

TITLE IV – CULTURE AND RECREATION

CHAPTER 115
LIBRARY**115.01 Purpose****115.02 Public Library****115.03 Library Trustees****115.04 Qualifications of Trustees****115.05 Organization of the Board****115.06 Powers and Duties****115.07 Contracting with Other Libraries****115.08 Non-resident Use****115.09 Expenditures****115.10 Annual Report****115.11 Injury to Books or Property****115.12 Theft****115.13 Notice Posted**

115.01 PURPOSE. The purpose of this chapter is to provide for the appointment of a City Library Board of Trustees, and to specify that Board's powers and duties.

115.02 PUBLIC LIBRARY. The public library of the City is known as the Garwin Public Library. It is referred to in this chapter as the Library.

115.03 LIBRARY TRUSTEES. The board of trustees of the library, hereinafter referred to as the board, consists of three resident members and two rural members. All members are to be appointed by the mayor with the approval of the Council.

(Amended by Ordinance No. 202)

115.04 QUALIFICATIONS OF TRUSTEES. All resident members of the board shall be bona fide citizens and residents of the City. The non-resident members of the board shall be bona fide citizens and residents of the unincorporated County. Members shall be over the age of eighteen (18) years.

115.05 ORGANIZATION OF THE BOARD. The organization of the board be as follows:

1. Term of Office. All appointments to the Board shall be for six (6) years, except to fill vacancies. Each term shall commence on July 1st. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any resident Trustee shall be vacated if such member moves permanently from the City. The position of the nonresident Trustee shall be vacated if such member moves permanently from the County or into the City. The position of any Trustee shall be deemed vacated if such member is absent from six (6) consecutive regular meetings of the Board, except in the case of sickness or temporary absence from the City or County. Vacancies in the Board shall be filled in the same manner as an original appointment except that the new Trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

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

1. Officer. To meet and elect from its members a President, a Secretary, and such other officers as it deems necessary. The City Clerk shall serve as Board Treasurer, but shall not be a member of the Board.
2. Physical Plant. To have charge, control and supervision of the Library, its appurtenances, fixtures and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the Library.
4. Hiring Personnel. To employ a librarian, and authorize the librarian to employ such assistant as may be necessary for the proper management of the Library. The compensation of the librarian and assistant 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 (2/3) vote of the Board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency, or inattention to duty, subject however, to the provisions of Chapter 70 of the Code of Iowa.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, magazines, periodicals, and other Library materials, stationary and supplies for the Library within the budgetary limits set by the Board.
7. Use by Nonresidents. To authorize the use of the Library by nonresidents.
8. Rules and Regulations. To make and adopt, amend, modify or repeal rules and regulations, not inconsistent with this Code of Ordinances and the law, for the care, use, government and management of the Library and the business of the Board, fixing and enforcing penalties for violations.
9. Expenditures. To have exclusive control for 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. Gifts. To accept gifts of real property, personal property, or mixed property, and devise and bequests, including trust funds; to take the title to said property in the name of the Library; to execute deeds and bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the Library.

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

(Code of Iowa, Ch. 661)

12. Record of Proceedings. To keep a record of its proceedings.
(Amended by Ordinance No. 202)

115.07 CONTRACTING WITH OTHER LIBRARIES. The Board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The Board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or County, or with the trustees of any County library district for the use of the Library by their respective residents.
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 (5) percent in number of the electors who voted for the 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.

115.08 NON-RESIDENT USE. The Board may authorize the use of the Library by persons not residents of the City or County 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 for lending books or other Library materials to nonresidents.
4. Branch Library. By establishing branch libraries for lending books or other Library materials to nonresidents.

115.09 EXPENDITURES. All money appropriated by the Council 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 and Secretary.

(Code of Iowa, Sec. 384.2 and 392.5)

115.10 ANNUAL REPORT. The Board shall make a report to the Council immediately after the close of the fiscal year. This report shall contain statements as to the condition of the Library, the number of books added, the number circulated, the amount of fines collected, and the amount of money expended in the maintenance of the Library during the year, together with such further information as may be required by the Council.

115.11 INJURY TO BOOKS OR PROPERTY. It shall be 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)

115.12 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)

115.13 NOTICE POSTED. There shall be posted in clear public view within the Library a notice stating:

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)