

10-3-101. Establishment, maintenance and joint operation.

The legislative body of a county or the governing body of an incorporated city or town shall have the authority to establish and maintain, under state and local law, a free public library, or give support to any free public library already established therein, or contract with another library for library service for use of the inhabitants of the county, city, or town, or enter into contractual agreements with one (1) or more counties or cities for the joint operation of a free public library.

10-3-102. Taxes — Levy.

(a) Upon the decision of such county legislative body and/or city governing body to establish, maintain or support a free public library, or to contract with another library for library service, or to contract with one (1) or more counties or cities for joint operation of a free public library, it shall levy for the purpose a property tax, or shall use therefor funds raised by taxes for county or municipal purposes, such a library service being declared to be a county or municipal service.

(b) If a portion of a county is already taxed for maintenance of a free public library, the county legislative body is empowered to levy a tax for a free library on all the property in the county, or the county legislative body may levy a tax on only the property of such portion of the county as is not already taxed for maintenance of a free public library. If a general county-wide tax levy is made for this purpose, the county trustee shall keep the funds raised thereby separate and apart from all other tax funds coming into such county trustee's hands, and shall make quarterly distribution of the same between the county library board and the governing body of the free public library of the city or cities within the limits of the county on the basis of the population enumerated by the most recent federal census. Subject to the preceding sentence, funds raised under §§ 10-3-101 — 10-3-108 may be contributed toward the maintenance of any free public library maintained by a municipality in such county as provided in § 10-3-101.

10-3-103. Library board — Appointment — Terms.

(a)

(1) Except as provided in subdivision (a)(2), where a county legislative body or the governing body of a city or town, in lieu of giving support to a free public library already established, or of contracting with another library for library service, or of contracting with other counties or cities for the joint operation of a free public library, establishes an independent free library of its own, it shall appoint a board of seven (7), nine (9), or eleven (11) members. Not more than one (1) official each of the county and of the city governing bodies may serve on the board. The members shall serve without salary, at least three (3) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. If the board expands to more than seven (7) members as

provided in this subdivision (a)(1), the additional members are appointed by the county and city legislative bodies to terms of one (1), two (2), or three (3) years. All successors shall serve for terms of three (3) years. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

(2) In counties or cities having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, in which the mayor has assumed the powers of the library board as provided in subsection (c), the terms of advisory board members must be established as provided in subdivision (a)(1) with the exception that board members may serve as many consecutive terms as stated in their bylaws.

(b) If a county legislative body, city governing body, or a county having a charter form of government elects to participate in the joint operation of a public library maintained by the county and one (1) or more cities within the county, the library board responsible for administering the library must be appointed by one (1) of the following methods:

(1) Except as provided in subdivisions (b)(2) and (3), a library board of seven (7), nine (9), or eleven (11) members may be appointed by the county legislative body and city governing bodies that are parties to the agreement, the number appointed by each to be determined according to the ratio of population in each participating city and in those areas of the county that lie outside the cities, based on the most recent federal census; provided, that each governmental body shall appoint at least one (1) member. Terms of office, qualifications of members, and powers and duties of the board must comply with §§ 10-3-101 — 10-3-108. Board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service;

(2) In accordance with a contract as provided in § 5-1-113, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service; or

(3) In accordance with a private act, in which case board members may serve two (2) consecutive terms and may be reappointed after a minimum three-year break in service.

(c) A county or city having a population of more than four hundred thousand (400,000), according to the 2010 or any subsequent federal census, may by a two-thirds ($\frac{2}{3}$) majority vote of its legislative body vest supervisory authority over the public library system with the mayor. The mayor in the county or city shall exercise all powers which would otherwise be exercised by the library board pursuant to § 10-3-104. A library board must be retained in the county or city in accordance with this section but shall serve in an advisory capacity to the county or city mayor, as applicable.

10-3-104. Powers and duties of library board.

The members of the library board shall organize by electing officers and adopting bylaws and regulations. The board has the authority to direct all the affairs of the library, including the authority to appoint a library administrator. The library administrator shall direct the internal affairs of the library, including hiring and directing such assistants or employees as may be necessary. The board may make and enforce rules and regulations and establish branches of service at its discretion. The board may expend funds for the special training and formal education of library personnel; provided, that such personnel shall agree to work in the library

for at least two (2) years after completion of such training and education. The board may receive donations, devises, and bequests to be used by it directly for library purposes. The board may hold and convey realty and personal property and negotiate leases for and on behalf of such library. The board shall furnish to the state library agency such statistics and information as may be required, and shall make annual reports to the county legislative body or city governing body.

10-3-105. Borrowing money to acquire library buildings and equipment.

A county legislative body and/or city governing body has power to borrow money for the purchase of realty and the erection or purchase of suitable buildings for the library and its branches, and for their equipment. The title to such property may be vested in trust in the library board and its successors, which shall be responsible for disbursing bond proceeds as provided in § 10-3-106.

10-3-106. Tax funds held by county or city treasurer — Audit of accounts.

- (a) All county or city tax funds for library purposes, raised by bonds or taxation, shall be held by the county or city treasurer separate from other funds.
- (b) All library accounts of every character shall be audited annually by or under the county legislative body or city governing body.

10-3-107. Libraries free to inhabitants — Extension of privileges to nonresidents.

Libraries so established or supported shall be free to the inhabitants. The board may extend the privileges and facilities of the library to persons residing outside the county or city upon such terms as it may deem proper.

10-3-108. Penalties for loss of or injury to library property.

The library board has the power to make and enforce rules providing penalties for loss of or injury to library property. Nothing in this chapter shall be construed to prohibit a library board from charging library users a reasonable fine for late-returned library materials and charging for special services including, but not limited to, the loan of equipment and the use of photocopiers.