

APPENDIX E (con't.)

3.18 PUBLIC LIBRARY. (a) Establishment. There is hereby established a free public library for the use of residents of the City of Marion to be known as the Marion Public Library.

(b) Library Trustees. The Mayor, with the approval of the City Council, shall appoint nine persons to constitute a Board of Library Trustees. He/she shall appoint bona fide citizens and residents of the city over the age of twenty-one.

(c) Organization of the Board. 1. Terms of Office. All appointments shall be for six years, from July 1 following their appointment, except to fill vacancies, the terms of three of the board members expiring every two years.

2. Vacancies. The position of any trustee shall be vacant if he/she moves permanently from the city, or if he/she is absent without due explanation from six consecutive regular meetings of the board, except in 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 term.

3. 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.

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

(d) Powers and Duties. The board shall have and exercise the following powers and duties:

1. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary.

2. To have charge, control, and supervision of the library, its appurtenances, fixtures, and rooms.

3. To direct and control all the affairs of the library.

4. 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. To remove the librarian by a two-thirds vote of the board and to provide procedures for the removal of assistants or employees for misdemeanor, incompetency or inattention to duty, subject, however to the provisions of Chapter 70, Code of Iowa.

6. 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. To authorize the use of the library by residents and non-residents of the city and to fix charges for this privilege.

8. To make and adopt, amend, modify, or repeal by-laws, 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 by-laws, rules, and regulations shall be made available to the public at the circulation desk.

9. 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. 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. 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 bill of sale for the conveyance of such property; and to expend the funds received from such gifts for the improvement of the library

12. To enforce the performance of conditions on gifts, donations, devises, and bequests accepted by the city by action against the Council.

13. To keep a record of its proceedings.

(e) 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.

(f) Power to Contract for the Use of the Library. 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 in number of the electors who voted for governor in the territory of the party at the last general election. The petition must be presented to the governing body not less than forty days before the election. The proposition may be submitted at any election provided by law that is held in the territory of the party who is seeking to terminate the contract.

(g) Non-Resident Use of the Library. The board may authorize the use of the library by non-residents of the city in any one or more of the following ways:

1. By lending library books or other library materials to the non-residents on the same conditions as to residents of the city, or upon payment of a special non-resident library fee.

2. By establishing depositories of library books or other library materials to be loaned to non-residents.

3. By establishing bookmobiles or a traveling library so that books or other library materials may be loaned to non-residents.

4. By establishing branch libraries for lending books or other materials to non-residents.

(h) 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 his/her absence, or the Secretary. The warrant writing officer is the City Clerk. (75-17)

(i) Annual Report. The Library Director, on behalf of the board, shall make a report to the Council immediately after the close of the municipal fiscal year. This report shall contain statements as to the condition of the library.

(j) Recovery of Library Books. If any book or other property of the library is retained by any person beyond the period provided by the rules and regulations of the board and is not returned upon request of the librarian, he/she may issue an order to the Police Chief to obtain the book or other property and to collect any fine set by the board for such retention or for damage to the book or property. This order shall be sufficient authority for any policeman to take lawful possession of the book or the property, collect the fine, and return the book or property, and the fine to the librarian.

(k) Injury to Library Property. No person shall willfully, maliciously, or wantonly 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.