and bequests accepted by the City on behalf of the Library by action against the Council.

13. Record of Proceedings. To keep a record of its proceedings.

21.05 GIFTS TO CITY. All gifts, donations, devises and bequests that may be made to the City for the purpose of establishing, increasing or improving the Library shall be administered by the Board of Library Trustees.

21.06 CONTRACTING WITH OTHER LIBRARIES. The Board has power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other city, town, school corporation, township, county, or with the trustees of a county library district for the use of the Library by their respective residents. Such a contract between the Board and a county shall supersede all contracts between the Board and townships or school corporations outside of cities or towns in that county. All of the contracts mentioned in this subsection shall provide for the rate of tax to be levied by the other city, town, school corporation, township, county or county library district.

2. Termination. Such a contract may be terminated at any time by mutual consent of the contracting parties. It also may be terminated by a majority vote of the electors represented by either of the contracting parties. Such a termination proposition shall be submitted to the electors by the governing body of a contracting party on a written petition of not less than five percent (5%) in number of the electors who voted for governor in the territory of the contracting party at the last general election. The petition must be presented to the governing body not less than forty (40) days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party seeking to terminate the contract.

21.07 NONRESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City in any one or more of the following ways:

1. Lending. By lending the books or other materials of the Library to nonresidents on the same terms and conditions as to residents of the City, or County, or upon payment of a special nonresident Library fee.
2. Depository. By establishing depositories of Library books or other materials to be loaned to nonresidents.
3. Bookmobiles. By establishing bookmobiles or a traveling library so that books or other Library materials may be loaned to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

21.08 LIBRARY ACCOUNT. All money appropriated by the Council from the General Fund for the operation and maintenance of the Library shall be set aside in an account for the Library. Expenditures shall be paid for only on orders of the Board, signed by its President (or Vice President in the absence of the President) or the Secretary. The warrant writing officer is the City Clerk.

21.09 ANNUAL REPORT. The Library Director, on behalf of the Board, shall make a report to the Council soon after the close of the fiscal year. This report shall contain statements as to the condition of the Library.

21.10 INJURY TO BOOKS OR PROPERTY. It is unlawful for a person willfully, maliciously or wantonly to tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the Library or reading room.

(Code of Iowa, Sec. 716.1)

21.11 THEFT. No person shall take possession or control of property of the Library with the intent to deprive the Library thereof.

(Code of Iowa, Sec. 714.1)

21.12 NOTICE POSTED. There shall be posted in clear public view within the Library notices informing the public of the following:

1. Failure To Return. Failure to return Library materials for two (2) months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one (1) month or more after the date the person agreed to return the Library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including the mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

(Code of Iowa, Sec. 714.5)

2. Detention and Search. Persons concealing Library materials may be detained and searched pursuant to law.

(Code of Iowa, Sec. 808.12)

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