

# The Political Librarian

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## Full Issue

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# THE POLITICAL LIBRARIAN

an  everylibrary publication

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## Mission

The Political Librarian is dedicated to expanding the discussion of, promoting research on, and helping to re-envision locally focused advocacy, policy, and funding issues for libraries.

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## The Political Librarian's Editorial Team

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Rachel is an Information Assistant II at Vaughan Public Libraries in Vaughan, Ontario, Canada. She received her MLIS at Drexel University in Philadelphia, where she also gained experience in numerous, varied library settings and as an adjunct faculty member at the Restaurant School at Walnut Hill College teaching a course on Information Literacy. Rachel was EveryLibrary's 2014 Intern and helped to shape the organization's public-facing training and orientation programs. She continues to contribute to ELPAC on an editorial basis including co-authoring the 2014 and 2015 library election round-up articles in Library Journal. She is currently based in Toronto and can be contacted at [kormanrachel7@gmail.com](mailto:kormanrachel7@gmail.com).

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### Johnna Percell – Associate Editor

Johnna Percell has a background working in nonprofits serving the education and housing needs of individuals with community corrections involvement. This work lead her to pursue her Master of Library Science with a specialization in Information and Diverse Populations from UMD's College of Information Studies. During her studies she served as president of [iDiversity](#), the first LIS student group that promotes awareness of diversity, inclusivity, and accessibility within the information professions. After completing her MLS, she was selected as the 2015 Google Policy Fellow for the American Library Association Washington Office. She is now a Children's Librarian for the District of Columbia Public Library. She can be contacted at [jpercell.pol.lib@gmail.com](mailto:jpercell.pol.lib@gmail.com).

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### Lindsay Sarin – Editor

Based in Washington, DC, Lindsay is an advisor to and former board member of EveryLibrary. She is also the Director of Academic Programs at the University of Maryland College Park and a Research Fellow at the Information Policy and Access Center (iPAC). Her past research has focused on how politics and policy impact library funding. In 2014 she co-authored [Public Libraries, Public Policies, and Political Processes](#). Recently she has been focused on the design and implementation of a new paradigm in library and information science education. She is particularly interested in how to incorporate value demonstration and library advocacy into LIS curriculum. Lindsay earned her BS in English and history at Eastern Michigan University and her MLS at the University of Maryland, College Park. She can be contacted at [lindsay.sarin@everylibrary.org](mailto:lindsay.sarin@everylibrary.org).

Patrick Sweeney

It shouldn't be a surprise to anyone when I say that the political landscape in America has drastically changed. We have seen some of the wildest political rhetoric that we could imagine come from political pundits, politicians, our presidential candidates, and various media outlets. There are accusations of fundamental biases rooted in deep belief systems that are based on many of the fears of middle class Americans who have been left behind in the job market, Americans who feel threatened by outsiders, Americans who feel they are losing their familiar identities to anonymous and unknown forces. These fears are being capitalized upon by a multi-billion dollar political industry that is designed to exaggerate threats and use fear to win elections.

The most exaggerated of those fears that affect us, librarians, and our industry is a fear of government overreach and blaming taxation for a wide array of economic and social problems in the country. This fear didn't spontaneously come about into being by itself. It was coldly cultivated with big data, polling, focus groups, targeted messaging, and the strategic radicalization of highly specific populations within our citizenry. These political groups have used this data to develop new sets of exclusionary languages that allow people of the same beliefs to communicate and understand each other. This has led to the development of new political cultures within targeted demographics. These differentiating languages are one of the strongest walls against communication between differing political views. The language that is used is something that librarians, as government employees who are paid by taxes, must learn if they are to continue to serve their communities.

We saw examples of this in the debates between Hillary and Trump. Many television analysts commented that there were two very different debates happening on the stage. They seemed to be astonished that the two very different politicians were able to communicate well with their base and that preliminary discussions with viewers showed that very few people's minds were changed. This is a symptom of the shift in political language. When Trump speaks about strength and power, and Hillary speaks about collaboration and negotiation, the truth is that the ideologies around each idea have developed to the point where these are now mutually exclusive languages. So, the question is, do we have to develop the

language that we need to speak to these differing ideologies?

At EveryLibrary we strongly believe that the answer to this question is a resounding yes and we are working on learning this language. We have had the opportunity, as a non-partisan organization, to learn from each of the various political cultures within America. As an organization we have no opinion about which political belief system is best for the country, we only want to be able to have the language we need to communicate the definite and important need for libraries in America. That's why we have attended wildly different kinds of political trainings, webinars, and conferences. We have gone to learn about how people speak, think, and act - people from as far to the left as and as far to the right speak, think, and act. We have attended conferences like the progressive Netroots Nation and the Ballot Initiative Study Center. We have sat through online trainings and webinars from the conservative Leadership Institute and we have attended the Koch Brothers funded Americans For Prosperity Conference called Defending the Dream.

The one thing we have recognized is that each of these groups present their own sets of threats to libraries. In a progressive community like NetRoots Nation, libraries are missing from their policy agenda. In a conservative approach like the Americans for Prosperity, they actively target library ballot measures for defeat because they want to shrink government. If we don't address these threats by understanding the languages that they speak and adapting our core vocabulary about the value of libraries to them, we are threatened with extinction from both sides of the spectrum. More importantly, if we don't develop our own preservative language using the same big data, polling, and focus groups, as well as the mechanisms to get that language into the minds of the public at large, we will lose the war for American Libraries. Each side will slowly pull us apart or leave us behind as they develop more language that excludes the values of librarianship and the language we use to express that value.

This election in November is going to be the biggest test for libraries in a generation and we are expecting to learn a lot about this language. This will most likely be an election year with more local library measures on the ballot than any year since the recession. As we come out of

the recession and also hit a presidential election cycle, we are expecting around 250 libraries to be on the ballot. However, as we have heard from the political consultants and data experts that we work with there is no strong or definite opinion about the things that will affect a library election because we simply don't have the data. We can't predict if a strong base of anti-tax and anti-government voters will be motivated enough by the language of Trump to show up on election day and we don't know if there will be a correlation between those voters and votes about libraries. We also don't know if

the fear of that language will bring out more voters who are likely to support library measures. We also have big ideas but no strong language of our own to motivate our own base of supporters to ensure larger wins at the ballot box. If there is one thing we do know for sure, it's that if we don't learn to speak to these voters in their languages, or develop a language of our own to either motivate our own communities of supporters or as a bridge between the two languages, libraries will spiral into an unrecoverable dive towards defunding.

# When the Government Shrinks, What Will Libraries Do?

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John Chratska

The 2016 elections were divisive from the start. This election will be remembered as a clash between several competing world views. It will likely mark the true beginning of the 21st century in America in the same way that the Wilson Administration was the transition between the Victorian and Edwardian Eras and the 20th Century.

At EveryLibrary, we are concerned that the policy priorities of the new Administration and Congress will not support libraries as institutions, and will create a climate where the integrity of the profession will be questioned, even as staff strive to serve their local communities, their campuses, or their students. We are also realistic that the changes to policy and funding priorities that come from a greater reliance on state and local control of government, and at the expense of federal authority, will dramatically increase the burden that local public libraries, and our colleagues in school and academic library settings, have to bear to fund future library services.

The tension between states' rights and the authority of the federal government perpetually rolls across the American political landscape. The election of Donald Trump and the continued control of Congress by a Republican majority will accelerate a shift away from Washington to state and local level funding and decision-making. We have no public opinion on whether that shift is right for America. We know library leaders have to anticipate it and address it.

Our concerns about the policy priorities of the new administration extend to many of Trump's nominations, specifically that of people like Senator Jeff Sessions to be Attorney General. Sessions is noted for his anti-immigrant sentiments and signed on to a recent letter criticizing the Library of Congress for retiring the use of the term "Illegal aliens" in favor of "Noncitizens" and "Unauthorized immigration" as a subject headings. As Attorney General, Sessions would be in a position to enforce or ignore key civil rights and voter rights laws while supporting an agenda that looks to include issues as minute as LOC subject headings as part of the culture war.

We are also concerned by the nomination of Betsy DeVos to be Secretary of Education. A scion of the

Amway fortune, she is pro-charter schools, pro-voucher programs, and is in favor of using tax money to provide "scholarships" for children to attend religious schools. We are unsure where effective school library programs and the role of school librarians fit into her view of public education, but we suspect that the current approach to federal funding that "supplements but not supplants" state and local funds will face a significant change. Likewise, announcing early in the transition that Jeff Eisenach and Mark Jamison will be the president-elect's nominees to the FCC signals that hard fought issues around net neutrality and a level playing field for internet access are going to be under threat. Mr. Eisenach and Mr. Jamison will also in a position to reimagine e-rate for schools and public libraries.

President-elect Trump has walked-back from many of his campaign promises, but we anticipate that there will still be huge federal infrastructure spending coming in the early part of 2017. Because the end result of the spending will be local construction and infrastructure jobs in hundreds of congressional districts all around the country, project priorities will be fought over in Washington on both sides of the aisle. Local library facilities and infrastructure projects like remodeling, upgrades and renovations, and construction should be included in any investment and infrastructure spending bill. We would be wise to recall that when the American Reinvestment and Recovery Act of 2008 passed during the depths of the recession, the bill was intended to rapidly start spending federal money on local projects. The new Obama administration set up rules for infrastructure spending that were focused on "shovel ready" projects. But there was a significant lack of "shovel ready" library projects at the time, so very little money was spent in local communities on library construction and upgrades from that bill. If libraries do not attempt to be a part of any new federal infrastructure and stimulus programs to build 21st century libraries in 2017, we are missing another critical opportunity. The money will go elsewhere if libraries are not involved in this current negotiation.

## Speaker Ryan and Congress

The Trump administration is not governing alone in Washington. Speaker Paul Ryan will advance a budget



framework that shrinks the federal government, reframes federal spending priorities, and reimagines the tax code. He outlines his approach to evidence-based policymaking in *A Better Way*, his agenda and “vision for a confident America.” In it, he proposes a series of significant changes to the way federal programs are authorized or reauthorized. If implemented, core programs that provide supplemental funding for state and local education programs, poverty programs, food and nutrition programs, and workforce development programs will be drastically changed or cut. Like the President-Elect, the Speaker is interested in removing regulations and rules that are “barriers to economic prosperity.” This free market, anti-regulatory approach is a key part of the Koch Brother’s agenda as well.

The rhetoric within his *A Better Way* plan is focused on finding efficiencies by eliminating waste and redundancies. He prefers models for programs that are based on “Pay for Outcomes” and includes “Social Impact Funding” as a potential new way to do public-private partnerships. For libraries, this means a greater attention to measuring, tracking, and reporting outcomes. Without data about current impacts we cannot expect our history of success to carry us very far. Speaker Ryan has advanced the creation of a new federal Commission on Evidence-Based Planning. When the rubric used to evaluate a program is “return on investment” or “most bang for the buck,” programs that impact a small population can be easily targeted and axed. We fear that core civil rights and civil liberties protections for minority populations can be weakened in this planning process.

For libraries, a Ryan Budget is full of problems. For the past several fiscal years his budgets have proposed the elimination of the Institute of Museum and Library Services (IMLS) and the zeroing out of federal funding for libraries. If he is successful - in full or in part - this loss of federal aid will further negatively impact state libraries who are using LSTA funds to maintain agency services and personnel, and negatively impact pass-through programs that supplement local taxes or encourage innovation at the local level by libraries. If the perspective of the Speaker of the House is that libraries are not a federal issue and should not be in the budget, we should also expect other parts of federal programs that include libraries and librarians to likewise be under threat.

## What can EveryLibrary Do?

Despite our concerns about what may happen in Washington, EveryLibrary needs to acknowledge that we are not setup to work on Federal issues. The lobbying and policy ecosystem for libraries in Washington D.C. belongs with the American Library Association and its divisions, the Urban Libraries Council, and other national membership organizations for libraries that wish to pick up their federal advocacy and lobby portfolios. EveryLibrary is also expressly forbidden by current IRS code and regulation from supporting or opposing any candidate for office at any level of government. When we have stepped out into federal issues, it has been to provide support to other organizations’ legislative asks. When we donate to state-level candidate-focused PACs like New Yorkers for Better Libraries or Missouri’s Show Me Libraries PAC, it legally must be limited.

As an organization, EveryLibrary has been focused from the start on local and state policy, direct voter contact and education, and funding issues for libraries. In that work, we have been successful partners with dozens of local public library communities as they campaigned for new or renewed funding at the ballot box. We have been advisors to library communities as they negotiated for funding with village, town, city, and county government. Our work has grown to support state library associations on legislative issues like bills that would hamper public library services or impede good library governance, and regulatory issues with state departments of education on school library policy after the passage of ESSA, the Every Student Succeeds Act. Our concerns for the future of libraries touch all levels of government, but our priorities for political action are at the local and state levels by design.

## Focus on Local and State Solutions

We believe that under the new Administration and Congress, policy priorities and budgetary pressure will continue to devolve to states, counties and cities, and local municipalities. As the federal government’s role begins to diminish, states and localities will have to take up the funding and policy slack. Think tanks like the American Enterprise Institute, the Hoover Institute, and the Brookings Institute have been smoothing the way toward a free market Federalist policy framework for years. Libertarian groups like the Tea Party have



advanced and supported candidates who have an “any tax is a bad tax” philosophy of government for years. The Koch Brothers have recently included libraries on the target list of their free market Americans For Prosperity mega-PAC. This approach to shrinking government in favor of a free market will not stop at the Beltway. We have to be prepared to defend libraries’ budgets and possibly even the core argument for why libraries should exist.

### **Libraries as Laboratories of Democracy**

States are often called “Laboratories of Democracy” by folks who want to see more authority returned to their state governments. The idea of a Laboratory should mean that states can effectively experiment with programs and policies to find solutions that are right for their local populations. But state politics have become decidedly more partisan over the last decade, with 42 state legislatures and governors’ offices controlled by the same party. When new policy “lab experiments” like state-level welfare reforms or pre-Obamacare healthcare exchanges worked, they tended to have bipartisan support and were developed in a bipartisan manner. Now, whether it is the five states controlled by democrats or the 37 controlled by republicans, single party states like Kansas and Connecticut are not generating new examples or models for legislation that are palatable across the political spectrum. Governor Brownback and Governor Malloy are running two very different economic and social agendas, and neither is transferable to each other’s local political climate. State ideas are also not going to be scalable as new federal solutions because Washington will be preoccupied over the next four years with its agenda to shrink government.

So if the states are not the best laboratory, then our villages, towns, cities, and counties need to be. Every-Library wants to remind everyone who works in a public library that you work in a unit of government. It is already a laboratory of democracy. We want to support your local laboratory of democracy at the ballot box, in negotiations with municipal funding partners, and as you innovate to solve problems in your communities. Your policies and your budget are not contingent on the Trump Administration any more than they were on the Obama or Bush ones.

We have three ideas we want to explore to preserve and protect the future of libraries, regardless of who is in office in Washington:

#### *Using IGAs and MOUs*

If federal rules and regulations are going to be rolled-back, and if states and local government are going to be given more authority to act, the library community needs to take some inspiration from its greatest historic success for our next “laboratory of democracy” experiment. Interlibrary Loan and resource sharing are radical ways to equalize taxes and create equity across town, city, county, and state borders. Interlibrary Loan is essentially a tax equalization system. Through ILL, public, school, and academic libraries have already figured out an extraordinary way to work within the tax code of their several states to promote library services. Better-off and worse-off libraries have joined together through a series of Inter-governmental Agreements and Memos of Understanding to aggregate and expend tax money across jurisdictional lines. The fact that this framework has existed since the early 1970s should not mean that we have forgotten how to do it again.

If federal resources stop flowing, how do we help secure the equity we all value for school, academic, and public library members of our consortiums and systems? If the federal government won’t lead on equity, how do we use and improve the existing network of IGAs and MOUs to advance a policy and funding formula for all our libraries? It may even be time for us to revisit existing multi-state structures for libraries like the Interstate Library Compact which “[a]uthorizes state, local, and private libraries to enter into agreements for provision of services and utilization of facilities on an interstate basis, including the creation of joint library districts.” The Compact is state-by-state in its authority, but its “eligibility is nationwide in scope.” Over half of our public libraries are independent units of government while others are departments of local government. Our school libraries and academic libraries are in systems, co-ops, and other relationships based on IGAs, MOUs, and contracts. These Interlibrary agreements facilitate cooperation and achieve equity that can be used for other outcomes as well. Agreements like these are not limited to delivery and shared catalogs by law or statute. We see a way forward to work peer-to-peer and across state lines that doesn’t need

the approval or cooperation of the folks in Washington.

### *Running State Ballot Initiatives*

Many statewide propositions, ballot initiatives, and constitutional amendments have come to be because a number of towns, cities, or counties already had approved of the ideas through local ordinances or voter-approved measures. There was momentum and a growing consensus across the state that a change could be achieved through statewide voter action. We have seen that with the minimum wage issues, medical and recreational marijuana measures, food safety and GMO issues, and a host of school funding proposals.

When voters are asked to consider a library measure or referendum, vote at a town hall, or ratify an annual budget at the ballot box, it is the fullest expression of American democracy in action. It may be time for the library community to consider the library as a “general consensus issue” across multiple villages, towns, cities, and counties in their state and propose a state-wide funding mechanism or even a state constitutional amendment about libraries for voters to consider. Currently, only New Mexico offers voters a regular chance to vote on General Obligation Bonds to support construction, renovations, and collections for their public libraries. Only Ohio has a funding formula for libraries built into its basic law. If the national habit of setting policy and funding priorities is becoming more distributed, library communities need to understand and utilize those mechanisms of governance as well.

### *Finding New Revenue Sources*

Library communities need to innovate within their existing local and state policy frameworks and tax codes, but we should also begin to look at new revenue sources to fund their work. We can look at two examples of new revenue sources for inspiration. One is how cities like Philadelphia and San Francisco, and local governments like Cook County in Illinois, have instituted a dedicated tax on sugar sweetened beverages that funds their public health programs. The other is how the state of Colorado allows local governments to allocate a significant portion of sales tax from medical and recreational marijuana sales to fund local priorities.

Are there new approaches to taxation that could fund libraries beyond our existing sources? Are there revenue options already available in state tax codes that a voter-approved measure, or city council or county commission could enact? Likewise, library budgets across a state could benefit from a new approach to revenue by a state legislature or statewide voter-approved proposition. If our states and our towns, cities, and counties are truly laboratories for democracy, the library community needs to start experimenting with our funding formulas.

### **EveryLibrary's Next Steps**

EveryLibrary exists to ensure that thousands of local libraries in diverse communities have the resources they need to help people succeed. Whether it is public libraries going to the ballot, academic librarians serving their campuses for the next generation, or school librarians trying to influence state education policy, EveryLibrary has hope for the future of America's libraries and librarians. We believe that libraries everywhere should have funding to best serve their local communities. We know that the base of library supporters can be grown in Red states and Blue states. And we have a vision that every librarian should have the resources they need to help their communities prosper, their campuses succeed, and their students thrive.

As we look past January 20th, 2017, we are gearing up to support over a dozen public libraries on the ballot and ramping up two new pilot advocacy programs with school library partners. We have already begun the process of identifying and meeting new coalition partners from outside of libraries. Our outreach efforts to the American public about libraries and librarians is reaching thousands of people each month and we hope to have 250,000 on our action-list by the end of the year. Most importantly, we will continue to listen to the library community, our supporters and donors, and to the American electorate. If we are to be successful in our mission to build voter support for libraries it will be because we are bold about our beliefs, open to diverse voices, smart with our resources, and tactical in our approach.

## Andy Woodworth

If you're a librarian that doesn't actively engage in any kind of political advocacy, then you suck.

That seems a bit harsh, right? A sweeping generalization that seeks to unreservedly shame librarian peers into doing something that I think they should be doing. It's short enough to be casually cast off as a provocative tweet, one that seeks to curry favor with other politically savvy librarians while irritating, well, everyone else. Overall, it's a pretty lazy sentiment that does not promote nor suggest action other than "do political things".

But, if you sit and think about it long enough (and I have), a speck of truth resides within that supports such a conclusion. This honest iota is about continued and secure funding, and I'm going to torture an armed forces metaphor to prove it. "An army marches on its stomach" is a phrase attributed to Napoleon, and the core of this sentiment revolves around keeping a force supplied. Whether it was Ghengis Khan, Richard I, Erwin Rommel, the supply line is the vital apparatus that keeps an army with food, water, ammunition, and shelter for campaigns or deployments. Without it, the effectiveness of the forces diminishes as troops are forced to meet those needs themselves or go without.

Your library's funding is your supply line. It keeps the building lights on, heat and AC in the vents, books and movies on the shelves, and a paid staff to maintain and assist your respective community. Without proper funding, a library goes without the elements that aren't absolutely vital to operation (reduced materials, reduced staff, reduced hours) and library effectiveness (aka the 'make a difference' factor) is diminished accordingly. From there, things fall apart at a pace directly related to how long the institution can function on reduced budgets without succumbing to financial collapse.

That's a pretty dire picture, right? That a library doesn't typically die from one giant budget cut, the proverbial financial axe that disembowels the institution in one tumultuous swing, but that it dies from a constant fiscal pruning where less intrusive snips and nicks keep the monetary wounds open and hemorrhaging. And by death, it's a fate far worse than turning out the lights and closing the building but becoming a shadow of what the library once was in the community, a wisp of its former

self in terms of stature and impact. Libraries don't die when they close; they die when they fade from their place in the community tapestry.

Political advocacy is one of the most basic overlooked needs for a library. And it's not rocket science, either. It's about establishing and maintaining good social relationships with the funding body, be it elected officials, taxpayers, college and university administration, or grant organizations (to name a few). At a minimum, this is basic communication between you and that other party. It's a report, a thank you note, a regular face to face meeting, invited tours, or any number of simple ways to share what you do with that other party. You don't even have to like them; you just have to relate that funding is important because it lets you/staff/the library offer "X, Y, and Z" good things to the service population. It's about demonstrating that what you are doing is a mutual benefit to them; that in doing good, you are making them look good.

In the ten or so years I've been in the library world, there has always been a segment of the professional population that has resisted any sort of entry into the political realm. It's built on a couple of false notions. First, that libraries are politically neutral territories, the Switzerland of institutions, and any activity by librarians will jeopardize it. I agree that librarians should be politically neutral when it comes to the curating the collection and assisting people, but that's about it. Librarians should be advocates for the library in the political arena, be it ballot measures, bond initiatives, or budget referendums. To stay silent is institutional suicide and forgoes the fiduciary duty of the librarian to their community to continue to offer services and materials. How is your silence the best way to serve your user base? It's not.

Second, that the effort of political advocacy is not worth it or don't have time to do it. To the former, I can only presume that these people were once children who never asked twice for a cookie, toy, or trip to their favorite place. Quite frankly, it's a cop-out of the worst kind in which the mental math always adds up to "no" rather than ever trying to attempt. While some contexts may prove it true, I'm willing to bet dollars to donuts that most are not. As to the latter, I am aghast at the irresponsibility of such a sentiment. If you do not make time now, you will never

make up that lost time when it counts in the face of a budget resolution or ballot box. It is the small efforts now whose ripples go onward into the future and ensure that there is a library then as there is now.

Third, that you can't do it because you are a government employee. While you do have certain restrictions on what you can say in your official capacity, you have not surrendered all of your First Amendment rights. You can still write and talk as a private citizen and communicate your librarian ideals to elected or appointed officials. I understand that local politics may make even that difficult, but it doesn't prevent you from reaching out on a county, state, or even national level. You can still take action that can influence the broader conversations about libraries. It does make a difference.

Getting back to the start of this commentary, I do believe that people who brush aside political advocacy on behalf

of libraries and librarians do so at their own peril. Not only do they put themselves at risk (be it reduced hours or layoffs), they put their communities at risk of losing vital services and materials. Political advocacy isn't just for your benefit, esteemed reader, but for the people who walk through the doors, sit at computers, read in lounge chairs, and otherwise find succor and purpose within the library walls. These are the steps you take today to ensure a better tomorrow.

Now, go and get on it. Write. Talk. Ask around for help. There are organizations (like EveryLibrary) out there to help you make that connection. You are not alone in your efforts nor your journey.

So, please, pretty please: don't suck.

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*Read more by Andy Woodworth at [agnosticmaybe.wordpress.com](http://agnosticmaybe.wordpress.com)*

## Dara Schmidt, Cedar Rapids Public Library

We're trying to get the community involved every day. We're trying to engage and strengthen our communities. Many of us have amazing stats that say our patrons value our service and our community values the library, but we can't win a vote to save our lives...or our libraries. Our users are not our voters. Non users are making the decisions for us. We have to engage. We should be registering our patrons to vote.

In most cities, voter turnout is rapidly decreasing. Presidential elections see a spike, but that spike is still substantially lower than overall voter turnout used to be overall, particularly in mid-term elections. According to the Knight Foundation, (<http://www.knightfoundation.org/features/votelocal/>) 2014 mid-term election voter turnout was the lowest it has been since WWII, with only 36.3% of eligible voters showing up to the polls. In Cedar Rapids, 16% of our registered voters decided the funding fate of the library during a local odd year election, the only time libraries are allowed to put our levies on the ballot by state law.

As libraries, we often talk about trying to make the library easy for our patrons. In Cedar Rapids, it's on our strategic plan. But what about taking it one step further and making civic engagement easy? Making life easy for our patrons? Making registering to vote as simple as checking a box on a library card application?

Some libraries are making it work, but they are few and far between. Oak Park, Illinois has an amazing program where they have specific staff designated as registrars that allow public library patrons to register to vote at the library. But why not make it easier than that? Why not a check box on a form as easy as becoming an organ donor

at the DMV? Want a library card? Fill out this form. Check this box to also be registered to vote. What if it were just that simple? How much would our landscape change?

Or how about really challenging ourselves and even taking it one step further into universal registration: getting a library card automatically registers you to vote so long as you are eligible. If we want civic engagement, this is how we do it. In our city, which mirrors most, we have over 50% of our population registered for library cards. We have new community members coming to see us on a daily basis, talking about getting to know their new city. We check their IDs, give them a card, a book, and a smile. What if we could give them the tools to be a participant in the life of their community?

Some states are doing this already. Oregon is there and Illinois is giving it a fighting chance. But they have partners like the Department of Motor Vehicles. Not libraries. Not the place that is created for information and civic engagement! We need to step up as an institution and say it should be us. How can we help? Twenty-eight states have Automatic Voter registration in consideration. Find out through the Brennan Center if your state is looking and how you can help: <https://www.brennancenter.org/analysis/automatic-voter-registration>

In most libraries, the requirement to register for a card is a picture ID and proof of address. The same can be said to register to vote. It can't be that hard to make this happen and provide the opportunity for our users to become voters. We're starting conversations with our local officials to try and make it happen. What if you did, too?



## Jill A. Work, Stuart County Day School

In a country where federal legislators find it within their purview to tell teachers how to teach, it is perhaps not surprising that some politicians now want to tell librarians how to do their jobs. In recent years, there have been a number of incidents in which politicians at the local, state, and federal level went well beyond their usual role of controlling the purse strings; they tried instead to legislate specific library policies and procedures, particularly in the area of collection development. These politicians are trying to enforce their views—or views of certain vocal constituents—via legislation or by the threat of firing, while ignoring library best practices.

Examining a number of these recent cases together may shed light as to whether this is a series of isolated occurrences or a disturbing new trend in legislating librarianship. It can also be instructive to see how each of these cases played out and whether the legislation was ultimately passed or defeated.

### Politicizing Library of Congress Subject Headings

One recent case involves Library of Congress subject headings. Rep. Diana Black of Tennessee and the House Appropriations Committee introduced H.R. 4926 in April 2016. The goal of the bill was to prevent the Librarian of Congress from changing the subject heading “illegal alien” to “noncitizen” and “unauthorized immigration” (EveryLibrary, 2016).

#### Background

“The Library of Congress Subject Headings (LCSH) is perhaps the most widely adopted subject indexing language in the world by libraries large and small. LCSH has been actively maintained since 1898 to catalog materials held at the Library of Congress. Proposals for additions and changes are reviewed regularly at staff meetings in the Policy and Standards Division (PSD) and an approved list is published” (Library of Congress, 2015).

The Executive Summary of the proposed bill explains that the PSD, in response to citizen requests, evaluated the subject heading, “illegal aliens.” Finding the term to be frequently misunderstood and to have a “pejorative nature,” the committee decided that the heading “illegal aliens” will therefore be cancelled and replaced by two

headings, “noncitizens” and “unauthorized immigration.” They further concluded that other subject headings that contain the phrases “illegal aliens” or “aliens” would likewise be changed (Library of Congress, 2016).

#### The bill

“Stopping Partisan Policy at the Library of Congress Act: This bill directs the Library of Congress to retain the headings “aliens” and “illegal aliens,” as well as related headings, in the Library of Congress Subject Headings in the same manner as they were in effect during 2015” (114th Congress, 2016).

#### Justifications for the bill

The proponents of the bill cited two major reasons for blocking the Library of Congress terminology change: (1) they believed such a change was only about partisan politics, and (2) they pointed out that such a change would mean that terms used in U.S. legal code and Library of Congress Subject Headings would no longer match. Senator Black released a statement about her reasons for introducing the bill: “This needless policy change by the Library of Congress embodies so much of what taxpayers find enraging about Washington. By trading common-sense language for sanitized political-speak, they are caving to the whims of left-wing special interests and attempting to mask the grave threat that illegal immigration poses to our economy, our national security, and our sovereignty...” (Office of Congressman Diane Black, 2016). Other legislators agreed: Congressman Lamar Smith, Senator Ted Cruz, and Congressman John Culberson sent a letter to the Library of Congress asking them to immediately go back to the “illegal alien” subject headings, because any update “wrongly puts political correctness above the rule of law” (Office of Congressman Lamar Smith, 2016).

Shortly after the bill’s introduction, the Legislative Branch Subcommittee of the House Appropriations Committee countermanded the Library of Congress’ action: “To the extent practicable, the Committee instructs the Library to maintain certain subject headings that reflect terminology used in title 8, United States Code” (Eisgrau, 2016). In other words, the committee decided that current terminology in U.S. legal code should drive the terminology used in Library of Congress Subject Headings.



### *Objections to the bill*

The library's decision to update the subject heading was not, in fact, a policy change. Updating outdated subject headings has been a standard industry practice of the Library of Congress for more than a century. The library advocacy organization EveryLibrary points out that it is common for "archaic" terms such as Negro, Blackface, and Oriental, to be changed to more currently-acceptable terms (EveryLibrary, 2016). The American Library Association (ALA) objected to the Congressional prohibition of the change, pointing out that the system of updating subject heading terms "preserves all prior versions of revised headings" (ALA & ALTCS, 2016). This means that anyone looking up "illegal aliens" would be redirected to the new terms. The ALA also defended the change as a natural evolution that follows common usage, citing a Pew Research Study that showed a decline in the use of the term "illegal aliens" by major U.S. news outlets (ALA & ALTCS, 2016). The ALA also objects to legislators pre-empting library best practices, noting that the process that changed the term was "rigorous, transparent" and "fully consistent with accepted professional cataloging standards and practices" (ALA & ALTCS, 2016).

### *Resolution*

In a variety of media outlets, proponents and opponents of the bill strove to sway opinion and encouraged constituents to write to their Congressmen. The bill was attached to a House Appropriations bill, but ultimately died in the House Committee on House Administration (LegiScan, 2016).

### **Micromanaging the Public Library's Budget**

In another case in 2014, Mayor Jean Stothert of Omaha, Nebraska, wanted to eliminate the local independent library board in order to have mayoral line-item control on how the library's budget is spent.

### *Background*

When Mayor Stothert took office, she began to make good on her promise to cut spending. In a squabble over the library FY 2015 budget, the City Council ultimately sided with the library board in approving the library's request for increased materials funding (Moring, 2014). This affects the city's budget since about two thirds of the library's \$14 million budget is funded through municipal tax revenue (Moring, 2014).

### *The mayor's perspective*

The mayor believes that she—as mayor—should hold ultimate responsibility for finances in any city department, including the library. "You can't have a non-elected group of people who are appointed by the mayor managing taxpayer dollars," according to Stothert. "It's the mayor that's responsible for the taxpayer dollars" (Moring, 2014). The mayor not only wanted cuts to the budget, but also was firm that cuts could not be in personnel or in library hours. As a result, the only segment of the budget that could be cut was materials (Moring, 2014).

### *The library board's perspective*

"Library Board President Mike Meyer said the library system is different from all other city departments for a few reasons: It's the only department with a board of trustees; more of its funding comes from philanthropic support than other departments; state law governs how libraries are run; and the library director isn't listed in the city charter as a Cabinet member" (Moring, 2014). Meyer described the role of a library board member: "As soon as they become a trustee, by the definition of trustee, they have a fiduciary duty to do what's in the best interest of the library," Meyer said. "Not the City of Omaha or the mayor or the City Council" (Moring, 2014).

### *Resolution*

The library board asked for a \$600,000 budget increase for 2015. The mayor said it was \$122,000 too much, and directed the library to make materials cuts. Library supporters protested when the budget came up for vote in City Council, and the Council—in defiance of the mayor—authorized an additional \$175,000 for library materials (Moring, 2014). The mayor, who appoints library board members, stated she will make sure that any future board members are "on the same page" as she is in regard to fiscal responsibility (Moring, 2014).

The battle continued the following year, with the library board saying that a branch might have to be eliminated or hours would have to be cut due to the \$850,000 difference between the library's request and what the mayor was willing to allow for the FY 2016 library budget (KETV7, 2015). The FY 2017 library budget offer from the Mayor included an \$800,000 increase. It was unanimously approved by the library board. After two City Council members unsuccessfully proposed an additional

increase of \$225,000, the City Council also approved the Mayor's original proposal on the library budget (Moring, 2016, July 23).

### **Censorship of Library Collections**

By far, the most common reason that politicians get involved with local library policy is in the area of collection development. The governing bodies want to legislatively censor certain books or types of books, while librarians defend intellectual freedom and the policies already in place for book challenges.

#### **I. Censorship: Parental controls on "explicit" materials**

Virginia HB 516, introduced January 9, 2016 by Virginia State Rep. Steve Landis, sought to implement new parent-centered guidelines regarding school materials deemed sexually explicit (Virginia Law Portal, 2016).

##### *Background*

"It all started with Laura Murphy, a Fairfax County woman who said she was horrified to discover that one of her sons, a high school senior, had been assigned to read the 1988 Pulitzer Prize-winning novel *Beloved* by Nobel laureate Toni Morrison. Murphy felt that this book, along with *The Bluest Eye*, also by Morrison, *Invisible Man* by Ralph Ellison and *The Road* by Cormac McCarthy, were inappropriate for young readers (Portnoy, 2016).

##### *The bill*

"HB 516, Board of Education; policy on sexually explicit instructional material: requires the Board of Education to establish a policy to require each public elementary or secondary school to (i) notify the parent of any student whose teacher reasonably expects to provide instructional material that includes sexually explicit content, (ii) permit the parent of any student to review instructional material that includes sexually explicit content upon request, and (iii) provide, as an alternative to instructional material and related academic activities that include sexually explicit content, non-explicit instructional material and related academic activities to any student whose parent so requests" (Richmond Sunlight, 2016).

##### *Justifications for the bill*

In a state where parents can choose to have their children

exempted from sex education, Murphy felt that parents should also have the choice to opt out of explicit reading materials (Portnoy, 2016).

##### *Objections to the bill*

In his veto, Gov. Terry McAuliffe's objections included: (1) the characterization of the books as "pornographic" was taking the explicit content out of context; i.e., not recognizing literary merit or the books' value as part of a college preparatory program. (2) Many teachers, librarians, and students objected to the bill. (3) Local boards of education are well qualified to determine what materials are suitable for schools. (4) The bill was unnecessary, because the state board of education was already discussing the matter (WRIC Newsroom, 2016).

One element of the bill would require that teachers provide alternative material for the children of parents who object to the content of assigned books. This makes it more difficult for a teacher to plan, teach, and assess learning, and could double the teacher's workload. It would also mean that students are not exposed to many universally acknowledged great authors and classic works of fiction. Some teachers might find the hassle of multiple book lesson plans too great, and would eliminate any highly-contested books from the curriculum, even if the educators feel that the banned books offer more educational value than the replacement books (Howlett, 2016). This would have the effect of "dumbing down" or "watering down" the curriculum.

##### *Resolution*

The bill unanimously passed the state House and Senate. The Governor vetoed it. A subsequent vote to override the veto failed by one vote, so the bill did not become law (LIS.Virginia.gov, n.d.).

##### *Similar cases*

Virginia State Senator Amanda Chase, who supported HB 516, continues to fight against what she deems "explicit" materials in schools. The Chesterfield County Public Schools, where Chase's children are students, published a summer reading list of options for middle and high school students. Some parents objected to some of the books as "pornographic," and the offending titles were removed from the lists. However, the lists included links to other book lists such as Scholastic Books and

Read Kiddo Read, which include some of the removed titles. Chase believes the “pornographic” books should be removed from the libraries and any librarians who recommend such books should be dismissed (Griset, 2016).

In addition to numerous local and state cases, there have also been federal bills introduced to give parents more control over materials and policies in their child’s education. In 2005, federal bill HR 2295, the “Parental Empowerment Act of 2005,” was introduced to tie funding to the use of parent review boards that would evaluate all non-textbook materials for schools, including library books and assigned novels for language arts classes (American Libraries Magazine, 2005). It was not passed. In 2007, 2009, 2011, 2014, 2015, and 2016, proposals for a Parental Rights Amendment, recognizing parents as the primary authority in their child’s education, have come before Congress. The most recent bill, S.J. Res. 36, introduced in June 2016, The most recent bill, S.J. Res. 36, introduced in June 2016, was not enacted while the 114th Congress was in session (GovTrack, 2017).

## **II. Censorship: Prosecuting teachers for using “pornographic” materials**

Kansas SB 56 was introduced January 22, 2015 in the Kansas state senate, and proposed removing barriers to prosecution of public, private, and parochial school teachers whose teaching materials are deemed “pornographic” (Lowry, 2015).

### *Background*

Republican state Sen. Mary Pilcher-Cook introduced the bill after a middle school parent complained about a sex education poster with the topic: “How do people express their sexual feelings?” The poster suggested oral and anal sex and intimate touching in response to the question (Ulin, 2005).

### *The bill*

The bill “amends the state’s existing public morals law by striking an exemption that protects teachers from prosecution for exposing students to ‘harmful material’” (Ulin, 2005).

### *Justifications for the bill*

The supporters of the bill do not want children exposed

to pornography (Lowry, 2015). Rep. Joseph Scapa was concerned that books assigned to students, such as novels by Nobel Prize-winning author Toni Morrison, fit the definition of being “pornographic” (Ulin, 2005). “Sen. Forrest Knox ... said that in society, it’s illegal for a person to show children pornography and that parents should be able to expect that same protection when kids are at school” (Lowry, 2015).

### *Objections to the bill*

Those who oppose the bill are afraid that the broad and ill-defined label of “pornography” might be applied to “many legitimate areas of study” (American Libraries Magazine, 2015). They claimed that teachers could be at risk for teaching standard “controversial works of literature or human biology.” Teachers also question who would make the determination on which works would be considered “pornography” (Lowry, 2015).

### *Resolution*

The bill passed the Senate, but died in the House Committee on Judiciary (2015–2016 Kansas Legislative Sessions, 2016).

## **III. Censorship: Banning gay-themed children’s books in public libraries**

In 2005, Alabama State Rep. Gerald Allen introduced HB 30, designed to prevent any public institution, including public, school, and university libraries, from purchasing any new books by or about LGBTQ individuals (American Libraries Magazine, 2005, Feb. 4). While the law initially included colleges and universities, it was later amended to only cover school and public libraries (Holguin, 2005).

### *Background*

Allen found many books promoting what he called the “homosexual agenda,” and claimed, “It’s not healthy for America, it doesn’t fit what we stand for” (Holguin, 2005).

### *The bill*

HB30 would make it a Class A misdemeanor to purchase, produce, or promote “printed or electronic materials or activities that sanction, recognize, foster, or promote a lifestyle or actions prohibited by the sodomy and sexual misconduct laws of the state” (American Libraries Mag-

azine, 2005, Feb. 4). The bill would prohibit “the use of public funds for the purchase of textbooks or library materials that recognize or promote homosexuality as an acceptable lifestyle” (Sexuality Information and Education Council of the United States [SEICUS], 2005).

### *Justifications for the bill*

Allen claims the bill is about “protecting the hearts and souls and minds of our children” (Holguin, 2005). He does not think it’s appropriate for public institutions serving children to have any materials that suggest “homosexuality is natural” (American Libraries Magazine, 2005, Feb. 4).

### *Objections to the bill*

Opponents call the bill censorship and say it infringes on First Amendment rights. Librarian Donna Schrems explained, “...the idea that we would have a pristine collection that represents one political view, one religious view ... that’s not a library.” Mark Potok of the Southern Poverty Law Center compared the idea to Nazi book burning (Holguin, 2005).

### *Resolution*

There were not enough state legislators present when the bill came up for a vote, so the bill automatically died (Holguin, 2005).

### *Similar case*

In 2006, H.B. 2158 in Oklahoma, introduced by Oklahoma State Rep. Sally Kern, proposed that state library funding of public libraries be limited to those with no books in the kids’ or teen sections promoting gay relationships; such books would be required to be kept in a separate collection accessible only to adults. The review board convened to determine what is “unacceptable” would not include any public librarians (American Library Association, 2006).

## **Conclusion**

These cases are by no means the only legal battles between libraries and politicians. Funding formulas for public libraries regularly appear on legislative agendas. Schools have to advocate to municipal councils and state legislatures to keep school librarians. Library gun policies frequently run afoul of state open-carry and con-

cealed-carry legislation.

However, the cases described in this report demonstrate a disturbing tendency among lawmakers to believe that they have the right to create laws specifically designed to circumvent library policies and procedures; such laws also infringe on First Amendment rights that protect access to information and ideas. These governing bodies would seek to ignore the established library budgetary process in order to dictate line-item spending decisions, would try to preempt a standard cataloging practice by labeling it “partisan,” and would bypass existing book challenge procedures by passing laws against specific books or entire categories of books.

In order to be a nonpartisan source for books and information, libraries must be able to continue to operate independently of partisan politics and must be allowed to follow established library best practices in budgeting, cataloging, collection development, and book challenge procedures. This is an obligation as a public institution charged with providing an unbiased, balanced offering of information and materials. This is a right endowed by the First Amendment that guarantees freedom of speech. And this is an established tradition of libraries as the last, best champions of intellectual freedom.

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### About the Author

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## The Fifty-State Library Survey

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John Chrastka, Executive Director, EveryLibrary

During Midwinter 2016 in Boston, a working group of library organizations met to discuss possible joint projects to benefit the library industry. One foundational project that was identified was to help public libraries better understand what revenue models are available in state and local tax codes. As an industry we lack comprehensive current insights into the legal framework under which libraries can set a tax rates. COSLA, the Chief Officers of State Library Agencies, and EveryLibrary volunteered to conduct a state-by-state survey of library laws covering the various modes of governance and authority to tax exercised by public libraries as either independent districts or within a municipal structure.

Our colleague and EveryLibrary Advisor Kyle Courtney from Harvard Libraries graciously lent his research team to aid in the compilation of this narrative survey of state library laws. We expect that an open data set and a data visualization tool will be forthcoming in 2017 to be hosted on the COSLA website. We expect the results to have many uses across library organizations and for library planning

## Fifty-State Library Survey - Western States

Kyle K. Courtney, Harvard Library Office for Scholarly Communication & Law Advisor to EveryLibrary

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### Alabama

#### Relevant Law

Within Title 11 (Counties and Municipal Corporations) Subtitle 3 (Provisions Applicable to Counties and Municipal Corporations), Chapter 90 covers libraries. Within Title 45 (Local Laws) there are chapters for various counties. Most of these county chapters only have provisions detailing law libraries, but there are a few that mention public libraries. The Alabama Constitution has an amendment authorizing a tax for libraries. The Alabama Constitution also has local amendments that pertain to various counties, and some of these involve library taxation. Libraries can also be found in the municipal ordinances for various cities.

#### Types of Libraries

There are free public libraries established by either a county or a municipality. Political units may also contract for joint library service.

#### I. Free Public Libraries

##### *A. In General (Alabama Code and Constitution)*

Counties' county commissions and municipalities' governing bodies may establish and maintain libraries either separately or in connection with public schools.

The county commissions of the counties of this state and municipalities, through their governing bodies, may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of the respective counties or municipalities, either separately or in connection with public schools, and to that end may accept gifts, donations and bequests of land, buildings or money therefor and may make appropriations from the county or municipal treasury in support thereof in such sums as they may deem proper.

Code of Ala. § 11-90-1

Instead of establishing or maintaining a free public library exclusively for a single county or municipality, any county or municipality's free public library's library may board may contract, on behalf of the political unit it represents, with another political unit, governmental agency, or instrumentality's library board to establish and maintain joint library service under agreed upon terms. If there is no existing public library, the county's county commission or the municipality's governing body has this power to contract

In lieu of establishing or maintaining free public libraries exclusively for a single county or municipality in the manner provided in this chapter, the library board of any county or municipality free public library may contract, in behalf of the political unit represented by such local library board, to and with the library board of another political unit or governmental agency or instrumentality with respect to the establishment or maintenance of joint library service upon such terms as may be agreed upon by the several contracting parties. Where there is no existing public library, the power thus to contract shall vest in the county commission of the county or the governing body of the municipality. Included in the power conferred is the determination of the basis and personnel of representation of the local political units on the joint library board administering the joint library service established under this section. Such board, when appointed, shall have the powers and duties granted by this chapter to county or municipal library boards. County and municipal library boards or joint library boards shall have the power to cooperate with all state and federal agencies and institutions in furtherance of the purpose of this chapter, and all municipal, county and joint library boards shall from time to time submit such records and reports as may be required by the public library service; provided, that nothing in this section shall be so construed as to infringe upon any municipal charter provisions governing the administration of existing free public libraries.

Code of Ala. § 11-90-4

The Alabama Constitution authorizes counties or incorporated municipalities within the state that support, jointly support, or propose to support a public library to levy and collect a special tax not exceeding .05 of 1% on the value of the taxable property within the county or municipality, as assessed for state taxation. The tax rate, the time the tax

is to continue, and the tax's purpose must be submitted to a vote of the county or municipality's electors and voted for by a majority. These elections are to be conducted in the same way as elections on special school district tax levies. This tax is in addition to all other authorized taxes.

In addition to all taxes now or hereafter authorized by the Constitution of Alabama, any county or any incorporated municipality within the state which supports, jointly supports, or proposes to support a public **library** is hereby authorized to levy and collect a special tax not exceeding five one hundredths of one per centum on the value of the taxable property within such county or municipality as assessed for state taxation, the proceeds of which shall be used exclusively for public **library** purposes; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for by a majority of those voting at such election. Elections under this amendment shall be called, held and conducted in the same way as elections on special school district tax levies.

Alabama Const. Art. XI, Sec. 215.05

## B. Local Amendments in the Alabama Constitution

### 1. Baldwin County

The Alabama Constitution authorizes Baldwin county, or any incorporated municipality within the county that supports, jointly supports, or proposes to support a public library, to levy and collect a special tax not exceeding \$.45 on each \$100 of taxable property within the county or municipality as assessed for state taxation. The tax's levying, rate, and purpose must first be submitted to a vote of the county or municipality's qualified electors and voted for by a majority.

Upon a petition signed by 400+ qualified Baldwin county electors to the Baldwin county commission or a like governing body, or upon a petition signed by 200+ qualified electors of any municipality in the county, the county commission or municipality's governing body must order an election to determine if a special tax for public library purposes will be levied at a rate specified by the county or municipality's governing body.

Elections for additional county taxes for county public library purposes must be held at the same time any other general or special election is held in which the entire county's voters are qualified to vote. Elections for municipal taxes for municipal library purposes must be held at the same time any other municipal election is held.

A. In addition to all taxes now or hereafter authorized by the Constitution of Alabama, including amendment CCLXIX [§215.05], Baldwin county or any incorporated municipality within such county which supports, jointly supports, or proposes to support a public **library** is hereby authorized to levy and collect a special tax of not more than forty-five cents on each one hundred dollars worth of taxable property within such county or municipality as assessed for state taxation. The proceeds of all such taxes shall be used exclusively for public **library** purposes; provided, that the levy of such tax, the rate of such tax and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for by a majority of those voting at such election.

B. Upon petition signed by four hundred or more qualified electors of Baldwin county to the Baldwin county commission or like governing body, or upon a petition signed by two hundred or more qualified electors of any municipality in such county to the governing body of such municipality, the county commission or the governing body of the municipality shall order an election to be held to determine whether a special tax shall be levied at the rate specified by the governing body of such county or municipality for public **library** purposes.

C. Elections under this amendment relative to additional county taxes for county public **library** purposes shall be held at the same time any other general or special election is held in which the voters of the entire county are qualified to vote, and elections under this amendment relative to municipal taxes for municipal **library** purposes shall be held at the same time any other municipal election is held.

D. If authorized by the vote of the majority of the qualified electors voting in any such election called for the purpose, the county or city governing body, as the case may be, shall levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax at the rate prescribed and approved by the electors voting in the election. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than forty-five cents on each one hundred dollars worth of taxable property, then the governing body of the county or city, as the case may be, may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding a total amount of forty-five cents on each one hundred dollars of taxable property, and must call any such election at the next general or special countywide election or next municipal election, as the case may be, next following the receipt of a petition in the manner and form herein prescribed. Provided, however, that not more than one election upon the levy or upon the increase of the rate of the special tax shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of three years, the governing body of the county or city, as the case may be, upon its own original action may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction on the rate thereof, upon the

payment in full of all obligations then outstanding, if any, and when a reduced rate will provide sufficient revenue for the purposes for which the tax was levied. If the majority of electors participating in the election vote in favor of the discontinuance or reduction in the rate of the tax, as the case may be, such discontinuance or reduction shall become effective for the tax year next succeeding the tax year in which such election is held. Provided, that not more than one election for the discontinuance or reduction in the rate of the special tax shall be held during any period of twelve consecutive months. All such elections shall be called, held and conducted in the same manner as are elections proposing the special tax.

Alabama Const. Amend. BALDWIN Cty., Sec. 13

## 2. Chambers County

Chambers County's governing body must, notwithstanding anything in Alabama's constitution or laws to the contrary, levy and collect a special county ad valorem or property tax at the rate of \$.20 on each \$100 of taxable property in the county for a period of ten fiscal (or ad valorem tax) years of the county to be used exclusively for public library purposes. This tax is in addition to any other authorized taxes. Public library purposes include the acquisition, construction, operation, maintenance and support of libraries operated or supported (in whole or in part) by the county, the Chambers County Library Board, or by another similar public or governmental body empowered by Alabama's constitution or laws to operate or support public libraries. Specifically mentioned for inclusion are a public library in the city of Lafayette owned by that city and a public library in the city of Valley now owned by a nonprofit. Public library purposes also include the payment of bonds' principal or interest. The tax must be initially levied, without regard to any law that requires the levying of county taxes during a certain month or on or before a particular date, by the county's governing body so that it first becomes due and payable on the October 1 succeeding the election on the amendment.

The governing body of Chambers County shall, subject to succeeding provisions of this amendment (including those relating to approval by the Chambers County electorate), and notwithstanding anything in the Constitution or laws of Alabama to the contrary, levy and collect a special county ad valorem or property tax at the rate of twenty cents (\$.20) on each one hundred dollars (\$100) of taxable property in said County, for a period of ten fiscal (or ad valorem tax) years of said County. Such tax shall be in addition to any taxes now authorized, or that may hereafter be authorized, by the Constitution and laws of Alabama to be levied and collected in Chambers County or by said governing body.

The proceeds of the aforesaid tax shall be used exclusively for public **library** purposes in Chambers County, including particularly (but without limitation)

(a) the acquisition, construction, reconstruction, improvement, enlargement, equipment, operation, maintenance and support (or any one or more thereof) of

(1) any public **library** or **libraries** operated or supported (whether in whole or in part) by said County, by the Chambers County **Library** Board, or by any other similar public or governmental body empowered, under the Constitution and laws of Alabama, to operate or support public **libraries**, including particularly, but without limiting the generality of the foregoing, (i) that certain public **library** located in the City of Lafayette now owned by the City of Lafayette, and (ii) that certain public **library** located in the City of Valley now owned by a not-for-profit foundation or a not-for-profit corporation, and

(2) any other public **libraries**, branch **libraries** or related public **library** facilities (including, without limitation, one or more buildings and any equipment and lands necessary therefor) located or to be located in Chambers County and forming or to form a part of the public **library** system of said County; and

(b) the payment of principal of or interest (or premium, if any) on any bonds, warrants, notes or other securities (including, without limitation, refunding securities) issued by said County for public **library** purposes in Chambers County; provided, that any public **library**, branch **library** or related public **library** facilities described in the preceding provisions of this amendment shall be owned either by said County, said Chambers County **Library** Board or other public or governmental body, or by a not-for-profit corporation or other similar nonprofit organization (regardless of how denominated or organized); and provided further, (A) that the proceeds of such tax may be expended to pay any costs of constructing, reconstructing, improving or enlarging any additions or improvements to any building or buildings used or to be used (at least in part) by, or in connection with the operation of, the aforesaid public **library** located in the City of Valley, notwithstanding that such building or buildings may also then be used (or may thereafter be used) in part by, or in connection with the operation of, archives or other facilities that are not, and are not expected to be, operated for public **library** purposes, and (B) that none of the proceeds of such tax may be expended to pay any costs of operating, equipping, maintaining or supporting any such facilities that are not, and are not expected to be, operated for public **library** purposes. In expending (or causing to be expended) the proceeds of such tax for the purposes herein authorized, and in otherwise carrying out the purposes of this amendment, the governing body of Chambers County shall not be subject to the provisions of Sections 93 and 94 of the Constitution, as amended.

If this amendment is approved, and if a majority of the qualified electors of Chambers County who vote at the election thereon vote in favor of this amendment, then the tax hereinabove authorized shall be levied and collected as hereinabove provided, without any other election having been held thereon. However, if this amendment is approved but a majority of the qualified electors of Chambers County who vote at the election thereon vote against it, then such tax shall not be levied unless the question of the levy of such tax as hereinabove provided shall have been submitted to a vote of the qualified electors of said County and approved by a majority of those

voting at such election; and such tax shall, upon such approval, be levied and collected as hereinabove provided. Subsequent elections may be held at intervals of not less than one year, and shall be called, held and conducted in the same way, according to the general laws of Alabama (with such modifications as shall be necessary to comply with the provisions of this amendment), as elections on the question of issuing county bonds. Following the approval of the Chambers County electorate (whether at the election on this amendment or at a subsequent county election as hereinabove provided), the tax herein authorized shall, to the fullest extent consistent with the efficient and practical administration of the tax system of Chambers County and without regard to any law otherwise requiring the levy of county taxes during a certain month or on or before a particular date, be initially levied by the governing body of said County so that it shall first become due and payable on the October 1 next succeeding such election.

The provisions of this amendment are and shall be self-executing, and authorization from or any other action by the legislature shall not be a prerequisite to the levy and collection of the tax herein authorized, to the use of the proceeds of such tax as herein provided, or to the call, holding or conduct of any election in said County as hereinabove provided for. It is hereby specifically declared that this amendment is not being proposed pursuant to the provisions of that certain amendment to the Constitution (known as Amendment No. 425 [§284.01]) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and the provisions of the said Amendment No. 425 [§284.01] are hereby declared to be inapplicable to this amendment.

Alabama Const. Amend. CHAMBERS Cty., Sec. 6

A subsequent section provides that Chambers County's governing body must continue to levy and provide for this special county ad valorem tax at the existing rate of \$.20 on each \$100 of taxable property in the county for an additional ten years from October 1, 2003 to September 30, 2013.

(a) Subject to the succeeding provisions of this amendment, the governing body of Chambers County shall continue to levy and provide for the collection of the special county ad valorem tax authorized by Amendment 554 [Chambers County §?6] of this constitution at the existing rate of 20 cents (\$.20) on each one hundred dollars (\$100) of taxable property in the county for an additional 10 years commencing on October 1, 2003, and expiring on September 30, 2013.

(b) The proceeds from the ad valorem tax which shall continue to be levied under subsection (a) of this amendment shall continue to be used for public **library** purposes in Chambers County in the same manner prescribed in subsections (a) and (b) of Amendment 554 of the Constitution of Alabama of 1901 [Chambers County §?6], for the use of the ad valorem tax proceeds collected pursuant to Amendment 554 [Chambers County §?6].

(c) The provisions of this amendment shall be self-executing and no further referendum or action by the Legislature shall be a prerequisite to continuing the levy and collection of the tax herein authorized. The county governing body shall provide for the administration and collection of the tax

Alabama Const. Amend. CHAMBERS Cty., Sec. 7

A final section provides that Chambers County's governing body must continue to levy and collect this special library tax for each fiscal or tax year including and until the fiscal or tax year beginning October 1, 2032 and ending September 30, 2033.

(a) As used in this amendment, the following defined terms apply:

(1) **Constitution.** — The Constitution of Alabama of 1901, as amended, now appearing as the Official Recompilation of the Constitution Alabama of 1901, as amended.

(2) **Special library tax.** — That certain additional special county ad valorem or property tax which is authorized by the Special Tax Amendments to be levied at the rate of twenty cents (\$.20) on each one hundred dollars (\$100) of taxable property in Chambers County.

(3) **Special tax amendments.** — Amendment No. 554 of the Constitution of Alabama of 1901, now appearing as Section 6 of Chambers County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, which may be referred to as Chambers County Section 6; and Amendment No. 721 to the Constitution of Alabama of 1901, now appearing as Section 7 of Chambers County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, which may be referred to as Chambers County Section 7.

(b) Notwithstanding any provision to the contrary in either of the Special Tax Amendments, the governing body of Chambers County shall continue to levy and collect the Special **Library** Tax in and for each fiscal or tax year of the county until and including the fiscal or tax year beginning on October 1, 2032, and ending on September 30, 2033, and for which county taxes shall become due and payable on October 1, 2033.

(c) Notwithstanding any provision to the contrary in either of the Special Tax Amendments, none of the proceeds of the Special **Library** Tax may be used or expended, whether directly or indirectly, to pay any costs or expenses incurred, whether by the governing body of Chambers County or by any other person, in connection with the levy and collection of the Special **Library** Tax or to reimburse the governing body or any other person for any payment, by the governing body or any other person, of any such costs or expenses; and the governing body shall have no power to provide for the payment of any such costs or expenses out of the proceeds of the Special **Library** Tax.

(d) Except to the extent provided in this amendment, the levy and collection of the Special **Library** Tax, and the use and expenditure of the proceeds thereof, shall continue to be subject to all applicable provisions of each of the Special Tax Amendments. Nothing in this amendment shall be construed to permit any increase in the rate at which the Special **Library** Tax is levied.

(e) The provisions of this amendment are self-executing, and authorization from or any other action by the Legislature shall not be a



prerequisite to the continued levy and collection of the Special **Library** Tax, or to the use or expenditure of the proceeds thereof. Notwithstanding any contrary provision of either Section 104 or Section 105 of the Constitution, the Legislature shall have the power to enact general, special, or local laws supplemental hereto or in futherance [sic] of the purposes hereof; provided, that no such special or local law shall be subject to the provision of Section 106 of the Constitution.

Alabama Const. Amend. CHAMBERS Cty., Sec. 7.10

### 3. Morgan County

The Alabama Constitution gives the court of county commissioners, board of revenue, or like governing body of Morgan county the power to levy and collect a special property tax (in addition to all other taxes) for library purposes not exceeding 5 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the previous year. The tax, its purpose(s), and the time the tax is proposed to be continued must be submitted to the vote of the county's qualified electors and voted for by a majority. Such an election must be conducted in the same way as elections on special school district tax levies.

The court of county commissioners, board of revenue or like governing body of Morgan county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 5 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for purposes of **library** service; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Elections under this amendment shall be called, held and conducted in the same way as elections on special school district tax levies.

Alabama Const. Amend. MORGAN Cty., Sec. 14

## C. Specific counties in Title 45 (Local Laws)<sup>1</sup>

### 1. Etowah County

The Etowah County Library Committee may expend funds from a one-cent sales tax for library maintenance and operation.

(a) This section shall be operative only in Etowah County.

(b) There is created the Etowah County **Library** Committee which shall have all authority as to the expenditure of funds received from the one cent (\$.01) sales tax which is provided by Section 45-28-244.01. The funds shall be used only for the maintenance and operation of **libraries**, the purchase of books and other related supplies for the **libraries**, professional services, and expenditures for capital improvements, down payments for capital improvements, payment of architectural and engineering fees, and other capital expenditures

(c) The committee shall be composed of five members, four of whom shall be appointed by the county legislative delegation, and the fifth member who shall not have voting privileges shall be the Etowah County Administrator. Each member of the committee shall serve for four years, and vacancies on the committee shall be filled by the appointing authority. The committee shall be appointed within 90 days after July 12, 1995. The first meeting of the committee shall be set by the Etowah County Administrator. Thereafter, the committee may meet as provided in its bylaws.

(d) The committee shall not spend any funds received from the sales tax to pay any compensation to the members of the committee. The county commission shall provide a secretary for the committee and pay the salary of the secretary.

Code of Ala. § 45-28-30

## Municipal Ordinances

Alabama has scant municipal ordinances addressing libraries. One is included below.

### 1. Homewood

For the tax year beginning October 1, 2013, in addition to the levies for general municipal purposes and school purposes, there is levied on all property – real and personal – and franchises within the city limits and subject to state taxation, an additional 4.5 mills tax of the assessed value of the taxable property, as assessed for state and county taxes as shown on the county tax assessor's assessment books for the state and county tax year ending September 30,

<sup>1</sup> Within Title 45 there are chapters for various counties. However, most of these county chapters seem to only cover law libraries. The few exceptions are detailed here.



2013. The city council will appropriate the tax proceeds and use them solely for the enumerated purposes, including library construction and maintenance.

For the tax year beginning October 1, 2013, there is levied on all property, real and personal, franchises, within the limits of the city, and subject to taxation by the laws of the state, in addition to the levy for general municipal purposes as provided in section 9-22, and in addition to the levy for school purposes as provided in section 9-23, an additional tax of four and one-half (4.5) mills of the assessed value of taxable property, as assessed for the state and county taxes as shown on the books of assessment of the county tax assessor, for the state and county tax year ending September 30, 2013, the proceeds of such additional tax to be appropriated by the city council, and used solely and exclusively for the erection, construction, building, acquisition and/or the support operation and maintenance, and/or for the purpose of securing the issuance of bonds to defray the cost of erection, enlargement, construction, acquisition, or building of public schools and public school buildings, fire halls, parks, playgrounds and other recreational facilities open to, serving, and used by residents of the city, whether or not such schools and school buildings, fire halls, libraries, swimming pools, parks, playgrounds and other recreational facilities are situated within the city limits of said city, or are under the ownership, control or management of said city, the board of education, or any public authority.

Homewood, Alabama Code of Ordinances Sec. 9-24

## Connecticut

### Relevant Law

Within Title 11 (Libraries and Museums), public libraries are covered in Chapter 190. Connecticut has some relevant municipal ordinances on library establishment and appropriations.

### Types of Libraries

Connecticut does not sharply define different types of libraries, though there are some provisions that specifically mention municipalities. However, public libraries are divided into two groups – principal and nonprincipal. Principal public libraries are those so designated by the local municipal governing board. A municipality may have more than one public library, but may only designate one library as the principal public library.

### I. Public Libraries in General

Any town, city, borough, fire district, or incorporated school district may, by ordinance, establish and maintain a public library.

Any town, city, borough, fire district or incorporated school district may, by ordinance, establish a public library and may expend such sums of money as may be necessary to purchase land for a suitable site and to provide and maintain such suitable rooms or buildings as may be necessary for such library or for any library which is the property of any corporation without capital stock or for any public library established in such municipality, provided the use of such library shall be free to its inhabitants under such regulations as its trustees prescribe. Any such municipality may receive, hold and manage any devise, bequest or gift for the establishment, increase or maintenance of any such library within its limits and may retire with a pension or other reward any employee of any such library.

Conn. Gen. Stat. § 11-20

There are principal and nonprincipal public libraries. Principal public libraries are those so designated by the local municipal governing board. A municipality may have more than one public library, but may only designate one library as the principal public library. A principal public library may be designated for more than one town if it meets conditions established and approved by the State Library Board.

(a) As used in sections 11-24b, 11-24c and 11-31a:

- (1) "Board" means the State Library Board.
- (2) "Public library" means a library that serves its residents through its outlet or outlets without charging a borrower's card fee and which receives its financial support in whole or in part from local tax funds.
- (3) "Principal public library" means the public library which has been so designated by the local municipal governing board.
- (4) "Local funds" means moneys received by a public library from any source, public or private, excluding state or federal grants.
- (5) "General library purposes" means all functions of a public library, including the purchase of land or the construction, alteration or remodeling of buildings.

(b) A municipality may have more than one public library, but may designate only one library as its principal public library. A principal public library may be designated for more than one town if it meets conditions established and approved by the State Library Board. In any town or municipality where there are multiple libraries, there shall be a separate board or governing body and a different library

director and staff for each public library. Each public library shall be a separate library facility and there shall be a separate town appropriation to each public library.

(c) Any public library not designated as a principal public library shall be a “nonprincipal public library”. A nonprincipal public library in a municipality may be eligible to receive a state grant, construction cost grant, emergency repair grant or Connecticut grant provided it meets the following conditions: There is a separate board of trustees or governing body for each such nonprincipal public library; there is a different library director and staff for each such library; there is a separate library facility; and there is a separate town appropriation to each such library.

Conn. Gen. Stat. § 11-24a

With the approval of the towns where the libraries are situated, 2+ public libraries’ trustees may contract for the merger – in whole or in part – of library facilities.

The trustees of two or more public libraries may, with the approval of the towns in which such libraries are situated, contract for the merger, in whole or in part, of the facilities of such libraries.

Conn. Gen. Stat. § 11-28

Any state agency, municipality, tax district, or public or private library may contract with any other state agency, municipality, taxing district, or public or private library to provide agreed-upon library services.

Any state agency, municipality, taxing district or public or private library may contract with any other state agency, municipality, taxing district or public or private library to provide or secure such library services as may be agreed upon, which services may include, but need not be limited to, (1) the lending of books and related library materials, (2) the establishment of branch libraries, depositories or bookmobile service and (3) cooperative purchasing and processing of books, recordings, films and related library materials.

Conn. Gen. Stat. § 11-30

Any town, city, borough, fire district, or school district may raise money by taxation and make appropriations for defraying contract or regional library service’s expenses.

Any town, city, borough, fire district or school district may raise money by taxation and make appropriations for defraying the expense of contract or regional library service, and shall be subject to the duties and entitled to the benefits prescribed by this chapter relating to free public libraries in towns or other municipalities.

Conn. Gen. Stat. § 11-31

## II. Provisions Specific to Municipalities

Municipalities’ legislative bodies may establish or operate a public library and reading room, and may annually levy a tax on all taxable property of the municipality for a public library’s establishment or operation. This tax must be levied and collected like other taxes.

The legislative body of any municipality may establish or operate a public library and reading room, together with such kindred apartments and facilities as the legislative body approves; and may levy a tax annually on all taxable property of the municipality for the establishment or operation of a public library. Such tax shall be levied and collected as other taxes, and shall be known as the “library fund”. Such library and reading room shall be free to the use of the inhabitants of the city, subject to such reasonable rules and regulations as the board of trustees may adopt in order to render the use of the library and reading room of the greatest benefit. Such board may exclude from the use of such library and reading room any person who wilfully violates such rules, and may extend its privileges to persons residing in this state outside the city upon such terms and conditions as it may prescribe.

Conn. Gen. Stat. § 11-32

If fifty electors of any municipality petition the municipality’s clerk asking that an annual tax be levied for a free public library and reading room’s establishment or operation in the municipality and specify a rate of taxation not exceeding three mills on the dollar, the clerk must, in the next legal notice of the regular municipal election in the municipality, give notice that at the election the question of an annual tax for a library’s establishment or operation will be voted upon. The notice and the question must specify the tax rate in the petition. If a majority favors the question, the tax must then be levied and collected in the same manner as the municipality’s other general taxes. This tax may later be increased or decreased within the three-mill limit, or made to cease, if the municipality’s electors so determine by majority vote at any regular municipal election.

When fifty electors of any municipality present a petition to the clerk of such municipality, asking that an annual tax be levied for the establishment or operation of a free public library and reading room in such municipality, and specify in their petition a rate of taxation, not to exceed three mills on the dollar, such clerk shall, in the next legal notice of the regular municipal election in such municipality, give notice that at such election the question of an annual tax for the establishment or operation of a library is to be voted upon in the manner prescribed in section 9-369. The designation of such question on the voting tabulator ballot shall be "Shall a .... mill tax be levied to establish a free public library and reading room?" or "Shall a .... mill tax be levied to operate a free public library and reading room?". Such notice and such designation of the question on the voting tabulator ballot shall specify the rate of taxation mentioned in such petition. If, upon the official determination of the result of such vote, it appears that a majority of all the votes upon such question are in approval of such question, the tax specified in such notice shall be levied and collected in the same manner as other general taxes of such municipality and shall be known as the "library fund". All moneys collected and received by the levy of such tax shall be placed in the treasury of such municipality, to the credit of its library fund, and shall be kept separate from other moneys of the municipality and shall be drawn upon by the proper officers of the municipality, upon duly authenticated vouchers of the library's trustees. Such tax may afterwards be lessened or increased within the three-mill limit, or made to cease, in case the electors of any such municipality so determine by a majority vote at any regular municipal election held therein, in the manner hereinbefore prescribed for voting upon such question. When a free public library and reading room is established pursuant to this section, the corporate authorities of such municipality may exercise the same powers relative to such free public library and reading room as are conferred upon the corporate authorities of municipalities pursuant to section 11-33.

Conn. Gen. Stat. § 11-36

## Municipal Ordinances

Connecticut has some municipal ordinances relating to library establishment. Some provide funding levels.

### *A. Ansonia*

The City of Ansonia may maintain a public library with a reading room for its inhabitants' free use.

The City of Ansonia may maintain a public **library** with a reading room connected therewith, with such kindred and incidental conveniences as it may deem proper, the use of which, under proper regulations, shall be free to its inhabitants.

Ansonia, Connecticut Code of Ordinances Sec. 77

The City of Ansonia's board of apportionment and taxation must annually appropriate money, not less than \$3000, for the public library's care, maintenance and support, and from time to time, may appropriate an additional sum for building purposes as deemed reasonable.

The board of apportionment and taxation of the City of Ansonia shall annually appropriate a sum of money, not less than three thousand dollars, for the care, maintenance, and support of said public library, and may from time to time, appropriate, in addition thereto, sums of money for building purposes, repairs, or improvements in real estate and fixtures, which in its discretion it may deem reasonable. All moneys, which have been or shall be appropriated by said city for library purposes, shall by the treasurer of said city, be paid over to the treasurer appointed by the board of library directors. No payments shall be made by said treasurer appointed by said board of library directors, except upon bills or orders approved in such manner as may be provided in the by-laws, and all bills and vouchers for expenses incurred shall be kept on file as may be provided in the by-laws, and shall be subject to inspection by the mayor, the city treasurer, the corporation counsel, and any member of the board of directors of said library. The board of directors of said library shall not, on account of city appropriations or as chargeable thereto, expend any money in excess of the money therefor appropriated by said board of apportionment and taxation for the use of said library; except, however, that any funds not derived from city appropriations may be expended to such an amount and for such purposes as said board of directors shall deem that the interests of said library may require.

Ansonia, Connecticut Code of Ordinances Sec. 81

### *B. Berlin*

The Berlin-Peck Memorial Library, a public library in the Town of Berlin, is established in accordance with the Kensington Library Society's unrestricted gift.

There is established a public library in the Town of Berlin known as the Berlin-Peck Memorial Library in accordance with the restricted gift of the Kensington Library Society and G.S. ch. 190, as amended. There shall be a library board consisting of nine members to be appointed by the executive board, three of which appointments shall be made from nominations made by the Kensington Library Society.

Berlin, Connecticut Code of Ordinances Sec. 32-32

### *C. Bridgeport*

There must continue to be a branch public library in each of the two buildings that were erected and equipped with the funds the Carnegie Corporation of New York City provided, and the city must maintain them at a cost of at least \$5000 per year for both branch public libraries and reading rooms, which must be devoted to the free use of the city's inhabitants.

There shall continue to be a branch public library and reading room in each of the two buildings heretofore erected and equipped from funds provided by the Carnegie Corporation of New York City, which shall be maintained by the city at a cost of not less than five thousand dollars (\$5,000.00) per year for both of such branch public libraries and reading rooms and shall be devoted to the free use of the inhabitants of the city.

Bridgeport, Connecticut Code of Ordinances Sec. 2.112.050

To provide for the expenses of maintaining the city's public library and reading rum, a tax of 2.33 mills must be levied and collected like other city taxes.

To provide for the expenses of the maintenance of the city's public library and reading room, a tax of two and thirty-three hundredths (2.33) mills shall be levied and collected in the same manner as other city taxes and shall be known as the library fund.

Bridgeport, Connecticut Code of Ordinances Sec. 2.112.060

#### ***D. Glastonbury***

A public library is established to be free to all the town's inhabitants.

A public library is hereby established, which shall, under the proper regulations to be adopted by the directors, be free to all inhabitants of the town.

Glastonbury, Connecticut Code of Ordinances Sec. 10.

#### ***D. Seymour***

The town establishes a public library for its inhabitants' free use.

The town hereby establishes a public library, the use of which under proper regulations shall be free to its inhabitants.

Seymour, Connecticut Code of Ordinances Sec. 12-16

#### ***E. Southbury***

The town establishes a public library.

The town hereby establishes a public library pursuant to the authority of section 11-20 of the General Statutes and in accordance with the provisions of such statute. The management of such library shall be vested in a board of directors consisting of six (6) members and a panel of three (3) alternates to be appointed for four-year terms. Such board shall have such powers and duties and perform such functions as are prescribed by chapter 190 (section 11-20 et seq.) of the General Statutes.

Southbury, Connecticut Code of Ordinances Sec. 11-1

#### ***F. South Windsor***

The South Windsor Public Library, a public library, is established for the free use of the town's inhabitants.

(a) A public library is established to be called the South Windsor Public Library, which shall under the proper regulations to be adopted by the directors be free to all the inhabitants of the town.

(b) The town treasurer is authorized to receive such sums as may from time to time be paid to the town for library purposes and to pay the sums upon order of the public library directors.

South Windsor, Connecticut Code of Ordinances Sec. 66-1

#### ***G. Trumbull***

There must be a public library in the town.

There shall be a public library in the Town in accordance with and pursuant to section 11-20 of the General Statutes.

Trumbull, Connecticut Code of Ordinances Sec. 2-5

## Delaware

### Relevant Law

Libraries are found in Title 9 (Counties) under Part I (Provisions Affecting All Counties) Chapter 8. A provision specific to New Castle County is found under Part II (New Castle County) Chapter 15 (Government of New Castle County) Subchapter III (Authorized Appropriations).<sup>2</sup>

### Types of Libraries

Delaware libraries seem to be exclusive to counties. The statute first covers them generally, but there are then detailed provisions for creating and operating library systems in Kent County. A part applicable only to New Castle County covers libraries there. Counties appear to have a choice between a county library system and a library district.

### I. County Libraries

#### *A. In General – County Library Systems or Library Districts*

Each county's government must create a library agency as part of its executive branch. The agency has the power to establish and administer a county library system. Each county may create a countywide library system, or each county may create library districts within the county supported by taxes levied upon real property within the districts. The agency has the power to receive funds by taxation.

(a) The government of each county shall create a **library** agency as a part of the executive branch of county government and, in accordance therewith, shall have the power:

(1) To establish and administer a county **library** system offering to residents of the county access to services and resources and guidance in their use. Each county may create a countywide **library** system offering free and equal access to such services and resources to every resident of the county, or each county may create **library** districts within the county supported by taxes levied upon real property within said districts as provided for in this chapter providing that county residents who are not residents of a **library** district shall have access to such **library** district's services and resources upon payment of a fee set by ordinance of the county;

(2) To receive, by taxation or otherwise, accept, administer and expend any money, materials or other aid granted, appropriated or otherwise provided by local, state or federal governments, or by any source, public or private, in accordance with the terms thereof, for the purposes provided in this chapter;

(3) To perform all other activities pertinent to the organizational function of the **library** agency.

(b) The county executive or President of Levy Court, whichever applies, upon the approval of the county **library** advisory board, may appoint a county **library** administrator who shall be referred to as county librarian, or the county **library** manager in New Castle County, who shall be the administrator of the county **library** agency.

9 Del. C. § 801

#### *B. Subchapter for Kent County*

Kent County may establish a countywide library system or 1+ district library systems by ordinance after a public hearing held after ten days' notice published in a newspaper of general circulation in the county.

Kent County may establish a countywide library system or 1 or more district library systems by ordinance after public hearing held after 10 days' notice published once in a newspaper of general circulation in the County. In the event a district library is created said ordinance shall also create a library commission for each library district to advise the Levy Court on the operation of the district library. This power includes the power to acquire real estate by purchase, gift or devise.

9 Del. C. § 803

If Kent County establishes a countywide library system, its establishment, operation and maintenance costs must be paid from the county's general fund out of general county tax proceeds.

In the event that a countywide library system is established in Kent County, the cost of establishment, maintenance, operation and all other costs thereof shall be paid from the general fund of the County out of general county tax proceeds.

9 Del. C. § 804

<sup>2</sup> There is one other county in Delaware – Sussex County – but its section lacks information about libraries.

If Kent County elects to establish 1+ library districts, it must levy and raise by taxation a special district library tax to establish a library in each district. To maintain and support the library, this sum of money is annually approved in a county governing body's budget. This budget must be adopted at the same time as the annual county budget. Kent County may also create a library district and raise a tax to pay Sussex County or New Castle County's government a contract fee to allow district residents to use a library in Sussex or New Castle Counties.

Should Kent County elect to establish 1 or more library districts within the County, the County shall levy and raise by taxation a special district library tax for the purpose of the establishment of such a library in each district, and for the maintenance and increase and support of the library such sum of money as is annually approved in a budget for such purpose by the county governing body, said budget to be adopted at the same time the annual county budget is adopted. A library district may be created and a tax raised pursuant to this subchapter to raise funds to pay the Sussex or New Castle County government a contract fee to allow residents of said Kent County district the privilege of using a library located in Sussex or New Castle Counties.

9 Del. C. § 805

After the district library budget's adoption, the Kent County Levy Court must fix a district library tax rate(s) – based on the its most recent assessment of the real property in each district – sufficient to raise the budget-determined amount for each county library district.

After the district library budget or budgets have been adopted, the Kent County Levy Court shall fix a district library tax rate or rates based upon the most recent assessment made by them of the real property located in each district sufficient to raise the amount determined to be raised in the budget for each county library district.

9 Del. C. § 806

After the Kent County Levy Court has fixed the district library tax rate(s), it must levy the district library tax(es) on the real property within each library district according to the tax rate(s) applied to the most recent assessment list in the county. The district library tax(es) is in addition to and levied at the same time as the annual county tax.

After the Kent County Levy Court has fixed the district library tax rate or rates, it shall levy the district library tax or taxes on the real property located within each library district according to such tax rate or rates applied to the most recent assessment list in the County. The district library tax or taxes shall be in addition to and levied at the same time as the annual county tax.

9 Del. C. § 807

After levying the district library tax(es), the Kent County Levy Court must promptly deliver each district's duplicate assessment sheet – as prepared and furnished to the county government by the Board of Assessment – to the Receiver of Taxes and County Treasurer to use in collecting the taxes.

Promptly after levying the district library tax or taxes the Kent County Levy Court shall deliver to the Receiver of Taxes and County Treasurer, for his or her use in collecting the taxes, the duplicate assessment list for each library district as prepared and furnished to the county government by the Board of Assessment.

9 Del. C. § 808

At the time of delivering the duplicate assessment lists to the Receiver of Taxes and County Treasurer, attached to each list must be a tax collection warrant executed in accordance with statute. The warrant must be dated as of when the taxes were levied, signed by 2+ Kent County Levy Court officials, sealed with the County seal, and attested by the Clerk of the Peace. The warrants must substantially follow the provided form.

- (a) At the time of delivery of the duplicate assessment lists to the Receiver of Taxes and County Treasurer there shall be attached to each list a tax collection warrant which shall be executed in the manner and substantially in the form prescribed by subsections (b) and (c) of this section.
- (b) Each warrant shall be dated as of the date on which the taxes referred to therein were levied and shall be signed by at least 2 elected officials of the Kent County Levy Court and sealed with the seal of the County and attested by the Clerk of the Peace.
- (c) The warrants shall be substantially in the following form: STATE OF DELAWARE SS. KENT COUNTY To the Receiver of Taxes and County Treasurer of Kent County, greetings: We command you that you collect from the persons named in the duplicate assessment list annexed hereto, for their library district taxes payable to Kent County for the year beginning July first next, .... percent as a rate upon every one hundred dollars on the amount of their respective assessments; and if any person named in the annexed duplicate assessment list shall not pay that person's tax after you have demanded payment, we



command you in such case that you collect the tax, or the part thereof remaining unpaid, with lawful costs, in the manner prescribed by law. And we further command you that you pay the amount which, according to this warrant and the annexed duplicate assessment list you are required to collect, in the manner and within the times appointed by law in this behalf. Hereof fail not at your peril. Given at Dover by the order of Kent County, under the hands of us, members of said county governing body, the ..... day of ....., A.D. .... Seal of Office of the ..... Clerk of Peace ..... Commissioners ATTEST:.....  
 ..... Clerk of the Peace

9 Del. C. § 809

After the duplicate assessment sheets are delivered, the Receiver of Taxes and County Treasurer must collect the district library tax(es) at the same time and in the same manner as the annual general county tax is collected. The tax(es) must be a lien on real property within the library district or districts, the same as the annual county levy tax according to statute.

Thereafter the district library tax or taxes shall be collected by the Receiver of Taxes and County Treasurer at the same time and in the same manner as the annual general county tax is collected according to Title 9, Chapters 86 and 87, and shall be a lien on real property within the county library district or districts the same as the annual county tax levy according to Title 9, Chapters 86 and 87.

9 Del. C. § 810

If bonds have been issued for the library district, the Kent County Levy Court must annually raise by levy and taxation a sufficient sum to pay the bond interest. From time to time, it must also raise by levy and taxation any needed sums to establish a sinking fund to pay bond debt. These sums raised for interest and a sinking fund must be raised in the same manner as the county library tax and are in addition to all other sums any other statute authorizes the County to raise. If the bonds are sold for improvements benefitting a library district, only the real property in that district must be taxed.

Whenever any bond or bonds have been issued under this subchapter, the Kent County Levy Court shall annually raise by levy and taxation a sum sufficient for the payment of the interest on the amount or amounts borrowed and shall likewise raise from time to time by levy and taxation such sum or sums as shall be necessary to establish a sinking fund for the payment of the debt secured by the bond or bonds at or before the maturity thereof. The sums authorized to be raised for interest and for a sinking fund shall be raised in the same manner as the county library tax is raised and shall be in addition to all sums authorized to be raised by the County by any other statute. If the improvements for which bonds are sold are for the benefit of a library district, only the real property in that library district shall be taxed.

9 Del. C. § 818

### *C. Separate Part for New Castle County*

New Castle County's County Council may appropriate public moneys for free public libraries' support and maintenance for the use of New Castle County's residents. The Wilmington Institute – a state corporation – may administer a free library for New Castle County's residents' use outside the City of Wilmington. This is to paid for with funds other than those received from the City of Wilmington. New Castle County's County Council and the Wilmington Institute may also contract with each other and other persons or corporations (whether public or private) for payment toward the maintenance and support of a free library for the use of New Castle County's residents outside the City of Wilmington. New Castle County's County Council may construct and equip free public libraries in New Castle County and to do so may contract for the construction and equipping of public libraries in New Castle County outside of the City of Wilmington. If the County Council issues bonds to fund the library, it must annually appropriate the amount needed to pay the bonds and interest. The County Council may levy an ad valorem tax – without limitation as to the rate or amount – upon all property taxable by the County to raise the needed money for this appropriation.

(a) The County Council of New Castle County may appropriate public moneys toward the maintenance and support of free public **libraries** for the use of the residents of New Castle County and for all purposes incident thereto.

(b) The Wilmington Institute, a corporation of the State, may administer a free **library** for the use of the residents of New Castle County outside of the City of Wilmington, and may perform all functions incident thereto, such functions to be in addition to those now devolving upon the Wilmington Institute under existing laws and to be paid for with other funds than those received from the City of Wilmington.

(c) The County Council of New Castle County and the Wilmington Institute may enter into continuous contracts, pursuant to resolutions of their respective bodies, with each other and with other persons or corporations, whether public or private, respecting payments of money to be made toward the maintenance and support of a free **library** for the use of the residents of New Castle County outside the City of Wilmington.

(d) The County Council of New Castle County may construct and equip free public **libraries** in New Castle County and for said purpose, may acquire land by purchase or gift and may enter into contracts for the construction and equipping of such public **libraries** in New Castle County outside of the City of Wilmington. The County Council may enter into contracts with the Wilmington Institute for the operation and maintenance and support of the said public **library**.

(e) For the purpose of providing funds for the acquisition of land and construction and equipping of the public **library** provided in subsection (d) of this section, the County Council of New Castle County may borrow money upon the faith and credit of New Castle County by issuing bonds notwithstanding any limitation prescribed by this chapter or any other law.

(1) The bonds shall bear interest at such rates, may be in 1 or more series, may bear such dates, may mature at such times not exceeding 20 years from their respective dates, may be payable in such medium of payment, at such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as the resolution or subsequent resolutions provide.

(2) The bonds shall be sold at public sale upon sealed proposals after at least 10 days notice published at least once in a newspaper published in the City of Wilmington. Any of the bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof, at not less than par.

(3) Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the County Council determines may be issued to the purchasers of bonds sold pursuant to this subsection.

(4) The rate of interest may be determined in advance of sale, or the bonds may be offered for sale at a rate of interest to be fixed by the successful bidder for such bonds.

(5) Bonds bearing the signatures of officers in office on the date of the signing thereof shall be valid and binding obligations notwithstanding that before the delivery thereof and payment therefor any or all the persons whose signatures appear thereon have ceased to be officers of the County.

(6) The validity of the bonds shall not be dependent on nor affected by the validity or regularity of any proceeding relating to the matters authorized by subsection (d) of this section. The resolution authorizing the bonds may provide that the bonds shall contain a recital that they are issued pursuant to this chapter, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

(7) The faith and credit of the County are pledged to the payment of any bonds issued by the County under this section. The County Council shall annually appropriate to the payment of such bonds and the interest thereon the amounts required to pay such bonds and interest as the same become due and payable. Notwithstanding the provisions of any other law the County Council may levy an ad valorem tax, with limitation as to rate or amount, upon all property taxable by the County to raise the moneys necessary to meet any such appropriation.

9 Del. C. § 1562

## Florida

### Relevant Law

While Title XVIII (Public Lands and Property) Chapter 257 covers libraries, it only provides information about multicounty libraries.. Title XI (County Organization and Intergovernmental Relations) Chapter 125 (County Government) Part I (County Commissioners: Powers and Duties) also authorizes counties' legislative and governing bodies to create libraries. The state constitution's Article VII (Finance and Taxation) provides some firm limits on county and municipal taxation. These limits are echoed by provisions in Title XIV (Taxation and Finance) Chapter 200 (Determination of Millage). There is also an enacted bill codifying the Merritt Public Library District. Florida is also notable for the expansive library provisions found in its municipalities' codes.

### Types of Libraries

While not all the types are neatly spelled out in the statutes, Florida appears to have city and town libraries, as well as library districts, county libraries, multicounty libraries, and county library systems. Scant information is found in the state statutes regarding city and town libraries, and county library systems, but these types are evidenced in the municipal codes.

### I. Taxation Provisions Relating to Counties, Municipalities and Special Districts

Counties, school districts and municipalities must – and special districts may – levy ad valorem taxes, and they may levy other taxes except ad valorem taxes on intangible personal property and any taxes prohibited by the constitution. Except for those levied to pay bonds and those levied for less than two years when authorized by a vote of the electors who are the owners of freeholds not wholly exempt from taxation, ad valorem taxes mustn't be levied

in excess of specified millages upon the assessed value of real estate and tangible personal property. This includes ten mills for all county purposes and ten mills for all municipal purposes. For special districts, this includes a millage authorized by law and approved by the vote of electors who are owners of freeholds not wholly exempt from taxation. A county furnishing municipal services may, to the extent law authorizes, levy additional taxes within the limits fixed for municipal purposes.

(a) Counties, school districts, and municipalities shall, and special districts may, be authorized by **law** to levy ad valorem taxes and may be authorized by general **law** to levy other taxes, for their respective purposes, except ad valorem taxes on intangible personal property and taxes prohibited by this constitution.

(b) Ad valorem taxes, exclusive of taxes levied for the payment of bonds and taxes levied for periods not longer than two years when authorized by vote of the electors who are the owners of freeholds therein not wholly exempt from taxation, shall not be levied in excess of the following millages upon the assessed value of real estate and tangible personal property: for all county purposes, ten mills; for all municipal purposes, ten mills; for all school purposes, ten mills; for water management purposes for the northwest portion of the state lying west of the line between ranges two and three east, 0.05 mill; for water management purposes for the remaining portions of the state, 1.0 mill; and for all other special districts a millage authorized by **law** approved by vote of the electors who are owners of freeholds therein not wholly exempt from taxation. A county furnishing municipal services may, to the extent authorized by **law**, levy additional taxes within the limits fixed for municipal purposes.

Fla. Const. Art. VII, § 9

Cities or counties that provide both municipal and county services may, as authorized by the state constitution, levy for county, district and municipal purposes a millage of up to twenty mills on the dollar of assessed valuation. For each increase in the county millage above ten mills that's attributable to a home-rule county assuming municipal services, or for each increase in the municipal millage above ten mills that's attributable to a home-rule city assuming county services, there must be a decrease in the millage levied by each and every municipality with service(s) assumed by the county, or county with service(s) assumed by the city. This decrease must equal the cost of the service(s) assumed, so that an amount equaling that cost is eliminated from the budget of the county or city giving up the service(s)'s performance.

Those cities or counties which now or hereafter provide both municipal and county services as authorized under ss. 9-11 and 24 of Art. VIII of the State Constitution of 1885 shall have the right to levy for county, district and municipal purposes a millage up to 20 mills on the dollar of assessed valuation under this section. For each increase in the county millage above 10 mills which is attributable to an assumption of municipal services by a county having home rule, or for each increase in the municipal millage above 10 mills which is attributable to an assumption of county services by a city having home rule, there shall be a decrease in the millage levied by each and every municipality which has a service or services assumed by the county, or by the county which has a service or services assumed by the city. Such decrease shall be equal to the cost of that service or services assumed, so that an amount equal to that cost shall be eliminated from the budget of the county or city giving up the performance of such service or services.

Fla. Stat. § 200.141

Except for voted levies and when provided otherwise by statute, counties may not levy ad valorem tax millage against real property and tangible personal property over ten mills. If the county and dependent districts' proposed millage sum is more than the allowed maximum, the board of county commissioners must reduce the millage to be levied for county officers, departments, divisions, commissions, authorities, and dependent special districts so as not to exceed the maximum. If a county, through a municipal service taxing unit, provides services like those municipalities commonly provide, it may levy – in addition to the otherwise provided millages – an ad valorem tax millage not exceeding ten mills against real property and tangible personal property to pay for these services within the municipal service taxing unit.

(1) Except as otherwise provided herein, no ad valorem tax millage shall be levied against real property and tangible personal property by counties in excess of 10 mills, except for voted levies.

(2) The board of county commissioners shall, in the event the sum of the proposed millage for the county and dependent districts therein is more than the maximum allowed hereunder, reduce the millage to be levied for county officers, departments, divisions, commissions, authorities, and dependent special districts so as not to exceed the maximum millage provided under this section or s. 200.091.

(3) Any county which, through a municipal service taxing unit, provides services or facilities of the kind or type commonly provided by municipalities, may levy, in addition to the millages otherwise provided in this section, against real property and tangible personal property within each such municipal service taxing unit an ad valorem tax millage not in excess of 10 mills to pay for such services or facilities provided with the funds obtained through such levy within such municipal service taxing unit.

Fla. Stat. § 200.071

## II. Multicounty Libraries

Local government units may establish multicounty libraries. For such libraries, local governments may pay money in advance in lump sum from public funds for the provision of library services only.

Units of local government may establish a multicounty library. For a multicounty library, a local government may pay moneys in advance in lump sum from its public funds for the provision of library services only.

Fla. Stat. § 257.171

## III. County Libraries

Counties' legislative and governing bodies have the power to provide libraries and levy and collect taxes both for county purposes and providing municipal services within any municipal service taxing unit. No referendum is required for a county to levy ad valorem taxes, both for county purposes and for providing municipal services within any municipal service taxing unit.

1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

.....

(f) Provide parks, preserves, playgrounds, recreation areas, **libraries**, museums, historical commissions, and other recreation and cultural facilities and programs.

.....

(r) Levy and collect taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit, and special assessments; borrow and expend money; and issue bonds, revenue certificates, and other obligations of indebtedness, which power shall be exercised in such manner, and subject to such limitations, as may be provided by general law. There shall be no referendum required for the levy by a county of ad valorem taxes, both for county purposes and for the providing of municipal services within any municipal service taxing unit.

Fla. Stat. § 125.01

## IV. Public Library Districts

The Merritt Island Public Library District is re-created by statute with specified boundaries.

The Merritt Island Public Library District is re-created and reenacted to read:

[A> SECTION 1. ALL THAT PART OF MERRITT ISLAND, **FLORIDA**, BOUNDED AND AS DESCRIBED AS: <A] [A> ALL THAT PART OF MERRITT ISLAND, LYING SOUTH OF THE SOUTHERLY BOUNDARY LINE OF THE MERRITT ISLAND LAUNCHING AREA, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, AND BOUNDED ON THE EAST BY THE WATERS OF THE BANANA RIVER, AND ON THE WEST BY THE WATERS OF THE INDIAN RIVER, EXCEPTING THEREFROM THE LANDS OF THE PORT CANAVERAL AUTHORITY, <A] [A> IS CREATED INTO A LIBRARY DISTRICT TO BE KNOWN AS THE MERRITT ISLAND PUBLIC LIBRARY DISTRICT, HEREINAFTER REFERRED TO AS "THE DISTRICT." <A]

2005 Fla. ALS 321, 2005 Fla. Laws ch. 321, 2005 Fla. HB 1079

Each year there must be a public hearing – after notice has been published at least once – within the Merritt Island Public Library District so residents living in the district may review the proposed budget. The budget must be funded by the imposition of a tax not over .5 mill on the real and tangible personal property within the district less all such property the state constitution or statutes exempt from taxation. The use is limited to library purposes in the district.

EACH YEAR, A PUBLIC HEARING WITHIN THE DISTRICT MUST ALSO BE HELD AFTER NOTICE HAS BEEN PUBLISHED AT LEAST ONCE, TO GIVE RESIDENTS LIVING WITHIN THE DISTRICT AN OPPORTUNITY TO REVIEW THE PROPOSED BUDGET. THE BUDGET SHALL BE FUNDED BY THE IMPOSITION OF A TAX NOT TO EXCEED ONE-HALF OF 1 MILL ON THE REAL AND TANGIBLE PERSONAL PROPERTY WITHIN THE DISTRICT LESS ALL SUCH PROPERTY EXEMPT FROM TAXATION BY THE CONSTITUTION OR STATUTES OF THE STATE, AND THE USE THEREOF SHALL BE LIMITED TO THE LIBRARY PURPOSES WITHIN THE DISTRICT.

2005 Fla. ALS 321, 2005 Fla. Laws ch. 321, 2005 Fla. HB 1079

Brevard County's board of county commissioners and/or tax assessor must accept the library board's adoption of the library district's annual budget and make a millage assessment on the real and tangible personal property within the district to produce the budget requirements, though the assessment may not be over .5 mill.

[A] SECTION 5. THE ADOPTION BY THE LIBRARY BOARD OF AN ANNUAL BUDGET FOR THE LIBRARY DISTRICT PURSUANT TO SECTION 4 SHALL BE ACCEPTED BY THE BREVARD COUNTY BOARD OF COMMISSIONERS AND/OR THE BREVARD COUNTY TAX ASSESSOR AND A MILLAGE ASSESSMENT ON THE REAL AND TANGIBLE PERSONAL PROPERTY WITHIN THE LIBRARY DISTRICT SHALL BE MADE IN ORDER TO PRODUCE THE REQUIREMENTS SET FORTH IN SAID BUDGET, PROVIDED, HOWEVER, THAT IN NO EVENT SHALL THE ASSESSMENT BE IN EXCESS OF ONE-HALF OF 1 MILL. THE TAX RECEIPTS SHALL BE LIMITED FOR LIBRARY PURPOSES WITHIN THE DISTRICT. <A]

2005 Fla. ALS 321, 2005 Fla. Laws ch. 321, 2005 Fla. HB 1079

Under the state constitution's authority, provisions of Title XIV (Taxation and Finance) Chapter 200 (Determination of Millage) are declared inapplicable to the Merritt Island Public Library District. They don't affect the district's power to levy, assess, collect, and enforce ad valorem taxes provided under general, special, or local laws relating to the district.

[A] SECTION 14. UNDER THE AUTHORITY OF S. 2, ART. XII, AND S. 9(B), ART. VII, OF THE STATE CONSTITUTION, THE PROVISIONS OF SECTIONS 200.071, 200.091, AND 200.141, **FLORIDA** STATUTES, ARE HEREBY DECLARED TO BE INAPPLICABLE TO THE MERRITT ISLAND PUBLIC LIBRARY DISTRICT, AND SAID STATUTORY PROVISIONS SHALL NOT AFFECT THE POWER OF THE MERRITT ISLAND PUBLIC LIBRARY DISTRICT TO LEVY, ASSESS, COLLECT, AND ENFORCE AD VALOREM TAXES AS PROVIDED UNDER ALL GENERAL, SPECIAL, OR LOCAL **LAWS** RELATING TO SAID DISTRICT. <A]

2005 Fla. ALS 321, 2005 Fla. Laws ch. 321, 2005 Fla. HB 1079

## Municipal Ordinances

Florida is notable for its vast array of municipal ordinances pertaining to libraries.

### I. Library Districts and Systems<sup>3</sup>

#### A. Alachua County

The Alachua County library district is created with specified boundaries. It is an independent special taxing district created to provide the only library system services and facilities for all of Alachua County's citizens, excluding the school library system.

(1) *Establishment.* There is hereby created the Alachua County library district, which is an independent special taxing district created for the purpose of providing the only library system services and facilities for all citizens of Alachua County, excluding the school library system, pursuant to this act.

(2) *Boundaries.* The Alachua County library district shall be composed of all areas of Alachua County, Florida.

(3) *Governing board.* The Governing Board of the Alachua County Library District, hereinafter referred to as the "governing board," shall be composed of three members of the Board of County Commissioners of Alachua County, to be selected by the board, two members of the Gainesville City Commission, to be selected by the commission, and one member of the School Board of Alachua County to be selected by the school board, who, when acting together as the governing board, shall sit not as county or city commissioners or school board members, but as members of the governing board of the district.

Alachua County, Florida Code of Ordinances Sec. 223.02

The Alachua County Library District's Governing Board may annually levy an ad valorem tax upon taxable real property in the district in the same manner as other county and municipal ad valorem taxes are levied. This authority is subject to three caveats. First, the millage allocated to the district's annual operating and maintenance expenses mustn't exceed 1.5 mills. Second, the millage allocated to debt service mustn't exceed the amount needed to pay bonds' principal and interest. Third, the millage allocated to capital improvements mustn't exceed 0.5 mill annually until April 1, 2001, and must then be terminated. In any year that the governing body levies ad valorem taxes to

<sup>3</sup> Library districts and systems seem to be grouped together.



service issued debt, the maximum annual capital improvement millage authorized must be reduced by the millage actually levied to service the debt.

The governing board shall have the power to:

(1) Annually levy an ad valorem tax upon taxable real property within the district in the same manner as other county and municipal ad valorem taxes are levied, provided that:

(a) The millage allocated to annual operating and maintenance expenses of the district shall not exceed 1.5 mills.

(b) The millage allocated to debt service shall not exceed the amount necessary to pay the principal of, and interest on, bonds issued under subsections (4) and (5).

(c) The millage allocated to capital improvements shall not exceed 0.5 mill annually until April 1, 2001, and shall then be terminated. During any year in which the governing body levies ad valorem taxes for the purpose of servicing debt issued pursuant to subsection (5) of this section, the maximum annual capital improvement millage authorized by this subsection shall be reduced by the millage actually levied to service such debt.

(2) Purchase, lease, lease-purchase, construct, or otherwise acquire capital projects related to the library services and facilities of the district, and convey such capital projects to the Alachua County Library Board of Trustees in trust for the benefit of the residents in the district. Lease-purchase arrangements may include such contracts and agreements deemed necessary or convenient by the governing board; any rental or other payments required thereunder may be secured by any lawfully available funds of the district.

(3) Appropriate and expend revenue of the district, subject to the limitations of this act.

(4) Issue limited tax bonds, notes, any other certificates of indebtedness, or any form of limited tax or bond anticipation notes or certificates payable from all or any portion of the 0.5 mill capital improvement millage provided for in paragraph (1)(c), but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax or bond anticipation notes or certificates are used to finance or refinance capital projects related to library services or facilities of the district. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the district, but said taxes shall be limited to a maximum levy of 0.5 mill. In issuing such bonds or other forms of indebtedness, the governing board may pledge the faith and credit of the district for service of the debt to be incurred, up to the 0.5 mill limit.

(5) Issue bonds, notes, any other certificates of indebtedness, or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the district, provided that if such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates mature more than 12 months after issuance:

(a) The issuance thereof shall be approved by a majority of the electors voting in a bond referendum conducted pursuant to law; and

(b) The proceeds thereof shall be used only to finance or refinance capital projects related to library services or facilities of the district. Bonds or other forms of indebtedness issued pursuant to this subsection shall be payable from ad valorem taxes to be levied on all taxable property in the district without limitation as to rate or amount. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the district for service of the debt to be incurred.

(6) Issue revenue bonds, notes, including bond anticipation notes, or other certificates of indebtedness payable from the proceeds of any fees, charges, fines, rentals, grants, or other sources of revenue, except ad valorem taxes, which may be or may become available to the district and, in connection therewith, to:

(a) Pledge such revenues to the payment of such revenue bonds, notes, or other certificates of indebtedness;

(b) Make all customary or necessary covenants for the security of such revenue bonds, notes, or other certificates of indebtedness, including covenants to assure the adequacy of such revenues and the proper collection, holding, and disposition thereof;

(c) Agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues, and not to diminish the rate of taxation available therefor;

(d) Capitalize interest and reserves in such amounts as the governing board may deem necessary;

(e) Pay all costs of issuance of such bonds, notes, or other certificates of indebtedness, including fiscal, legal, bond insurance, and printing expenses, from the proceeds of such bonds, notes, or other certificates of indebtedness or other sources; and

(f) Apply the proceeds of said revenue bonds, notes, or other certificates of indebtedness to the payment of the cost of any or all facilities or property, real or personal, including books, which said district is empowered to acquire, including all architectural, legal, engineering, and other professional costs incurred in connection therewith, or to the refunding of previously issued revenue bonds, notes, or other certificates of indebtedness.

(7) Issue such bonds, revenue bonds, tax or bond anticipation notes, or other forms of indebtedness at such interest rate or rates as the governing board may determine appropriate.

(8) Appoint members to the Alachua County Library Board of Trustees as provided in section 5.

(9) Adopt an annual budget for the district and establish service levels which shall meet or exceed the operating standards established by Division of Library Services of the Department of State under authority contained in s. 257.15, Florida Statutes.

(10) Appropriate and convey revenue of the district to the Alachua County Library Board of Trustees for the operation and maintenance of library services and facilities. When so conveyed to the board of trustees, such revenues shall be deemed revenues of the board of trustees, to be expended by the trustees in accordance with the adopted budget and at their discretion pursuant to the powers granted under section 6, subject to limitations contained in section 4.

(11) Adopt a long-range facilities and development plan for the library district, to be known as the "Alachua County Long-Range Library Facilities and Development Plan."

(12) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to library services and facilities. This power of eminent domain shall not extend to property owned by any municipality.

(13) Provide for the management, administration, operation, supervision, oversight, and maintenance of all library facilities, and the services, programs, and functions thereof, for the benefit of the residents of the Alachua County Library District.

(14) Purchase, lease, or otherwise acquire real and personal property, and generally take all other actions regarding such property as may be necessary in the prudent management, operation, and maintenance of library district services and facilities. However, all property, real or personal, acquired by the Alachua County Library Board of Trustees, from whatever source or by whatever means, shall be deemed to be held in trust for the benefit of the residents of the district for library purposes. If the Legislature should ever rescind or dissolve, for whatever reason, all right, title, and interest of the trustees in all property then owned by the trustees, such right, title, and interest shall revert automatically to the governing board, or its successor, to be held in trust for the benefit of the residents of the district for library purposes.

(15) Dispose of personal property as necessary for the prudent management, operation, and maintenance of library services and facilities.

(16) Provide for the employment of personnel and all matters relative thereto through the development of a personnel system structured to the operation and development of a library district in accordance with current Alachua County Personnel Regulations.

(17) Retain attorneys, accountants, architects, engineers, and other consultants and professionals, pursuant to applicable general law.

(18) Contract with any county, city, or other public body for the provision of library services within or outside the district, provided that library services outside the district shall not be subsidized by the ad valorem revenues of the district.

(19) Apply for and accept any grant of money or property from any governmental body or private organization and enter into contracts incidental thereto.

(20) Adopt rules for the regulation of its affairs and the conduct of its business and perform all other acts necessary to enable the governing board to properly carry out the purposes of this act.

Alachua County, Florida Code of Ordinances Sec. 223.03

### ***B. Bradford County***

A county library system is reenacted and established in Bradford County. The system is comprised of all libraries and related facilities the board of county commissioners incorporates into it.

There is hereby reenacted and established in the county a county library system, which system shall be composed of all libraries and related facilities, which may from time to time be incorporated into the system by the board of county commissioners. The board of county commissioners is hereby designated as the single library administrative unit and governing body responsible for providing public library service to county residents. As such, the board retains the authority to adopt plans, policies and budgets, hire the library director and enter into contracts on behalf of the library.

Bradford County, Florida Code of Ordinances Sec. 50-32

### ***C. Broward County***

The Libraries Division encourages Broward County municipalities to join the countywide library system and assume operational responsibility for existing municipal libraries, when the city requests such an arrangement, provided the library is consistent with the countywide plan and budget-feasible. When feasible, the Libraries Division procures necessary contracts with cities to establish the county's operational responsibility for city libraries and the city turnover of library materials to the county.

The Libraries Division shall:

- a. Assure that Broward County has ongoing cost effective and efficient services of libraries.
- b. Establish a program for not less than an annual review of all fees and assessments approved for the Division; assure maximum recovery of actual costs of providing the services for which fees and assessments are charged; and provide for establishment of new fees and assessment charges for appropriate services.
- c. Carry out the Division's approved mission, which is as follows: The Broward County Library's mission is to provide in a cost effective manner a full range of quality library services to its diverse community. The library is committed to provide free, convenient, and equal access to information in useful formats; to create environments that foster life-long learning, personal enrichment, and a literate society; and to strengthen information partnerships through resource sharing and activity promoting library services, programs, and materials to the community.
- d. Provide liaison and administrative support to the Broward County Library Advisory Board toward the end of stimulating increased awareness and use of library resources in Broward County, developing new uses for library resources and services, and increasing the percentage of Broward population which uses the library resources.
- e. Provide liaison and administrative support to the Historical Commission in furtherance of increasing awareness and access to the County's historical resources, developing new venues for the Historical Commission's exhibits, and expanding the electronic availability of historical resources.
- f. Give effect to approved plans for the construction, operation, and maintenance of libraries throughout the County.
- g. Encourage Broward municipalities to join the countywide library system and assume operational responsibility for existing municipal libraries, when the city requests such an arrangement, provided the library is consistent with the countywide plan and is budget feasible. Procure all necessary contracts with cities, when feasible, to establish the County's operational responsibility for city libraries, the city turnover of library materials to the County, and city lease arrangements or turnover of library buildings to the County.....

Broward County, Florida Administrative Code Sec. 13.81

#### ***D. Citrus County***

There is a special taxing district for the unincorporated areas of Citrus County, as well as for the incorporated areas upon the municipal governing body's approval. A Resolution of Consent serves as proof of municipal governing bodies' approval. The board of county commissioners will have a millage levy levied against all property in the county's unincorporated areas, as well as in the incorporated areas upon the approval of the incorporated area's governing board, not exceeding one-third mill of ad valorem taxes against assessed property to fund public library services and improve the county's libraries.

(a) There is hereby created pursuant to the authority of F.S. 125.01(5)(a), (5)(c) a special taxing district for the unincorporated areas of Citrus County, Florida, and the incorporated areas of Citrus County upon approval of the municipal governing body pursuant to F.S. 125.01(5)(a). The proof of approval of municipal governing bodies shall be by a Resolution of Consent as defined in section 90-601.

(b) The board of county commissioners shall cause to be levied against all property located within the unincorporated areas of the county and the incorporated areas upon approval of the governing board of such incorporated areas a millage levy not to exceed one-third mill of ad valorem taxes against assessed property to provide funding for public library services and the cost of improving libraries in the county.

Citrus County, Florida Code of Ordinances Sec. 90-602

The ad valorem tax must be levied and collected like county ad valorem taxes. The board of county commissioners must annually certify the millage to be levied for the county special library district to the county's property appraiser.

The ad valorem tax provided for in this article shall be levied and collected in the manner provided for the levy and collection of county ad valorem taxes. The board of county commissioners shall certify annually to the property appraiser of the county the millage to be levied for the county special library district. Taxes collected shall be remitted by the county tax collector to the clerk of the circuit court in and for the county, who shall be the ex officio clerk and treasurer for the county special library district.

Citrus County, Florida Code of Ordinances Sec. 90-607

#### ***E. Cocoa Beach***

The Cocoa Beach Public Library is established within the city under the state's laws and city's charter, and in contract with the Brevard County Free Public Library District.

There is hereby established within the city under the laws of the state and charter of the city and in contract with the Brevard County Free Public Library District, a free public library for the use and enjoyment of the citizens and residents of the city and adjacent areas, which shall be known and designated as "The Cocoa Beach Public Library."

Cocoa Beach, Florida Code of Ordinances Sec. 12-1

#### ***F. Hernando County***

A county public library system is recreated and established in Hernando County. It will be composed of all libraries and related facilities the board of county commissioners incorporates into the system.

There is hereby recreated and established in Hernando County, Florida, a county public library system, which system shall be composed of all libraries and related facilities which may, from time to time, be incorporated into the system by the board of county commissioners. The board of county commissioners is hereby designated as the single library administrative unit and governing body responsible for providing public library service to Hernando County residents. As such, the commission retains the authority to adopt plans and budgets, hire the library services manager, and enter into contracts on behalf of the library. The head of the county public library system shall be the library services manager, who shall report to and be under the direct supervision of the division director, county administrator, or designee.

Hernando County, Florida Code of Ordinances Sec. 17-41

#### ***G. Jacksonville***

There is a free public library system established in Jacksonville.

There is established in the City a free public library system for the use and enjoyment of the residents of the City. The library system shall be administered by the Board of Library Trustees (hereinafter referred to as the *Board*) created by Chapter 90. The library system

shall be composed of the books, documents, pictures, audio and video tapes, compact discs, periodicals, manuscripts, and other informational formats as well as the various library services offered by the Board from time to time.

Jacksonville, Florida Code of Ordinances Sec. 662.101

### *H. Lake County*

The Lake County Library System is created. This countywide library system may be composed of municipal, nonprofit, and education-based libraries that meet the Board of County Commissioners' minimum standards and enter into agreements with the Board for a countywide library system's operation.

(a) There is hereby created a countywide library system which may be composed of municipal, nonprofit, and education-based libraries which meet minimum standards of the Board of County Commissioners and which enter into agreements with the Board of County Commissioners for operation of a countywide library system.

(b) The purpose of the countywide library system shall be to coordinate the free circulation of library materials from participating libraries to all residents of Lake County.

(c) The name of the countywide library system shall be the "Lake County Library System."

Lake County, Florida Code of Ordinances Sec. 12-36

### *I. Lee County*

The part of Lee County encompassed by the Fort Myers Beach Fire Control district is created into a library district known as the Fort Myers Beach Public Library District.

All that part of Lee County presently encompassed by the Fort Myers Beach Fire Control District is created into a library district to be known as the Fort Myers Beach Public Library District, hereinafter referred to as the district.

Lee County, Florida Code of Ordinances Sec. 21-11

The board's adoption of the library district's annual budget must be accepted by the Lee County Board of Commissioners or the Lee County Tax Assessor. To produce the budget requirements, a millage assessment on the real and tangible personal property within the district must be made. However, the assessment may not exceed one mill. Once the assessment has been made, it must be in substitution of, and must supersede, within the district, any other taxes – whether special or included in the general fund – that Lee County's board of county commissioners may levy or attempt to levy, within the district for library purposes.

The adoption by the board of an annual budget for the library district pursuant to section 21-14 shall be accepted by the Lee County Board of Commissioners or the Lee County Tax Assessor, and a millage assessment on the real and tangible personal property within the library district shall be made in order to produce the requirements set forth in the budget; provided, however, that in no event shall the assessment be in excess of one mill. The tax receipts shall be limited for library purposes within the district, and upon the assessment having been made, the assessment shall be in substitution of and shall supersede, within the library district, any other taxes, whether special or included within the general fund, which the board of county commissioners of Lee County may levy or attempt to levy, within this library district for library purposes.

Lee County, Florida Code of Ordinances Sec. 21-15

### *J. Orlando (Orange County)*

The Orange County Library District is created with specified boundaries.

(a) *Establishment.* There is hereby created the Orange County Library District for the purpose of providing library services and facilities pursuant to this Act.

(b) *Boundaries.* The Orange County Library District is composed of all areas of Orange County, Florida, except the incorporated areas of the Cities of Winter Park and Maitland, as the boundaries of those municipalities may from time to time exist.

(c) *Governing board.* The governing board of the Orange County Library District is composed of the Board of County Commissioners of Orange County, Florida, and one member appointed by the City Council of the City of Orlando, Florida. Such City Council appointee shall be appointed for a term of two (2) years, shall not serve more than three (3) consecutive terms and may be removed from the governing board for cause by the City Council.

Orlando, Florida Code of Ordinances Sec. 2

The Orange County Library District's governing board may annually levy an ad valorem tax upon taxable real property in the district in the same manner as other county and municipal ad valorem taxes are levied. There are

three caveats to this authority. First, the millage allocated to the district's annual operating and maintenance expenses mustn't exceed one mill. Second, the millage allocated to debt service mustn't exceed an amount necessary to pay issued bonds' principal and interest. Third, the tax first levied after the Act's effective date mustn't exceed 0.512 mill.

The governing board shall have the power to:

(a) Levy annually an ad valorem tax upon taxable real property within the district in the same manner as other county and municipal ad valorem taxes are levied, provided that:

(1) The millage allocated to annual operating and maintenance expenses of the district shall not exceed one mill;

(2) The millage allocated to debt service shall not exceed an amount necessary to pay principal of and interest on bonds issued under Subsection (d) hereof; and

(3) The tax first levied after the effective date of this Act shall not exceed 0.512 mill.

(b) Purchase, lease, construct or otherwise acquire capital projects related to the library services and facilities of the district and to convey such capital projects to the Orange County Library Board of Trustees in trust for the benefit of the residents in the district.

(c) Appropriate and expend revenue of the district, subject to the limitations of this Act.

(d) Issue bonds, notes, any other certificates of indebtedness or any form of tax or bond anticipation notes or certificates payable from all or any portion of the ad valorem tax revenues of the district, but only when the proceeds of such bonds, notes, certificates of indebtedness, or tax anticipation notes or certificates are used to finance or refinance capital projects related to library services or facilities of the district, and only when such indebtedness is approved at referendum pursuant to law. Bonds issued hereunder shall be payable from taxes to be levied on all taxable property in the district without limitation as to rate or amount. However, the aggregate amount of bonds issued and outstanding hereunder at any time shall not require in any year for the payment of principal and interest falling due an amount greater than one mill on the assessed valuation of all taxable property in the district at the time of the issuance of such bonds. In issuing such bonds or other forms of indebtedness, the governing board may pledge the full faith and credit of the district for service of the debt to be incurred.

(e) Issue revenue bonds payable from the proceeds of any fees, charges, fines, rentals, grants or other sources of revenue (except ad valorem taxes) which may be or become available to the district; to pledge such revenues to the payment of such revenue bonds; to make all customary or necessary covenants for the security of such revenue bonds (including covenants to assure the adequacy of such revenues and the proper collection, holding and disposition thereof); to agree to pay some or all expenses of maintenance and operation from sources other than pledged revenues (and not to diminish the rates of taxation available therefor); to capitalize interest and reserves in such amounts as the governing board may deem necessary; to pay all costs of issuance of such bonds, including fiscal, legal, bond insurance and printing expenses from bond proceeds or other sources; and to apply the proceeds of said revenue bonds to the payment of the cost of any or all facilities or property (real or personal, including books) which said district is empowered to acquire, including all architectural, legal, engineering and other professional costs in connection therewith, or to the refunding of previously issued revenue bonds.

(f) Issue such bonds, revenue bonds, tax or bond anticipation notes, or other forms of indebtedness at such interest rate or rates as the governing board may determine.

(g) Appoint members to the Orange County Library Board of Trustees as provided below.

(h) Budget, appropriate and pay revenues of the district to the Board of Trustees for operation and maintenance of library services and facilities, and when conveyed to the Board of Trustees such revenues shall be deemed revenues of the Board of Trustees to be expended by the Trustees at their discretion pursuant to the powers granted under Section 6 of this Act and subject to limitations contained in Section 4 of this Act.

(i) Exercise powers of eminent domain over private property pursuant to law, but only where such property will be used for a public purpose related to library services and facilities. This power of eminent domain shall not extend to property owned by any municipality.

Orlando, Florida Code of Ordinances Sec. 3

### ***K. Palm Beach County***

There will be the Palm Beach County Library District. The county's residents will be taxed for this library service. To provide library service, the board of county commissioners may either provide for the maintenance and operation of a free public library for the county or provide free library service to the county's citizens by contracting with any municipality or municipalities, or both, with any nonprofit library corporation or association in Palm Beach County owning a free public library, or with any county or municipality in the state owning a free public library. Any municipality, or any nonprofit library corporation or association owning a free public library in Palm Beach County, may contract with the county for various services. Municipalities without a free public library may also contract with the board of county commissioners for library service under agreed-upon terms. To establish and maintain a library or provide contractual library services, the board of county commissioners may levy an annual tax – in the same manner and at the same time as other county taxes – upon all taxable property within the district. After, the board may contract with any municipality in Palm Beach County to furnish library service under agreed-upon terms. Library capital improvements may be funded by a multi-year levy, by board-issued bonds, as part of the annual tax, or by any appropriate public funding source. The board may submit a library capital improvements referendum to



the district's voters. If a majority approve, the board must then levy the voter-approved millage for the approved number of years (or authorize bonds' issuance and the needed millage for debt service). If municipalities not part of the district choose to enter, they must transfer resources currently used to provide library service and/or other resources required for the library system to provide the entering municipality's residents with comparable library service to that provided throughout the district.

It is the intent of this act to create a Palm Beach County **Library** District for which the governing body will be the Board of County Commissioners of Palm Beach County, for the purpose of establishing, operating, and maintaining a free **library** or providing for contractual **library** services for the benefit and use of the residents of Palm Beach County, who are taxed for such **library** or **library** service. This taxing district shall be subject to chapter 120, Florida Statutes, as it pertains to the Florida Administrative Procedure Act, when applicable.

A. *Definitions.* As used in this chapter, the following words and terms shall have the following meanings, unless, some other meaning is clearly indicated:

(1) **Library advisory board** shall refer to a board of citizens, which shall represent the board of county commissioners in matters pertaining to county free public **libraries** or free public **library** service. This shall include, but not be limited to, matters of policy, budgeting, and employment of the head librarian.

(2) **Commission** shall mean the board of county commissioners of Palm Beach County.

(3) **Contractual library service** shall refer to the **library** service provided by the county to its residents by means of a contractual arrangement.

(4) **District** shall refer to the Palm Beach County **Library** District which shall include all taxable property within the county not already taxed for **library** purposes by a municipality.

(5) **Palm Beach County Library System** or **library system** shall refer to the entity created by the district to provide public **library** services.

B. *Organization for administration of the library system.* The responsibility for operating and maintaining the **library** system shall be delegated to a head librarian, qualified according to standards established by the **library** advisory board.

C. **Library advisory board.** The commission shall appoint a citizens advisory board to represent them in administering the **library** system. The **library** advisory board shall select the head librarian, and make policy and budget decisions subject to the approval of the commission. The commission shall appoint the **library** advisory board to consist of at least seven (7) and not more than fifteen (15) citizens of the district, and establish qualifications and terms for membership. The **library** advisory board shall serve without pay, but may be reimbursed for actual expenses subject to the approval of the commission.

D. *Operating rules and procedures.* The **library** advisory board may establish such rules, regulations, and procedures as are deemed necessary for the operation of the **library** system; provided, however, that no such rule, regulation, or procedure shall conflict with any law, statute, or regulation established by the legislature of this state or the commission of the county.

E. *Budgets; reports.* Budgets and reports shall be prepared and filed by the head librarian in accordance with instructions and regulations of the commission, but in no case shall the budget be filed later than July 1 of each year or the annual report later than January 1 for the preceding fiscal year.

F. *Contractual library service.* In carrying out the provisions of this chapter, the commission may either acquire and provide for the maintenance and operation of a free public **library** for the county, or may provide free **library** service to the citizens of the county by entering into a contract therefor with any municipality or municipalities, or both, with any nonprofit **library** corporation or association in Palm Beach County owning a free public **library**, or with any other county or municipality in the state owning a free public **library**. Any municipality or any nonprofit **library** corporation or association owning a free public **library** in Palm Beach County may enter into a contract with the county to receive services including, but not limited to, **library** materials and technical assistance from the **library** system upon such terms as may be upon by the county and the governmental body of the **library** contracting therewith.

G. *Title of library to be in the county.* The title and ownership of all land, buildings, facilities, equipment, and **library** materials constructed or acquired by or on behalf of the **library** system shall be in Palm Beach County.

H. *Gifts and bequests.* The commission is authorized to receive on behalf of the district any gift, bequest, or devise for the **library** system or for use in the county contractual **library** service.

I. *Taxation and contracts.*

(1) In order to establish and maintain a free public **library** or to provide contractual **library** services, the commission may levy an annual tax, in the same manner and at the same time as other county taxes, upon all taxable property within the district, and may thereafter enter into a contract with any municipality in Palm Beach County to furnish free public **library** service upon terms to be agreed upon by the county and the governing body of the **library** contracting therewith.

(2) Any municipality owning or operating a public **library**, or any nonprofit **library** corporation or association in Palm Beach County owning a free public **library**, may enter into a contract with the commission to furnish or receive any **library** service upon terms to be agreed upon by the parties thereto, or any municipality without a free public **library** may enter into a contract with the commission to receive **library** service upon the terms to be agreed upon by the county and the governing body of the municipality.

J. *County library fund.*

(1) All funds of the district, whether derived from taxation or otherwise, shall constitute a separate fund to be known as the county **library** fund, and shall be expended only for **library** purposes. The expenses incurred by the **library** system shall be paid by warrants drawn by the commission, payable out of the county **library** fund. At the end of each fiscal year, all moneys unexpended in the county **library** fund shall be appropriated as part of this fund for the subsequent fiscal year.

(2) The commission shall not make expenditures in any year in excess of the amount available for **library** purposes.

(3) **Library** capital improvements may be funded by:

(a) A multi-year levy, or

- (b) Bonds issued by the commission; or
  - (c) As part of the annual tax; or
  - (d) Any appropriate public funding source.
- (4) The commission is hereby authorized to submit a referendum for **library** capital improvements to the voters of the district.
- (5) Upon approval of a majority of the voters of the district voting, the commission shall levy the voter approved millage for the number of years likewise approved, or authorize the issuance of bonds and necessary millage for debt service.
- (6) **Library** capital improvements may include:
- (a) Acquisition of **library** sites.
  - (b) Acquisition, construction, or renovation of buildings.
  - (c) Acquisition of bookmobiles.
  - (d) Acquisition of initial furniture and equipment.
  - (e) Acquisition and processing of initial **library** material collections.
- (7) If any municipality not a part of the district chooses to enter the district, that municipality must transfer resources currently being used to provide public **library** service and/or such other resources as would be required for the **library** system to provide to the residents of the entering municipality comparable **library** service to that provided throughout the district.

Palm Beach County, Florida Code of Ordinances Sec. 23-2

### ***L. Pasco County***

A county library system is created and established in the county. It will be composed of all libraries and related facilities the board of county commissioners incorporates into the system.

- (a) There is created and established in the county a county library system, which system shall be composed of all libraries and related facilities which may, from time to time, be incorporated into the system by the board of county commissioners.
- (b) The head of the county library system shall be the county librarian, who shall report to and be under the direct supervision of the county administrator.

Pasco County, Florida Code of Ordinances Sec. 58-28

### ***M. Pinellas County***

There is the Pinellas County Library Services District, a municipal service taxing unit with specified boundaries. The board of county commissioners may enter into agreements with governmental units and other appropriate providers of library services within the county to establish a nonprofit corporation ("cooperative") to administer and operate a cooperative library services system. The cooperative's purpose is to extend library service to the unincorporated areas of the county and of participating municipalities without such services, and to improve library services to the citizens of municipalities and of library tax districts with library services. In the county's unincorporated areas, there will be an ad valorem tax not exceeding .5 mill to provide free access to library services to the county's citizens residing in these unincorporated areas.

- (a) *Established.* There is hereby established a municipal service taxing unit under the name of Pinellas County Library Services District. The district shall exist until dissolved by law.
- (b) *District boundaries.* All of the lands described in this section shall be incorporated into a municipal service taxing unit under the name of Pinellas County Library Services District. The land so incorporated shall include all of the unincorporated area of the county except for the Palm Harbor Community Services District and the East Lake Library Services District.
- (c) *Governing board.* The board of county commissioners shall be the governing board of the library services district.
- (d) *Administration; purpose.* The board of county commissioners may enter into an interlocal agreement with governmental units and other appropriate providers of library services within the county in order to establish a nonprofit corporation ("cooperative") to be created for the administration and operation of a cooperative library services system. The purposes of the cooperative shall be to extend library services to unincorporated areas of the county and of participating municipalities that do not have such services, and to improve library services to citizens of municipalities and of library tax districts that have library services.
- (e) *Tax levy.* Within the unincorporated areas of the county covered by this section, there is hereby levied and imposed an ad valorem tax not to exceed one-half mill for the purpose of providing free access to library services to citizens of the county residing in such unincorporated areas and to participate in a library cooperative to administer such funds.

Pinellas County, Florida Code of Ordinances Sec. 78-2

### ***N. Putnam County***

A county public library system is recreated and established in the county. It will be comprised of all libraries and related facilities the board of county commissioners incorporates into the system.

There is hereby recreated and established in the county, a county public library system, which shall be comprised of all libraries and related facilities which may, from time to time, be incorporated into the library system by the board of county commissioners. The board of county commissioners is hereby designated as the single library administrative unit and governing body responsible for providing public library service to county residents. As such, the board of county commissioners retains the authority to adopt policies, plans and budgets, hire the director of libraries, and enter into contracts on behalf of the library system. The head of the library system shall be the director of libraries, who shall report to, and be under the direct supervision of, the county administrator.

Putnam County, Florida Code of Ordinances Sec. 30-24

### *O. St. Lucie County*

A county public library system is re-created and established in the county. It will be composed of all libraries and related facilities the board of county commissioners incorporates into the system.

There is hereby re-created and established in the county, a county public library system, which system shall be composed of all libraries and related facilities which may, from time to time, be incorporated into the system by the board of county commissioners. The board of county commissioners is hereby designated as the single library administrative unit and governing body responsible for providing public library service to county residents. As such, the board retains the authority to adopt policies, plans and budgets, and enter into contracts on behalf of the library. The head of the county public library system shall be the library manager, who shall be under the direct supervision of the county administrator or his designee.

St. Lucie County, Florida Code of Ordinances Sec. 26-2

## **II. Municipal Libraries**

### *A. General*

#### *1. Lakes Wales*

The City of Lake Wales adopts provisions from a bill enacted by the state legislature. The act authorizes and empowers Lake Wales – a city in Polk County – to establish and maintain a library and provide funds for its support. The city commission of Lake Wales is authorized by ordinance to establish, maintain and operate a public municipal library and reading room for the city's inhabitants. It may levy a tax of not more than one mill on the dollar annually, to be levied in and collected like the city's other taxes.

(a) The provisions of Chapter 57-1488, Laws of Florida Special Acts of 1957 are hereby adopted and the provisions of said act authorizing a board of directors of said library are hereby invoked and all of said act be, and the same is hereby adopted by reference and made a part of the ordinances of the city in all respects, other than the provisions referring to referendum.

(b) Any tax levy in compliance with said Act shall be levied on a year-to-year basis in the same manner as the general operating tax levy is made by said city, provided, said tax shall be used solely for the purposes and in the manner contained in said act.

CHAPTER 57-1488 HOUSE BILL NO. 750

AN ACT to authorize and empower the City of Lake Wales, a city located in Polk County, and incorporated under the laws of Florida, to establish and maintain a library; to establish a library board; to provide funds for support and maintenance; disbursements; to establish general powers of the library board; appointment of librarian; use of library; reports of library board to commissioners; amendments of by-laws; penalty for violation of rules recovered by civil action; donations to library; property exempt from execution and taxation; circulating library and providing referendum, providing effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Establishing and Maintaining Library. , In addition to the powers which it may now have, the city commission of Lake Wales, be and it is hereby authorized and empowered by ordinance to establish and maintain and operate a public municipal library and reading room, to be known as Lake Wales public library, for the use of the inhabitants of such city, and may levy a tax of not more than one (1) mill on the dollar annually, to be levied and collected in like manner as any other taxes of said City of Lake Wales, and to be known as the "library fund."

Section 2. Library Board. ....

Section 3. Funds for Support and Maintenance; Special Fund; Disbursements. , All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of said public library shall be kept for the use of such library, separate and apart from all other funds of said city, and shall be drawn upon and paid out by the city manager, attested by the city clerk of said city, upon vouchers signed by the president of the library board, and authenticated by the secretary of such board, and shall not be used or disbursed for any other purpose or in any other manner. ...

Section 12. This act shall take effect immediately upon its becoming a law, subject to its ratification by a majority of the qualified freeholder electors of the City of Lake Wales, voting at a special election to be called by the city commissioners and held prior to December 31, 1957.

Became a law without the Governor's approval.

Filed in Office Secretary of State May 9, 1957.

Lake Wales, Florida Code of Ordinances Sec. 2-116

## ***B. City Libraries***

### ***1. Clewiston***

The Clewiston Public Library is established.

There is hereby established a public library to be known as the Clewiston Public Library.

Clewiston, Florida Code of Ordinances Sec. 62-49

### ***2. Eustis***

The Eustis Memorial Public Library is established in the city.

There shall be established in the city a public library for the use and enjoyment of the citizens and residents of the city, which shall be known as the Eustis Memorial Public Library in memory of the veterans.

Eustis, Florida Code of Ordinances Sec. 58-26

### ***3. New Port Richey***

A public library is established for the city's residents. In the annual budget, the city may include an amount for the library's benefit, as deemed appropriate by the city council.

A public library for the residents of the city is established as provided for in F.S. chapter 257. In each annual budget the city may include such amount for the benefit of the library as the city council may determine to be appropriate.

New Port Richey, Florida Code of Ordinances Sec. 2-211

### ***4. North Miami***

The North Miami Community Library is created for the city's inhabitants.

There is hereby created a public library and reading room to be forever free for the use of the inhabitants of the city, which shall be known as North Miami Community Library.

North Miami, Florida Code of Ordinances Sec. 16-16

## ***C. Town Libraries***

### ***1. Indian Shores***

The Indian Shores Library is reestablished.

A library for the town, as established on November 24, 1964, is reestablished and shall be named Indian Shores Library.

Indian Shores, Florida Code of Ordinances Sec. 46-1

# **Georgia**

## **Relevant Law**

Libraries are found under Title 20 (Education) Chapter 5. Article 2 (Local and Regional Public Libraries) is the most useful. There are additional provisions for municipal corporations found in Title 36 (Local Government) under Provisions Applicable to Municipal Corporations Only, Chapter 34 (Powers of Municipal Corporations Generally).

## **Types of Libraries**

Article 2 is divided into two parts – City Public Libraries, and County and Regional Public Libraries. The difference is somewhat unclear, especially since County and Regional Public Libraries dwells on counties and municipalities<sup>4</sup> (rather than regions) and City Public Libraries seems to provide an overlapping reference to municipalities. A further

<sup>4</sup> Georgia views “municipality” as synonymous with “town,” “village,” or city.”

complication is that County and Regional Public Libraries – despite its references to municipalities – contains a section providing that the part won't apply to municipal libraries. Library systems are also mentioned in County and Regional Public Libraries, but there is little elaboration<sup>5</sup>. Lastly, there are libraries of municipal corporations.

## I. City Public Libraries

Cities – through their properly constituted municipal authorities – may year to year raise by taxation and permanently appropriate money to establish and maintain a public library.

Any city, through its properly constituted municipal authorities, may raise by taxation from year to year and permanently appropriate money for the purpose of establishing, erecting, maintaining, or assisting in maintaining a public library. Any such sum or sums of money so appropriated shall be expended by and under the direction of a board of trustees of such public library elected by the city council of such city.

O.C.G.A. § 20-5-20

## II. County and Regional Public Libraries

Counties or municipalities' governing authorities may establish a tax-exempt public library system. There are three methods for establishing a public library. First, one may be established by any county or municipality (or a combination) by a resolution or act, at the governing authority's discretion. Second, a public library may be established if any county or municipality's voters – in a referendum on the question of a library's establishment – approve. If at least 35% of a municipality or county's registered and qualified voters file a written petition with the appropriate governing authority, that authority must hold a special referendum election to submit the question of a library's authorization to the municipality or county's qualified voters. If a majority favors the library, then the county or municipality's governing authority must establish it. Otherwise, such governing authorities don't have the authority to do so. If the voters disapprove of the library, once it is two years after the election resulting in the disapproval, another election may be held if a petition is filed. Third, a library may be established by contract between any county or municipality's governing authorities.

(a) The governing authority of any county or municipality may establish a public library system. Any public library established pursuant to this part shall be a tax-exempt institution.

(b) A public library may be established in the following manner:

(1) By resolution or act, at the discretion of the governing authority, of any county or municipality, or any combination thereof;

(2) By approval of the voters of any county or municipality in a referendum election on the question of the establishment of a public library as provided in this paragraph. Upon a written petition containing 35 percent of the registered and qualified voters of a municipality or county being filed with the appropriate governing authority, the governing authority shall be required to hold and conduct a special referendum election for the purpose of submitting to the qualified voters of the municipality or county the question of whether or not a public library, as provided for in this part, shall be authorized. In the event a majority of the persons voting in the election vote in favor of the public library, then the governing authority of the municipality or county shall establish a public library as provided in this part. Otherwise, the governing authority shall have no authority to do so. Following the expiration of two years after any election is held which results in disapproval of a public library, as provided in this part, another election on this question shall be held if another petition, as provided in this paragraph, is filed with the appropriate governing authority; or

(3) By contractual agreement between the governing authorities of any county or municipality.

O.C.G.A. § 20-5-40

## Library systems may make contracts.

Library **systems** are authorized to make and enter into such contracts or agreements as are deemed necessary and desirable. All such contracts or agreements entered into shall:

(1) Detail the specific nature of the services, programs, facilities, arrangements, or properties to which such contracts or agreements are applicable;

(2) Provide for the allocation of costs and other financial responsibilities;

(3) Specify the respective rights, duties, obligations, and liabilities of the parties; and

<sup>5</sup> There is some information about withdrawing from a multicounty system, but little information about how such a system is created.



(4) Set forth the terms and conditions for duration, renewal, termination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriated to the proper effectuation and performance of the agreement. No public or private library agency shall enter into any agreement itself, or jointly with any other library agency, to exercise any power or engage in any action prohibited by the Constitution or laws of this state.

O.C.G.A. § 20-5-49

### III. Libraries of Municipal Corporations

Municipal corporations may operate libraries or contract with any other political subdivision for the joint use of a library.

In addition to the other powers it may have, any municipal corporation shall have the power, in the interest of the health and general welfare, to accept by gift, acquire, construct, lease, own, regulate, operate, improve, open, close, or extend public streets, alleys, sidewalks, parks, swimming pools, golf courses, recreation grounds, airports, airfields, parking areas, parking buildings, athletic fields, grandstands and stadia buildings used or useful for sports, buildings used or useful for housing fairs and exhibits, buildings for educational purposes, **libraries**, buildings used or useful for poultry and livestock shows and exhibits, and buildings used or useful for public amusement purposes, together with facilities or buildings used for any combination of the above. Any municipal corporation may, under this chapter, contract with any other political subdivision for the joint use of any of such facilities.

O.C.G.A. § 36-34-3

The state's municipal corporations are authorized, in their governing authorities' discretion, to enter into lease agreements with nonprofit corporations, classified as public foundations (not private foundations) under the US Internal Revenue Code, to provide library services for any time period not exceeding fifteen years.

Notwithstanding any provision of law to the contrary, each municipal corporation of this state is authorized, in the discretion of its governing authority, to enter into valid and binding lease agreements with nonprofit corporations, classified as public foundations (not private foundations) under the United States Internal Revenue Code, for the stated purpose of providing **library** services for any period of time not to exceed 15 years.

O.C.G.A. § 36-34-5.1

## Municipal Ordinances

### I. Countywide Public Library System

#### *A. Cobb County*

The Cobb County-Marietta Library System's assets are transferred to the created county library system.

(a) There is hereby created a department to be known as the county library system. All assets of the Cobb County-Marietta Library System are transferred to the county library system.

(b) The Cobb County-Marietta Public Library Board shall retain all of the administrative duties and responsibilities as provided by O.C.G.A. tit. 20, ch. 5, pt. 2 (O.C.G.A. 20-5-40 et seq.), as amended, and shall become a department of the county subject to the rules, regulations and direction of the board of commissioners.

Cobb County, Georgia Code of Ordinances Sec. 74-1

#### *B. Fulton County*

The general assembly may provide by law for the creation of a countywide public library service or system in any county with a population of 550,000+ according to the 1980 US decennial census or any further such census. The general assembly may provide for the transfer of public library systems and services of any such county, and of any municipality located wholly or partially within any such county, to the countywide library service or system. The general assembly may provide for a countywide public library system or service's funding from any such county's funds.

Any other provisions of this Constitution to the contrary notwithstanding, the general assembly is authorized to provide by law for any or all matters necessary or convenient for the creation of a countywide public library service or system in any county of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census. Without limiting the generality of the foregoing, the general assembly may provide by such law for the transfer of public library systems and

services of any such county and of any municipality located wholly or partially within any such county to the countywide library service or system created by such law and may provide for the transfer of any or all physical facilities, obligations, debts, assets, records, employees, other personnel, causes of actions, and rights of public libraries or public library systems of such county or any such municipality to such countywide public library service or system. The general assembly may further provide by any such law for the funding of the countywide public library system or service from the funds of any such county and for the managing or governing body of such countywide public library system or service. Any law adopted pursuant to the authority of this paragraph shall control the subject matter thereof, notwithstanding the provisions of any general or local law to the contrary, whether presently existing or hereafter enacted. The provisions of this paragraph shall be liberally construed to enable the general assembly to fully implement and carry out the provisions of this paragraph.

Fulton County, Georgia Code of Ordinances Sec. 26-31<sup>6</sup>

From June 30, 1983, all public library services and facilities in unincorporated Fulton County must be maintained, operated, and continued by the countywide library system, and no municipality located wholly or partially within Fulton County may operate a public library system or facility. By July 1, 1983 each municipality wholly or partially in Fulton County that operates a public library service or facility, must transfer its assets to Fulton County for the countywide library system's operation. Also by that date, the City of Atlanta must lease the new "Central Building for the Atlanta Library System" and all of the City of Atlanta Library System's other real property to Fulton County for the countywide library system's operation. Conveyance of the real estate and buildings for the City of College Park library and the City of Hapeville library may not be compelled. These cities must retain title to the real estate and structures constituting their libraries, and each city must contract these buildings and real estate's use by the countywide library system.

Transference of library facilities to the countywide system, the authority to enter into the Atlanta Library System lease, and the authority to enter into the contracts with the cities of College Park and Hapeville are all contingent upon each affected municipality's governing authority contracting with Fulton County's governing authority and agreeing to reduce the annual ad valorem tax levied by the municipality – beginning the calendar year immediately following that when the countywide library system assumed the responsibility of providing library services – by a millage rate equaling that resulting from converting the dollar amount saved by each municipality from the countywide library system's assumption of library services to a millage rate, based on each municipality's net tax digest. However, such contracts needn't be confined to this ad valorem tax millage rate reduction formula and may have terms requiring the increase in ad valorem taxes levied by Fulton County to fund the countywide library system's costs to be offset by a corresponding decrease in ad valorem taxes levied by affected municipalities. The countywide library system mustn't accept the transference of facilities and mustn't assume library services responsibilities of any municipality failing to enter into such a contract.

Pursuant to a contract with Fulton County for the countywide library system's provision of public library services and facilities within that portion of the City of Atlanta lying within DeKalb County, the City of Atlanta may in that portion create a special district to provide library service, and levy and collect within the special district taxes to pay any portion of the services' cost. Any ad valorem tax millage rate that the City of Atlanta levies within the special district for library services must equal the annual ad valorem millage rates Fulton County levies to support the countywide library system. There are five steps used to calculate that rate. First (a), one must determine the portion of the countywide library system's total annual cost that Fulton County ad valorem taxes support by subtracting from the total annual cost the total amount of funds supporting the countywide library system derived from sources other than Fulton County ad valorem taxes. Second (b), one must add Fulton County's current total net tax digest to the portion of the City of Atlanta's current total net tax digest derived from taxable property in DeKalb County. Third (c), one must multiply (b) by a factor derived by dividing the total ad valorem taxes Fulton County collected for the immediately preceding calendar year by Fulton County's total billed ad valorem taxes for the immediately preceding year. Fourth (d), one must divide the amount from (a) by the amount determined under (c). Fifth (e), one must multiply the amount from (d) by 1,000 to produce the countywide library system's Fulton County ad valorem tax

<sup>6</sup> This appears to have been a local amendment to the state constitution. All local amendments to the state constitution were repealed effective July 1, 1987, unless continued by local ordinance or act prior to that date (as this provisions seems to be).

millage rate. Moreover, the countywide library system's board of trustees may use any available funds to provide library services in that portion of the City of Atlanta lying within DeKalb County; the city's levying of an ad valorem tax within the special district isn't a violation of its contract.

These provisions wouldn't apply to the City of East Point until January 1, 1996. The conveyance of the real estate or buildings of any library then used by the City of East Point mustn't be compelled, and Fulton County mustn't be compelled to construct any library within the City of East Point

(a) The provisions of this article shall apply to the City of East Point, effective January 1, 1996; provided, however, that nothing in this article shall compel the conveyance of real estate or buildings of any **library** presently utilized by the City of East Point, nor shall Fulton County be compelled to construct any **library** within the City of East Point.

(b) Subject to the limitations of subsection (g) of this section, after midnight June 30, 1983, all public **library** services and facilities in unincorporated Fulton County and within all parts of any municipality located wholly or partially within Fulton County shall be maintained, operated, and continued in existence by the countywide **library** system, and no municipality located wholly or partially within Fulton County may operate a public **library** system or facility.

(c) On or before July 1, 1983, each municipality located wholly or partially within Fulton County, which operates a public **library** service or facility, shall transfer to Fulton County for operation of the countywide **library** system all assets, records, employees, causes of action, rights, obligations, debts, and all other personal property used in the normal operation of the municipality's **library** service or facility.

(d) Except as otherwise provided herein, on or before July 1, 1983, each municipality located wholly or partially within Fulton County which operates a public **library** service or facility shall transfer to Fulton County for operation of the countywide **library** system the legal title to all real property with a **library** service or facility thereon, together with all rights and appurtenances thereto and subject to all liens and encumbrances thereon. In the event the countywide **library** system shall discontinue to use any real property transferred pursuant to this section for a **library** facility or service, the property shall be disposed of by Fulton County after a public hearing, and the proceeds of such disposal shall be used for the countywide **library** system. Pending disposal, however, the property may be used by the county for county purposes.

(e) On or before July 1, 1983, the City of Atlanta shall lease to Fulton County, for the operation of the countywide **library** system, the new "Central Building for the Atlanta **Library** System" and all other real property of the City of Atlanta **Library** System. During the term of said lease, lease payments on such property shall be paid by Fulton County in an amount equal to the bond debt service requirements of all property of the **library** system leased pursuant to this section. Upon discharge and retirement of said bonds, the City of Atlanta shall transfer legal title to all such real property of the Atlanta **Library** System to Fulton County.

(f) Notwithstanding anything contained herein, nothing shall compel conveyance of the real estate and building upon which is situated a **library** of the City of College Park or a **library** of the City of Hapeville. The Cities of College Park and Hapeville shall each retain title to the real estate and structures constituting **libraries** of each such city, and each such city shall by contract provide the use of such buildings and real estate by the countywide **library** system.

(g) The transfer of **library** facilities to the countywide **library** system as provided in this section, the authority to enter into the lease contract provided for by subsection (e) of this section, and the authority to enter into contracts provided for by subsection (f) of this section shall all be contingent upon the governing authority of each affected municipality entering into a contract with the governing authority of Fulton County whereby the governing authority of each municipality shall agree in substance to reduce the annual ad valorem tax levied by each municipality, beginning with the calendar year immediately following the calendar year during which the responsibility for providing **library** services was assumed by the countywide **library** system, by a millage rate equal to the millage rate resulting from converting the dollar amount saved by each respective municipality from the assumption of **library** services by the countywide **library** system to a millage rate, based on the net tax digest of each respective municipality. It is not necessary that a contract entered into pursuant to this subsection be confined to the ad valorem tax millage rate reduction formula specified above, and such contract may be stated in such terms as may be necessary to require the increase in ad valorem taxes levied by Fulton County to fund the cost of the countywide **library** system to be offset by a corresponding decrease in ad valorem taxes levied by affected municipalities. The countywide **library** system shall not accept the transfer of **library** facilities and shall not assume responsibility for **library** services of any municipality failing to enter into a contract provided for by this subsection.

(h) Notwithstanding any other provisions of this article, pursuant to a contract with Fulton County for the provision by the countywide **library** system of public **library** services and facilities within that portion of the City of Atlanta lying within DeKalb County, the City of Atlanta may create within that portion of the City of Atlanta lying within DeKalb County a special district for the provision of **library** services and levy and collect within such special district fees, assessments, and taxes to pay any portion of the cost of such services. Any annual ad valorem tax millage rate levied for **library** services by the City of Atlanta within the special district authorized by this subsection shall be equal to the annual ad valorem tax millage rate levied by Fulton County to support the countywide **library** system. Such millage rate shall be calculated as follows:

(1) Determine the portion of the total annual cost of the countywide **library** system which is supported by Fulton County ad valorem taxes by subtracting from such total annual cost the total amount of funds supporting the countywide **library** system which are derived from sources other than Fulton County ad valorem taxes, including fines and fees for overdue, lost, and damaged books, nonresident membership fees, service charges paid by municipalities utilizing the Fulton County **library** system, State of Georgia grants, federal grants, or both, dedicated for **library** operations, funds available from the sale of **library** property initially owned by the City of Atlanta, and any other sources directly associated with Fulton County's operation of the **library** system, as shown by the annual Fulton County budget;

(2) Add the current total net tax digest of Fulton County to that portion of the current total net tax digest of the City of Atlanta derived from taxable property located in DeKalb County;

(3) Determine an amount resulting from multiplying the amount determined under subparagraph (h)(2) of this paragraph by a factor derived by dividing the total ad valorem taxes collected by Fulton County for the immediately preceding calendar year by the total ad valorem taxes billed by Fulton County for the immediately preceding calendar year;

(4) Divide the amount determined under subparagraph (1) of this paragraph by the amount determined under subparagraph (3) of this paragraph; and

(5) Multiply the amount determined under subparagraph (4) of this paragraph by 1,000 to produce the Fulton County ad valorem tax millage rate for the countywide **library** system. In addition to funds derived from fees, assessments, and taxes within such special district, the board of trustees of the countywide **library** system may use any funds available to such board to provide **library** services within that portion of the City of Atlanta lying within DeKalb County. The levy of an ad valorem tax by the city within the special district authorized by this subsection shall not constitute a violation of the contract provided for in subsection (g) of this section.

Fulton County, Georgia Code of Ordinances Sec. 26-32

## II. Regional County Libraries

### *A. Statesboro*

The Statesboro Regional Library organization will serve the county.

The library organization shall be known as the Statesboro Regional Library. The library shall serve the county.

Statesboro, Georgia Code of Ordinances Sec. 50-1

## III. Special Library Districts

### *A. Atlanta*

There is the City of Atlanta / DeKalb County special district. Either Fulton or DeKalb counties will furnish library services to the special district's residents. These services must be determined by contract between the city and the county providing the services. Ad valorem taxes levied upon taxable property in the special district must finance the cost of furnishing library services in the special district.

(a) *Created.* The City of Atlanta/DeKalb County, Georgia, special district is created.

(b) *Services.* There shall be furnished to residents of the special district library services by either Fulton County or DeKalb County. The exact nature of such services shall be determined by contract between the city and the county providing the services.

(c) *Financing of costs.* The cost of furnishing library services in the special district shall be financed from ad valorem taxes levied upon taxable property located in the special district described in subsection (a) of this section.

Atlanta, Georgia Code of Ordinances Sec. 102-1

## IV. County Public Libraries

### *A. Gwinnett County*

There is the Gwinnett County Public Library.

(a) The county library shall hereafter be known as the Gwinnett County Public Library and shall be directed and governed by a board of trustees appointed by the Gwinnett County Board of Commissioners as set forth in section 66-34.

(b) The treasurer of the Gwinnett County Public Library Board of Trustees shall be appointed by the chairperson of the library board of trustees and bonded in an amount determined by the library board of trustees.

Gwinnett County, Georgia Code of Ordinances Sec. 66-26

## V. Town Libraries

### *A. Tyrone*

There is a public library department for the town.

There is created a public library department for the town. This department shall fall under the operational and administrative control of the town manager.

Tyrone, Georgia Code of Ordinances Sec. 20-1

## VI. City Libraries

### *A. Jesup*

The city may provide and maintain a public library.

Said city may provide and maintain a public **library** and **library** building for public use and may prescribe such rules and regulations as may be necessary for its management and operation.

Jesup, Georgia Code of Ordinances Sec. 97

## Illinois

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### Relevant Law

Libraries are found within Chapter 25.

### Types of Libraries

Illinois libraries are best classified according to the act they fall under. These acts include the Illinois Local Library Act, the Illinois Library System Act, the Public Library District Act of 1991, the Chicago Public Library Act, the Township Bond Act, the Village Library Act, the Village Library Conversion Act, the Village Library and Gymnasium Tax Act, the Library Incorporation Act, and the Libraries in Parks Act.

### I. Illinois Local Library Act

Cities may establish public libraries by their corporate authorities' action. Villages, incorporated towns, and townships may establish libraries by vote. However, after December 31, 1987, no public library may be established if any part of the city, village, incorporated town or township lies within an existing public library territory or district established under the Illinois Local Library Act or the Illinois Public Library District Act (since repealed and replaced by the Public Library District Act of 1991).

Public libraries may be established under this Act by cities by action of the corporate authorities<sup>7</sup> and by villages, incorporated towns and townships by vote of the legal voters thereof in the manner provided in Article 2 [75 ILCS 5/2-1 et seq.], except that after December 31, 1987, no public library may be established under the provisions of this Act if any part of the city, village, incorporated town or township lies within an existing public library territory or district established under the provisions of this Act or The Illinois Public Library District Act.

75 ILCS 5/1-2

Libraries established under the prior Illinois Municipal Code or a prior 1872 act will be treated as libraries under the Illinois Local Library Act.

Any public library established under Division 48.1 of Article 11 of the "Illinois Municipal Code", approved May 29, 1961, as amended, or "An Act to authorize townships to establish and maintain free public libraries and reading rooms", approved March 7, 1872, as amended, shall be treated as libraries established under this Act and shall be subject to the provisions of this Act.

75 ILCS 5/1-4

A city's corporate authorities may establish and maintain a public library, and – subject to statutory limitations – levy a tax for library purposes.

To provide local public institutions of general education for citizens of Illinois, the corporate authorities of any city may establish and maintain a public library for the use and benefit of the residents of the city and may, subject to the limitations of Article 3 [75 ILCS 5/3-1 et seq.], levy a tax for library purposes.

75 ILCS 5/2-1

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<sup>7</sup> The statutes define corporate authorities as the mayor and aldermen or similar body in reference to cities, the president and trustees or similar body when the reference is to villages or incorporated towns, and the council in reference to municipalities under the commission form of municipal government (75 ILCS 5/1-1-2).



In villages, incorporated towns, or townships without local library service, resident citizens may establish and maintain a public library for the residents' use and benefit. If the incorporated town, village or township's governing body adopts an ordinance for a library, or if 100 legal voters of the incorporated town, village, or township petition the clerk asking for a public library's establishment and maintenance, the clerk must then submit the question at a regular election in accordance with the general election law. The petition must specify a maximum library tax rate if the rate is to be over .15%. The rate may never be over .60% of the value as equalized and assessed by the Department of Revenue. The statute provides forms for the petition depending on the specified tax rate. If a majority favors the library, the annual tax may then be levied for the library's establishment and maintenance, subject to statutory limitations.

To provide local public institutions of general education for citizens of Illinois, the citizens residing in a village, incorporated town or township without local library service may establish and maintain a public library for the use and benefit of the residents of the respective village, incorporated town or township as herein provided.

Upon the adoption of an ordinance by the governing body of an incorporated town, village, or township or when 100 legal voters of any incorporated town, village or township present a petition to the clerk thereof asking for the establishment and maintenance of a public library in such incorporated town, village or township, the clerk shall certify the question of whether to establish and maintain a public library to the proper election authorities who shall submit the question at a regular election in accordance with the general election law.

The petition shall specify the maximum library tax rate, if the rate is to be in excess of .15%. In no case shall the rate specified in the petition be in excess of .60% of the value as equalized and assessed by the Department of Revenue. The proposition shall be in substantially the following form....

If the petition specified a maximum tax rate in excess of the statutory maximum tax rate of .15%, the proposition shall be in substantially the following form....

If the majority of all votes cast in the incorporated town, village or township on the proposition are in favor of a public library, an annual tax may be levied for the establishment and maintenance of such library, subject to the limitations of Article 3 [75 ILCS 5/3-1 et seq.].

75 ILCS 5/2-2

If the petition signed and filed with an incorporated town, village or township's clerk requests a referendum to vote on a library's establishment and maintenance, or to vote on increasing or ceasing the tax levy, the clerk must certify the resolution and proposition to the proper election officials, who must then submit the question at an election in accordance with the general election law.

Whenever the petition signed and filed with the clerk of an incorporated town, village or township requests the holding of a referendum for the purpose of voting upon the question of establishing and maintaining a public library as provided in Section 2-2 [75 ILCS 5/2-2], or for voting upon the question of increasing or ceasing to levy the tax therefor as provided in Section 3-4 [75 ILCS 5/3-4], the clerk shall certify the Resolution and the proposition to the proper election officials, who shall submit the question at an election in such incorporated town, village or township in accordance with the general election law.

75 ILCS 5/2-3

If a village not under a commission form of government converts to a commission form or becomes a city, or a village or city under a commission form of government changes to a village or city not under a commission form, the ceiling upon the annual public library tax prior to the conversion or change in municipal government form and any special tax previously authorized by the electors must be applicable after the conversion or change. Any special taxes for bonds mustn't be affected by the conversion or change and must continue in full force and effect under the law governing the bonds and special tax.

In the event a village not under a commission form of government converts to a commission form of government or becomes a city, or a village or city under a commission form of government changes to a village or city not under a commission form of government, the incumbent board of library trustees of the village or the city board of library trustees of the city, as the case may be, shall thereupon become the library trustees of the village or city, whichever is the form of the new municipal governmental organization, and shall serve as such until the term of office for which each had been elected or appointed expires, and until his successor has been elected or appointed according to law and has qualified for such office. Thereafter, new or additional library trustees shall be elected or appointed, or the number of trustees reduced, so that the number of trustees holding office at any one time shall conform as nearly as is practicable to the number of library trustees required by law for the particular city or village as it is organized after changing its form or classification of municipal government.

The ceiling upon the annual public library tax existing prior to the conversion or change in form of municipal government and any special tax previously authorized by the electors shall be applicable after the conversion or change.  
Any existing bond issue and the special tax therefor shall not be affected by such conversion or change and shall continue in full force and effect under the law governing such bond issue and special tax.

75 ILCS 5/2-4

If voters approve the merger of 2+ cities, villages, incorporated towns or townships, a merger of the affected public libraries must occur.

In the event the voters approve of a merger of 2 or more cities, or villages, or incorporated towns or townships, a merger of the affected public libraries shall also occur as follows:

Where the merger affects a city, village, incorporated town or township without a public library and one with a public library, then the existing board of library trustees shall, upon the merger, exercise its powers and duties under this Act, as amended, over the merged territory, and this Act, as amended, shall govern the merged territory.

Where the merger affects 2 or more cities, villages, incorporated towns or townships, each with a public library, then the existing boards of library trustees shall be merged into one new board, and the new board shall thereupon exercise its powers and duties under this Act, as amended, over the merged territory and this Act, as amended, shall govern the merged territory. Such board members shall serve out their respective terms, but as their respective terms expire, successors shall be elected or appointed, as the case may be, only in the case where it is necessary to provide a normal membership for a new board.

In every merger, the board whose territory is being expanded, or the board being merged, shall take such action as is necessary to effectuate the merger approved by the voters, and shall by resolution specify the effective date thereof. In addition, the new library board shall acquire the assets and assume the liabilities of the predecessor library board or boards.

75 ILCS 5/2-5

In any city of 500,000 or fewer, the corporate authorities must levy a tax for library purposes not exceeding .15% of the value of all the taxable property in the city, as equalized or assessed by the Department of Revenue. If an established library's annual public library tax rate was increased above .12% up to .20% before 1972, the corporate authorities must then levy up to an additional .03% above the increased rate approved at the election. However, if the corporate authorities wish to increase the tax rate – but not in excess of .60% –, the corporate authorities may, by ordinance, stating the desired tax rate, direct a proposition to be submitted to the city's voters at any regular election. The proposition's form is prescribed by statute. If a majority favor the proposition, the corporate authorities may then annually levy a tax for library purposes at the authorized increased rate.

The corporate authorities may also levy an additional tax of .02% of the value of all taxable property in the city, as equalized or assessed by the Department of Revenue, for the purchase, construction and repairs of library buildings. In any year when the corporate authorities propose to levy this additional tax, they must adopt a resolution determining to levy the tax. Within 15 days of the resolution's adoption, it must be published at least once in 1+ newspapers with a general circulation in the city. If no newspaper is published in the city, one may publish by posting a notice in three prominent places within the city. The publication or posting must include a notice of the specific number of voters needed to sign a petition requesting that the question of the resolution's adoption be submitted to the city's electors, the time when the petition must be filed, and the prospective referendum's date. The city clerk must provide a petition form to anyone who requests one. If a petition isn't filed with the corporate authorities within thirty days after the resolution's posting or publication, or if all filed petitions are determined to be invalid or insufficient, the city must then be authorized to levy the tax. But, if a petition is filed with the corporate authorities within the thirty-day period, is signed by at least 10% of the city's electors, and asks that the question of levying the .02% tax be submitted to the city's electors, the question must be submitted at an election. The state's general election laws provide for notice of the referendum, and the form for the proposition is specified by statute. If a majority favor the proposition, the corporate authorities may then levy the additional tax.

In any city of 500,000 or fewer inhabitants, the corporate authorities shall levy a tax for library purposes of not to exceed .15% of the value of all the taxable property in the city, as equalized or assessed by the Department of Revenue. If the annual public library tax rate of an established library was increased above .12% up to .20% prior to 1972 as provided in this Act, the corporate authorities shall then levy up to an additional .03% above the increased rate approved at the election. If, however, the corporate authorities desire to increase the tax rate but not in excess of .60% of value for such purposes, the corporate authorities may, by ordinance, stating the tax rate desired, direct that a proposition be submitted to the voters of the city at any regular election. The proposition shall be in substantially the form prescribed in Section 3-3 [75 ILCS 5/3-3]. If a majority of the votes cast upon the

proposition are in favor thereof, the corporate authorities may thereafter levy annually a tax for library purposes at the authorized increased rate. Any tax levied pursuant to Section 3-9 [75 ILCS 5/3-9] shall be disregarded in applying the provisions of this Section.

The corporate authorities may also levy an additional tax of .02% of the value of all the taxable property in the city, as equalized or assessed by the Department of Revenue, for the purchase of sites and buildings, for the construction and equipment of buildings, for the rental of buildings required for library purposes, and for maintenance, repairs and alterations of library buildings and equipment. In any year in which the corporate authorities propose to levy such additional .02% tax, the corporate authorities shall adopt a resolution determining to levy such tax. Within 15 days after the adoption of the resolution, it shall be published at least once in one or more newspapers published in the city, or if no newspaper is published therein, then in one or more newspapers with a general circulation within the city. In a city in which no newspaper is published, publication may instead be made by posting a notice in three prominent places within the city. The publication or posting of the resolution shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the city; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The city clerk shall provide a petition form to any individual requesting one. If no petition is filed with the corporate authorities within 30 days after publication or posting of the resolution, or if all petitions so filed are determined to be invalid or insufficient the city shall then be authorized to levy the tax. However, if within the 30 day period, a petition is filed with the corporate authorities, signed by electors of the city equal in number to 10% or more of the total number of registered voters in the city, asking that the question of levying such a .02% tax be submitted to the electors of the city, the question shall be submitted at an election. Notice of this referendum shall be given as provided by the general election laws of the state, and the referendum shall be held in all respects in accordance with those laws. The proposition shall be in substantially the following form: "Shall the corporate authorities of (name of city) be authorized to levy an additional tax of % for the construction of buildings, provision of sites, etc., as determined by resolution dated (insert date)?" If a majority of votes cast upon the proposition are in favor thereof, the corporate authorities may levy the additional tax.

75 ILCS 5/3-1

For any city of 500,000+, for 1970 and 1971, the corporate authorities may levy a library maintenance and operation tax not exceeding .10%. After, they may levy a tax not exceeding .12% of the value of all taxable property in the city, as equalized or assessed by the Department of Revenue. The corporate authorities may also levy an additional tax of .02% of the value of all the taxable property in the city, as equalized or assessed by the Department of Revenue, to purchase, construct, and repair library buildings and equipment. If the corporate authorities wish to levy a library maintenance and operation tax over .12% but under .20% for any year after 1971, they may, by ordinance, stating the desired tax rate, cause a proposition to be submitted to the city's voters at a general election held in November of even-numbered years. The proposition's form is prescribed by statute. If a majority favors the proposition, the corporate authorities may then levy annually the tax at the authorized increased rate.

The corporate authorities of any city of over 500,000 population may levy a tax for library maintenance and operation for the years 1970 and 1971 of not to exceed .10% and for the years thereafter of not to exceed .12% of the value of all taxable property in the city, as equalized or assessed by the Department of Revenue. The corporate authorities may also levy an additional tax of .02% of the value of all the taxable property in the city, as equalized or assessed by the Department of Revenue, for the purchase of sites and buildings, for the construction and equipment of buildings, for the rental of buildings required for library purposes, and for maintenance, repairs and alterations of library buildings and equipment. If, however, the corporate authorities desire to levy a tax for any year after 1971 in excess of .12% but not in excess of .20% of value for library maintenance and operation, the corporate authorities may, by ordinance, stating the tax rate desired, cause a proposition for an assent thereto to be submitted to the voters of the city at a general election to be held in November of even numbered years. The proposition shall be in substantially the form prescribed in Section 3-3 [75 ILCS 5/3-3]. If a majority of the votes cast upon the proposition are in favor thereof, the corporate authorities may thereafter levy annually a tax for library maintenance and operation at the authorized increased rate. Any tax levied pursuant to Section 3-9 [75 ILCS 5/3-9] shall be disregarded in applying the provision of this Section.

75 ILCS 5/3-2

The corporate authorities must adopt an ordinance that provides for submitting the question of increasing the library maintenance and operation tax at a general election. The municipal clerk must certify the proposition to the proper election officials, who must then submit the question at a general election in accordance with the general election law. Statute provides the form for the question.

The corporate authorities shall adopt an ordinance providing for submitting the question of increasing the library tax for maintenance and operation at such general election and the municipal clerk shall certify the proposition to the proper election officials, who shall submit the question at a general election in accordance with the general election law. The question shall be in substantially the following form...

75 ILCS 5/3-3

If an incorporated town, village or township's electors have voted to establish and maintain a public library, the incorporated town, village or township's corporate authorities must levy an annual tax for the library's establishment and maintenance not exceeding .15% of the value as equalized or assessed by the Department of Revenue. If the petition and ballots in the original establishment specify so, the corporate authorities may levy a tax exceeding .15%, but not exceeding the rate specified in the establishment petition and ballot, and never exceeding .60% of the value as equalized and assessed by the Department of Revenue. If before 1972 an established library's annual public library tax rate was increased above .12% up to .20%, the corporate authorities must then levy up to an additional .03% above the increased rate approved at the referendum. This rate may be increased to not exceed .60% of the value, as equalized or assessed by the Department of Revenue, or the excess tax must no longer be levied, if the incorporated town, village or township's electors so determine by referendum at any regular election. This referendum must be petitioned for in the same manner as that for a library's establishment and maintenance.

The corporate authorities may also levy an additional tax of .02% of the value of all the taxable property in the incorporated town, village or township, as equalized or assessed by the Department of Revenue, to purchase, construct, and repair library buildings and equipment. In any year when the corporate authorities propose to levy this additional tax, they must adopt a resolution determining to levy the tax. Within fifteen days of the resolution's adoption, it must be published at least once in 1+ newspapers published in the incorporated town, village, or township. If no newspaper is published there, it must be published in 1+ newspapers with a general circulation there. For incorporated towns, villages, and townships where no newspaper is published, publication may be made by posting a notice in three prominent places. The resolution's publication or posting must include a notice of the specific number of voters needed to sign a petition requesting the question of the resolution's adoption by submitted to the incorporated town, village or township's electors, the time by when the petition must be filed, and the prospective referendum's date. The incorporated town, village, or township's clerk must provide a petition form to anyone who requests one. If a petition isn't filed with the corporate authorities within thirty days of the resolution's publication or posting, the incorporated town, village, or townships may then levy the tax. But, if within thirty days a petition is filed with the corporate authorities, is signed by at least 10% of the registered voters in the incorporated town, village, or township, and asks that the question of levying the .02% tax be submitted to the electors, the question must be submitted at a special or general election. Notice of the election must then be given as provided by the general election laws. Statute specifies the form for the ballot. If a majority favor the proposition, then the corporate authorities may levy the additional tax.

When the electors of an incorporated town, village or township have voted to establish and maintain a public library as provided in Section 2-2 [75 ILCS 5/2-2], the corporate authorities of such incorporated town, village or township shall levy an annual tax for the establishment and maintenance of such library, not exceeding .15% of the value as equalized or assessed by the Department of Revenue. If the petition and ballots so specify in the original establishment as set forth in Section 2-2 of this Act, the corporate authorities may levy a tax in excess of .15%, not to exceed the rate specified in such establishment petition and ballot, but in any event not to exceed .60% of the value as equalized and assessed by the Department of Revenue. If the annual public library tax rate of an established library was increased above .12% up to .20% prior to 1972 as provided in this Act, the corporate authorities shall then levy up to an additional .03% above the increased rate approved at the referendum. Such tax rate may be increased to not to exceed .60% of the value, as equalized or assessed by the Department of Revenue, or the excess tax shall no longer be levied, if the electors of such incorporated town, village or township shall so determine by referendum at any regular election. Such referendum shall be petitioned for in the manner as the referendum for the establishment and maintenance of the library. Any tax levied pursuant to Section 3-9 [75 ILCS 5/3-9] shall be disregarded in applying the provisions of this Section.

The corporate authorities may also levy an additional tax of .02% of the value of all the taxable property in the incorporated town, village or township, as equalized or assessed by the Department of Revenue, for the purchase of sites and buildings, for the construction and equipment of buildings, for the rental of buildings required for library purposes, and for maintenance, repairs and alterations of library buildings and equipment. In any year in which the corporate authorities propose to levy such additional .02% tax, the corporate authorities shall adopt a resolution determining to levy such tax. Within 15 days after the adoption of the resolution, it shall be published at least once in one or more newspapers published in the incorporated town, village or township, or if no newspaper is published therein, then in one or more newspapers with a general circulation therein. In an incorporated town, village or township in which no newspaper is published, publication may instead be made by posting a notice in three prominent places. The publication or posting of the resolution shall include a notice of (1) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the incorporated town, village or township; (2) the time in which the petition must be filed; and (3) the date of the prospective referendum. The clerk of the incorporated town, village or township, shall provide a petition form to any individual requesting one. If no petition is filed with the corporate authorities within 30 days after publication or posting of the resolution, the incorporated town, village or township shall then be authorized to levy the

tax. However, if within the 30 day period, a petition is filed with the corporate authorities, signed by electors of the incorporated town, village or township equal in number to 10% or more of the total number of registered voters in the incorporated town, village or township, asking that the question of levying such a .02% tax be submitted to the electors thereof, the question shall be submitted at a special or general election. Notice of this election shall be given as provided by the general election laws of this state in force at the time of the election, and the election shall be held in all respects in accordance with those laws. The ballot on which the proposition is submitted shall be in substantially the following form: "Shall the corporate authorities of (name of incorporated town, village or township) be authorized to levy an additional tax of % for the construction of buildings, provision of sites, etc., as determined by resolution dated (insert date)?" If a majority of votes cast upon the proposition are in favor thereof, the corporate authorities may levy the additional tax.

75 ILCS 5/3-4

These library taxes are in addition to all other taxes or tax rates a city, incorporated town, village or township may levy and mustn't be part of the taxes making up any rate prescribed as a limitation on the tax amount cities, incorporated towns, villages, or townships may levy.

The library taxes provided for in this Article are in addition to all other taxes or tax rates authorized to be levied by any city, incorporated town, village or township and shall not be a part of the taxes making up any rate prescribed as a limitation on the amount of taxes any city, incorporated town, village or township may levy.

75 ILCS 5/3-6

If a municipality levies a tax under the Illinois Local Library Act and is situated wholly or partly in a township that also levies a tax under the Act, the library taxes' collection and levy are subject to various provisions.

If a city, village or incorporated town levying the tax is located in a county of less than 1,000,000 and situated wholly or partly in a township levying taxes under the Act, the township may cause an abatement in full of the township library tax on property subject to the tax also lying within a city, village, or incorporated town also levying a library tax for the same year. However, instead the township may pay the city, village or incorporated town the entire amount collected for the township from taxes levied under the Act on property subject to a tax which the city, village, or incorporated town levies under the Act. Whenever a city, village or incorporated town receives such payments, it must reduce and abate from the taxes under the Act's authority a rate that would produce an amount equaling the amount received from the township.

If a city, village or incorporated town levying taxes under the Act is located in a county of 1,000,000+ and situated wholly or partly in a township that levies a tax under the Act, the township must cause an abatement in full of the township library tax on property subject to the tax also lying within a city, village, or incorporated town also levying a tax for the same year. However, the city, village or incorporated town must, upon collection of its library tax on the property, pay half of the collections to the township for library purposes.

Alternatively, if any part of a city, village or incorporated town levying a tax under the Act is situated in a township also levying a tax under the Act, the municipality or township's corporate authority may cause the question of which tax will be applicable in the area situated in both the municipality and the township to be submitted to the area's electors at any regular election. The question must be certified to the proper election officials, who must then submit the question at an election in accordance with the general election law. Statute specifies the form for the question. After the election, library taxes must be levied and collected in the area only by the governmental unit receiving the larger number of votes at the election.

If a city, village, incorporated town or township levying taxes under the Act is situated wholly or partly in a library district levying a tax under The Illinois Public Library District Act<sup>8</sup>, the city village, incorporated town or township must pay the library district the entire amount collected for such entity from the library taxes levied under the Illinois Local Library Act upon taxable property in the library district. Whenever the library district receives such payments from a city, village, incorporated town or township, the library district must reduce and abate from the library tax

<sup>8</sup> Since repealed and replaced by the Public Library District Act of 1991.

levied by the Illinois Public Library District Act's authority on property subject to library purposes taxation by both the district and the municipality or township at a rate which would produce an amount equal to that received by the library district.

(1) When a municipality levies a tax under this Article, which municipality is situated wholly or partly in a township which also levies a tax under this Article, the levy and collection of the library taxes are subject to these provisions:

(a) If a city, village or incorporated town which levies a tax under this Article is located in a county of less than 1,000,000 inhabitants and is situated wholly or partly in a township which levies a tax under this Article, such township may proceed as follows unless the authority to levy a library tax in the area which lies in both the municipality and the township has been determined under subsection (c). The township may cause an abatement in full of the township library tax on property subject to such tax as also lies within a city, village or incorporated town which also levies a library tax for the same year. However, such township may instead pay to such city, village or incorporated town the entire amount collected for such township from taxes levied under this Article on property subject to a tax which such city, village or incorporated town levies under this Article.

Whenever any city, village or incorporated town receives any payments from a township as provided in this Section, such city, village or incorporated town shall reduce and abate from the tax levied by the authority of this Article a rate which would produce an amount equal to the amount received from such township.

(b) If a city, village or incorporated town which levies a tax under this Article is located in a county of 1,000,000 or more inhabitants and is situated wholly or partly in a township which levies a tax under this Article, such township shall proceed as follows unless the authority to levy a library tax in the area which lies in both the municipality and the township has been determined under subsection (c). The township shall cause an abatement in full of the township library tax on property subject to such tax as also lies within a city, village or incorporated town which also levies a library tax for the same year. However, such city, village, or incorporated town shall, upon collection of its library tax on such property, pay  $\frac{1}{2}$  of the collections to the township for library purposes.

(c) If any part of a city, village or incorporated town which levies a tax under this Article is situated within a township which levies a tax under this Article, the corporate authorities of the municipality or township may cause the question of which such tax shall be applicable in that area which is situated in both the municipality and township to be submitted to the electors of such area at any regular election. The question shall be certified to the proper election officials, who shall submit the question at an election in accordance with the general election law. The question shall be in substantially the following form:

After such election, library taxes under this Article shall be levied and collected in such area only by the governmental unit which received the larger number of votes cast in such election.

(2) If a city, village, incorporated town or township which levies a tax under this Article is situated wholly or partly in a library district which levies a tax under "The Illinois Public Library District Act", such city, village, incorporated town or township shall pay to such library district the entire amount collected for such entity from library taxes levied under this Article upon taxable property within such library district.

Whenever any library district receives any payments from any city, village, incorporated town or township as provided in this Section, such library district shall reduce and abate from the library tax levied by the authority of "The Illinois Public Library District Act" on property which is subject to taxation for library purposes by both the district and the municipality or township a rate which would produce an amount equal to the amount received by such library district.

75 ILCS 5/3-7

If voters approve 2+ cities, villages, incorporated towns or townships' merger and the merger affects 1+ public libraries, the library taxes levied before the merger must continue to be levied and collected for library purposes. The ceiling on the annual public library maintenance tax resulting from the merger must be not be at a rate higher than any lawful rate authorized to be extended before the merger in any of the merged areas.

In the event the voters approve of a merger of 2 or more cities, or villages, or incorporated towns or townships and the merger affects one or more public libraries the library taxes levied before such merger, shall continue to be levied and collected for library purposes. The ceiling on the annual tax for the maintenance of the public library resulting from the merger shall be at a rate not higher than any lawful rate authorized to be extended before the merger in any of the merged areas.

75 ILCS 5/3-8

To provide money to establish and replenish an authorized local library working cash fund, corporate authorities may levy, upon all of a city, village, incorporated town or township's taxable property, a tax not exceeding .05% of the value, as equalized and assessed by the Department of Revenue for the year when the levy is made. The tax must be levied and collected like the city, village, incorporated town or township's other general taxes, but the tax's collection mustn't be anticipated by issuing any warrants drawn from the tax. When such a tax is first levied, any of the city, village, incorporated town or township's taxpayers may, within thirty days after the levy, file with the corporate authorities a petition signed by at least 10% of the city, village, incorporated town or township's registered voters requesting a proposition's submission to the city, village, incorporated town or township's voters at an election in



accordance with general election law. The corporate authority must certify the proposition to the proper election officials, who must then submit the proposition to the voters at an election in accordance with the general election law. If a majority favor the proposition, the tax will be authorized. If a majority are against the proposition, the tax mustn't be levied. No municipality or township may levy such a tax for more than four years, but the four years for which any municipality or township elects to levy the tax needn't be consecutive.

For the purpose of providing money to establish and replenish a local library working cash fund authorized by Section 4-13 [75 ILCS 5/4-13], corporate authorities shall have the power to levy, upon all the taxable property of a city, village, incorporated town or township, a tax not to exceed .05% of the value, as equalized or assessed by the Department of Revenue for the year in which the levy is made. The tax shall be levied and collected in like manner with other general taxes of the city, village, incorporated town or township but the collection of the tax shall not be anticipated by the issuance of any warrants drawn against the tax. The tax shall be known as the local library working cash fund tax and shall be set apart in a special fund as prescribed in Section 4-13. Whenever a tax is first levied under this Section, any taxpayer in the city, village, incorporated town or township may, within 30 days after the levy is made, file with the corporate authorities a petition signed by voters of the city, village, incorporated town or township equal in number to 10% or more of the registered voters of the city, village, incorporated town or township requesting the submission of a proposition to the voters of the city, village, incorporated town or township at an election in accordance with the general election law. The corporate authority shall certify the proposition to the proper election officials, who shall submit the proposition to the voters at an election in accordance with the general election law. If a majority of the votes cast upon the proposition are in favor thereof the tax shall thereafter be authorized; if a majority of the votes cast upon the proposition are against the proposition the tax shall not be levied.

No municipality or township may levy a tax under this Section for more than four years but the four years for which any municipality or township elects to levy such tax need not be consecutive.

75 ILCS 5/3-9

Upon receiving the certificate of the board of library trustees, the corporate authorities must, in their next annual appropriation ordinance or resolution, include the certified amount and must, for the certified amount, levy and collect a tax to pay with the city, village, incorporated town or township's other general taxes. The officer charged with the tax's collection must pay the proceeds over to the board of trustees of a library in cities, villages, and incorporated towns with 50,000 or less inhabitants to be applied by the board of trustees. The levy mustn't exceed .0833% of the value, as equalized or assessed by the Department of Revenue, in any one year, and musn't be levied for more than the number of years into which the library board, in those cases when not issuing bonds, has divided the costs of constructing, repairing, or improving library buildings or purchasing equipment, or acquiring library materials in connection with a building's construction or expansion. Once collected as provided, the tax must cease.

The corporate authorities on receiving the certificate of the board of library trustees, as provided in Section 5-2 [75 ILCS 5/5-2], shall, in its next annual appropriation ordinance or resolution, include the amount so certified, and shall, for the amount so certified levy and collect a tax to pay such with the other general taxes of the city, village, incorporated town or township, and the proceeds of such tax shall be paid over by the officer charged with the collection thereof to the board of trustees of such library in cities, villages and incorporated towns having a population of 50,000 inhabitants or less to be applied by such board of trustees to the purpose for which such tax was levied. Such levy shall not exceed .0833% of the value, as equalized or assessed by the Department of Revenue, in any one year, and shall not be levied for more than the number of years into which the library board, in those cases where bonds are not issued as provided in Section 5-2, has divided the cost of constructing a building, or remodeling, repairing, improving an existing library building or the erection of an addition thereto, or purchasing a site, building or equipment, or to acquire library materials such as books, periodicals, films, recordings and electronic data storage and retrieval facilities in connection with either the purchase or construction of a new library building or the expansion of an existing library building, or any or all of these things. When collected as provided in this Section the tax shall cease.

75 ILCS 5/5-3

No city, village, township or incorporated town may levy the tax unless it first adopts an ordinance – or a resolution in the case of a township authorizing the tax's levy – and certifies to the proposer election officials the proposition for the tax's approval. The election officials must submit the proposition to the city, village, township or incorporated town's voters at a regular election, and a majority must approve the proposition, which must state the tax and its purpose as established by the ordinance or resolution. However, for cities, villages, townships, or incorporated towns where a majority of the voters have, subsequent to January 1, 1969, approved a resolution or ordinance providing for the issuance of bonds at a coupon rate of less than 7% per annum, the corporate authorities may adopt an ordinance or resolution authorizing the levy of the tax without submitting the ordinance or resolution to the city, village, township or incorporated town's voters for approval.

No city, village, township or incorporated town is authorized to levy the tax provided for in this Article unless it first adopts an ordinance, or resolution in the case of a township authorizing the levy of such tax, certifies to the proper election officials the proposition for the approval of such tax and such election officials submit the proposition to the voters of such city, village, township or incorporated town, as the case may be, at a regular election and such proposition is approved by a majority of such voters voting upon the question; the proposition shall state the tax, and the purpose thereof as established by the ordinance or resolution. However, in any city, village, township or incorporated town in which a majority of the voters voting upon the question have, subsequent to January 1, 1969, approved any such ordinance or resolution providing for the issuance of bonds pursuant to Section 5-2 of this Act [75 ILCS 5/5-2] at a coupon rate of less than 7% per annum, the corporate authorities of any such city, village, township or incorporated town are authorized to, and may, before January 1, 1972, issue such bonds, or any part thereof, so approved at a coupon rate that does not exceed 7% per annum and such corporate authorities are authorized to adopt an ordinance or resolution authorizing the levy of the tax provided for in this Article without submitting such ordinance or resolution to the voters of such city, village, township or incorporated town for approval.

75 ILCS 5/5-7

## II. The Illinois Library System Act

Under this Act, a library system can be one of three things. First, a library system can be a multitype system that serves at least 150,000 inhabitants, or serves an area of at least 4,000 square miles while serving 10+ public libraries, elementary and secondary school libraries, institutions of higher education libraries and special libraries. Second, a library system can be a public library system of a single public library that serves a city over 500,000. Third, a library system can be a multitype system serving the same territory as a single public library's library system serving a city over 500,000 if it provides service to elementary and secondary school library, institutions of higher education libraries, and special libraries. Special libraries include those libraries with unique collections or specialized services recognized by the State Library.

As used in this Act:

"Library system" means any one of the following:

(1) A multitype library system serving (i) a minimum of 150,000 inhabitants or (ii) an area of not less than 4,000 square miles and serving a minimum 10 or more public libraries, elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

(2) A public library system consisting of a single public library serving a city of over 500,000 population.

(3) A multitype library system that serves the same territory as a library system under subparagraph (2) of this definition that provides service to elementary and secondary school libraries, institutions of higher education libraries, and special libraries.

"Special library" includes, but is not limited to, libraries with unique collections or specialized services recognized by the State Library.

75 ILCS 10/2

The formation of a library system of 10+ public libraries or of a public library serving a city over 500,000 must first be approved by the participating public library or libraries' boards of directors. Subject to the State Librarian's adopted rules, an application for a library system's formation must be submitted by the system's board of directors to the State Librarian with a service plan describing the specific purposes for the system's formation and the means by which the purposes will be accomplished. If the State Librarian is satisfied that the library system's establishment will result in improved library service, he or she must approve the application.

The State Librarian must provide that all of the state's areas fall within a library system's boundaries. If the State Librarian believes provisions in a proposed library system's bylaws or service plan fail to meet the established criteria or rules and regulations, he or she may grant provisional status for a period of no longer than three years from the date of the application's submission for creating a library system. If these deficiencies aren't corrected within the three-year period, the system's provisional status must be rescinded. Its assets must be liquidated or it must submit a plan for consolidation with an adjoining existing system. The State Librarian must assume the fiscal and administrative responsibility for the services' maintenance until a library system status is reestablished or the State Librarian determines the most efficient means of delivering service to the system's libraries.

If the State Librarian finds that an existing library system has failed to meet the established criteria or rules, he or she must give the library system's board due notice to respond to and address the finding. If the library system's board

fails to adequately respond to the finding, the State Librarian may assume fiscal and administrative responsibility for the library system. Upon taking such action, the State Librarian may hold a public hearing on the action.

Multitype library systems that were organized prior to the effective date of this act and provided service as a multitype library system serving a public library in a city of 500,000+ needn't reorganize for formation as a new library system but may, at the State Librarian's discretion, continue as a library system subject to the Illinois Library System Act's conditions and restrictions and any of the State Librarian's stipulations.

(a) A library system shall be established in the following manner: The formation of a library system of 10 or more public libraries or of a public library serving a city of over 500,000 population shall first be approved by the boards of directors of the participating public library or libraries, followed by the election or selection of a board of directors for the library system as provided in Sections 5 and 6 of this Act [75 ILCS 10/5 and 75 ILCS 10/6]. Subject to rules adopted by the State Librarian, an application for the formation of a library system shall be submitted by the board of directors of the system to the State Librarian, together with a plan of service describing the specific purposes for which the system is formed and the means by which such purposes are to be accomplished. If it shall appear to the satisfaction of the State Librarian that the establishment of a library system will result in improved library service, he shall approve the application.

The State Librarian shall provide that all areas of the State fall within the boundaries of a library system. The State Librarian shall have the right to grant provisional status for a period of not more than 3 years from the date of submission of the application for creation of a library system if, in his judgment, provisions in the bylaws or plan of service of the proposed library system fail to meet the criteria established in this Act or in the rules and regulations authorized by this Act. If the deficiencies noted by the State Librarian in granting provisional status are not corrected within the 3 year period, the provisional status of the system shall be rescinded and the assets of the provisional system shall be liquidated as provided for in Section 13 or the provisional system shall submit a plan for consolidation with an adjoining existing system. In such case the State Librarian shall assume fiscal and administrative responsibility for maintenance of services until a library system status is reestablished or a determination is made by the State Librarian as to the most efficient means of delivering service to the libraries of the system.

Upon the finding of the State Librarian that an existing library system has failed to meet the criteria established by this Act or the rules authorized by this Act, the State Librarian shall give due notice to the library system board to respond to and address the finding. Upon the failure of the library system board to adequately respond to the finding, the State Librarian may assume fiscal and administrative responsibility for the library system. Upon taking such action, the State Librarian may hold a public hearing on the action. The process for these actions shall be prescribed by administrative rule.

(b) A multitype library system as defined in subparagraph (3) of the definition of "library system" in Section 2 that, prior to the effective date of this amendatory Act of the 93rd General Assembly [P.A. 93-527], was organized and provided service as a multitype library system that served a public library in a city with a population of 500,000 or more need not reorganize for formation as a new library system but may, at the discretion of the State Librarian, continue as a library system subject to conditions and restrictions of this Act and any stipulations of the State Librarian.

75 ILCS 10/4

In consultation with the Illinois State Library Advisory Committee, the State Librarian must review library systems' geographic boundaries at least once every ten years and make adjustments to the boundaries as deemed appropriate. The State Librarian must promulgate rules setting forth the process for initiating review and the criteria for evaluating proposed adjustments to geographic boundaries.

The State Librarian, in consultation with the Illinois State Library Advisory Committee, shall review the geographic boundaries of the library systems a minimum of once every 10 years and make adjustments to the boundaries as deemed appropriate. The State Librarian shall promulgate rules setting forth the process for initiating review and the criteria for evaluating proposed adjustments to geographic boundaries.

75 ILCS 10/14.5

### III. The Public Library District Act of 1991

The board may establish and maintain library districts and libraries.

To provide local public institutions of general education for citizens of Illinois, library districts and libraries may be established, equipped, and maintained by the board pursuant to this Act. That library shall be forever for the use of the residents and taxpayers of the district in which it is located, subject to reasonable rules and regulations the board adopts to render the use of the library of the greatest benefit to the greatest number of those residents and taxpayers.

75 ILCS 16/1-10

Library districts established under prior law must be deemed to have been established under the current Act, notwithstanding that a library district doesn't meet all of the Act's qualifications for library district's establishment and formation, and must be subject to the current Act's provisions. No further referendum is needed to authorize an annual public library tax's levying up to the statutory limitation.

(a) Any library district established or formed under any prior law, including those formed under "An Act authorizing the creation of public library districts", approved May 26, 1943, "An Act in relation to the creation of public library districts", approved May 16, 1957, or the Illinois Public Library District Act [75 ILCS 16/1-1 et seq.], shall be deemed to have been established or formed under this Act, notwithstanding the fact that the library district does not meet all of the qualifications for the establishment or formation of library districts set forth in this Act, and shall be subject to the provisions of this Act. No further referendum need be held to authorize the levy of the annual public library tax up to the limitation of Section 35-5 [75 ILCS 16/35-5].

(b) The trustees elected or appointed under this Act shall be the successors to the trustees of districts established under any prior law repealed by this Act or set forth in subsection (a), and all right, title and interest in and to property of any type, and all rights and causes of action existing or vested in trustees of districts created under any prior law, fully vests in the trustees elected or appointed under this Act.

75 ILCS 16/1-15

Notice of elections and referenda must be given in the manner the Election Code provides.

Whenever notice must be given under the Public Library District Act of 1991, the notice must be given by publication once in 1+ daily or weekly newspapers published or circulated in the district or, if no newspaper is published or circulated in the district, by posting ten copies of the notice in conspicuous places in the district as far separated from the others as conveniently possible. Notices must be given at least thirty days before the hearing or other matter the notice is publicizing unless otherwise provided. A copy of the notice must always be posted at the library the district operates. If the district doesn't operate a library, a copy of the notice must be posted at another public place specified by ordinance.

Notices of a referendum for establishment of, annexation to, or inclusion within a district, transfer of territory to or form a district, or districts' merger must include a map and legal description of the district and must indicate the territory sought to be annexed, included, transferred or merged. If the sought territory encompasses the same territory as an existing incorporated town, township or county, the proposed district's description must be by reference to that entity.

Copies of all notices must be filed with the district's secretary. If petitioners seek an election to establish a district, copies of all notices must be filed with the petitions for the proposed district. If a municipal or township library is affected, copies of all notices must be filed with the mayor or president of each municipality, or with the supervisor of each township, that lies entirely or partially within the district or proposed district.

If a petition is filed with a circuit court for converting a public library to a library district, copies of a notice of the petition must be filed with any affected municipality's mayor or president when a municipal library is affected, with an affected township's supervisor when a township library is affected, or with an affected county's county board if a county library is affected.

(a) Notice of elections and referenda shall be given in the manner provided by the Election Code [10 ILCS 5/1-1 et seq.].

(b) Whenever notice must be given by any other provision in this Act, the notice shall be given by publication once in one or more daily or weekly newspapers published or circulated in the district or, where no such newspaper is published or circulated in the district, by posting 10 copies of the notice in conspicuous places within the district as far separated from the others as is conveniently possible. All notices shall be given at least 30 days before the hearing or other matter being publicized by the notice unless otherwise provided in this Act. A copy of the notice shall in each case be posted at the library operated by the district. When the district does not operate a library, a copy of the notice shall be posted at another public place specified by ordinance.

(c) The notice of a referendum for establishment of, annexation to, or inclusion within a district, transfer of territory to or from a district, or merger of districts must include a map of the district and a legal description of the district and must indicate the territory sought to be annexed, included, transferred, or merged. If the territory sought to be annexed, included, transferred, or merged encompasses the same territory as an existing incorporated town, township, or county, the description of the proposed district shall be by reference to that entity.

(d) Copies of all notices must be filed with the secretary of the district. When an election to establish a district is sought by the petitioners, copies of all notices must be filed with the petitions for the proposed district to be formed under Sections 5-10 through 5-

30 [75 ILCS 16/5-10 through 75 ILCS 16/5-30]. When a municipal or township library is affected, copies of all notices must be filed with the mayor or president of each municipality, or with the supervisor of each township, that lies entirely or partially within the district or proposed district.

(e) Copies of a notice of a petition filed with a circuit court for conversion of a public library to a library district shall be filed by the petitioners as follows: when a municipal library is affected, with the mayor or president of any municipality affected; when a township library is affected, with the supervisor of the township affected; or when a county library is affected, with the county board of the county affected.

(f) For the purpose of sending notice and for other purposes as required by this Act, the official mailing address for a library that contracts with another library for certain services is the official mailing address established by the library facility where the services are provided.

(g) Notices mailed to owners of real estate within a district or proposed district or to voters shall be effective upon deposit in a United States Post Office mailing facility, postage prepaid, correctly addressed to the proper person.

75 ILCS 16/1-30

Election and referenda provided for in the Public Library Districts Act of 1991 must be conducted at the time and in the manner the Election Code provides. The Election Code provides for the canvass of votes cast at an election. If there is a tie vote on a proposition, the proposition must fail. The district's qualified voters may contest a referendum's announced results within thirty days of the referendum by commencing an appropriate action in the circuit court of the county with all or the larger portion of the district.

(a) Elections and referenda provided for in this Act shall be conducted at the time and in the manner provided by the Election Code [10 ILCS 5/1-1 et seq.].

(b) The Election Code shall govern elections under this Act, except that provisions relating to political parties shall not be applicable to elections under this Act, which shall be nonpartisan.

(c) The canvass of votes cast at an election under this Act shall be as provided in Section 22-17 of the Election Code [10 ILCS 5/22-17]. The board of trustees shall act as the canvassing board.

(d) If a candidate for the office of trustee dies before election day and is nevertheless deemed elected, then the candidate on the ballot who receives the next highest vote as compared with those votes cast for the deceased candidate shall be deemed elected. If there is no such other candidate, there shall be a vacancy.

(e) In the event of a tie vote in an election on a proposition, the proposition shall fail.

(f) Any qualified voter in the district may contest the election of any person to the office of trustee or the announced results of a referendum within 30 days after the date of the election or referendum by commencing an appropriate action in the circuit court of the county that contains all or the larger portion of the district.

(g) The court costs and legal costs incurred by the district involving an election contest shall be borne by the district unless otherwise specified in this Act, but the expenses incurred by any voter contesting any election shall not be an expense of the district.

75 ILCS 16/1-35

The district secretary's records will determine every district ordinance's contents, date of enactment, date of publication or posting, and effective date. The secretary's certificate under the district seal may prove all of these. Ordinances must contain an effective date, which mustn't be later than sixty days after the date of enactment. Ordinances must be numbered serially and must be identified by that number and the enactment date. Ordinances must be posted in a public area of the district library building within three days of the enactment date and remain posted for fourteen days. The district secretary must maintain a certified copy of every district ordinance at the library the district operates and must make those copies available for public inspection.

(a) The contents, date of enactment, date of publication or posting, and effective date of every district ordinance shall be determined from the records of the district secretary and may be proved by the secretary's certificate under the district seal. The secretary's certification shall be as provided in Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

(b) Every ordinance shall contain an effective date, which shall be no later than 60 days after the date of enactment.

(c) Every ordinance shall be numbered serially and shall be identified by that number and the date of enactment.

(d) Every ordinance shall be posted in a public area of the district library building within 3 days after the date of enactment and shall remain posted for 14 days.

(e) The district secretary shall maintain a certified copy of every district ordinance at the library operated by the district and shall make those copies available for public inspection.

75 ILCS 16/1-40

All or any portion of the territory in 1+ counties may be organized and formed into a district to levy a tax to pay for library services' establishment and maintenance.

All or any portion of the territory within one or more counties may, under this Act, be organized and formed into a district for the purpose of levying a tax or taxes to pay for establishing, equipping, maintaining, and supporting library services.

75 ILCS 16/5-5

In territories without local tax-supported libraries or in such a territory and contiguous territory of a municipality, township, or county operating a local tax-supported library, a library district's organization may be initiated in two ways.

First, in a territory without a local tax-supported library, 100+ voters may petition the circuit court of the county containing all of the territory (or a larger portion of the territory than that of any other county) to submit to the proposed district's voters the question of organization the proposed territory into a public library district. The petition must allege that the proposed district's territory doesn't include, in whole or in part, any existing tax-supported public library.

Second, if there is a local tax-supported library established by a municipality, township, or county, its library board, or 100+ of the municipality, township or county's voters, may petition for submission of the question of if a public library district will be organized to include the municipality, township or county and contiguous territory without a local tax-supported library.

The petition must contain a legal description of the proposed district's territory's boundaries, specify the district's name, propose a tax rate if in excess of 0.15%, and ask the circuit court to set a date for a hearing on the petition before a circuit court judge. If the proposed district's territory encompasses the same territory as an existing school district, municipality, township or county, the proposed district's description may be by reference to that entity.

(a) The organization of a district library in a territory without a local tax supported library or in such a territory and contiguous territory of a municipality, township, or county operating a local tax supported library may be initiated as described in paragraph (1) or (2) of this subsection.

(1) One hundred or more of the voters of a territory without a local tax supported library may petition the circuit court of the county that contains all of the territory (or a larger portion of the territory than any other county containing a portion of the territory) to cause to be submitted to the voters of the proposed district the question of whether the proposed territory shall be organized as a public library district. The petition shall contain the provisions set forth in this Section and, in addition, shall allege that the territory of the proposed district does not include, in whole or in part, any existing tax supported public library.

(2) The library board of a local tax supported library established by a municipality, township, or county, or 100 or more of the voters of the municipality, township, or county, may petition to cause to be submitted to the voters of the entire territory the question of whether a public library district shall be organized to include the municipality, township, or county and contiguous territory that is without a local tax supported library.

(b) The petition specified in this Section shall contain a legal description of the boundaries of the territory to be embraced within the proposed district, shall specify the name of the district and the proposed tax rate limit for the district if it is in excess of 0.15%, and shall petition the circuit court to set the date of a hearing on the petition before a judge of the circuit court. If the territory of the proposed district encompasses the same territory as an existing school district, municipality, township, or county, the description of the proposed district may be by reference to that entity.

75 ILCS 16/5-10

When the petition is submitted to the circuit court, the circuit court must enter an order setting the date of hearing on the petition and naming the presiding judge. The petitioners must publish notice of the hearing's time, date and place and include the name of the presiding judge. Concurrently with publication of notice of the hearing, the petitioners must send notice of the hearing a copy of the petition to the board of trustees of each public library serving an area contiguous to or within the proposed library district's boundaries.

(a) Upon the submission of the petition to the circuit court as provided in Section 5-10 [75 ILCS 16/5-10], the circuit court shall enter an order setting the date of the hearing on the petition and naming the judge who will preside at the hearing.

(b) The petitioners shall publish notice of the time, date, and place of the hearing, including the name of the judge who will preside at the hearing. The notice shall be published in accordance with Section 1-30 [75 ILCS 16/1-30]. The petitioners shall also, concurrently with the publication of the notice of the hearing, send notice of the hearing and a copy of the petition to the board of trustees of each public library serving an area contiguous to or within the proposed library district boundaries.



## 75 ILCS 16/5-15

At the hearing, the petitioners must present proof of the notice of the hearing and of the matters alleged in the petition to the presiding judge. All of the proposed district's residents must have a reasonable opportunity to be heard regarding the proposed district's boundaries' location and to make suggestions regarding the boundaries.

At the hearing ordered under Section 5-15 [75 ILCS 16/5-15], the petitioners shall present proof of the notice of the hearing and of the matters alleged in the petition to the presiding judge. All persons residing within the proposed district shall have a reasonable opportunity to be heard regarding the location of the boundaries of the proposed district and to make suggestions regarding the boundaries.

## 75 ILCS 16/5-20

After hearing the petitioners and other appearing persons' statements, evidence and suggestions, the judge must enter an order calling an election. The order must fix the proposed district's boundaries. Upon a showing of good cause, the judge may alter and amend the petition regarding these boundaries. The order must also require preparation of a map depicting the proposed district's boundaries, the boundaries of any municipality or township lying wholly or partially within the proposed district, and all affected counties' county lines. Also, the order must designate the regular election when the election to establish the district will be held. The judge must certify the order and the question of the proposed library district's organization and establishment to the proper election authority, who must then submit the question to the proposed district's voters. Notice of the election must specify the election's purpose and contain a map and legal description of the proposed district.

(a) The judge, after hearing the statements, evidence, and suggestions of the petitioners and other persons appearing before the court, shall enter an order calling an election. The order shall do the following:

(1) Fix the boundaries of the proposed district. For that purpose and only to that extent, and only upon a showing of good cause, the judge may alter and amend the petition.

(2) Require a map to be prepared depicting (i) the boundaries of the proposed district, (ii) the boundaries of any municipality or township that lies wholly or partially within the proposed district, and (iii) the county lines of all counties affected.

(3) Designate the regular election when the election to establish a district will be held. The judge shall certify the order and the question of organization and establishment of the proposed public library district to the proper election authority, who shall submit the question to the voters of the proposed district in accordance with the Election Code [10 ILCS 5/1-1 et seq.].

(b) In addition to the requirements of the Election Code, notice of the election shall specify the purpose of the election and contain a map and legal description of the proposed district.

## 75 ILCS 16/5-25

Statute specifies the form for the proposition at the election. If the ballot doesn't specify a tax rate limit, the newly organized district's tax rate limit will be as specified by statute. If the petitioners specify a rate higher than the rate set by statute, statute provides an alternative form for the proposition. However, the tax rate must never exceed the maximum statutory rate. A proposition for a public library district's establishment mustn't be submitted to the proposed district's voters more than once in a twelve-month period.

(a) The proposition at the election shall be in substantially the following form:

Shall a public library district be established in all or part of (name of county)?

(b) If no tax rate limit is specified in the ballot, the tax rate limit of the newly organized district shall be as set forth in Section 35-5 [75 ILCS 16/35-5]. If, however, the petitioners, under Section 35-10 [75 ILCS 16/35-10], specify a rate higher than the rate set forth in Section 35-5, the proposition shall be in substantially the following form:

Shall a public library district be established in all or part of (name of county) with a maximum annual public library tax rate established at (rate)% of the value of all taxable property in the district as equalized and assessed by the Department of Revenue?

In no event shall the tax rate exceed the maximum tax rate set forth in Section 35-10.

(c) A proposition for the establishment of a public library district shall not be submitted to the voters in the proposed district more often than once in a 12-month period.

## 75 ILCS 16/5-30

Within ten days of the election, the election authority must file an order with the circuit court certifying the election results in each precinct. The assigned judge must enter a final judgment setting forth election results based on the election authority's certificate filed in the court. The order must become part of the court records. The district's

establishment must be based on a majority vote. If the proposed territory doesn't include a municipality or any portion of a municipality, then a simple majority determines establishment. However, if the proposed territory includes a municipality or any portion of a municipality, the votes must be divided into two lots. The votes cast in the municipalities must be counted together, and the votes cast outside the municipalities must be counted together. To establish the district, a majority in each group must favor establishment. If the proposed district contains 2+ municipalities and both groups favor establishment but one municipality with a tax-supported library is against the district's establishment, then the district must be deemed established, but the dissenting municipality with a tax-supported library must be excluded from the district's territory. If the proposed territory includes a township with a tax-supported library and all areas favor establishment, the township votes must also be counted separately. If the votes in the township with a tax-supported library are against establishment, then the dissenting township must be excluded from the district's territory.

(a) The election authority shall, within 10 days after the election, file with the circuit court ordering the election its certificate setting forth the results of the election in each precinct.

(b) The judge assigned to hear the case shall enter a final judgment setting forth the results of the election based upon the certificate filed in the court by the election authority, and the order shall become a part of the records of the court.

(c) The question of establishment of a district shall be based upon the majority of votes cast on the question by the voters of the proposed territory determined as follows:

(1) Where the proposed territory does not include a municipality or any portion of a municipality, then the majority of all the votes cast upon the question shall determine establishment.

(2) Where the proposed territory does include a municipality or any portion of a municipality, then the votes cast shall be divided into 2 lots. The votes cast within the municipalities shall be counted together, and the votes cast outside of the municipalities shall be counted together, and the question must carry in each group in order to establish the district. If there are 2 or more municipalities within the proposed territory, and the question of establishment carries in both groups as provided in this paragraph but the votes cast in one municipality having its own tax supported library are against establishment of the district, then the district shall be deemed established, but the dissenting municipality with its own tax supported library shall be excluded from the territory of the district.

(3) Where the proposed territory includes a township having its own tax supported library and the question of establishment carries in all areas as provided in paragraph (2), the township votes on the question shall also be counted separately, and if the votes cast within the township with its own tax supported library are against establishment, then the dissenting township shall be excluded from the territory of the district.

75 ILCS 16/5-35

When a library district's establishment is approved and the district included wholly within its territory a municipal, township or county library, only the library district must levy the annual public library tax.

When the establishment of a library district has been approved and the district includes wholly within its territory a municipal, township, or county library, only the library district shall levy the annual public library tax.

75 ILCS 16/5-45

This article of the Public Library District Act of 1991 covering creation of a district by petition isn't applicable in any municipality over 500,000.

This Article shall not apply in any municipality having a population greater than 500,000.

75 ILCS 16/10-5

Tax-supported public libraries in municipalities, counties or townships maintained and operated under a different act may, by conversion, become libraries organized, maintained and operated under the Public Library District Act of 1991 by resolution of the public library board of trustees and a referendum. If a tax-supported public library's board of trustees desires to convert the existing library to a library district, it may adopt a resolution calling for conversion. The board must certify the conversion question to the proper election authority, who must then submit the question to voters at the next regular election. If the board specifies in its resolution that the converted library must have a maximum tax rate exceeding the converted library's existing ceiling or limitation, the question must specify so. Notice of the election must be given. Statute specifies a form for the proposition, with an alternate form for if the resolution specifies a maximum tax rate exceeding the existing ceiling or limitation. If a majority favor the proposition, the board of trustees must then convert the public library to a public library district. However, this

section isn't applicable to libraries a municipality's corporate authorities established under the Illinois Local Library Act.

(a) A tax supported public library in a municipality, county, or township maintained and operated under any other Act may, by conversion, become a library organized, maintained, and operated under this Act by resolution of the public library board of trustees and referendum as provided in this Section.

(b) The board of trustees of a tax supported public library desiring to convert the existing library to a library district may adopt a resolution calling for the conversion. The board shall certify the question of conversion to the proper election authority, who shall submit the question to the voters at the next regular election. If the board specifies in its resolution that the converted library shall have a maximum tax rate in excess of the existing ceiling or limitation of the library to be converted, the question shall so specify. Notice of the election shall be given in accordance with Section 1-30 [75 ILCS 16/1-30].

(c) The proposition shall be submitted to the voters in substantially the following form:

Shall the board of trustees of the public library in (name of municipality, county, or township), Illinois, be authorized to convert the public library to a public library district as determined by the board's resolution of (date)?

(d) If the resolution specified a maximum tax rate in excess of the existing ceiling or limitation, the proposition shall be submitted to the voters in substantially the following form:

Shall the board of trustees of the public library in (name of municipality, county, or township), Illinois, be authorized to convert the public library to a public library district, with a maximum annual public library tax rate established at (rate)% of the value of all taxable property in the district as equalized and assessed by the Department of Revenue, as determined by the board's resolution of (date)?

(e) If a majority of the votes cast on the proposition are in the affirmative, the board of trustees shall convert the public library to a public library district.

(f) This Section shall not apply to any library established by the corporate authorities of a municipality under the Illinois Local Library Act [75 ILCS 5/1-0.1 et seq.].

75 ILCS 16/10-10

If a tax-supported public library's board of trustees wishes to convert an existing library to a library under the Public Library District Act of 1991, the board may, instead of using the above election procedures, adopt a resolution calling for the conversion and requesting that the corporate authorities of the municipality, county, or township maintain the existing library approve the conversion. If the corporate authorities approve conversion within sixty days of the board of trustees adopting the resolution, the board must then convert the public library to a public library district. Libraries in home rule units that are converted by this procedure must have a maximum tax rate not exceeding the greater of 0.15% or the last rate the municipality levied for library purposes for the most recent year before conversion. That rate mustn't be subject to any of the rate limitations or referendum requirements imposed by the Public Library District Act of 1991, but the rate may later be increased as provided by statute.

(a) The board of trustees of a tax supported public library desiring to convert the existing library to a library maintained and operated under this Act may, rather than utilizing the procedures prescribed in Section 10-5 [75 ILCS 16/10-5<sup>9</sup>], adopt a resolution calling for the conversion and requesting the approval of the conversion by the corporate authorities of the municipality, county, or township maintaining the existing library. If the corporate authorities approve the conversion within 60 days after the resolution is adopted by the board of trustees, the board of trustees shall convert the public library to a public library district.

(b) Any library in a home rule unit, as defined in Article VII, Section 6, of the Illinois Constitution [Ill. Const. (1970) Art. VII, § 6], converted under this Section shall have a maximum tax rate not to exceed the greater of 0.15% or the last rate levied by the municipality for library purposes for the most recent year before the conversion, and that rate shall not be subject to any rate limitations or referendum requirements imposed by this Act. That rate may thereafter be increased, however, as provided in Section 35-10 [75 ILCS 16/35-10].

75 ILCS 16/10-15

If after August 30, 1989 a tax-supported public library's board of trustees adopt a resolution under either of the two above procedures calling for conversion of a county library existing on August 30, 1989 to a public library district, there are additional requirements for what the resolution must specify regarding trustees.

Notwithstanding any other provision of this Act, whenever after August 30, 1989 the board of trustees of a tax supported public library adopt a resolution under Section 10-10 or 10-15 [75 ILCS 16/10-10 or 75 ILCS 16/10-15] calling for conversion of a county library in existence on August 30, 1989 to a public library district, the resolution shall specify the following:

(1) The number of trustees to be elected for the new public library district. That number shall be not more than the number of trustees on the existing board before conversion.

(2) The maximum number of trustees who may reside in a single township.

<sup>9</sup> This may be a typo and should likely refer to the above 10-10.

75 ILCS 16/10-20

If at least 10% of the resident voters in a municipality, county or township (or, if there are 100 or fewer voters, then a majority of voters) file a signed petition, there must be an election for a public library's conversion. The petition must be addressed to and filed simultaneously with the existing public library's board of trustees and the municipality, county or township's corporate authorities. The original petition must also be filed with the corporate authorities. The petition must specify the public library district's new maximum tax rate and state the existing rate of the public library to be converted if the rate is to be in excess of the converted library's existing ceiling or limitation. When the board of library trustees receives a certified copy of the petition, within thirty days it must file an addendum to the petition with the corporate authorities that states the existing public library's establishment date, its public library tax levies' lawful ceiling, the involved territory's geographic area, and the involved municipality, county, or township's identity. The corporate authorities must then certify the question to the proper election authority, who must submit the conversion question to the district's voters at an election. Statute specifies a form for the proposition, with an alternative form if the petition specifies a maximum tax rate exceeding the existing ceiling or limitation. If a majority favor the proposition, the board of library trustees must then convert the public library to a public library district with the proposition-specified maximum annual public library tax rate.

- (a) An election for conversion of a public library established in any municipality, county, or township shall be called upon the filing of a petition signed by not less than 10% of the voters (or, if there are 100 or fewer voters, then a majority of the voters) residing within that territory. The petition shall be addressed to and filed simultaneously with the board of library trustees of the existing public library and the corporate authorities of the municipality, county, or township. The original petition shall be filed with the corporate authorities.
- (b) The petition shall specify the new maximum tax rate of the public library district and state the existing tax rate of the public library to be converted if the rate is to be in excess of the existing ceiling or limitation of the library converted.
- (c) Upon receipt of a certified copy of the petition, the board of library trustees shall, within 30 days, file with the corporate authorities an addendum to the petition setting forth (i) the establishment date of the existing public library, (ii) the lawful ceiling on its public library tax levies, (iii) the geographic area of territory involved, and (iv) the identity of the municipality, county, or township involved.
- (d) The corporate authorities shall certify the question to the proper election authority, who shall submit to the voters of the district the question of conversion at an election in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The proposition shall be submitted to the voters in substantially the following form:  
Shall the public library in (name of municipality, county, or township), Illinois, be converted to a public library district?
- (e) If the petition specified a maximum tax rate in excess of the existing ceiling or limitation, the proposition shall be submitted in substantially the following form:  
Shall the public library in (name of municipality, county, or township), Illinois, be converted to a public library district, with a maximum annual public library tax rate established at (rate)% of the value of all taxable property in the district as equalized and assessed by the Department of Revenue?
- (f) If a majority of the votes cast on the proposition are in the affirmative, the board of library trustees shall convert the public library to a public library district, with the maximum annual public library tax rate specified in the proposition.

75 ILCS 16/10-25

A proposition to convert a public library to a public library district mustn't be submitted to voters more than once every two years.

A proposition for the conversion of a public library to a public library district shall not be submitted to the voters more often than once every 2 years.

75 ILCS 16/10-30

If, in an election due to a board of library trustees resolution to convert a public library or due to a voter petition calling for a referendum, voters approve conversion to a library district, or if the appropriate corporate authorities approve conversion, the affected public library's board of library trustees must, within thirty days, petition the circuit court of the county where the majority of the affected territory lies for a final order to convert the public library to a library district. The petition must incorporate, if applicable, the election results and the addendum to the petition for the election. Upon finding the petition sufficient, the circuit court must enter a final order. The final order must approve the county, township or municipality's existing public library to a public library district, name the district, designate trustees, fix the newly-formed district's boundaries, specify the ceiling or limitation upon the annual public library tax or any special tax that the district may levy based upon the converted public library's existing ceilings, limitations and obligation, or the ceiling the conversion petition and ballot specify (in any case not to exceed the

statutory maximum), specify the newly-formed district's first fiscal year, specify the first year when the newly-formed district may enact appropriation and levy ordinances and require library trustees to cause any annual public library tax levy's abatement for that same year so that only one annual public library tax will be levied in that year, specify the effective date of the conversion and acquisition, by the newly-formed district's board of library trustees, of the assets (including personal property, titles to real property, and money received or due for the public tax-supported library by the corporate authorities) and the board's assumption of liabilities, and specify the date when the newly-formed district will start rendering library services. The newly-formed district's trustees must promptly publish notice of the order and its effect, and the order must be effective no later than thirty days after its entry.

(a) If the voters in the election resulting from the board of library trustees' resolution to convert under Section 10-10 [75 ILCS 16/10-10], or from the petition of the voters calling for a referendum under Section 10-25 [75 ILCS 16/10-25], approve the conversion to a library district, or if the appropriate corporate authorities approve the conversion under Section 10-20 [75 ILCS 16/10-20], the board of library trustees of the public library affected shall, within 30 days, petition the circuit court of the county in which the majority of the territory affected lies for a final order to convert the public library to a library district. The petition shall incorporate, if applicable, the election results and the addendum to the petition for the election.

(b) The circuit court, upon finding the petition sufficient, shall enter its final order doing the following:

(1) Approving the conversion of the existing public library of the county, township, or municipality to a public library district subject to this Act.

(2) Naming the district.

(3) Designating all incumbent library trustees as trustees of the district until the next regular election of the trustees of the district.

(4) Fixing the boundary of the newly formed district.

(5) Specifying the ceiling or limitation upon the annual public library tax or any special tax that may be levied by the district thereafter based upon (i) the existing ceilings or limitations and the obligation of the public library converted or (ii) the ceiling specified in the conversion petition and ballot, but in any case not to exceed the maximum specified in Section 35-10 [75 ILCS 16/35-10].

(6) Specifying the first fiscal year of the newly formed district.

(7) Specifying the first year when appropriation and levy ordinances may be enacted by the newly formed district and requiring the library trustees to cause an abatement of any annual public library tax levy for that same year, so that only one annual public library tax will be levied in that year.

(8) Specifying the effective date of (i) the conversion and (ii) the acquisition, by the board of library trustees of the newly formed district, of the assets (including personal property, titles to real property, and moneys received or due for the purposes of the public tax supported library by the corporate authority) and assumption of the liabilities of the board of library trustees and of the public library affected by the conversion.

(9) Specifying the date when the newly formed district shall commence to render library service.

(c) The trustees of the newly formed district shall promptly publish notice of the order and of its effect.

(d) The order shall be effective not later than 30 days after the date of its entry.

75 ILCS 16/10-35

In any county or counties where over a year will elapse between the circuit court's final order's effective date and the resulting converted district library's annual public library tax, the public tax-supported library's corporate authority must continue the library's levy.

In any county or counties in which more than one year will elapse between the effective date of the final order entered by the circuit court and the levy of an annual public library tax of the district library created as a result of a conversion, the corporate authority of the public tax supported library shall continue the library's levy.

75 ILCS 16/10-50

If a home rule unit's tax-supported public library converts to a public library district, for the year following the conversion year, the home rule unit must reduce its property tax levy by the amount the home rule unit levied for library purposes for the most recent year before conversion.

If a tax supported public library of a home rule unit, as defined in Article VII, Section 6, of the Illinois Constitution [Ill. Const. (1970) Art. VII, § 6], converts to a public library district under this Article, that home rule unit, for the year following the year of conversion, shall reduce its property tax levy by the amount levied by the home rule unit for library purposes for the most recent year before the conversion.

75 ILCS 16/10-60

If a tax-supported public library of a governmental unit levying a tax within an area pursuant to a referendum held under the Illinois Local Library Act converts to a public library district, all of that area must be included within the newly created district.

If a tax supported public library of a governmental unit that levies a tax within an area pursuant to a referendum held under subsection (c) of Section 3-7 of the Illinois Local Library Act [75 ILCS 5/3-7] converts to a public library district under this Article, all of that area shall be included within the newly created district.

75 ILCS 16/10-65

Territory outside of any district but contiguous to the district may be annexed.

Territory outside of any district but contiguous to the district may be annexed as provided in Sections 15-10 through 15-45 [75 ILCS 16/15-10 through 75 ILCS 16/15-45], and each of these Sections constitutes an independent authorization for the annexation of contiguous territory.

75 ILCS 16/15-5

Territory within the boundaries of a municipality with no voters residing in it and constituting in whole or in part of private property may be annexed to the district. A written petition describing the territory and signed by the owners of record of all land in the territory may be filed with the library district's board of trustees. The petition, made under oath, must request annexation and state that no voters reside in the territory. Then, by ordinance, the trustees must annex the described territory. No referendum is needed. The library district's board of trustees may also adopt an ordinance indicating the district's intention to annex the territory. Prior to adopting this ordinance, the library district's board of trustees must send notice of the proposed ordinance to the president of the board of the trustees of each public library located within one mile of the territory to be annexed. In addition, the library district may provide notice of a proposed annexation ordinance on a website the library district maintains. At any board of trustees meeting in which an annexation order is considered, the board must provide a reasonable opportunity for interested persons to make public comments on the proposed annexation ordinance. The ordinance must contain a description of the territory and a statement that no voters reside there. Within fifteen days of the annexation ordinance's passage, the library district must send notice of the ordinance's adoption and a copy of the map showing the annexed territory's boundaries to the president of the board of trustees of each public library located within one mile of the territory to be annexed. Upon a sixty-day written notice of the ordinance to each of the owners of record of the territory to be annexed and a written receipt of the notice from each owner, the trustees must by ordinance annex the described territory. No referendum need be held. If an owner of record files an objection to inclusion in the proposed annexation or doesn't return a written receipt of notice in the sixty-day period, that owner of record's property will be excluded from the annexation. However, in no case may territory not contiguous to the district or to the territory being annexed to the district be annexed.

(a) Territory within the boundaries of a municipality that has no voters residing in it and that consists in whole or in part of private property may be annexed to the district as provided in this Section.

(b) A written petition describing the territory and signed by the owners of record of all land within the territory may be filed with the Board of Trustees of the library district. The petition, made under oath, shall request annexation and state that no voters reside within the territory. The trustees shall then, by ordinance, annex the described territory. No referendum need be held.

(c) The board of trustees of the library district may adopt an ordinance indicating the district's intention to annex the territory. Prior to adopting this ordinance, the board of trustees of the library district shall send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may, in addition, provide notice of a proposed annexation ordinance on a website maintained by the library district. At any meeting of the board of trustees in which an annexation order under this Section is considered, the board shall provide a reasonable opportunity for any interested person to make public comments on the proposed annexation ordinance. The ordinance shall contain a description of the territory and a statement that no voters reside in the territory. Within 15 days of the passage of the annexation ordinance, the library district shall send notice of the adoption of the ordinance and a copy of the map showing the boundaries of the territory to be annexed to the president of the board of trustees of each public library located within one mile of the territory to be annexed. Upon a 60 day written notice of the ordinance to each of the owners of record of the territory to be annexed and a written receipt of the notice from each such owner, the trustees shall by ordinance annex the described territory. No referendum need be held.

(d) If an objection to the inclusion in the proposed annexation is filed by an owner of record or a written receipt of notice is not returned by an owner of record in the 60 day period, the property of that owner of record will be excluded from the annexation.

(e) In no case, however, may territory not contiguous to the district or to territory being annexed to the district be annexed.



75 ILCS 16/15-10

By ordinance, a district may annex territory if three conditions are met. The territory must be located within the boundaries of a municipality or school district that is included, entirely or partly within the district, be contiguous to the district, and be without local, tax-supported public library service. The ordinance must describe the territory to be annexed. Before adopting the ordinance, the library district's board of trustees must send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may also provide notice of a proposed annexation ordinance on a website that it maintains. At any board of trustees meeting in which an annexation ordinance is considered, the board must provide a reasonable opportunity for interested persons to make public comments on the proposed annexation ordinance. Within fifteen days of the annexation ordinance's passage, the library district must send notice of the ordinance's adoption, a copy of the map showing the annexed territory's boundaries, and a copy of the publication notice's text to the president of the board of trustees of each public library with territory within a mile of the territory to be annexed. Within fifteen days of the ordinance's adoption it must be published, but the board may vacate an annexation ordinance before its publication. An ordinance's publication or posting must include notice of the number of voters needed to sign a petition requesting the question of the ordinance's adoption be submitted to the voters of the district, the territory to be annexed, or both, the time in which the petition must be filed, and the prospective referendum's date. The district secretary must provide a petition form to anyone who requests it. If a petition isn't filed with the library district within thirty days of the ordinance's publication or posting, the annexation must take effect. But, if, within the thirty-day period, voters of the district, the territory to be annexed or both file a petition with the library district's board of trustees signed by at least 10% of the registered voters in the district, the territory to be annexed or both asking that the annexation question be submitted to the territory's voters, the board of trustees may vacate the annexation ordinance or certify the question to the proper election authority, who must then submit the question at the next regular election. Notice of the election must be given, and state provides a form for the proposition. If a majority favor the annexation proposition, the library district's board of trustees may then conclude the territory's annexation. If a district annexes territory in compliance with this Act's requirements but before its effective date, the annexation is validated, ratified and declared to be in full force and effect from thirty days after the ordinance's publication or posting if no petition was filed with the library district, or, if a petition was filed, on the date the district concluded the territory's annexation.

- (a) A district may, by ordinance, annex territory if that territory is:
- (1) located within the boundaries of a municipality or school district that is included, entirely or partially, within the district;
  - (2) contiguous to the district; and
  - (3) without local, tax-supported public library service.

An ordinance under this subsection must describe the territory to be annexed. Prior to adopting the ordinance, the board of trustees of the library district shall send notice of the proposed ordinance to the president of the board of trustees of each public library located within one mile of the territory to be annexed. The library district may, in addition, provide notice of a proposed annexation ordinance on a website maintained by the library district. At any meeting of the board of trustees in which an annexation ordinance under this Section is considered, the board shall provide a reasonable opportunity for any interested person to make public comments on the proposed annexation ordinance.

Shall (description of territory) be annexed to (name of public library district), (location), Illinois?

- (b) Within 15 days of the passage of the annexation ordinance, the library district shall send notice of the adoption of the ordinance, a copy of the map showing the boundaries of the territory to be annexed, and a copy of the text of the publication notice required in this Section to the president of the board of trustees of each public library with territory within one mile of the territory to be annexed. Within 15 days after the adoption of the ordinance it shall be published as provided in Section 1-30 [75 ILCS 16/1-30]. The board may vacate an annexation ordinance before its publication.
- (c) The publication or posting of the ordinance shall include a notice of (i) the specific number of voters required to sign a petition requesting that the question of the adoption of the ordinance be submitted to the voters of the district or the territory to be annexed or both, (ii) the time in which the petition must be filed, and (iii) the date of the prospective referendum. The district secretary shall provide a petition form to any individual requesting one.
- (d) If no petition is filed with the library district within 30 days after publication or posting of the ordinance, the annexation shall take effect. If, however, within the 30 day period, a petition is filed with the Board of Trustees of the library district, signed by voters of the district or the territory to be annexed, or both, equal in number to 10% or more of the total number of registered voters in the district, the territory to be annexed or both, asking that the question of the annexation of the territory be submitted to the voters of the territory, the board of trustees may vacate the annexation ordinance or certify the question to the proper election authority, who shall

submit the question at the next regular election. Notice of this election shall be given and the election shall be conducted in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The proposition shall be submitted to the voters in substantially the following form:

**(e)** If a majority of votes cast upon the proposition in the district, and also a majority of votes cast upon the proposition in the territory to be annexed, are in favor of the proposition, the Board of Trustees of the library district may conclude the annexation of the territory.

**(f)** If, before the effective date of this amendatory Act of the 94th General Assembly [P.A. 94-899], a district has annexed territory under this Section and that annexation complies with the requirements set forth in this Section, as changed by this amendatory Act of the 94th General Assembly, then, for all purposes, that annexation is hereby validated, ratified, and declared to be in full force and effect from: (i) 30 days after publication or posting of the ordinance if no petition was filed with the library district under subsection (d); or (ii) if a petition was filed, on the date that the district concluded the annexation of the territory under subsection (e).

75 ILCS 16/15-15

Whenever a territory is annexed by ordinance and without the question's submission to a referendum, a referendum for disconnection may be held. A referendum for the annexed territory's disconnection must be held if at least 10% of the annexed territory's voters file a petition. The petition must be addressed to and filed with the district's secretary. The referendum must be held within a year of the territory's annexation. However, the referendum may also be held if the petition is filed within thirty days after the first tax bills reflecting the tax the district levied are sent to the annexed territory's property owners. Once the petition is filed, the district must then certify the question to the proper election authority, who must then submit the disconnection proposition to the resident voters of the territory to be disconnected at an election. Statute provides a form for the proposition. If a majority favors disconnection, the territory must be disconnected. The district must file an appropriate petition and the election authority's certificate of the election results with the circuit court of the county where the majority of the disconnected territory lies. The petition must request entry of a disconnection order and preparation of an appraisal setting forth the value of the district's tangible property, the district's liabilities, and the excess liabilities over tangible assets. Notice of the petition must be published within the disconnected territory. After a hearing on the merits, the court must enter its order revising the district's boundaries and setting forth the liability, if any, yet to be retired and paid by the disconnected territory's property owners. If the public library district has outstanding and unpaid bonds at the time the territory is disconnected, the territory must remain liable for its proportionate share of the bonded indebtedness, and the district may continue to levy and extend taxes upon the taxable property in that territory to amortize the bonds. The district secretary must record a copy of the disconnection order with the county recorder and file it with each affected county's county clerk. A proposition for disconnection mustn't be submitted to any annexed territory's legal voters more than once. Annexed territory mustn't be disconnected if disconnection would result in the district becoming noncontiguous.

**(a)** A referendum for disconnection may be held whenever territory is annexed by ordinance and without the submission of the question to a referendum as provided in Section 15-15 [75 ILCS 16/15-15]. A referendum for disconnection of this annexed territory shall be held upon the filing of a petition, signed by voters in the annexed territory equal to 10% or more of the total number of registered voters residing within the annexed territory. The petition shall be addressed to and filed with the secretary of the district.

**(b)** The referendum must be held within one year after the date the territory was annexed. The referendum may also be held, however, as set forth in this Section if the petition is filed within 30 days after the date that the first tax bills reflecting the tax levied by the district are sent to the property owners of the annexed territory.

**(c)** Upon the filing of a petition, the district shall certify the question to the proper election authority, who shall submit the proposition of disconnection to the voters residing within the territory to be disconnected at an election held in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The proposition shall be in substantially the following form:

Shall (description of territory) be disconnected from (name of public library district), (location), Illinois?

**(d)** If a majority of the votes cast upon the question are in favor of disconnection, the territory shall be disconnected. In that event, the district shall file with the circuit court of the county in which the majority of the disconnected territory lies an appropriate petition and a certificate by the election authority of the results of the election. The petition shall request entry of an order of disconnection and the preparation of an appraisal setting forth the value of the tangible property of the district, the liabilities of the district, and the excess of liabilities over tangible assets. Notice of the petition shall be published within the disconnected territory.

**(e)** The court shall, after a hearing upon the merits, enter its order revising the boundaries of the district and setting forth the liability, if any, yet to be retired and paid by the property owners of the disconnected territory.

**(f)** If there are any general obligation bonds of the public library district (or other obligations incurred instead of general obligation bonds under this Act) that are outstanding and unpaid at the time the territory is disconnected from the public library district by operation of this Section, that territory shall remain liable for its proportionate share of the bonded indebtedness or other outstanding obligations incurred instead of bonded indebtedness, and the public library district may continue to levy and extend taxes upon the taxable property in that territory for the purpose of amortizing the bonds or of satisfying the other outstanding obligations until sufficient funds to retire the bonds or to satisfy the other outstanding obligations have been collected.

- (g) The district secretary shall record a certified copy of the disconnection order with the county recorder and file it with the county clerk of each county affected.
- (h) A proposition for disconnection from a district may not be submitted to the legal voters of any annexed territory more than once.
- (i) Annexed territory shall not be disconnected under this Section if the disconnection would result in the district becoming noncontiguous.

75 ILCS 16/15-20

By ordinance, a library district may annex contiguous territory to use as a street or highway under the jurisdiction of the Illinois Department of Transportation or a county or township highway department if no part of the annexed territory is within any other library district. No referendum is needed.

A library district by ordinance may annex contiguous territory dedicated for use as a street or highway under the jurisdiction of the Illinois Department of Transportation or a county or township highway department if no part of the annexed territory is within any other library district. No referendum need be held.

75 ILCS 16/15-25

By ordinance, a library district may annex contiguous private property upon receipt of an annexation petition by the owner(s) of record of the property.

A library district by ordinance may annex contiguous private property upon receiving a petition by the owner or owners of record of the property for annexation.

75 ILCS 16/15-30

Whenever a municipality included entirely or partly within a library district has annexed or otherwise includes within its boundaries territory contiguous to the district and not in another public library's taxing district, and the territory has no resident voters, the library district may by ordinance annex the territory to the district.

Notwithstanding the provisions of Sections 15-5 through 15-30 [75 ILCS 16/15-5 through 75 ILCS 16/15-30], 15-40, and 15-45 [75 ILCS 16/15-40, and 75 ILCS 16/15-45], whenever a municipality included entirely or partially within a library district has annexed or otherwise includes within the municipality's boundaries territory contiguous to the district and not in another public library's taxing district, and the territory has no voters residing in it, the library district by ordinance may annex the territory to the district.

75 ILCS 16/15-35

Territory annexed to a library district must be considered contiguous to the district notwithstanding that it is separated from the district by a railroad right-of-way, but upon annexation of the area included within the right-of-way, it mustn't be considered annexed to the library district. Upon the district's annexation of territory, the boundary must extend to any adjacent highway's far side and must include all of every highway within the annexed area. These highways must be considered annexed even though not included in the annexation petition or ordinance's legal description.

(a) For the purpose of Sections 15-5 through 15-40 [75 ILCS 16/15-5 through 75 ILCS 16/15-40], any territory to be annexed to a library district shall be considered contiguous to the district notwithstanding that the territory is separated from the library district by a railroad right-of-way, but upon annexation the area included within the right-of-way shall not be considered to be annexed to the library district.

(b) Upon the annexation of territory by a district, the boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation or the annexation ordinance.

75 ILCS 16/15-45

By referendum, the district may annex territory outside of any district but contiguous to the district without a tax-supported public library service.

Territory without tax supported public library service outside of any district, but contiguous to the district, may be annexed to the district by referendum as provided in Sections 15-55 through 15-80 [75 ILCS 16/15-55 through 75 ILCS 16/15-80].

75 ILCS 16/15-50

If 100+ resident voters of any territory proposed for annexation, or if the board of trustees of a library district seeking to annex the territory file a petition with the circuit court of the county containing all of the district's territory or the larger part of the district, the circuit court must then enter an order setting forth the date for a hearing on the petition and naming the presiding judge. The petitioner must publish notice of the hearing's time, date and place, and the presiding judge's name. The notice must be published in the district and in the county containing all or the larger portion of the proposed district. Concurrently with the notice of the hearing's publication, the petitioner must also send a notice of the hearing and a map showing the annexed territory's boundaries to the president of the board of trustees of each public library with territory within a mile of the territory to be annexed.

(a) Upon the filing of a petition with the circuit court of the county that contains all of the territory of the district or the larger part of the district, signed by not fewer than 100 voters residing within any territory proposed to be annexed, or upon the filing of a petition by a board of trustees of a library district seeking to annex that territory, the circuit court shall enter an order setting forth the date a hearing will be held on the petition and naming the judge who will preside at the hearing.

(b) The petitioner shall publish notice of the time, date, and place of the hearing and the name of the judge who will preside at the hearing. The notice shall be published as provided in Section 1-30 [75 ILCS 16/1-30] and shall be published in the district and in the county that contains all or the larger portion of the proposed district. The petitioner also shall send, concurrently with the publication of the notice of the hearing, a notice of the hearing and a map showing the boundaries of the territory to be annexed to the President of the Board of Trustees of each public library with territory within one mile of the territory to be annexed.

75 ILCS 16/15-55

At the hearing, the petitioners must present proof of the notice of the hearing and the matters in the petition to the assigned judge. All of the proposed district's residents must have a reasonable opportunity to be heard regarding the proposed district's boundaries and suggestions regarding the boundaries.

At the hearing, the petitioners shall present proof of the notice of the hearing and the matters set forth in the petition to the judge assigned to the case. All persons residing within the proposed district shall have a reasonable opportunity to be heard regarding the boundaries of the proposed district and to make suggestions regarding the boundaries.

75 ILCS 16/15-60

After hearing the petitioners and other appearing persons' statements, evidence and suggestions, the judge must enter a final judgment, which must fix the boundaries of the territory proposed for annexation. Upon a showing of good cause, the judge may alter and amend the petition regarding the boundaries. The final judgment must also require preparation of a map depicting the boundaries of the district and the territory proposed to be annexed, and certify the proposition to the proper election authority of each county where the district and the territory proposed to be annexed are located, who must then submit the proposition to voters at a regular election.

The judge, after hearing the statements, evidence, and suggestions of the petitioners and other persons appearing before the court, shall enter a final judgment that shall do the following:

(1) Fix the boundaries of the territory proposed to be annexed to the district. For that purpose and only to that extent, and only upon a showing of good cause, the judge may alter and amend the petition.

(2) Require a map to be prepared depicting the boundaries of the district and the territory proposed to be annexed.

(3) Certify the proposition to the proper election authority of each county in which the district and the territory proposed to be annexed are located, who shall submit the proposition to the voters at a regular election in accordance with the Election Code [10 ILCS 5/1-1 et seq.].

75 ILCS 16/15-63

Voters within the territory proposed to be annexed and within the district may cast ballots. Statute provides a form for the proposition. If majorities in both the district and the territory to be annexed favor the proposition, the entire territory may be annexed. However, if the territory to be annexed has 2+ precincts, if a majority in the district and in any contiguous precinct in the territory proposed to be annexed favor the proposition, the precincts that votes so must be annexed. The assigned judge must enter an order setting forth the election results based on the certificate the election authority files with the judge, and the order must become part of the court's records. If more than one county is involved in the election, the election authority must file a copy of the original petition, the order calling for the election, and the order with the election results in each affected or involved county's circuit court.

- (a) Each voter within the territory proposed to be annexed and each voter within the district has the right to cast a ballot.
- (b) If a majority of the votes cast upon the question in the district, and also a majority of the votes cast upon the question in the territory to be annexed, are in favor of the proposition, the entire territory may be annexed. Where there are 2 or more precincts in the territory proposed to be annexed, however, if a majority of the votes cast upon the question by those voting in the district, and also a majority of the votes cast upon the question by those voting in any contiguous precinct in the territory proposed to be annexed, are in favor of the proposition, the precinct so voting shall be annexed.
- (c) The proposition shall be in substantially the following form:  
Shall (description of territory) be annexed to (name of public library district), (location), Illinois?
- (d) The judge assigned to the matter shall enter an order setting forth the results of the election based upon the certificate filed with the judge by the election authority, and the order shall become a part of the records of the court. Where more than one county is involved in the election, a copy of the original petition, the order calling for the election, and the order setting forth the election results shall be filed by the election authority in the circuit court of each county affected or involved.

75 ILCS 16/15-65

If a library district has a public library building within the corporate limits of a municipality located partially within the public library district, and if the municipality is located partially in a township not maintaining a public library building within the portion of the municipality outside the public library district, then the library district may annex the territory within the municipality located outside the library district. 100+ resident voters of the portion of the municipality located outside the public library district must file a written petition with the district's secretary seeking the territory's annexation. If there are fewer than 100 resident voters in the territory, a majority may sign the petition. After the petition's filing, the district secretary must certify the question to the proper election authority, who must then submit the annexation question to the resident voters of the territory proposed to be annexed and the current district. Notice of the election must be given. If majorities in the territory proposed to be annexed and the current district favor the proposition, the territory may be annexed. Statute provides a form for the proposition. The assigned judge must then enter an order setting forth the election results based on the certificate the election authority files with the court, and the order must become a part of the court's records. If more than one county is involved in the election, the election authority must file a copy of the original petition, the order calling for the election, and the order with the election results in each affected or involved county's circuit court. The residents of the portion of any township annexed into the public library district must remain liable for their proportionate share of bonded indebtedness outstanding at the date of annexation, if any, of the township for any of its public library buildings' establishment or maintenance. The township may continue to levy and extend taxes upon the annexed portion of the township's taxable property to amortize the bonds. A proposition to annex territory to a district mustn't be submitted to the voters more than once a year.

- (a) If a library district has a public library building within the corporate limits of a municipality located partially within the public library district and if the municipality is located partially within a township that does not maintain a public library building within the portion of the municipality located outside the public library district, then the library district may annex the territory within the municipality located outside of the library district as provided in this Section.
- (b) There shall be filed, with the secretary of the district seeking to have the territory annexed, a written petition signed by not less than 100 voters residing within that portion of the municipality located outside the public library district. A petition may be signed by a majority of the voters residing in the territory sought to be annexed if there are fewer than 100 voters residing in that territory.
- (c) After a petition is filed, the district secretary shall certify the question to the proper election authority, who shall submit the question of annexation to all voters residing within the territory proposed to be annexed and to all voters already within the district. Notice of this election shall be given and the election shall be conducted in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. If a majority of the votes cast upon the question by those in the territory proposed to be annexed and a majority of the votes cast by those voting within the district are in favor of the proposition, the territory may be annexed.
- (d) The proposition shall be submitted to the voters in substantially the same form as set forth in subsection (c) of Section 15-65 [75 ILCS 16/15-65].
- (e) The judge assigned to the matter shall enter an order setting forth the results of the election based upon the certificate filed with the court by the election authority, and the order shall become a part of the records of the court. Where more than one county is involved in the election, a copy of the original petition, the order calling for the election, and the order setting forth the election results shall be filed by the election authority in the circuit court of each county affected or involved.
- (f) In the event of an annexation under this Section, the residents of that portion of any township that is so annexed into the public library district concerned shall remain liable for their proportionate share of the bonded indebtedness outstanding as of the date of annexation, if any, of the township, with respect to establishment or maintenance of any public library building of the township. The township may continue to levy and extend taxes upon the taxable property of the annexed portion of the township for the purpose of amortizing the bonds until sufficient funds to retire the bonds have been collected.
- (g) A proposition for annexing territory to a district shall not be submitted to the voters more often than once a year.

75 ILCS 16/15-70

If 2+ districts adopt ordinances on the same date annexing the same territory, the State Librarian must decide the annexation conflict with the Illinois State Library Committee's advice.

If 2 or more districts under Sections 15-5 through 15-70 [75 ILCS 16/15-5 through 75 ILCS 16/15-70] adopt ordinances on the same date annexing the same territory, the conflict in the annexation shall be decided by the State Librarian with the advice of the Illinois State Library Advisory Committee.

75 ILCS 16/15-75

Territory within a public library district and contiguous to another library district may be transferred to the contiguous district. Upon the mutual agreement of the contiguous districts' boards of trustees to the territory's transfer, each border must enact a transfer ordinance containing identical language describing the territory to be transferred, the transfer's effective date, a statement of the assets and liabilities, if any, that are the transferred territory's responsibility, and the statement of any excess of assets or liabilities. A copy of the transfer ordinance must be filed with the circuit court of the county containing all or the larger part of the territory. Upon receiving the ordinance, the circuit court must enter an order setting forth the date, time, and place of a hearing on the ordinance, name the assigned judge, and send notice of the hearing's date, time and place and of the assigned judge to the president of the board of trustees of each of the involved public library districts and to the secretary of the board of trustees of the public library district containing the territory proposed to be transferred. The hearing mustn't be less than thirty or more than sixty days after the circuit court enters the order for the hearing. The secretary of the board of trustees of the public library containing the territory proposed to be transferred must, within fifteen days of receiving the circuit court's notice of the hearing, publish notice of the hearing. At the hearing, the ordinance's validity, included substantiation of the petition's required allegations, the appropriateness of the location and boundary of the territory to be voted upon for transfer, and other relevant matters must be considered. All persons residing in the territory to be transferred, all other persons interested in the proposed transfer, and the involved library districts' boards of trustees must have a reasonable opportunity to be heard on the proposed transfer. The judge must then determine the appropriateness of the territory proposed to be transferred. The judge must consider three factors: the residents' location in relation to the total territory proposed to be transferred, maintaining both libraries' pre-existing non-residential tax bases so far as possible, and the convenience of the residents, local traditional traffic, transportation, and marketing routes of the territory proposed to be transferred. After hearing appearing persons' statements, evidence, and suggestions, the judge must determine if the ordinance is valid and sufficient according to law, and if the territory to be transferred would receive substantially equal or greater benefits due to the transfer. If the transfer ordinance is found valid and sufficient, and if the territory to be transferred would receive substantially equal or greater benefits due to the transfer, the judge must enter a final judgment to transfer the territory. After a hearing on the merits, the assigned judge must enter an order revising the district's boundaries and setting forth the liability, if any, that the transferred territory's property owners have yet to retire and pay. If the public library district has outstanding and unpaid bonds at the time the territory is transferred from it, the territory must remain liable for its proportionate share of the bonded indebtedness and the district may continue to levy and extend taxes on the territory's taxable property to amortize the bonds. The county clerk must also extend taxes to pay these bonds' principal and interest, as provided in the bond ordinances on file in the county clerk's office, against all taxable property in the district, including taxable property that was in the district on the date these bonds were issued. However, the refunding bonds' net interest rate mustn't exceed the refunded bonds' net interest rate, the refunding bonds' final maturity date mustn't extend beyond the refunded bonds' final maturity date, and the debt service payable on the refunding bonds in any year mustn't exceed the debt service that would've been payable on the refunded bonds in that year. The above three stipulations are inoperative after December 31, 2000. Lastly, the district secretary must record a certified copy of the transfer order with the recorder and file a certified copy with each affected county's county clerk.

(a) Territory that is in a public library district and contiguous with another library district may be transferred to the latter district. Upon the mutual agreement of the boards of trustees of the contiguous districts to the transfer of the territory, each board shall enact a transfer ordinance containing identical language describing the territory to be transferred, the effective date of the transfer, a statement



of the assets and liabilities, if any, that are a responsibility of the transferred territory, and the settlement of any excess of assets or liabilities.

**(b)** A copy of the transfer ordinance shall be filed with the circuit court of the county that contains all or the larger part of the territory. Upon receiving the ordinance, the circuit court shall enter an order setting forth the date, time, and place of a hearing upon the subject matter of the ordinance, name the judge to hear the cause, and send notice of the date, time, and place of the hearing and of the judge assigned to the president of the board of trustees of each of the involved public library districts and to the secretary of the board of trustees of the public library district containing the territory proposed to be transferred. The date set for the hearing shall be not less than 30 days nor more than 60 days after the circuit court enters the order for the hearing. The secretary of the board of trustees of the public library district containing the territory proposed to be transferred shall, within 15 days of the secretary's receipt of the circuit court's notice of the hearing, publish notice of the hearing as provided in Section 1-30 [75 ILCS 16/1-30].

**(c)** At the hearing before the assigned judge of the circuit court, the validity of the ordinance, including substantiation of the required allegations in the petition, the appropriateness of the location and boundary of the territory to be voted upon for transfer, and other relevant matters shall be considered. All persons residing in the territory to be transferred, all other persons having an interest in the proposed transfer, and the boards of trustees of the involved library districts shall have a reasonable opportunity to be heard upon the subject of the proposed transfer. The judge's determination of the appropriateness of the boundary of the territory proposed to be transferred shall include the following factors:

- (1)** The location of the residents in relationship to the total territory proposed to be transferred.
- (2)** Maintaining the pre-existing non-residential tax bases of both libraries so far as possible.
- (3)** Local traditional traffic, transportation, and marketing routes and the convenience of the residents of the territory

proposed to be transferred.

The judge, after hearing the statements, evidence, and suggestions of the persons appearing at the hearing, shall determine (i) whether the ordinance is valid and sufficient according to law and (ii) whether the territory to be transferred would receive substantially equal or greater benefits by being transferred. If the transfer ordinance is found to be valid and sufficient, and the territory to be transferred would receive substantially equal or greater benefits by being so transferred, the judge shall enter a final judgement to transfer the territory.

**(d)** The judge assigned to the case shall, after a hearing upon the merits, enter an order revising the boundaries of the district and setting forth the liability, if any, yet to be retired and paid by the property owners of the transferred territory. The liability shall be collected under Section 35-15 [75 ILCS 16/35-15].

**(e)** If there are any general obligation bonds of the public library district (or other obligations incurred instead of general obligation bonds under this Act) that are outstanding and unpaid at the time the territory is transferred from the public library district under this Section, the territory shall remain liable for its proportionate share of the bonded indebtedness or other outstanding obligation incurred instead of bonded indebtedness, and the public library district may continue to levy and extend taxes upon the taxable property in the territory for the purpose of amortizing the bonds or satisfying the other outstanding obligations until sufficient funds to retire the bonds or to satisfy the other outstanding obligations have been collected.

**(e-5)** The county clerk must extend taxes to pay the principal of and interest on any general obligation bonds issued to refund any bond described in subsection (e), as provided in the bond ordinances on file in the office of the county clerk, against all taxable property in the district, including taxable property that was in the district on the date that the bonds being refunded were issued; provided, however, that (i) the net interest rate on the refunding bonds may not exceed the net interest rate on the refunded bonds, (ii) the final maturity date of the refunding bonds may not extend beyond the final maturity date of the refunded bonds, and (iii) the debt service payable on the refunding bonds in any year may not exceed the debt service that would have been payable on the refunded bonds in that year. This subsection is inoperative after December 31, 2000.

**(f)** The district secretary shall record a certified copy of the transfer order with the recorder and file a certified copy with the county clerk of each county affected.

75 ILCS 16/15-90

After a district library's establishment, a county, municipality or township with its own public tax-supported library and contiguous to the district may become part of the district if the proposition is submitted to both the district and the county, municipality or township's voters at an election and approved by a majority of the voters of the district and of the county, municipality, or township voting on the proposition.

At any time after the establishment of a district library, any county, municipality, or township having its own public tax supported library and contiguous to the district may become a part of the district if the proposition is submitted to the voters of both the district and of the county, municipality, or township at an election in accordance with the Election Code [10 ILCS 5/1-1 et seq.] and the proposition is approved by a majority of the voters of the district and of the county, municipality, or township voting upon the proposition. The annexation procedures in this Act shall govern the election for inclusion within an existing district.

75 ILCS 16/15-95

## 2+ contiguous districts may merge.

Mergers of 2 or more districts contiguous to each other may be accomplished as provided in this Article.

75 ILCS 16/20-5

If a district wishes to merge with a contiguous district with the same limitations upon the annual library taxes that may be levied, its board of trustees must publish notice of the board's intent and adopt an ordinance for merger with the contiguous district. The notice must be published in the proposed district and in the county containing all or the larger portion of the proposed district. The notice must state the time, date and place of the meeting when the ordinance will be voted on. On the notice-specified date, the board of trustees may then enact the merger ordinance. 2/3 of the trustees serving on each district's board are needed to enact the ordinance. The merger ordinances each districts enacts needn't be worded exactly the same, but each must specifically state the intent to merge.

(a) The board of trustees of a district wishing to merge with a contiguous district having the same limitations upon the annual library taxes that may be levied shall publish notice of its intent to adopt an ordinance for merger with the contiguous district. The notice shall be published in accordance with Section 1-30 [75 ILCS 16/1-30] in the proposed district and in the county that contains all or the larger portion of the proposed district. The notice shall state the time, date, and place of the meeting at which the ordinance is to be voted upon.

(b) On the date specified in the notice, the board of trustees may proceed to enact the ordinance for merger. Enactment of the ordinance must be by a two-thirds vote of the trustees serving on the board of each district. Ayes and nays shall be recorded.

(c) The ordinances for merger enacted by each district need not be worded exactly the same, but each ordinance must specifically state the intent to merge.

75 ILCS 16/20-10

If 100+ voters residing in each of the districts file petitions, there may be a merger election. If the districts proposed to be merged don't have the same limitations upon the annual library taxes that they may levy, the petitions must specify the new maximum tax rate. Separate but identical petitions must be filed with each affected district's secretary within ninety days of each other. Each district's secretary must certify the merger question to the proper election authority, who must then submit the question to each affected district's voters at a regular election. Statute provides a form for the proposition, with an alternative form if the petitions specify a new maximum tax rate. If a majority in each district favors the merger, the districts must be merged. Each district's election authority must prepare a certificate of the election results. A proposition to merger public library districts mustn't be submitted to voters more than once a year.

(a) An election for a merger may be called upon the filing of petitions signed by at least 100 of the voters residing in each of the districts. The petitions shall specify the new maximum tax rate if the districts proposed to be merged do not have the same limitations upon the annual library taxes that may be levied. Separate but identical petitions shall be filed with the secretary of each district affected. The specified petitions shall be filed with the Secretaries of the respective districts within 90 days of each other.

(b) The secretary of each district shall certify the question of merger to the proper election authority, who shall submit the question to the respective voters of each district affected at a regular election in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The proposition shall be in substantially the following form:

Shall (name of public library district), (location), Illinois, be merged with (name of public library district), (location), Illinois?

If the petitions specified a new maximum tax rate, the ballot shall be in substantially the following form:

(c) If a majority of the votes cast upon the question in each district are in favor of the merger, the districts shall be merged. The election authority of each district shall prepare a certificate of the results of the election.

(d) A proposition for the merger of public library districts shall not be submitted to the voters more often than once a year.

75 ILCS 16/20-15

Upon a merger ordinance's enactment or an election approving a merger, each district must file an appropriate petition with the circuit court of the county with the majority of the merged territories. The petition must set forth the merger ordinance or the election authority's certificate on the merger question, the district's establishment and history, the annual public library tax levy's lawful ceiling or limitation, the district's territory with a map, and outstanding bond issues with the amount and dates due. The petition must request a date for a hearing on the petition and name the presiding judge.

(a) Each district shall, upon enactment of a merger ordinance or upon an election approving a merger, file an appropriate petition with the circuit court of the county in which the majority of the merged territories lie. The petition shall set forth the following:

- (1) The merger ordinances or the certificate of the election authority upon the question of merger.
- (2) The establishment and history of the district.
- (3) The lawful ceiling or limitation upon the annual public library tax levy.
- (4) The territory of the district and a map of the district.

- (5) The bond issues outstanding, the amount of the issues that is due, and the dates payments are due.
- (b) The petition shall request a date for a hearing on the petition and the name of the judge appointed to preside.

75 ILCS 16/20-20

The circuit court must enter an order setting forth the hearing's date and naming the presiding judge. Each district's trustees must publish notice of the petition and the hearing's time, date, and place in the proposed district and the county containing all or the larger portion of the proposed district. At the hearing, all of the affected districts' residents must have a reasonable opportunity to appear and present evidence regarding the in-effect library tax levies' lawful ceiling, limitations, or duplications. After hearing the petition and presented evidence and finding it sufficient, the judge must enter a final judgment that approves the merger of the petitioning districts, names the district, appoints trustees, fixes the districts' boundaries, specifies the ceiling or limitation on the annual public library tax the district may levy after the merger based on the limits the merger ordinances or referendum petition specify (if any library party to the merger was eligible to receive its proportionate share of the Personal Property Tax Replacement Fund, that eligibility must continue to apply to the entire merger-created library district), specifies the merger's effective date to be the July 1 after the judgment's entry, and specifies that the merger-formed district has acquired the assets and assumed the liabilities of the districts not excluded in the final judgment. The trustees must then publish notice of the order and its effective date. The order must be effective not later than thirty days after its entry. No further election is needed on the merger question.

- (a) The circuit court shall enter its order setting forth the date of the hearing and naming the judge who will preside at the hearing. The trustees of each district shall publish notice of the petition and the time, date, and place of the hearing in accordance with Section 1-30 [75 ILCS 16/1-30] in the proposed district and in the county that contains all or the larger portion of the proposed district.
- (b) At the hearing, all residents of the affected districts shall have a reasonable opportunity to appear and present evidence regarding the lawful ceiling, limitations upon, or duplications of the library tax levies then in effect.
- (c) The judge, upon hearing the petition and the evidence presented and upon finding it sufficient, shall enter a final judgment doing the following:
  - (1) Approving the merger of the districts petitioning for merger.
  - (2) Naming the district.
  - (3) Appointing the incumbent trustees as trustees of the district with the same terms each had as a trustee before the merger.
  - (4) Fixing the boundaries of the districts.
  - (5) Specifying the ceiling or limitation upon the annual public library tax that may be levied by the district after the merger based upon the limitation specified in the petition for referendum or the merger ordinance. If any library party to the merger was eligible to receive its proportionate share of the Personal Property Tax Replacement Fund, that eligibility shall continue to apply to the entire library district created by the merger.
  - (6) Specifying the effective date of the merger to be the ensuing July 1 after entry of the judgment.
  - (7) Specifying that the district formed by the merger has acquired the assets and has assumed the liabilities of the districts not excluded in the final judgment.
- (d) The trustees shall publish notice of the order and its effective date in the same manner as for notice of a petition to the circuit court for merger of the districts.
- (e) The order shall be effective not later than 30 days after the date of its entry.
- (f) No further election need be held on the question of merger under this Article.

75 ILCS 16/20-25

Districts' merger mustn't affect an existing bond issue, which must continue in full force and effect. A special tax supporting the existing bond issue must continue to be levied on the residents of the district that originally approved the bond issue. The merger also mustn't affect any other special tax's levy, which must continue in full force and effect upon the residents of the district originally authorizing the special taxes. The residents of the other district(s) involved in the merger mustn't be specially taxed in these instances unless the voters first approve the special taxes in the same manner as for original voter approval.

- (a) An existing bond issue shall not be affected by a merger of districts, but shall continue in full force and effect, and a special tax supporting the existing bond issue shall continue to be levied upon the residents of the district originally approving the bond issue.
- (b) The merger shall not affect the levy of any other special tax under Article 35 [75 ILCS 16/35-5 et seq.]. The levy shall continue in full force and effect, and the special taxes shall continue to be levied upon the residents of the district originally authorizing the special taxes.
- (c) Residents of the other district or districts involved in the merger shall not be specially taxed in these instances unless the special taxes are first approved by the voters in the same manner as in the case of the original voter approval, as provided in Article 35.

75 ILCS 16/20-30

A library district's board may levy an annual public library tax for a public library's establishment and maintenance within the district or for contracting for library service. The tax mustn't exceed 0.15% (or a greater amount not exceeding 0.60% if the referendum establishing the district authorized such an amount) of the value of all the taxable property within the district, as equalized and assessed by the Department of Revenue. The board may also levy an additional tax of 0.02% of the value of all the taxable property in the district, as equalized and assessed by the Department of Revenue, to purchase, construct, or rent library buildings and maintain or repair library buildings and equipment. In any year when the board proposes to levy this additional tax, it must adopt an ordinance determining to levy the tax. The board may vacate the ordinance before its publication. Within fifteen days of the ordinance's adoption, it must be publishing. The resolution's publication or posting must include notice of the number of voters needed to sign a petition requesting the question of adopting the resolution by submitted to the district's electors, the time when such a petition must be filed, and the prospective referendum's date. The district's secretary must provide a petition form to anyone who requests it. If no petition is filed with the board within thirty days of the ordinance's publication or posting, the district is authorized to levy the tax. But, if within the thirty days at least 10% of the district's electors file a signed petition with the board asking that the question of levying a 0.02% tax be submitted to the district's electors, the question must be certified to the proper election authority, who must submit the question at an election unless the board vacates the ordinance within seven days of the petition's filing. Statute provides a form for the proposition. If a majority favors the proposition, the board may then levy the additional tax.

(a) When a district has been organized and established under this Act, the board, upon its formation and qualification of the trustees to serve, may levy an annual public library tax for the establishment, maintenance, and support of a public library or libraries within the district or for contracting for library service. The tax shall not exceed 0.15% (or a greater amount not to exceed 0.60% if the greater amount was authorized by the referendum establishing the public library district) of the value of all the taxable property within the district, as equalized and assessed by the Department of Revenue. Any tax levied under Section 35-35 [75 ILCS 16/35-35] shall be disregarded in applying the provisions of this Section.

(b) The board may also levy an additional tax of 0.02% of the value of all the taxable property in the district, as equalized or assessed by the Department of Revenue, for the purchase of sites and buildings, the construction and equipment of buildings, the rental of buildings required for library purposes, and maintenance, repairs, and alterations of library buildings and equipment.

In any year in which the board proposes to levy the additional 0.02% tax, the board shall adopt an ordinance determining to levy the tax. The ordinance may be vacated by the board before its publication.

Within 15 days after the adoption of the ordinance, it shall be published in accordance with Section 1-30 [75 ILCS 16/1-30]. The publication or posting of the resolution shall include a notice of (i) the specific number of voters required to sign a petition requesting that the question of the adoption of the resolution be submitted to the electors of the district, (ii) the time in which the petition must be filed, and (iii) the date of the prospective referendum.

The secretary of the district shall provide a petition form to any individual requesting one.

If no petition is filed with the board within 30 days after publication or posting of the ordinance, the district shall then be authorized to levy the tax. If, however, within the 30 day period a petition is filed with the board, signed by electors of the district equal in number to 10% or more of the total number of registered voters in the district, asking that the question of levying a 0.02% tax be submitted to the electors of the district, the question shall be certified to the proper election authority, who shall submit the question at an election in accordance with the Election Code [10 ILCS 5/1-1 et seq.], unless the board vacates the ordinance within 7 days after the petition is filed. The proposition shall be in substantially the following form:

Shall the Board of Library Trustees of (name of district) be authorized to levy an additional tax of (rate)% for the construction of buildings, provision of sites, etc., as determined by the board's ordinance of (date)?

If a majority of votes cast upon the proposition are in the affirmative, the board may levy the additional tax.

75 ILCS 16/35-5

If the district's voters so determine and approve by a majority vote at any regular election, the annual public library tax may be increased, but to not more than 0.60%. The question must be submitted to the proper election authority pursuant to an ordinance or a petition with at least 100 signatures of the district's resident voters served on the secretary. Statute provides a form for the question. Voter approval of an increase under prior law also satisfies these requirements.

(a) The annual public library tax may be increased to not more than 0.60% if the voters of the district determine and approve the increase by a majority vote of those voting upon the question at any regular election. The question shall be submitted by the proper election authority pursuant to an ordinance or pursuant to a petition served upon the secretary and bearing not fewer than 100 signatures of voters residing within the district. The question shall be in substantially the following form:

Shall the annual public library tax rate for (name of public library district), (location), Illinois, be established at (rate)% of full, fair cash value instead of at (rate)%, the maximum rate otherwise applicable to the next taxes to be extended?

**(b)** Voter approval of an increase under a prior law shall satisfy the requirements of this Section.

75 ILCS 16/35-10

If territory has been transferred from a district and the court order providing for the transfer sets forth a continuing liability that the transferred territory's property owners must paid and retire, the involved county's county collector, must debit upon the books the taxes the district must then pay and levy and extend against taxable property in the transferred territory. The county clerk must continue to extend district library taxes upon the taxable property in the transferred territory, and the county collector must continue to collect district library taxes upon the taxable property in the transferred territory, unless the excess liability is paid and retired. Until the liability's full and final payment, the transferred territory's residents and property owners must be entitled to the district's full and free library service. Upon the liability's full and final payment, the transferred territory's residents and property owners mustn't still be subject to any of the district's tax levies and they must no longer have any right, title, or interest in and to the assets and tangible property of the district affected by the transfer.

**(a)** When any territory has been transferred from a district under this Act and the court order providing for the transfer also sets forth a continuing liability to be paid and retired by property owners of the transferred territory, the county collector of the county involved shall debit upon his or her books the taxes to be paid and thereafter levied by the district and extended against taxable property within the transferred territory. The county clerk shall continue to extend district library taxes upon the taxable property within transferred territory, and the county collector shall continue to collect district library taxes upon the taxable property within the transferred territory, until the excess liability has been paid and retired.

**(b)** Until full and final payment of the liability, the residents and property owners of the transferred territory shall be entitled to full and free library service from the district. Upon full and final payment of the liability, the residents and property owners of the transferred territory shall no longer be subject to any tax levies by the district, nor shall they thereafter have any right, title, or interest in and to the assets and tangible property of the district affected by the transfer.

75 ILCS 16/35-15

These library taxes are in addition to all other taxes or taxes rates authorized for a district or any other taxing authority lying wholly or partially with the district to levy, and they mustn't be part of the taxes making up any rate prescribed as a limitation on the amount of the taxes the other taxing authority or the district may levy and collect, except that no other taxing authority may levy a library district tax for library purposes within the district. If a library district's corporate limits lie partly in 2+ counties, the board must determine the total amount of all taxable property in each county, as assessed or equalized by the Department of Revenue for the current year, and certify the amount of taxable property in each county in the library district to each affected county's county clerk. Each county clerk must then determine the rate that, upon the total valuation of all property subject to taxation within that library district, will produce a net amount not less than the total amount the library district is directed to levy. The county clerk must then certify this rate under his or her signature and seal, and must extend the library tax to be levied upon the tax collector's book for the county against all taxable property in the county within the library district's limits. If annexation expands an existing library district's corporate limits, the added or annexed territory must be subject to library taxes to the same extent as territory within the district before annexation.

**(a)** The library taxes provided for in this Act shall be in addition to all other taxes or tax rates authorized to be levied by the district or any other taxing authority lying wholly or partially within the district and they shall not be a part of the taxes making up any rate prescribed as a limitation on the amount of taxes the other taxing authority or the district may levy or collect, except that no library district tax for library purposes shall be levied within the district by any other taxing authority.

**(b)** Where the corporate limits of any library district lie partly in 2 or more counties, the board shall ascertain the total amount of all taxable property lying within each county, as the property is assessed or equalized by the Department of Revenue for the current year, and shall certify the amount of taxable property in each county within the library district to the county clerk of each county affected. Each county clerk shall then ascertain the rate (expressed as a percentage) that, upon the total valuation of all property subject to taxation within that library district ascertained as provided in this Section, will produce a net amount not less than the total amount directed to be levied by the library district. The county clerk shall then certify the rate under his or her signature and seal and shall extend the library tax to be levied upon the books of the collector of taxes for his or her county against all taxable property in his or her county within the limits of the library district.

(c) Where the corporate limits of an existing library district are expanded by an annexation, the added or annexed territory shall be subject to the library taxes provided for in this Act to the same extent as territory within the district before the annexation.

75 ILCS 16/35-20

The district must levy and collect these library taxes in the same manner as the affected county collector(s) levy and collect other general taxes.

(a) The library taxes provided for in this Act shall be levied by the district and collected in the same manner as other general taxes by the county collector or collectors affected by the levy. The proceeds of all taxes collected for district purposes, and all other moneys belonging to the district, shall be deposited with the treasurer of the district, who shall keep them in separate funds as follows:

- (1) The annual public library tax proceeds shall be kept in the Library Fund.
- (2) The working cash fund tax proceeds shall be kept in the Working Cash Fund.
- (3) The annual restoration fund tax proceeds shall be kept in the Restoration Fund.
- (4) All other tax proceeds shall be kept in special funds as required by law.

The funds shall be kept in separate and interest bearing accounts in one or more banks or savings and loan associations in which public funds may be deposited or invested as provided by law.

(b) The treasurer shall not make an expenditure from any fund except upon a warrant certified to as correct by the district librarian and approved by the board.

(c) The board may transfer moneys from the Library Fund to the Working Cash Fund and from the Working Cash Fund to the Library Fund.

(d) No bank or savings and loan association shall receive public funds as permitted by this Section unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act [30 ILCS 235/6].

75 ILCS 16/35-25

If storm, fire or other casualty destroys or seriously impairs a library building, in order to rebuild or restore the library building, the board may levy an annual tax (the Restoration Tax Fund) not exceeding 0.08333% of the value, as equalized and assessed by the Department of Revenue, of all the taxable property in the district for not more than ten successive fiscal years. The public library district may not levy this tax unless the board first adopts an ordinance authorizing its levy and orders the ordinance submitted to the public library district's voters at an election, and a majority of voters approve the ordinance. The district must levy and collect this tax in the same manner as the affected county or counties' county collector(s) collect and levy other general taxes, and the tax mustn't be included in the aggregate amount of taxes limited anywhere in the Public Library District Act of 1991. However, the board mustn't levy a tax that would produce revenues greater than the difference between the actual cost of rebuilding or restoring the building and the total amount of any insurance benefits paid to the district as a result of the library building's destruction or impairment.

(a) If a library building is destroyed or seriously impaired by storm, fire, or other casualty, the board, in order to rebuild or restore that library building, may levy an annual tax (to be called the Restoration Fund Tax) not exceeding 0.08333% of the value, as equalized or assessed by the Department of Revenue, of all the taxable property in the district and for not more than 10 successive fiscal years.

(b) No public library district may levy a tax under this Section unless (i) the board first adopts an ordinance authorizing the levy of the tax and orders the ordinance submitted to the voters of the public library district at an election and (ii) the ordinance is approved by a majority of the voters voting upon the question in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. This subsection does not apply to the tax authorized by Section 35-35 [75 ILCS 16/35-35]. This tax shall be levied and collected in the same manner as other general taxes by the county collector or collectors of the county or counties affected by the levy and shall not be included in the aggregate amount of taxes limited by any provision of this Act.

(c) The board shall not levy a tax under this Section that would produce revenues greater than the difference between the actual cost of rebuilding or restoring the building and the total amount of any insurance benefits paid to the district as a result of the destruction or impairment of the library building.

75 ILCS 16/35-30

To provide money for establishing and replenishing a library district working cash fund, the board may levy an annual tax not to exceed 0.05% of the value, as equalized or assessed by the Department of Revenue for the year the levy is made, of all taxable property in the district. The district must levy and collect the tax in the same manner as the affected counties' county collector(s) levy and collect other general taxes, but the tax's collection mustn't be anticipated by issuing warrants drawn against the tax. When such a tax is first levied, any of the district's taxpayers may, within thirty days of the levy, file with the board a petition signed by at least 10% of the district's registered voters requesting the proposition's submission to the district's voters at an election. The board must then certify the

proposition to the proper election authority, who must submit the proposition at an election. If a majority favors the proposition, the tax must be authorized; if a majority are against the proposition, the tax mustn't be levied. Public library districts mustn't levy such a tax for more than four years, but the four years when the district elects to levy the tax needn't be consecutive.

**(a)** For the purpose of providing money to establish and replenish a library district working cash fund authorized by Section 30-95 [75 ILCS 16/30-95], the board may levy an annual tax not to exceed 0.05% of the value, as equalized or assessed by the Department of Revenue for the year in which each levy is made, of all taxable property in the district. The tax shall be levied and collected in the same manner as other general taxes by the county collector or collectors of the counties affected by the levy, but the collection of the tax shall not be anticipated by the issuance of any warrants drawn against the tax. The tax shall be known as the public library district working cash fund tax and shall be set apart in a special fund as prescribed in Sections 35-25 and 30-95 [75 ILCS 16/35-25 and 75 ILCS 16/30-95].

**(b)** Whenever a tax is first levied under this Section, any taxpayer in the district may, within 30 days after the levy is made, file with the board a petition signed by the voters of the district equal in number to 10% or more of the registered voters of the district requesting the submission of the proposition to the voters of the district at an election in accordance with the Election Code [10 ILCS 5/1-1 et seq.]. The board shall certify the proposition to the proper election authority, who shall submit the proposition at an election in accordance with the Election Code. If a majority of the votes cast upon the proposition are in the affirmative, the tax shall thereafter be authorized; if a majority of the votes cast upon the proposition are in the negative, the tax shall not be levied.

**(c)** No public library district may levy a tax under this Section for more than 4 years, but the 4 years for which a district elects to levy the tax need not be consecutive.

75 ILCS 16/35-35

Boards or districts mustn't levy the special taxes for bonds unless an ordinance authorizing the special tax is submitted to and approved by a majority of the voters at an election. The special tax must be levied at a rate not exceeding 0.0833% of the value of all taxable property in the district, as equalized and assessed by the Department of Revenue in any one year, and must be in addition to the tax otherwise authorized to be levied and collected for library purposes. The special tax mustn't be levied for more than the number of years into which the trustees have divided the plan's cost. A board-enacted ordinance must authorize the special tax levy's submission to the district's voters. The ordinance must designate the election at which the proposition will be submitted, the project's total cost, the annual levy amount to be certified, and the number of years the levy will be made. The board must certify the proposition to the proper election authority, who must then submit the proposition. Statute provides a form for the proposition.

**(a)** No board or district may levy the special tax provided for in Section 40-20 or 40-25 [75 ILCS 16/40-20 or 75 ILCS 16/40-25] unless the ordinance authorizing the special tax is submitted to and approved by a majority of the voters voting on the question at an election.

**(b)** The special tax shall be levied at a rate of not more than 0.0833% of the value of all taxable property in the district, as equalized and assessed by the Department of Revenue in any one year, and shall be in addition to the tax otherwise authorized to be levied and collected for library purposes. The special tax shall not be levied for more than the number of years into which the trustees have divided the cost of the plan.

**(c)** Submission of the special tax levy to the voters of the district shall be authorized by an ordinance enacted by the board. The ordinance shall designate the election at which the proposition is to be submitted, the total cost of the project, the amount of the annual levy to be certified, and the number of years the levy is to be made. The board shall certify the proposition to the proper election authority, who shall submit the proposition in accordance with the Election Code [10 ILCS 5/1-1 et seq.].

**(d)** The proposition shall be substantially in the following form:

Shall Ordinance No. (number of ordinance), dated (date of enactment), of (name of public library district), (location), Illinois, providing for a total expenditure of \$ (amount) for (state one or more purposes authorized in Section 40-20 or 40-25), and for the levy of a special annual tax in the amount of \$ (amount) for (number of years), be approved?

75 ILCS 16/40-30

If the voters approve a bond issue or a special tax supporting an annual certification or a mortgage, the secretary must file with each county clerk of each county affected by the ordinance and election results certified copies of each ordinance and the certificate of results of the canvass of the referendum on the question of the bond issue or of the special tax for annual certification or the mortgage. The secretary must also certify under his or her signature and the district's seal, and file with each county clerk, other information that the county clerk requires to determine the total amount of taxes to be extended, along with collection loss and costs, upon the taxable property in the county. As with other library taxes, the district must levy, extend and collect the special tax supporting a bond issue and the



special tax supporting an annual certification or a mortgage each year until the involved debt is paid and retired. The special taxes mustn't be included, separately or together, in the aggregate of tax levies otherwise limited by the law, and must be in addition to other taxes the law authorizes. The special taxes mustn't affect any appropriation made or to be made for the maintenance and support of the library or libraries the board operates.

(a) Upon the voters' approval of a bond issue or a special tax supporting an annual certification or a mortgage, the secretary shall file certified copies of each ordinance, and of the certificate of results of the canvass of the referendum on the question of the bond issue or on the question of the special tax for annual certification or the mortgage, with the county clerk of each county affected by the ordinance and election results. The secretary shall also certify under his or her signature and the seal of the district, and file with each county clerk, other information required by a county clerk to determine the total amount of taxes to be extended along with collection loss and costs, upon the taxable property within his or her county.

(b) The special tax supporting a bond issue, and the special tax supporting an annual certification or a mortgage, shall be levied, extended, and collected each year, as in the case of other library taxes, until the debt involved has been paid and retired. The special taxes shall not be included separately or together in the aggregate of tax levies otherwise limited by law and shall be in addition to other taxes authorized by law. The special taxes shall not affect any appropriation made or to be made for the maintenance and support of the library or libraries operated by the board.

75 ILCS 16/40-35

#### **IV. The Chicago Public Library Act**

During the fiscal years 2001 and 2002, if Maywood Public Library District has adopted annual appropriation ordinances for those years but failed to adopt its annual tax levy ordinance for the year 2001 (collectible in 2002) and adopts its 2001 tax levy or a supplemental or deficiency 2001 tax levy, or both, by the last Tuesday of December 2002, and files this with the county clerk of the county where the district is located, then these tax levy ordinances and supplemental or deficiency tax levy ordinance and the taxes assessed, levied, and extended are all validated despite failure to comply with the Truth in Taxation Law, the Cook County Truth in Taxation Law, the Property Tax Extension Limitation Law, or any other law. However, no 2001 tax levy or supplemental or deficiency law is validated to the extent that it would have exceeded the maximum amount the district could have levied under the Property Tax Extension Limitation Law if the tax levy ordinance or supplemental or deficiency levy ordinance had been adopted and filed in due time in calendar year 2001. The county clerk of the county where the public library district is located must extend such tax levy or supplemental or deficiency levy by adding the amount of the 2001 tax levy or supplemental or deficiency levy to the district's validly-enacted 2002 tax levy, regardless of if the 2001 tax levy is in the form of a customary annual tax levy or of a supplemental or deficiency tax levy. If the district has received any tax revenue for calendar year 2001 intended to pay the district's outstanding bonds' principal and interests and the district has used any portion or all of that tax revenue for normal operating expenses, that use of those funds is validated if the district issues either tax anticipation warrants or notes to provide funds sufficient to replace that bond revenue used for operating expenses prior to defaulting on bond payments. Using the proceeds of those notes or warrants' issuance to make the bond payments when due is also validated.

If the Maywood Public Library District has, during the fiscal years 2001 and 2002, within the time required by law adopted annual appropriation ordinances for those years but failed to adopt its annual tax levy ordinance for the tax year 2001 (collectible in 2002), but adopts its 2001 tax levy or a supplemental or deficiency 2001 tax levy, or both, by the last Tuesday of December 2002, and duly files the same with the county clerk of the county in which the district is located, then any such tax levy ordinances and supplemental or deficiency tax levy ordinance and the taxes assessed, levied, and extended thereon are hereby validated notwithstanding any failure to comply with the Truth in Taxation Law or the Cook County Truth in Taxation Law [35 ILCS 200/18-55 et seq. or 35 ILCS 200/18-101.1 et seq.] and further notwithstanding any failure to comply with the provisions of the Property Tax Extension Limitation Law [35 ILCS 200/18-185 et seq.] or any other law. No 2001 tax levy or supplemental or deficiency levy, however, is validated to the extent it would have exceeded the maximum amount the district could have levied under the Property Tax Extension Limitation Law if the tax levy ordinance or supplemental or deficiency levy ordinance had been adopted and filed in due time in calendar year 2001. Any such tax levy or supplemental or deficiency levy shall be extended by the county clerk of the county in which the public library district is located by adding the amount of the 2001 tax levy or supplemental or deficiency levy to the district's validly enacted 2002 tax levy, regardless of whether that 2001 tax levy is in the form of a customary annual tax levy or in the form of a supplemental or deficiency tax levy. Moreover, if the district has received any tax revenue for the calendar year 2001 intended for the payment of principal and interest on outstanding bonds of the district and the district has used any portion or all of that tax revenue for normal operating expenses, that use of those funds is hereby validated if the district issues either tax anticipation warrants or notes to provide funds sufficient to replace that bond revenue used for operating expenses prior to default on any bond payments; further, the use of the proceeds of the issuance of those notes or warrants to make the bond payments when due is further hereby validated.

75 ILCS 23/10-5

## V. The Township Bond Act

The board of directors of the public library of any township that's issued bonds must, on or before the first Tuesday in August each year, ascertain as near as practicable the amount of money that must be raised by special taxation for the ensuing year to pay the bonds' interest and principal as they come due. The board of directors must cause this amount to be certified, under the board's president and secretary's signatures, and filed in the county clerk's office of the county where the library is situated on before the second Monday in August each year. Statute provides a form for the certificate.

The board of directors of the public library of any township, which has issued bonds pursuant to the provisions of this Act, shall, on or before the first Tuesday in August, of each year, ascertain as near as practicable, the amount of money which must be raised by special taxation for the ensuing year, for the purpose of paying the interest upon such bonds and the principal thereof, as they respectively become due; and shall cause the same to be certified, under the signatures of the president and secretary of such board of directors, and filed in the office of the county clerk of the county in which the library is situated, on or before the second Monday in August of each year; which certificate may be substantially in the following form:

We certify that the Board of Directors of the Public Library has determined that it will require the sum of \$ , to be levied as a special tax upon the taxable property of ..... Township, for the year (insert year), for the purpose of paying the bonds of the Township and the interest thereon. Dated (insert date). Board of Directors of Public Library. Signature of President. Signature of Secretary.

75 ILCS 35/8

## VI. The Village Library Act

Any village's board of trustees may establish and maintain a free public library.

The board of trustees of any village shall have authority to establish and maintain a free, public library therein in any premises which may be available or which may be donated to such village for library purposes. The board may accept donations of such physical equipment as is suitable to the maintenance of a free, public library.

75 ILCS 40/1

Villages don't have the authority to incur indebtedness or levy additional taxes to administer the Village Library Act, but the Act's powers are in addition to and not in limitation of any powers elsewhere granted to villages to establish and maintain free public libraries.

Nothing herein contained shall be construed to confer on any village the authority to incur any indebtedness or to levy any additional taxes for the purpose of administering this Act. The powers herein contained are in addition to and not in limitation of any powers elsewhere granted to villages to establish and maintain free, public libraries

75 ILCS 40/3

No new libraries may be established under the Village Library Act after its effective date (1992), but the Act doesn't affect the maintenance of libraries established before that date under the Village Library Act.

No new libraries shall be established under this Act on or after the effective date of this amendatory Act of 1992. This amendatory Act of 1992 does not affect the maintenance of libraries established under this Act before that date.

75 ILCS 40/5

## VII. Village Library Conversion Act

If, prior to the Village Library Conversion Act's effective date, a Circuit Court judicial proceeding heard and approved a petition for conversion of a village public library to a library district, and no appeal was taken, and if due notice of the intent to proceed to conversion was published in a newspaper circulated in the village and a copy of the notice was served on the president of the affect village, and if neither a township library nor a township library tax levy was involved, and if the newspaper with the notice was circulated in each township where the village wholly or partially lies, then the conversion of the village public library and library board to a library district and district library board is legal and binding, and the conversion and any library district tax levy or other action is validated, notwithstanding the lack of serving a copy of the notice on a township supervisor.

When, prior to the effective date of this Act, any petition for conversion of a village public library to a library district was heard and approved in a judicial proceeding in a Circuit Court, and no appeal therefrom was taken, and where due notice of intent to proceed to

conversion was duly published in a newspaper circulated in such village, and when a copy of such notice was served upon the President of the Village affected, and where neither a township library nor a township library tax levy was involved, and where such newspaper with such notice was duly circulated in each township in which any such village lies wholly or partially, the conversion of any such village public library and library Board to a library district and district library Board is declared to be legal and binding, and the conversion and any library district tax levy or other action is validated and in full force and effect, and the district library Board duly formed and constituted, notwithstanding the lack of service of a copy of the notice upon a township supervisor.

75 ILCS 45/1

### **VIII. Village Library and Gymnasium Tax Act**

For villages with 2,500 or less where a free public library and gymnasium has been established by public and private, or public or private, grant or donation, absolutely or in trust, on land conveyed to the village and where any such donor vested management in an elected board of directors or in a board of trustees appointed by the president and board of trustees in accordance with any gift or grant's terms, the corporate authorities may levy a tax not exceeding .15% of the value, as equalized or assessed by the Department of Revenue, on all taxable property in the village for the library and gymnasium's maintenance and operation. This tax must be levied and collected with the village's general taxes. The board of directors must make a report to the village board and file a copy of the report with the Illinois State Libraries. These taxes are in addition to the maximum taxes permitted under the Illinois Municipal Code.

The corporate authorities of any village of 2,500 population or less, in which a free public library and gymnasium has been established by public and private, or public or private, grant or donation, absolutely or in trust, on land conveyed therefor to such village, where the management thereof has been vested by any such donor in a board of directors from time to time elected in accordance with "An Act in relation to free public libraries for cities, villages, incorporated towns and townships and to repeal Acts and parts of Acts therein named", approved July 12, 1965, as now or hereafter amended [75 ILCS 5/1-0.1 et seq.], or any board of trustees appointed by the president and board of trustees in accordance with the terms of any gift or grant, may levy a tax of not to exceed .15% of the value, as equalized or assessed by the Department of Revenue, on all the taxable property in such village, for the maintenance and operation of such library and gymnasium. Such tax shall be levied and collected with the general taxes of such village, and the proceeds shall be deposited in the treasury of such village to the credit of the library and gymnasium fund and kept separate and apart from other moneys of such village. Such fund shall be drawn upon by the proper officers of such library and gymnasium upon the properly authenticated vouchers of the library and gymnasium board, provided that no trustee shall receive compensation as such from such fund.

The board of directors shall make a report to the village board, and file a copy thereof with the Illinois State Library in accordance with Section 4-10 of "An Act in relation to free public libraries for cities, villages, incorporated towns and townships and to repeal Acts and parts of Acts therein named", approved July 12, 1965, as now or hereafter amended [75 ILCS 5/4-10]. Such taxes shall be in addition to the maximum of taxes permitted under Section 8-3-1 of the Illinois Municipal Code, as now or hereafter amended [65 ILCS 5/8-3-1].

75 ILCS 50/1

The Village Library and Gymnasium Act isn't effective in applicable villages until the Act has been submitted to a vote of the village's electors at a regular election. Upon the corporate authorities adopting a resolution and certifying it to the proper election officials in accordance with the general election law, the proposition to adopt this Act must be submitted to a referendum. If a majority favors the proposition, the Act must then be in full force and effect in the village, but if a majority are against the Act it mustn't be submitted to a vote until two years after the referendum.

This Act shall not become effective in any village to which it is applicable until the same shall first have been submitted to a vote of the electors of such village at a regular election. The proposition for the adoption of this Act shall be submitted to referendum upon the adoption of a resolution so directing by the corporate authorities and certified to the proper election officials in accordance with the general election law.

If a majority of those voting upon the proposition shall be for the adoption of this Act it shall thereafter be of full force and effect in such village, but if a majority be against the adoption of this Act, it shall not be again submitted to a vote until two years after the date of such referendum.

75 ILCS 50/2

### **IX. Libraries in Parks Act**

The corporate authorities of cities and park districts, or any board of park commissioners controlling or supervisors any public park(s), may permit any free public library, organized under a prior Act's provisions, to erect and maintain, at its own expense, its library building within any public park now or later under the city, park district, or board of

park commissioners' control or supervision and to contract with any free public library relative to its erection, maintenance and administration. If owner(s) of any land or lots abutting or fronting the park, or adjacent to it, or any other person(s), have any right, easement, interest, or property in the public park appurtenant to their lands or lots that a free public library building's erection and maintenance would interfere with, or any right to have the public park, or any part of it, remain open, vacant and free from any buildings, the city or park district's corporate authorities, or any board of park commissioners with control of the park, may condemn the property in the manner prescribed for exercising eminent domain.

That the corporate authorities of cities and park districts, or any board of park commissioners having the control or supervision of any public park or parks, are hereby authorized to permit any free public library, organized under the terms and provisions of an act entitled, "An Act to encourage and promote the establishment of free public libraries in cities, villages and towns of this State," approved June 17, 1891 [75 ILCS 60/1 et seq.], in force July 1, 1891, to erect and maintain, at its own expense, its library building within any public park now or hereafter under the control or supervision of such city, park district or board of park commissioners and to contract with any such free public library relative to the erection, maintenance and administration thereof. If any owner or owners of any lands or lots abutting or fronting on any such park, or adjacent thereto, or any other person or persons, have any right, easement, interest or property in such public park appurtenant to their lands or lots, or otherwise, which would be interfered with by the erection and maintenance of any free public library building, as hereinbefore provided, or any right to have such public park, or any part thereof, remain open and vacant and free from any buildings the corporate authorities of the city or park district or any board of park commissioners, having control of such park, may condemn the same in the manner prescribed for the exercise of the right of eminent domain under the Eminent Domain Act [735 ILCS 30/1-1-1 et seq.].

75 ILCS 65/1

The directors, trustees or manager of any public library that erects its library building in a public park must, so long as the building is maintained as a free public library, control, direct and manage the affairs of the library under a prior Act's provisions as if the building wasn't erected in a public park.

The directors, trustees or managers of any public library which shall erect its library building in or upon any public park, under the terms and provisions as aforesaid, shall, so long as said building is maintained as a free public library, control, direct and manage the affairs of such library, as heretofore, under the terms and provisions of an act entitled, "An Act to encourage and promote the establishment of free public libraries in cities, villages and towns of this State," approved June 17, 1891, in force July 1, 1891 [75 ILCS 60/1 et seq.], and in all respects the same as though the said building was not erected in or upon a public park.

75 ILCS 65/2

If any free public library's directors, trustees or managers, or a majority of them, request the city or park district's corporate authorities or the board of park commissioners in writing for permission to erect a free public library building in a public park under the control, supervisor or jurisdiction of the city, park district or board of park commissioners and designate the desired site and general style and approximate cost of the building, the clerk or secretary must certify the resolution and proposition of granting such a request to the proper election officials, who must then submit the proposition at an election in accordance with the general election law. If a majority of voters at the election favor the request, then the corporate authorities or the board of park commissioners must authorize the building's erection and, if necessary, proceed to condemn an right, easement or interest belonging to abutting property owners that the library building's erection would interfere with, and the city or park district may pay for any condemned right, easement or interest out of its general revenues.

In case the directors, trustees or managers of any free public library, or a majority of them, shall make request in writing, of the corporate authorities of such city, park district or board of park commissioners for permission to erect a free public library building in or upon any public park, under the control, supervision or jurisdiction of such city, park district or board of park commissioners designating the site desired and the general style and approximate cost of such building, it shall be the duty of the clerk or secretary thereof to certify the resolution and proposition of granting such request to the proper election officials who shall submit the proposition at an election in accordance with the general election law; and if a majority of the legal voters, voting upon such question at any such election shall favor the granting by said city, park district or board of park commissioners of the aforesaid request, then the said authorities or board of park commissioners shall authorize the erection of said building, as aforesaid, and if necessary proceed to condemn, as aforesaid, any right, easement or interest, belonging to such abutting property owners, which would be interfered with by the erection of said library building, and such city or park district shall have the power to pay for any right, easement or interest so condemned out of its general revenues.

75 ILCS 65/3

The corporate authorities of any park district whose limits are co-extensive with those of a city, village, or incorporated town lying wholly within any congressional township and in which there is a free public library established and maintained under the Illinois Local Library Law, or the corporate authorities of any city, village, or incorporated town that control or supervise a public park, may permit the board of library trustees of a library or the board of trustees of a library district whose geographical service area includes all or part of a public park or park district to erect and maintain in any of the park district, city, village, or incorporated town's parks a library building that will be under the exclusive supervision and control of the board of library trustees, so long as the building is used as a free public library, and may contract with the board of library trustees relative to the library's erection, maintenance and administration. Portions of the building less than the whole that from time to time are not needed for library purposes may be rented for public purposes only by the board of library trustees to or with the consent of the park district, village, city, or incorporated town.

The corporate authorities of any park district whose limits are co-extensive with the limits of any city, village, or incorporated town lying wholly within any congressional township, in which there is established and maintained a free public library under "The Illinois Local Library Law", approved July 12, 1965, as heretofore or hereafter amended [75 ILCS 5/1-0.1 et seq.], or the corporate authorities of any such city, village, or incorporated town having the control or supervision of any public park or parks, may permit the board of library trustees having control of such library or the board of trustees of a library district whose geographical area of service includes all or part of a public park or park district to erect and maintain in any public park of such park district, city, village, or incorporated town, a library building which shall be under the exclusive control and supervision of the board of library trustees, so long as such building is used as a free public library; and may contract with such board of library trustees relative to the erection and maintenance and administration thereof. Any portion of such building less than the whole which shall not from time to time be needed for library purposes, may be rented for public purposes only by the board of library trustees to or with the consent of such park district, city, village, or incorporated town.

75 ILCS 65/3a

## Indiana

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### Relevant Law

Libraries are located within Title 36 (Local Government) Chapter 12.

### Types of Libraries

Indiana classifies public libraries as either Class 1 or Class 2. Class 1 comprises all public libraries established after March 13, 1946 and all public libraries established before March 14, 1946 that have filed a resolution of conversion. Within Class 1, most provisions are general, although country contractual libraries are given special mention. Class 2 comprises all public libraries established before March 14, 1946 that haven't filed a resolution of conversion. The statute enumerates three types: 1852 subscription libraries, 1899 township libraries, and private donation libraries. A library district is defined as the territory within a public library's corporate boundaries. Public libraries themselves are defined as municipal corporations providing library services and organized under Indiana law.

### I. Class 1 Public Libraries

#### *A. In General*

Class 1 public libraries are municipal corporations. The public library may make contracts and is an independent taxing unit.

- (a) A Class 1 public library is a municipal corporation, known as \_\_\_\_\_ Public Library.
- (b) In the name of the Class 1 public library under subsection (a), the public library may:
  - (1) contract and be contracted with; and
  - (2) sue and be sued in court.
- (c) Each public library constitutes an independent taxing unit for purposes of IC 6-1.1-1-21.

Burns Ind. Code Ann. § 36-12-2-2

A public library may transfer part of its territory to another public library. Each public library's library board must pass a transfer resolution signed by a majority of each library board's entire membership agreeing to the transfer. Each public library's library board must include a description of the transferred territory in the public library's resolution. Each library board must file a copy of the transfer resolution with the Indiana state library and in the office of the county record in the county with the public library's administrative office.

One (1) public library may transfer a part of the territory of the library to another public library according to the following procedure:

(1) The library boards of each public library must pass a resolution of transfer signed by a majority of the entire membership of each library board agreeing to the transfer.

(2) The library boards of each public library must include a description of the transferred territory in the respective resolutions of each public library.

(3) Each of the library boards must file a copy of the resolution of transfer:

(A) in the office of the county recorder in the county where the administrative office of the respective public library is located; and

(B) with the Indiana state library.

Burns Ind. Code Ann. § 36-12-2-4

For municipalities, townships, counties, or parts of a county not already taxed for library purposes and with at least 10,000 population or an assessed valuation at least as high as the median of the most recent certified assessed valuation of then ten library taxing districts closest in population to 10,000, the legislative body may establish a public library for the municipality, township, county, or part of the county's residents. The public library's establishment may be initiated by the legislative body passing a written resolution or at least 20% of the municipality, township, county or part of the county's registered voters filing a signed petition with the legislative bodies. Within ten days of a petition's filing, the municipality, township, county, or part of a county must give notice of the petition's filing in two newspapers of general circulation in the county, one of which is published in the municipality where the library will be located, if a newspaper is published in the municipality. Within ten days of the petition's publication, registered voters in the municipality, township, county, or part of a county where the public library is proposed for establishment may file a remonstrance with the municipality, township, or county. The remonstrance must be signed by registered voters of the municipality, township, county, or part of the county where the public library is proposed for establishment, and must state that the signed registered voters opposed the public library's establishment. All petitions and remonstrances must show the date when each individual signed and the each individual's residence on the date of signing. All petitions and remonstrances must include an affidavit of the individual circulating the petition or remonstrance stating that each signature was affixed in the individual's presence and is the individual's true signature. Several copies of a petition or remonstrance may be executed, and the total of the copies constitutes the petition or remonstrance. Copies must include affidavit. An individual who signed a petition, remonstrance, or copy may file the petition, remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day. The circuit court clerk of the county where the municipality, township, county, or part of a county where the public library is proposed for establishment is located must strike duplicates if a name appears more than once on a petition or remonstrance until the name appears only one time on a petition or remonstrance, or both, if the individual signed both a petition and a remonstrance. The clerk must also strike the name from either the petition or remonstrance of one who signed both the petition and remonstrance and personally, in the clerk's office, made a signed, voluntary written request for the clerk to strike the name from the petition or remonstrance. No more than fifteen days after a petition or remonstrance's filing, the clerk must certify that number of signatures on the petition or remonstrance that aren't duplicates and represent registered voters in the municipality, township, county, or part of a county where the public library is proposed for establishment, on the day the individuals signed the petition or remonstrance. The clerk must also establish a record of the clerk's certification in the clerk's office and file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the municipality, township, or county's legislative body. The circuit court's clerk mustn't strike an individual's name from a petition or remonstrance for any other reason. At the legislative body's first meeting held at least ten days after the petition's publication, the legislative body must compare the petition and any remonstrance. If a remonstrance hasn't been filed or if a greater number of voters signed the petition than the remonstrance, the legislative body establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a

county. The public library's establishment is effective as of the date the written resolution passed. Within five days of the resolution's passage, the legislative body must file a copy of the resolution with the Indiana state library and with the county record in the county of the public library's administrative office. The legislative body must give notice to those officials with the power to appoint members of the new public library's library board. However, if the number of voters who signed the remonstrance equals or is greater than the number who signed the petition, the legislative body must dismiss the petition. Another petition for a public library's establishment mustn't be initiated until a year after the legislative body's dismissal of the latest unsuccessful petition.

(a) The legislative body of a municipality, township, county, or part of a county, any of which is not already taxed for public library purposes, that has:

(1) a population of at least ten thousand (10,000); or

(2) an assessed valuation that is at least as high as the median of the most recent certified assessed valuation of the ten (10) library taxing districts closest in population to ten thousand (10,000);

may establish a public library for the residents of the municipality, township, county, or part of the county.

(b) The establishment of the public library may be initiated either by:

(1) the legislative body passing a written resolution; or

(2) filing a petition with the legislative body that has been signed by at least twenty percent (20%) of the registered voters of the municipality, township, county, or part of a county, as determined by the last preceding general election.

(c) Not later than ten (10) days after a petition is filed under subsection (b)(2), the municipality, township, county, or part of a county shall give notice of the filing of the petition in two (2) newspapers of general circulation in the county, one (1) of which is published in the municipality where the library is to be located, if a newspaper is published in the municipality.

(d) Not later than ten (10) days after the publication of the petition under subsection (c), a registered voter in the municipality, township, county, or part of a county where the public library is proposed to be established may file with the respective municipality, township, or county a remonstrance that:

(1) is signed by registered voters in the municipality, township, county, or part of the county where the public library is proposed to be established; and

(2) states that the registered voters who have signed the remonstrance are opposed to the establishment of the public library.

(e) The following apply to a petition that is filed under subsection (b)(2) or a remonstrance that is filed under subsection (d):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit as described in subdivision (2). An individual who signed the petition, remonstrance, or copy may file the petition, the remonstrance, or a copy. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county where the municipality, township, county, or part of a county where the public library that is proposed to be established is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk shall strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Not more than fifteen (15) days after a petition or remonstrance is filed, certify the number of signatures on the petition or remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the municipality, township, county, or part of a county where the public library is proposed to be established, on the day the individuals signed the petition or remonstrance.

(D) Establish a record of the clerk's certification in the clerk's office and file:

(i) the original petition;

(ii) the original remonstrance, if any; and

(iii) a copy of the clerk's certification;

with the legislative body of the municipality, township, or county.

The clerk of the circuit court may only strike an individual's name from a petition or remonstrance as set forth in clauses (A) and (B).

(f) At the first meeting of the legislative body held at least ten (10) days after the publication of the petition, the legislative body shall compare the petition and any remonstrance. Whenever:

(1) a remonstrance has not been filed; or

(2) a greater number of voters have signed the petition than have signed the remonstrance against the establishment of the public library;



the legislative body shall establish by written resolution the public library with a library district coextensive with the boundaries of the unit or part of a county, whichever is applicable.

(g) The establishment of the public library is effective as of the date the written resolution is passed. The legislative body shall file a copy of the resolution not later than five (5) days after the resolution is passed:

- (1) with the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(h) The legislative body shall give notice to the officials who have the power to appoint members of the library board for the new public library under section 9 [IC 36-12-2-9] of this chapter. The officials shall appoint the library board for the new public library under section 9 of this chapter as soon as possible after the officials are notified.

(i) When the number of registered voters who have signed a remonstrance against the establishment of the public library is equal to or greater than the number who have signed the petition in favor of the establishment of the public library, the legislative body shall dismiss the petition. Another petition to establish a public library may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

Burns Ind. Code Ann. § 36-12-2-5

All petitions and remonstrances must show the date individuals signed the petition or remonstrance and the individuals' residences on the date they signed the petition or remonstrance. Petitions and remonstrances must include an affidavit of the individual circulating the petition or remonstrance that states that each signature was affixed in the individual's presence and is the true signature of the individual. The circuit court's clerk or the board of registration must strike all names that appear more than once on the petition or remonstrance, and certify the number of the petition or remonstrance's signatures that aren't duplicates and represent registered voters in the county, part of the county, or the municipality. The circuit court's clerk must complete this certification within fifteen days of the petition or remonstrance's filing.

(a) The following apply to a petition or remonstrance filed under section 5 [IC 36-12-2-5] of this chapter:

- (1) The petition or remonstrance must show the following:
  - (A) The date on which each individual signed the petition or remonstrance.
  - (B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance stating that each signature on the petition or remonstrance:

- (A) was affixed in the individual's presence; and
- (B) is the true signature of the individual who signed the petition or remonstrance.

(3) The clerk of the circuit court or the board of registration shall do the following:

- (A) Strike all names appearing more than one (1) time on the petition or remonstrance.
- (B) Certify the number of signatures on the petition or remonstrance that:

- (i) are not duplicates; and
- (ii) represent individuals who are registered voters in the county, the part of the county, or the municipality.

(b) The clerk of the circuit court shall complete the certification required by subsection (a) not later than fifteen (15) days after the petition or remonstrance is filed.

Burns Ind. Code Ann. § 36-12-2-6

Library boards may contract with another public library or any other municipal corporation to provide or receive library service. Contracts between public libraries and other municipal corporations must outline the library service's manner and extent, and the amount of compensation for such service's extension. Municipal corporations receiving such service must levy a tax sufficient to meet the compensation agreed upon in the contract and expend all funds received under a library services contract.

(a) A library board may contract to provide or receive library service from the following municipal corporations:

- (1) Another public library.
- (2) Any unit.

(b) A contract for library service between a public library and another municipal corporation must outline the:

- (1) manner and extent of library service; and
- (2) amount of compensation for the extension of library service.

(c) This subsection does not apply to municipal corporations described in section 8 [IC 36-12-3-8] of this chapter. A municipal corporation receiving library service shall:

- (1) levy a tax sufficient to meet the amount of compensation agreed upon under the contract; and
- (2) expend all funds received under a contract for library services chargeable to the contract.

Burns Ind. Code Ann. § 36-12-3-7

For municipal corporations located in counties with between 35,000 and 37,000 population, a municipal corporation that levies library services under a contract must levy a tax sufficient to meet the compensation amount agreed on in the contract, or make the contract payments with revenue it derived from a tax imposed before the municipal corporation approved the contract, including the part of local income tax revenue that isn't required to be dedicated to property tax relief. The library board providing the service must expend all funds it receives under a library services contract.

- (a) This section applies to municipal corporations located in a county having a population of more than thirty-five thousand (35,000) but less than thirty-seven thousand (37,000).
- (b) A municipal corporation receiving library service under section 7 [IC 36-12-3-7] of this chapter shall:
  - (1) levy a tax sufficient to meet the amount of compensation agreed on under the contract; or
  - (2) make the contract payments with revenue derived from a tax being imposed before the contract is approved by the municipal corporation, including the part of local income tax revenue that is not required to be dedicated to providing property tax relief.
- (c) A library board providing service shall expend all funds received under a contract for library services chargeable to the contract.

Burns Ind. Code Ann. § 36-12-3-8

A library board may levy, assess and collect a special tax to pay yearly interest on a public library's bond and note indebtedness.

The library board may do the following:

- (1) Adopt a resolution to make loans or issue notes to refund the loans in anticipation of revenues of the library that are expected to be levied and collected during the term of the loans. The term of a loan made under this subdivision may not be more than five (5) years. Loans under this subdivision must be made in the following manner:
  - (A) The resolution authorizing the loans must appropriate and pledge to payment of the loans a sufficient amount of the revenues in anticipation of which the loans are issued and out of which the loans are payable.
  - (B) The loans must be evidenced by warrants or tax anticipation notes of the library in terms designating:
    - (i) the nature of the consideration;
    - (ii) the time and place payable; and
    - (iii) the revenues in anticipation of which the loans are issued and out of which the loans are payable.
- (2) Borrow money from other persons.
- (3) Issue, negotiate, and sell negotiable notes and bonds of the public library.
- (4) Levy, assess, and collect, at the same time and in the same manner as other taxes of the public library are levied, assessed, and collected, a special tax in addition to the tax authorized by section 12 [IC 36-12-3-12] of this chapter, sufficient to pay all yearly interest on the bonded and note indebtedness of the public library.
- (5) Provide a sinking fund for the liquidation of the principal of the bond when the principal of the bond becomes due.

Burns Ind. Code Ann. § 36-12-3-10

The library board must determine the library district's tax rate need for the library's proper operation and certify this rate to the county auditor, who must then certify the tax rate to the county tax adjustment board. If the library board fails to give a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least ten days before the required public hearing and also fails to give a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least three days before the required public hearing, or if the board fails to finally adopt the budget and fix the tax levy by September 30, then the last preceding annual public library appropriation is renewed for the ensuing year, and the last preceding annual tax levy is continued. In such a case the library board's treasurer must report the continued tax levy to the county auditor by September 30.

- (a) The library board shall determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor. The county auditor shall certify the tax rate to the county tax adjustment board in the manner provided in IC 6-1.1. An additional rate may be levied under section 10(4) [IC 36-12-3-10(4)] of this chapter.
- (b) If the library board fails to:
  - (1) give:
    - (A) a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least ten (10) days before the public hearing required under IC 6-1.1-17-3; and
    - (B) a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least three (3) days before the public hearing required under IC 6-1.1-17-3; or

(2) finally adopt the budget and fix the tax levy not later than September 30; the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding

annual tax levy is continued. Under this subsection, the treasurer of the library board shall report the continued tax levy to the county auditor not later than September 30.

Burns Ind. Code Ann. § 36-12-3-12

Public libraries may merge with other public libraries. A majority of each library board's entire membership must sign a resolution to initiate the planning of a merger.

- (a) A public library may merge with any other public library.
- (b) The merger of at least two (2) public libraries must be initiated by a majority of the entire membership of each library board signing a resolution initiating the planning of a merger.

Burns Ind. Code Ann. § 36-12-4-2

A copy of this merger resolution must be filed with the Indiana state library and with the county recorder of each county of the merging library districts. After the merger resolution is filed, the merging libraries' budgets must be combined for the remainder of the current year. If a merger occurs after December 31 but before July 1 of the next year, the interim library board must present a new budget and tax rate to the local government finance department to receive a new tax levy for the merged library district. However, if the merger is after June 30 but before January 1 of the next year, the merged library board must present a new budget and tax rate to the local government finance department to receive a new tax levy for the merged district.

- (a) A copy of the resolution adopting the merger described in section 3(e) [IC 36-12-4-3(e)] of this chapter must be filed with:
  - (1) the county recorder in each county in which merging library districts are located; and
  - (2) the Indiana state library.
- (b) After the resolution adopting the merger is filed, each library board that is not the board of the primary library shall appoint four (4) members to serve with the primary library board on an interim board.
- (c) The interim board has the same duties and powers of a public library board under IC 36-12-3.
- (d) After the resolution adopting the merger is filed, the budgets of the merging libraries shall be:
  - (1) combined for the remainder of the current year; and
  - (2) administered by the interim board.
- (e) The interim board described in subsection (b) is dissolved on December 31 of the year in which the merger takes place.
- (f) The members of a merged library board shall be appointed under IC 36-12-2, and the terms of office for the members of the merged library board begin January 1 following the dissolution of the interim board.
- (g) If a merger takes place after December 31 but before July 1 of the ensuing year, the interim library board described in subsection (b) shall present a new budget and tax rate to the department of local government finance to receive a new tax levy for the merged library district.
- (h) If a merger takes place after June 30 but before January 1 of the ensuing year, the merged library board described in subsection (f) shall present a new budget and tax rate to the department of local government finance to receive a new tax levy for the merged library district.

Burns Ind. Code Ann. § 36-12-4-4

Expansion provisions only apply to Class 1 public libraries seeking to expand into not more than one of a county's townships.

- (a) Sections 2, 3, and 4 [IC 36-12-5-2, IC 36-12-5-3, and IC 36-12-5-4] of this chapter apply only to Class 1 public libraries that seek to expand into not more than one (1) township of a county.
- (b) Sections 5 through 12 [IC 36-12-5-5 through IC 36-12-5-12] of this chapter apply to Class 1 public libraries that seek to expand into more than one (1) township of a county by an alternative method to the method under sections 2 through 4 [IC 36-12-5-2 through IC 36-12-5-4] of this chapter.
- (c) The expansion of a library district may occur by:
  - (1) the legislative body passing a resolution; or
  - (2) the petition and remonstrance process; as provided in this chapter.

Burns Ind. Code Ann. § 36-12-5-1

A public library's library board may file a proposed expansion with a township's township trustee and legislative body. The proposal must state the public library seeking to combine with a township or a part of a township not

taxed for public library service to form a single library district. When a township trustee and legislative body receive an expansion proposal, the legislative body may agree to the expansion proposal by written resolution.

(a) The library board of a public library may file a proposed expansion with the township trustee and legislative body of the township. The proposal must state that the public library seeks to combine with a certain township or any part of a township not being taxed for public library service to form a single library district.

(b) When a township trustee and legislative body receive a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

Burns Ind. Code Ann. § 36-12-5-2

A public library's library board may file an expansion proposal and an intent to file a petition for the expansion proposal's acceptance with the township trustee and legislative body. Within ten days of this filing, the township trustee must publish notice of the expansion proposal. The notice must be published in an appropriate publication of general circulation in the township. From the first day after the notice's publication until sixty days after its publication, registered voters of the affected township or part of the affected township subject to expansion may sign a petition for the expansion proposal's acceptance stating the voter favors an expanded library district's establishment and/or a remonstrance opposing the expansion proposal and stating the voter opposed an expanded library district's establishment. Registered voters of the township or part of the township may file a petition or remonstrance, if any with the clerk of the circuit court in the county with the township. At least 20% of the township or part of the township's registered voters must sign a petition to accept the expansion proposal. A petition or remonstrance must show the date when each individual signed and the residence of each individual on the date of signing. The petition or remonstrance must include an affidavit of the individual who circulated the petition or remonstrance, which must state that each signature was affixed in the individual's presence and is the true signature of the individual signer. Several copies of the petition or remonstrance may be executed, and the total of the copies constitutes the petition or remonstrance. A copy must include an affidavit. A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day. If a name appears more than once on a petition or remonstrance, the clerk of the circuit court in the county with the township must strike any duplicates until the name appears only once on the petition or remonstrance, or both if the individual signed both a petition and a remonstrance. The clerk must also strike from either the petition or remonstrances the names of individuals who signed both the petition and remonstrance, and personally, in the clerk's office, make a voluntary signed written request for the clerk to strike the name from the petition or remonstrance. The clerk must also certify the number of the petition or remonstrance's signatures that aren't duplicates and represent registered voters in the township or the part of the township on the day of signing the petition or remonstrance. The clerk mustn't strike an individual's name for any other reason. The clerk must complete this certificate within fifteen days of the petition or remonstrance's filing. The clerk must establish a record of certification in the clerk's office and file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.

(a) The library board of a public library may file with the township trustee and legislative body a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the filing, the township trustee shall publish notice of the proposal of expansion in the manner provided in IC 5-3-1. Publication of the notice must be in accordance with IC 5-3-1-4 in an appropriate publication of general circulation in the township. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of the affected township or part of the affected township subject to expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion that states that the registered voter is in favor of the establishment of an expanded library district.

(2) A remonstrance in opposition to the proposal of expansion that states that the registered voter is opposed to the establishment of an expanded library district.

(b) A registered voter of the township or part of the township may file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the township is located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the township, or part of the township, as determined by the most recent general election.

(c) The following apply to a petition that is filed under this section or a remonstrance that is filed under subsection (b):

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitute a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file the petition or remonstrance, or a copy of the petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court in the county in which the township is located shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from either the petition or the remonstrance of an individual who:

(i) signed both the petition and the remonstrance; and

(ii) personally, in the clerk's office, makes a voluntary written and signed request for the clerk to strike the individual's name from the petition or the remonstrance.

(C) Certify the number of signatures on the petition and on any remonstrance that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the township or the part of the township on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(d) The clerk of the circuit court shall complete the certification required under subsection (c) not more than fifteen (15) days after the petition or remonstrance is filed. The clerk shall:

(1) establish a record of certification in the clerk's office; and

(2) file the original petition, the original remonstrance, if any, and a copy of the clerk's certification with the legislative body.

Burns Ind. Code Ann. § 36-12-5-3

Within forty days of the certification of a petition and a remonstrance, if any, the township legislative body must compare the petition and any remonstrance. If a remonstrance hasn't been filed or a greater number of voters signed the petition than the remonstrance, the legislative body must agree to the expansion written resolution. Within ten days of adopting a written resolution to establish an expanded library district, the legislative body must submit a copy of the resolution to file with the Indiana state library and in the office of the county recorder in the county with the public library's administrative office. The expansion is effective on the date of the written resolution's filing. However, if an equal or greater number of registered voters signed a remonstrance against an expanded library's establishment than the petition, the legislative body must dismiss the petition. Another petition to establish the expanded library district mustn't be initiated until a year after the legislative body dismissed the latest unsuccessful petition.

(a) Not more than forty (40) days after the certification of a petition and a remonstrance, if any, under section 3 [IC 36-12-5-3] of this chapter, the township legislative body shall compare the petition and any remonstrance.

(b) If a remonstrance has not been filed or a greater number of voters have signed the petition than have signed the remonstrance, the legislative body shall agree to the expansion by written resolution. Not more than ten (10) days after the written resolution establishing an expanded library district is adopted, the legislative body shall submit a copy of the resolution for filing:

(1) in the office of the county recorder in the county where the administrative office of the public library is located; and

(2) with the Indiana state library.

The expansion is effective as of the date the written resolution is filed.

(c) When an equal or greater number of registered voters have signed a remonstrance against the establishment of an expanded library district than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

Burns Ind. Code Ann. § 36-12-5-4

A public library's library board may file an expansion proposal with a county's legislative body. The proposal must state that the public library seeks to combine more than one township or parts of more than one township not taxed for public library service to form a single library district. When a county's legislative body receives an expansion proposal, it may agree to the expansion proposal by written resolution.

(a) The library board of a public library may file a proposed expansion with the legislative body of the county. The proposal must state that the public library seeks to combine with more than one (1) township or parts of more than one (1) township not being taxed for public library service to form a single library district.

(b) Whenever the legislative body of a county receives a proposal of expansion under this section, the legislative body may agree to the expansion proposal by written resolution.

Burns Ind. Code Ann. § 36-12-5-5

A public library's library board may file an expansion proposal and an intent to file a petition for accepting the expansion proposal with the county's legislative body. Within ten days of the intent's filing, the county auditor must publish notice of the expansion proposal in a newspaper of general circulation in the county. From the first day after the notice's publication until sixty days after its publication, registered voters of an affected township or an affected part of a township subject to expansion may sign a petition for accepting the expansion proposal and/or a remonstrance opposing the expansion proposal. Registered voters must file a petition or remonstrance, if any, with the clerk of the circuit court in the county with the townships. At least 20% of the registered voters of the townships or parts of the townships must sign a petition for accepting the expansion proposal.

(a) The library board of a public library may file with the legislative body of a county a proposal of expansion and an intent to file a petition for acceptance of the proposal of expansion. Not later than ten (10) days after the intent is filed, the county auditor shall publish notice in the manner provided in IC 5-3-1 of the proposal of expansion in a newspaper of general circulation in the county. Beginning the first day after the notice is published, and during the period that ends sixty (60) days after the date of the publication of the notice, an individual who is a registered voter of an affected township or an affected part of a township subject to the expansion may sign one (1) or both of the following:

(1) A petition for acceptance of the proposal of expansion.

(2) A remonstrance petition in opposition to the proposal of expansion.

(b) Registered voters shall file a petition or a remonstrance, if any, with the clerk of the circuit court in the county where the townships are located. A petition for acceptance of the proposal of expansion must be signed by at least twenty percent (20%) of the registered voters of the townships or parts of townships, as determined by the most recent general election.

Burns Ind. Code Ann. § 36-12-5-6

Petitions and remonstrances must show the date when each individual signed and each individual's resident on the date of signing. Petitions and remonstrances must include an affidavit of the individual who circulated the petition or remonstrance. The affidavit must start that each of the petition or remonstrance's signatures was affixed in the individual's presence and is the true signature of the signing individual. Several copies of the petition or remonstrance may be executed, and the total of the copies constitutes the petition or remonstrance. A copy must include an affidavit. A signer may file a petition or remonstrance, or a copy of a petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day. If a name appears more than once on a petition or remonstrance, the clerk of the circuit court of the county containing the townships or parts of the townships must strike duplicates of the name until the name appears only once on a petition or a remonstrance, of both if the individual signed both a petition and a remonstrance. The clerk must also strike the name from a petition or remonstrance of an individual who personally, in the clerk's office, makes a signed written request for the clerk to strike the individual's name. The clerk must certify the number of signatures on the petition and remonstrance, if any, that aren't duplicates and represent registered voters in the townships or parts of townships on the day of signing. The clerk mustn't strike an individual's name for any other reason. The clerk must complete this certification within fifteen days of the petition or remonstrance's filing.

a) The following apply to a petition or remonstrance that is filed under section 6 [IC 36-12-5-6] of this chapter:

(1) The petition or remonstrance must show the following:

(A) The date on which each individual signed the petition or remonstrance.

(B) The residence of each individual on the date the individual signed the petition or remonstrance.

(2) The petition or remonstrance must include an affidavit of the individual circulating the petition or remonstrance, stating that each signature on the petition or remonstrance:

(A) was affixed in the individual's presence; and

(B) is the true signature of the individual who signed the petition or remonstrance.

(3) Several copies of the petition or remonstrance may be executed. The total of the copies constitutes a petition or remonstrance. A copy must include an affidavit described in subdivision (2). A signer may file a petition or remonstrance, or a copy of a petition or remonstrance. All copies constituting a petition or remonstrance must be filed on the same day.

(4) The clerk of the circuit court of the county containing the townships or parts of townships shall do the following:

(A) If a name appears more than one (1) time on a petition or on a remonstrance, the clerk must strike any duplicates of the name until the name appears only one (1) time on a petition or a remonstrance, or both, if the individual signed both a petition and a remonstrance.

(B) Strike the name from a petition or remonstrance of an individual who personally, in the clerk's office, makes a written and signed request for the clerk to strike the individual's name.

(C) Certify the number of signatures on the petition and remonstrance, if any, that:

(i) are not duplicates; and

(ii) represent individuals who are registered voters in the townships or parts of townships on the day the individuals signed the petition or remonstrance.

The clerk of the circuit court may only strike an individual's name from a petition or a remonstrance as set forth in clauses (A) and (B).

(b) The clerk of the circuit court shall complete the certification required under subsection (a) not more than fifteen (15) days after the petition or remonstrance is filed.

Burns Ind. Code Ann. § 36-12-5-7

The circuit court's clerk must establish a record of the clerk's certification in the clerk's office and must file the original petition, the original remonstrance, if any, and a copy of the certification with the legislative body.

The clerk of the circuit court shall establish a record of the clerk's certification in the clerk's office and shall file the original petition, the original remonstrance, if any, and a copy of the certification with the legislative body.

Burns Ind. Code Ann. § 36-12-5-8

Within forty days of a petition or remonstrance's certification, the county legislative body must compare the petition and any remonstrance. If a remonstrance hasn't been filed, or if more registered voters signed the petition than the remonstrance, the county legislative body must agree to the expansion by written resolution. The expansion is effective on the date of the written resolution's filing. However, if the number of registered voters signed a remonstrance against an expanded library district's establishment is equal to or greater than the number who signed the petition favoring expansion, the legislative body must dismiss the petition. Another petition to establish the expanded library district mustn't be initiated until a year after the legislative body dismissed the latest unsuccessful petition.

(a) Not more than forty (40) days after the certification of a petition and remonstrance under section 7 [IC 36-12-5-7] of this chapter, the county legislative body shall compare the petition and any remonstrance.

(b) If:

(1) a remonstrance has not been filed; or

(2) a greater number of registered voters have signed the petition than have signed the remonstrance;

the county legislative body shall agree to the expansion by written resolution. The expansion is effective on the date the written resolution is filed.

(c) If the number of registered voters who have signed a remonstrance against the establishment of an expanded library district is equal to or greater than the number who have signed the petition in favor of the expansion, the legislative body shall dismiss the petition. Another petition to establish the expanded library district may not be initiated until one (1) year after the date the legislative body dismissed the latest unsuccessful petition.

Burns Ind. Code Ann. § 36-12-5-10

Within ten days of the adoption of a written resolution establishing an expanded library district, the legislative body must send a copy of the resolution to be filed with the Indiana state library and in the office of the county recorder in each county where the library district is located.

Not more than ten (10) days after a written resolution establishing an expanded library district is adopted, the legislative body shall send a copy of the resolution to be filed:

(1) in the office of the county recorder in each county where the library district is located; and

(2) with the Indiana state library.

Burns Ind. Code Ann. § 36-12-5-11

### ***B. Class 1 – County Contractual***

These provisions only apply to Class 1 public libraries established as county contractual libraries before July 1, 1992.

(a) This chapter applies only to Class 1 public libraries that have been established as county contractual libraries before July 1, 1992.

(b) A county contractual library established under this chapter shall operate under the name of County Contractual Public Library.

Burns Ind. Code Ann. § 36-12-6-1



If a township or part of a township contracts with a library that extends service through a county contractual library, the township or part of a township must cease levying a separate tax for library purposes and becomes part of the county contractual library district. The tax levy for county contractual library purposes must then be levied in the township or part of a township that has become part of the county contractual library district. Townships that cease to levy a public library tax in any year become part of the township's county library district or county contractual library district, if either library exists at the time of the township levy's discontinuance. The county library or county contractual library tax must then be levied in the townships.

(a) If a township or part of a township is contracting with a library that is extending service through a county contractual library, the township or part of a township:

- (1) shall cease to levy a separate tax for library purposes; and
- (2) becomes a part of the county contractual library district.

(b) The tax levy for county contractual library purposes shall then be levied in the township or part of a township that has become part of the county contractual library district.

(c) A township that ceases to levy a tax for public library purposes in any year becomes a part of the township's county library district or county contractual library district, if either library district exists at the time the township levy is discontinued. The county library or county contractual library tax shall then be levied in the townships.

Burns Ind. Code Ann. § 36-12-6-4

## II. Class 2 Public Libraries

### *A. In General*

Class 2 libraries may convert to Class 1 status if the Class 2 library board passes a conversion resolution. The conversion resolution is irrevocable and must describe the territory included in the library district. A majority of library board members must sign the conversion resolution. Within five days of approving the conversion resolution, the library board must file a copy of the conversion resolution with the Indiana state library and in the office of the county recorder in the county with the public library's administrative office. The library board must give notice of the conversion resolution. Upon filing of the conversion resolution, appointment of a library board, and the new library board's oath of office, any current tax levies continue under the authority granted to the Class 2 library until the next calendar year, when the Class 1 libraries tax provisions apply. After conversion, a political subdivision's obligation to levy and collect taxes for library purposes remains effective.

(a) A Class 2 library may convert to Class 1 status if the Class 2 library board passes the following resolution of conversion: "Public Library, by action of its library board, resolves to convert to a Class 1 library district subject to IC 36-12-2."

(b) The resolution of conversion:

- (1) must describe the territory included in the library district; and
- (2) is irrevocable.

(c) The resolution of conversion must be signed by a majority of library board members. Not later than five (5) days after approving the resolution of conversion, the library board shall file a copy of the resolution of conversion:

- (1) in the office of the county recorder in the county where the administrative office of the public library is located; and
- (2) with the Indiana state library.

(d) The library board shall give notice of the resolution of conversion to all officials who have appointive powers under IC 36-12-2.

(e) The officials under subsection (d) shall appoint a library board for the public library. Members of the old library board shall continue to serve as library board members until:

- (1) a majority of the new library board has been appointed; and
- (2) the new appointees have taken an oath of office to serve on the library board.

(f) Upon the:

- (1) filing of the resolution of conversion;
- (2) appointments under IC 36-12-2; and
- (3) oath of office of the new library board under IC 36-12-2-19;

any current tax levies continue under authority granted to the Class 2 library until the next succeeding calendar year, at which time the tax provisions for Class 1 libraries under IC 36-12-3-12 apply.

(g) The obligation of a political subdivision to levy and collect taxes for library purposes remains effective after the conversion.

Burns Ind. Code Ann. § 36-12-1-10

### ***B. 1852 Subscription Libraries***

Public libraries established as 1852 subscription libraries are municipal corporations. The 1852 subscription library's directors may levy a tax on the 1852 subscription library's shareholders (the inhabitants of the municipality who have subscribed money for the library's establishment) not exceeding one dollar on each share during a year. At the annual meeting, the shareholders may increase the tax to a sum not exceeding five dollars on each share during a year.

- (a) A public library established as an 1852 subscription library is a municipal corporation and possesses the power to:
  - (1) sue and be sued; and
  - (2) receive by donation books, money, paper, or other real or personal property for the library.
- (b) The shareholders of the 1852 subscription library are the inhabitants of the municipality who have subscribed money for the establishment of the library. The shareholders shall annually elect seven (7) directors on the first Monday in January. However, if an annual election is omitted, the directors remain in office until the next annual election and until successors are chosen.
- (c) The directors shall appoint one (1) director to be president at the meetings. The president may vote only in case of a tie vote. A majority of the directors constitutes a quorum. If a vacancy occurs among the directors, the remaining directors shall elect a new director to fill the vacancy, and the new director shall serve until the next annual election.
- (d) The 1852 subscription library is governed by bylaws adopted by the directors of the public library.
- (e) The directors may adopt a common seal.
- (f) The directors may levy a tax on the shareholders not to exceed one dollar (\$1) on each share during one (1) year. In addition, at the annual meeting, the shareholders may increase the tax to a sum not to exceed five dollars (\$5) on each share during one (1) year.
- (g) The shareholders may:
  - (1) appoint a treasurer and a librarian; or
  - (2) remove the treasurer or librarian;
 at the pleasure of the shareholders.

Burns Ind. Code Ann. § 36-12-7-6

### ***C. 1899 Township Libraries***

For townships with libraries established as 1899 township libraries, the township's legislative body may levy an annual tax not exceeding \$0.0333 on each hundred dollars of taxable property assessed for taxation in the township. If the legislative body doesn't levy the tax, registered voters numbering as least as many as required to place a candidate on the ballot may sign and file a petition with the circuit court clerk. The clerk must determine if an adequate number of voters signed the petition. If an adequate number signed, the clerk must certify the public question to the county election board, which must then print the question on the township's ballot. If a majority favor the question, the township trustee must annually levy a tax between \$0.0167 and \$0.0333 on each hundred dollars of taxable property in the township for a township library's support and establishment. If a majority of voters ever disfavor the question, the tax levy must be discontinued. For townships outside a city with a library established by private donations valuing at least \$10,000, including the library real estate and buildings, and used for the township's inhabitants' benefit, the township's township trustee must annually levy and collect an amount not exceeding \$0.02 on each hundred dollars of taxable property within the township's limits. When it's necessary to purchase additional ground for the extension or protection of library buildings already established by donation, the trustee, with the county legislative body's consent, may annually levy and collect an amount not exceeding \$0.0167 on each hundred dollars of the township's taxable property for no longer than three successive years. Two or more adjacent townships may also unite to maintain an 1899 township library.

- (a) The library board of a library established as an 1899 township library consists of the school township trustee in the township where the library is located and two (2) residents of the township who are appointed by the board of commissioners of the county where the library is located. Appointments are for a term of four (4) years. Members of the library board serve without compensation.
- (b) The library board:
  - (1) shall control the purchase of books and the management of the library;
  - (2) shall possess and retain custody of any books remaining in the old township library in the township where the library is located;
  - (3) may receive donations, bequests, and legacies on behalf of the library; and
  - (4) may receive copies of all documents of the state available for distribution from the director of the state library.
- (c) The 1899 township library is the property of the township. The township trustee is responsible for the safe preservation of the township library.
- (d) Two (2) or more adjacent townships may unite to maintain a township library. The library is controlled by either:
  - (1) a combined library board, which consists of each of the uniting township boards appointed under subsection (a); or

(2) the one (1) township library board appointed under subsection (a) of the uniting townships that receives funding for the operation of the uniting township library.

(e) The legislative body of any township that contains a library established as an 1899 township library may levy a tax annually of not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property assessed for taxation in the township. If the legislative body does not levy the tax, a petition signed by at least the number of registered voters required under IC 3-8-6-3 to place a candidate on the ballot may be filed with the circuit court clerk, who:

(1) shall determine if an adequate number of voters have signed the petition; and

(2) if an adequate number of voters have signed the petition, shall certify the public question to the county election board under IC 3-10-9-3. The county election board shall then cause to be printed on the ballot for the township the following question in the form prescribed by IC 3-10-9-4: "Shall a township library tax be levied?"

If a majority of the votes cast on the question in subdivision (2) are in the affirmative, the township trustee shall annually levy a tax of not less than one and sixty-seven hundredths cents (\$0.0167) and not more than three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of taxable property in the township for the establishment and support of a township library. The township tax shall be levied, assessed, collected, and paid according to the procedure outlined in IC 6-1.1.

(f) The tax levy under subsection (e) shall be discontinued when the question of discontinuing the levy has been submitted to a vote according to the procedure provided in subsection (e) and the majority of the votes cast on the question is in the negative.

(g) If a public library that is open for the use of all the residents of the township is located in the township, the proceeds of the tax collected under subsection (e) shall be paid to that public library.

(h) In a township outside a city that contains a library:

(1) established by private donations of the value of at least ten thousand dollars (\$10,000), including the real estate and buildings used for the library; and

(2) used for the benefit of all the inhabitants of the township;

the township trustee of the township shall annually levy and collect not more than two cents (\$0.02) on each one hundred dollars (\$100) upon the taxable property within the limits of the township. The money shall be paid to the trustees of the library, to be applied by the trustees for the purchase of books and the payment of the maintenance costs for the library. When it becomes necessary to purchase additional ground for the extension or protection of library buildings already established by private donation, the trustee, with the consent of the county legislative body, may annually levy and collect not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of taxable property of the township for not more than three (3) years successively, to be expended by the trustees for the purchase of property and the construction and enlargement of library buildings.

(i) The 1899 township library is free to all the residents of the township.

Burns Ind. Code Ann. § 36-12-7-7

### ***D. Public Libraries Established by Private Donation***

Private donation libraries are public libraries established by private donation. They must be in cities of between 110,000 and 150,000 population, and must contain at least 25,000 volumes. Such libraries must be open and free to city residents, and must have real property valued at at least \$100,000. A private donation library's library board must levy a tax of between 0.0067 and 0.0167 cents on each hundred dollars of the assessed valuation of all real and personal property in the county. This tax is not included in calculating the maximum permissible property tax levy for the public library.

(a) As used in this section:

(1) "county fiscal body" means the fiscal body of a county in which a private donation library is located;

(2) "library board" means a library board established under IC 20-14 (before its repeal) or this article in a county in which a private donation library is located; and

(3) "private donation library" means a public library:

(A) established by private donation;

(B) located in a city having a population of more than one hundred ten thousand (110,000) but less than one hundred fifty thousand (150,000);

(C) that contains at least twenty-five thousand (25,000) volumes;

(D) that has real property valued at at least one hundred thousand dollars (\$100,000); and

(E) that is open and free to the residents of the city.

(b) The library board shall:

(1) levy a tax under IC 6-1.1 in an amount not less than sixty-seven hundredths of one cent (\$0.0067) and not more than one and sixty-seven hundredths cents (\$0.0167) on each one hundred dollars (\$100) of the assessed valuation of all the real and personal property in the county;

(2) keep the tax levied under subdivision (1) separate from all other funds of the library board; and

(3) use the tax levied under subdivision (1):

(A) if the membership of the trustees of the private donation library includes at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, for distributions of the full amounts of the tax received to the trustees of the private donation library at the time the tax is received by the library board; or

(B) if the membership of the trustees of the private donation library does not include at least one (1) member or appointee of the library board and at least one (1) appointee of the county fiscal body, at the discretion of the library board for:

(i) library board purposes; or

(ii) quarterly distributions to the trustees of the private donation library.

(c) If requested by the trustees of the private donation library, the library board shall designate a member of the library board or appoint an individual to serve as a trustee of the private donation library. If requested by the trustees of the private donation library, the county fiscal body shall appoint an individual to serve as a trustee of the private donation library.

(d) The trustees of the private donation library shall annually submit a budget to the library board.

(e) The trustees of the private donation library shall expend amounts received under subsection (b)(3)(A) or (b)(3)(B)(ii) for the support, operation, and maintenance of the private donation library. The trustees shall:

(1) keep the money separate from all other funds;

(2) record:

(A) the amount of money received;

(B) to whom and when the money is paid out; and

(C) for what purpose the money is used;

in a book kept by the trustees; and

(3) make an annual report of the matters referred to in subdivision (2) to the library board.

(f) For purposes of the property tax levy limits under IC 6-1.1-18.5, the tax levied by the library board under subsection (b)(1) is not included in the calculation of the maximum permissible property tax levy for the public library.

Burns Ind. Code Ann. § 36-12-7-8

## Kentucky

### Relevant Law

Libraries are found within Title XIV (Libraries and Archives) Chapter 173 (City, County, and Regional Libraries). There is little in Kentucky municipal codes pertaining to libraries.

### Types of Libraries

Chapter 173 (City, County, and Regional Libraries) further classifies types of libraries. There are specific provisions for cities of the first class. Specific provisions regarding cities of second to sixth class, counties and regions have been repealed. Instead, there are provisions for cities of home rule class, counties and regions. There are also provisions for public library districts. Library districts formed by petition are set off as a discrete area.

### I. Cities of First Class

Mayors of cities of the first class, with the city legislative body's consent, may contract with the governing authority of any library in the city, containing 50,000+ volumes, to make the library free and open to the public at reasonable times and under reasonable regulations to be determined by the library's governing authority. The contract mustn't be for longer than five years, but may be renewed.

(1) The mayor of any city of the first class, with the consent of the city legislative body, may contract with the governing authority of any library in the city, containing fifty thousand (50,000) or more volumes, for the purpose of making the library free and open to the public at reasonable times and under reasonable regulations to be determined by the governing authority of the library.

(2) The contract shall be for not over five (5) years and may be renewed. The contract shall provide that the uses, privileges and facilities of the library, subject to the reasonable regulation of its governing body, shall be equal and free to all persons; that it shall be nonsectarian; and that its reading rooms, and its circulating department shall be maintained free and open to the general public.

KRS § 173.010

Cities that make such contracts must annually, in their annual ordinances fixing the tax rate, include a levy for library purposes not exceeding \$0.02 on each hundred dollars of property assessed for city taxation.

(1) Any city acting under the provisions of KRS 173.010 shall annually, in its annual ordinance fixing the tax rate, include a levy for library purposes not exceeding two cents (\$0.02) on each one hundred dollars (\$100) worth of property assessed for taxation for city purposes. The amount levied annually shall be credited to the library fund of the city, and the revenue, as collected, shall be paid over to the governing authority of the library by the director of finance in regular weekly installments.

(2) All money so received shall be used exclusively for conducting and maintaining the library for the public purposes mentioned in KRS 173.010. The governing authority of the library shall make a report to the mayor each September, showing statistics covering the

attendance at and the use of the books of the library, the receipts and expenditures of all money handled by it during the year, and other information bearing upon the usefulness of the library to the public.

KRS § 173.020

Cities of the first class may, by ordinance, establish and maintain within their corporate limits free public libraries for their residents' use with branches and stations as the library's board of trustees think proper.

(1) Any city of the first class may, by ordinance, establish and maintain within its corporate limits a free public library, with circulating and reference departments and reading rooms, or any of them, for the use of the residents thereof, with such branches and stations as the board of trustees of the library think proper. All the uses and privileges of such library shall be free and equal to all residents of the city, subject only to the rules and regulations established by the board of trustees. The board may extend the privilege and use of the library to persons residing outside of the city, upon such terms and conditions as the board prescribes.

(2) The city legislative body may pass such ordinances as the board recommends providing for the punishment of persons injuring the library property and regulating the conduct of persons using the library.

KRS § 173.030

A city of the first class and the fiscal court of any county of 200,000+ may contract with the city's free public library's board of trustees to grant the county's residents and schools the same privileges the library affords to the city's residents and schools. The fiscal court may annually appropriate money out of the county treasury for the library's support and maintenance. The free public library's board of trustees may expend this money in establishing branch stations in the county outside the city of the first class, under regulations of the board of trustees. If a fiscal court of a county of 200,000+ and a city of the first class have a compact, the city and county must by joint action create a joint city/county department to provide a free public library. The assets and liabilities of the board of trustees must then be transferred to the joint department. If a consolidated local government is established in a county where a city of the first class and a county containing that city had a cooperative compact, the joint department must then become the consolidated local government's department and transfer its assets and liabilities to the consolidated local government.

(1) The fiscal court of any county containing a population of over two hundred thousand (200,000) and a city of the first class, may contract with the board of trustees of the free public library of any such city for the purpose of granting to the residents and schools of such county the same privileges afforded by such library to residents and schools in the city.

(2) Notwithstanding any provisions of Kentucky Revised Statutes to the contrary, when the fiscal court of any county containing a population of over two hundred thousand (200,000) and a city of the first class have in effect a compact under KRS 79.310 to 79.330, the city and county shall by joint action create a joint city/county department for the purpose of providing a free public library. In such event, the board of trustees shall be dissolved as a corporate entity, and all assets and liabilities of the board of trustees shall be transferred to the joint department. An advisory board may be established by joint agreement of such city and county. Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the joint department shall become a department of the consolidated local government and all assets and liabilities of the joint department shall be transferred to the consolidated local government. An advisory board may be established or maintained by a consolidated local government. Members of the advisory board shall be appointed pursuant to the provisions of KRS 67C.139 and shall serve at the pleasure of the mayor of the consolidated local government.

(3) If the fiscal court enters into a contract pursuant to subsection (1) of this section, then the county judge/executive shall have the authority to appoint one-half (½) of the positions on the board of trustees of the free public library. Appointments shall be made for four (4) year terms. Each appointee must be at the time of his or her appointment a taxpayer and qualified voter in the county.

(4) The county judge/executive shall make the appointments authorized by subsection (3) of this section in the following manner. On March 31 of 1978 and March 31 of 1980, he or she shall appoint persons to fill two (2) of the vacancies which occur. On March 31 of 1979 and March 31 of 1981, he or she shall appoint a person to fill one (1) vacancy which occurs. He or she shall continue to make the appointments to these positions when a vacancy occurs or a term expires, subject to subsection (5) of this section.

(5) If the contract between the fiscal court and a free public library terminates or ceases to be in effect, the county judge/executive shall no longer have the authority to appoint persons as trustees to the board of the free public library and the mayor may terminate the appointment of trustees appointed by the county judge/executive and appoint persons to fill their unexpired terms.

(6) The fiscal court may annually appropriate money out of the county treasury to the maintenance and support of the library.

(7) Money so appropriated by the fiscal court may be expended by the board of trustees of the free public library in the establishment of branch stations in the county outside the city of the first class, under regulations of the board of trustees.

KRS § 173.105

In counties where the county and a city of the first class have an effective compact and have created a joint city/county library department, the county clerk, when receiving application for vehicle registration, must present the

applicant with the opportunity to make a voluntary contribution for the free public library's support. If the applicant chooses to donate, the donation is included in the fee. If a consolidated local government is established in a county where a city of the first class and a county containing the city have had an effective cooperative compact and created a joint city/county library department, the county clerk must continue this procedure for people to make voluntary contributions for the free public library's support.

In a county where the county and a city of the first class have in effect a compact under KRS 79.310 to 79.330 and have created a joint city/county library department, the county clerk, when he or she receives an application for vehicle registration pursuant to KRS 186.030, shall present the person making the application an opportunity to make a voluntary contribution for the support of the free public library. If the applicant chooses to donate to the library, he or she shall include the donation in the fee. The clerk shall pay the donations to the library department in the same fashion as taxes are paid pursuant to KRS 134.815 and shall be entitled to the same commission as that payable on county taxes pursuant to KRS 134.805. Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing that city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, and have created a joint city/county library department, the county clerk shall continue the procedure by which persons may make voluntary contributions for the support of the free public library. The donations shall be transferred to the consolidated local government for the maintenance of the library department in the same manner as moneys are transferred pursuant to KRS 134.815 and the county clerk shall be entitled to the same commission as that payable on taxes pursuant to KRS 134.805.

KRS § 173.106

## II. Cities of Home Rule Class, Counties and Regions

Any governmental unit may provide its inhabitants with library service through one of four methods. First, on its own initiative, the legislative body may establish an independent library. Second, upon receiving a petition signed by taxpayers numbering five percent of the vote cast for officers in the governmental unit's last general election, the legislative body must submit the question to a vote at the next general election by submitting the question to the county clerk by the second Tuesday in August preceding the general election. If a majority favors the proposition, the legislative body must then establish a library. Third, 2+ adjacent counties' legislative bodies may, on their own initiative, or upon a petition and vote in each county, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the property assessable for local taxation in such counties has an aggregate assessed valuation of at least ten million. Fourth, any governmental unit's legislative body may, on its own initiative, contract to receive service from an existing nearby library, a nearby institution of higher learning's library, the State Department for Libraries and Archives, or from a nearby library not owned by a governmental unit but providing free service. If there is a petition and vote, a legislative body may provide library service by contract in lieu of establishing an independent library. Once any of these four methods has been accomplished, the governing unit's legislative body must make the necessary appropriation or levy to establish and maintain annual, perpetual library service.

Any governmental unit may provide library service for its inhabitants according to any one (1) of the following methods:

- (1) The legislative body on its own initiative may establish an independent library.
- (2) Upon receipt of a petition signed by a number of taxpayers equal to five percent (5%) of the number of votes cast for officers in the last general election of such governmental unit, the legislative body shall submit the question to a vote at the next general election by submitting the question to the county clerk not later than the second Tuesday in August preceding the general election. If a majority of those voting on the question vote in favor of the proposition, the legislative body shall forthwith establish a library, except as provided in subsection (4) of this section.
- (3) The legislative bodies of two (2) or more adjacent counties may on their own initiative, or upon a petition and vote in each county as provided in subsection (2) above, or upon the initiative of some legislative bodies and petition and vote in others, join in establishing and maintaining a regional library, provided the aggregate assessed valuation of the property assessable for local taxation in such counties is a minimum of \$10,000,000, and subject to the provisions of KRS 173.320.
- (4) The legislative body of any governmental unit may on its own initiative contract to receive service from an existing nearby library, the library of a nearby institution of higher learning, the State Department for Libraries and Archives, or from a nearby library not owned by a governmental unit but which provides free service, each of these having reciprocal power to render the service. In the event of a petition and vote as provided by subsection (2), a legislative body shall have the privilege of providing library service by contract in lieu of establishing an independent library.

When any one (1) of the above methods has been complied with, the legislative bodies of the governing units shall at once make the necessary appropriation or levy to establish and maintain such library service annually and perpetually.

KRS § 173.310

A regional library's establishment must be done by a written contract of the counties' legislative bodies. The regional library's expenses must be apportioned between the contracting parties in proportion to the taxable property of each as shown by their assessments. A contract for a regional library must continue for a five-year period. No county may withdraw without the consent of all other participating counties during this period. If a county's legislative body does decide to withdraw from a regional library contract, it must be entitled to a division of the property on the same basis as its contributions. This distribution must be completed within six months of the withdrawal date. If no participants withdraw, at the end of the five-year period, the contract must continue in force for a like period.

The establishment of a regional library shall be by contract, in writing, by the legislative bodies of the counties. The expenses of the regional library shall be apportioned between the contracting parties concerned in proportion to the taxable property of each as shown by their respective assessments and as shall be agreed upon in the contract. The treasurer of one of the counties, as provided in the contract, shall have the custody of the funds for the regional library; and the treasurers of the other counties concerned shall transfer to him as collected all the moneys received for public library purposes and interest from library funds in their respective governmental units. The contract for a regional library shall continue in force for a period of five (5) years and no county shall be permitted to withdraw without the consent of all the other participating counties during the five (5) year period. If the legislative body of a county decides to withdraw from a regional library contract, it shall be entitled to a division of the property on the same basis as its contributions, such division being completed within six (6) months from the withdrawal date. If no unit withdraws, at the end of the five (5) year period, the contract shall continue in force for a like period.

KRS § 173.320

Contracts for library service require the existing library to perform all library functions within the governmental unit wanting service. The contracts are not valid, and funds mustn't be obligated, until all the contracting parties approve the contracts in writing. The Department for Libraries and Archives must all certify the contracts as providing standard library service for the specified sum. Initial contracts must be for 2+ years, subject to renewal.

A contract for library service made pursuant to subsection (4) of KRS 173.310 shall require the existing library to perform all the functions of a library within the governmental unit wanting service. Such contracts shall not be valid nor shall funds be obligated until the contracts are approved in writing by all the contracting parties and have been certified by the Department for Libraries and Archives as providing standard library service for the sum specified. Initial contracts shall be for two (2) years or longer, subject to renewal. The board of trustees of a regional library shall have the same power to contract for library service as is given to a legislative body in subsection (4) of KRS 173.310.

KRS § 173.330

For public library districts, the legislative body of any city in a county that has established a library under the provision for cities of home rule class, counties and regions may dissolve the city library to consolidate library services in the public library district. The dissolution removes any tax levied under the prior provision for a city library's establishment and maintenance. In dissolving a city library, the city legislative body must immediately file an order of dissolution with the official responsible for collecting any such tax. The official must then remove the tax from the city property owners' tax bills. Once the dissolved library's existing contractual obligation are satisfied, its assets must be transferred to the public library district, unless the terms of a gift held in trust prohibit the transfer.

(1) If a public library district is established under KRS 173.450 to 173.800, the legislative body of any city in such county that has established a library under KRS 173.310(1) or (2) may dissolve the city library for the purpose of consolidating library services in the public library district. Such dissolution shall have the effect of removing any tax levied under KRS 173.310 for the specific purpose of establishing and maintaining the city library.

(2) If a city library is dissolved pursuant to subsection (1) of this section, the city legislative body shall immediately file an order of dissolution with the official who is responsible for collecting any tax levied under KRS 173.310. The official shall thereupon remove any tax levied under KRS 173.310, for the specific purpose of establishing and maintaining the city library, from the tax bills of the property owners of the city.

(3) After the satisfaction of any existing contractual obligations assumed in connection with the dissolved library, the assets of the library shall be transferred to the public library district, unless the terms of a gift held in trust prohibit such transfer.

KRS § 173.395

Free public libraries established after June 13, 1944 are treated as established under these provision for cities of home rule class, regions and counties. Existing public libraries previously established under state law provisions, except for those of cities of the first class or counties containing a city of the first class, will also be considered as operating under these provisions. All existing contracts for library service must continue until the contract is terminated or the



governmental unit engaging the service establishes a library. These provisions supersede any conflicting municipal charter's provisions.

Any free public library established after June 13, 1944, shall be established as provided in KRS 173.300 to 173.390. Every existing public library which has been heretofore established under provisions of state law except a city of the first class and a county containing a city of the first class shall be considered as operating under the authority of KRS 173.300 to 173.390. Every existing contract for library service shall continue until the contract be terminated or a library be established by the governmental unit for which the service was engaged. The provisions of KRS 173.300 to 173.390 shall be construed as superseding the provisions of any municipal charter in conflict therewith.

KRS § 173.400

### III. Public Library Districts

All of the territory in a county, or in 2+ contiguous counties, may be organized into a public library district to levy a tax to pay for the libraries' establishment and maintenance, or for contracting for library service from an existing library.

All of the territory in a county, or in two (2) or more counties contiguous to each other may be organized into a public library district for the purpose of levying a tax to pay for establishing, equipping, maintaining and administering libraries, or for contracting for library service from any existing library.

KRS § 173.460

Public library districts created pursuant to this section or another are taxing districts. However, the maximum special ad valorem tax imposed for the district's maintenance and operation mustn't exceed 20 cents on each hundred dollars of the assessed valuation of all property in the district. Any special ad valorem taxes must be collected in the same manner as other county ad valorem taxes in each affected county. Such taxes are in addition to all other ad valorem taxes.

- (1) Districts shall be organized in accordance with the procedures of KRS 65.182.
- (2) A public library district created pursuant to KRS 65.182 and this section shall constitute and be a taxing district within the meaning of Section 157 of the Constitution of Kentucky. In no event shall the maximum special ad valorem tax imposed for the maintenance and operation of the district exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all property in the district.
- (3) All special ad valorem taxes authorized by KRS 173.450 to 173.650 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

KRS § 173.470

Upon the district's creation, the fiscal court of each county in the district must notify the Department for Libraries and Archives of the district's establishment and must forward a copy of the required petition to the Department. The Department for Libraries and Archives must then recommend to the county judge or executive of each county in the district the names of suitable persons from among the petition's signers to be appointed to the board.

Upon the creation of a district, the fiscal court of each county in the district shall at once notify the Department for Libraries and Archives of the establishment of the district and shall forward to the department a copy of the petition required pursuant to KRS 173.470. The Department for Libraries and Archives shall then recommend to the county judge/executive of each county in the district the names of suitable persons from among the signers of the petition to be appointed to the board. The Department for Libraries and Archives in recommending persons to the county judge/executive for appointment to the board shall recommend twice as many persons for each county as the county is entitled to have members appointed, and the county judge/executive shall immediately, with the approval of the fiscal court, make the selection from those recommended. Where the district consists of one (1) county, the county judge/executive shall appoint five (5) persons from that county as members. The Department for Libraries and Archives shall prescribe by regulation the number of board members when the district consists of more than one (1) county, provided that the board shall consist of not less than one (1) nor more than four (4) members from each county, each county having such number of members as the proportion of its population bears to the total population in the district, and that the total membership of the board consists of not less than five (5) members. Where a county joins an already established district, the Department for Libraries and Archives shall, from among the signers of the petition, recommend to the county judge/executive of each county included in the new district for the first time twice as many persons for appointment to the board as the county is entitled to have appointed, and the county judge/executive shall select the members for the county from this list. The terms of the members of the counties composing the previously existing district shall expire immediately upon the organization of the new board and such vacancies shall be filled as provided in KRS

## KRS § 173.480

The special ad valorem tax for the support and maintenance of public library districts created before July 13, 1984 may be increased or decreased by submission to a district's voters at a general election and approval by a majority of votes. The board or one hundred qualified voters residing in the district may file a certified copy of a resolution or petition with the clerk of each in the district. The county clerk must certify if the petition is sufficient by the second Tuesday in August before the election. The clerk must then have the question prepared and presented to the voters. Statute provides a form for the question. Such increases mustn't exceed 20 cents on each hundred dollars of the assessed valuation of all property in the district.

(1) The special ad valorem tax rate for the maintenance and operation of a public library district created pursuant to KRS 173.470 before July 13, 1984, may be increased or decreased by submission to the voters of the district at a general election and approved by a majority of the votes cast on the issue. The board or any one hundred (100) qualified voters residing within the district may file a duly certified copy of a resolution or petition with the clerk of each county within the district and the county clerk shall certify whether the petition is sufficient not later than the second Tuesday in August prior to the election and the clerk shall thereupon cause the question to be prepared to be presented to the voters in substantially the following form: "Are you in favor of increasing (or decreasing) from (insert amount) cents to (insert amount) cents on each one hundred dollars (\$100) of the assessed valuation of all property in the (insert name of public library district) public library district the maximum tax which the district can impose for the maintenance and operation of (insert name of district) public library district?"

(2) Any increase provided for in subsection (1) or (3) of this section shall not exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all property in the district.

(3) The special ad valorem tax rate for the maintenance and operation of a public library district created pursuant to KRS 173.470 before July 13, 1984, may be increased or decreased by the procedure in KRS 173.790.

## KRS § 173.610

Counties contiguous to an existing district but outside of any district may be annexed to the contiguous district. If a certified petition of 100+ qualified voters residing within each county proposed to be annexed is filed with the fiscal court, the fiscal court of each county in the district and each county proposed to be annexed must then adopt a resolution submitting the annexation question to the county's qualified voters. A certified copy of the fiscal court's order must be filed with the county clerk by the second Tuesday in August before the next general election. The county clerk must then have the question placed before the voters. Statute provides a form for the question. If a majority of voters in each county favor the territory's annexation, then it must be annexed.

Counties outside of any existing district, and contiguous thereto, may be annexed to the district in the following manner:

(1) Upon filing with the fiscal court of a duly certified petition of one hundred (100) or more qualified voters residing within each county proposed to be annexed, the fiscal court of each county in the district and each county proposed to be annexed shall adopt a resolution submitting to the qualified voters of the county the question as to whether the territory should be annexed. A certified copy of the order of the fiscal court shall be filed with the county clerk not later than the second Tuesday in August prior to the next general election and thereupon the county clerk shall cause the question to be placed before the voters.

(2) The question shall be in substantially the following form: "Are you in favor of annexing the following described territory (here describe the territory) to the (name district) Public Library District?"

(3) If the majority of those voting in each county on the question favor the annexation of the territory it shall be so annexed.

## KRS § 173.620

## II. Library Districts Formed by Petition

All of the territory in a county, or in 2+ contiguous counties, may be organized into a public library district to levy a tax for libraries' establishment and maintenance, or for contracting for library service from any existing library.

All of the territory in a county, or in two (2) or more counties contiguous to each other may be organized into a public library district for the purpose of levying a tax to pay for establishing, equipping, maintaining and administering libraries, or for contracting for library service from any existing library.

## KRS § 173.715

District organized pursuant to this section's provisions before July 13, 1984 will be governed by these current provisions. Authorized special ad valorem taxes must be collected in the same manner as other county ad valorem taxes in each affected county. The special ad valorem tax must be in addition to all other ad valorem taxes.

(1) Districts organized pursuant to the provisions of this section prior to July 13, 1984, shall be governed by the provisions of KRS 173.710 to 173.800.

(2) All special ad valorem taxes authorized by KRS 173.710 to 173.800 shall be collected in the same manner as are other county ad valorem taxes in each county affected and shall be turned over to the board as the governing body of the district. The special ad valorem tax shall be in addition to all other ad valorem taxes.

KRS § 173.720

The special ad valorem tax for the maintenance and operation of a public library district created before July 13, 1984 mustn't be increased or decreased unless fifty-one percent of the number of qualified voters voting at the last general election in each county in the district sign a certified petition requested an increase or decrease in the tax rate of a specifically stated amount. The petition must be filed with the fiscal court in each county in the district within ninety days of the date of the first signature. The fiscal court must then order the court to increase or decrease the ad valorem tax, as stated in the petition. Statute provides a form for the petition, which must also include each petitioner's name, address, and date of signing. Any increase mustn't exceed 20 cents on each hundred dollars of the assessed valuation of all property in the district.

Petitions requesting a decrease in the tax rate have no legal effect if, at any time prior to the decrease petition's filing, any of three circumstances apply. First, the petition has no legal effect if the pertinent contracting authorities have assumed contractual obligations in connection with the library and the decrease would adversely affect these obligations. Second, the petition has no legal effect if, as of the time of the decrease petition's filing, the district's board arranges for the financing of a library in the district pursuant to a financing plan involving a lease of the library to the board under which the board isn't bound for more than a year at a time without exercising an annual option to renew the lease, which then remains effective and isn't terminated. Third, the petition has no legal effect if less than three years have passed since the certified copy of the fiscal court's order directing the tax's levy was filed with the county clerk.

(1) The special ad valorem tax rate for the maintenance and operation of a public library district created pursuant to KRS 173.710 to 173.800 before July 13, 1984, shall not be increased or decreased unless a duly certified petition requesting an increase or decrease in the tax rate of a specifically stated amount is signed by fifty-one percent (51%) of the number of duly qualified voters voting at the last general election in each county in the district. Such petition shall be filed with the fiscal court in each county in the district not later than ninety (90) days after the date of the first signature. The fiscal court shall order the court to increase or decrease the ad valorem tax, as stated in the petition.

(a) The petition shall read, "The following duly qualified voters of (insert name of county or counties) hereby petition the fiscal court of each county concerned to increase (or decrease) the special ad valorem tax from (insert exact amount) to (insert exact amount) on each one hundred dollars (\$100) worth of property assessed for local taxation in the district for the maintenance and operation of the (insert name) Public Library District."

(b) The petition shall contain the following: The name and address of each petitioner and the date upon which he signed the petition.

(2) Any increase provided for in subsection (1) of this section shall not exceed twenty cents (\$0.20) on each one hundred dollars (\$100) of the assessed valuation of all property in the district.

(3) A petition requesting a decrease in the tax rate will not be considered of any legal effect if, at any time prior to the filing of such a petition for decrease, either:

(a) Contractual obligations have been assumed by pertinent contracting authorities in connection with said subject library, which contractual obligations would be adversely affected by any such decrease; or

(b) If, as of the time of filing of such a petition for decrease, the board of such district shall have arranged for the financing of a library in that district pursuant to a plan of financing involving a lease of that library to the board under which lease the board is not bound for more than one (1) year at a time without exercising an annual option to renew the lease and such lease remains effective and has not been terminated; or

(c) If less than three (3) years have passed since the certified copy of the order of the fiscal court ordering the levy of the tax was filed with the county clerk.

KRS § 173.790

Counties contiguous to an existing district but outside of any may be annexed to the existing district. If fifty-one percent of voters voting at the last general election file a certified petition with the fiscal court, the fiscal court of each county in the district and each county proposed to be annexed must adopt a resolution annexing the territory to the district. A certified copy of the fiscal court's order must be filed with the county clerk within the next thirty days. Statute provides a form for the petition, with must state the authorized ad valorem tax.

Counties outside of any existing district, and contiguous thereto, may be annexed to the district in the following manner:

(1) Upon filing with the fiscal court of a duly certified petition of fifty-one percent (51%) of the duly qualified voters voting at the last general election, the fiscal court of each county in the district and each county proposed to be annexed shall adopt a resolution annexing the territory to the district. A certified copy of the order of the fiscal court shall be filed with the county clerk within the next thirty (30) days.

(2) The petition shall be in substantially the following form: "The following duly qualified voters of (insert name of county or counties) petition their respective fiscal courts to annex the following described territory (here describe the territory) to the (name district) public library district with the authority to levy an ad valorem tax of (state exact amount) on each one hundred dollars (\$100) worth of property subject to local taxation in the above stated territory."

KRS § 173.795

## Municipal Ordinances

There is scant mention of libraries in the municipal codes. This representative example merely lists the library when specifying the government's powers.

### *A. Lexington-Fayette County*

The Merged Government has the power to establish, maintain and support public libraries.

The Merged Government shall have power and authority:

1. To levy and collect taxes upon all property taxable for state purposes within the territorial limits of the Merged Government not exempt by law from such taxation; and, to provide for reasonable differences in the rate of ad valorem taxation for the General Services District, the Full Urban Services District, and such Partial Urban Services Districts as may be created under the authority of this Charter.

2. To license, tax and regulate all privileges, occupations, trades, and professions authorized by law.

3. To make appropriations for the support of the Merged Government and provide for the payment of all debts and expenses of the Merged Government and the debts and expenses of the county and municipality of which it is the successor.

4. To borrow money for the purposes and in the manner prescribed in Article Eight of this Charter.

5. To purchase, lease, construct, maintain, or otherwise acquire, hold and operate any building or other property, real or personal, for any public purpose; and to sell, lease or otherwise dispose of any property, real or personal belonging to the Merged Government.

6. To exercise the power of eminent domain for any public purpose subject to such limitations and exceptions as are, or hereafter may be, prescribed by the Constitution and general laws of the Commonwealth of Kentucky.

7. To design, lay out, grade, pave, repair, clean and otherwise improve streets, roads, alleys, bridges, tunnels, and walkways, of the Merged Government; and to regulate the use thereof.

8. To provide for the creation and maintenance, building or purchase, and operation of waterworks, transportation facilities, public airports, bridges, and drainage systems, and any other public utility including, but not limited to, sewers and sewage disposal systems as authorized by law; to fix such rates and provide for the making of such charges and assessments as are deemed necessary for the proper furnishing of such services; and, to provide liens or penalties and withdrawal of service for refusal or failure to pay same.

9. To acquire, own, maintain and operate public parks, playgrounds, and other recreational facilities; and to equip and improve them with all suitable devices, buildings, and other structures.

10. To establish, erect, maintain, and operate facilities for the confinement, detention, and rehabilitation of persons convicted of the violation of the ordinances and laws of the Merged Government or the Commonwealth of Kentucky.

11. To establish, maintain, and operate public hospitals or contract with others for the care of the sick, the mentally ill and the destitute.

12. To establish, maintain, and support public libraries.

Lexington-Fayette County, Kentucky Code of Ordinances Sec. 3.02

## Maine

### Relevant Law

Libraries are mostly found within Title 27 (Libraries, History, Culture and Art) Chapters 3 and 4. Title 30-A (Municipalities and Counties) Part 2 (Municipalities) Subpart 9 (Fiscal Matters) Chapter 223 (Municipal Finances)

Subchapter 4 (Expenditures) also gives municipalities the power to provide for libraries. The municipal codes provide little further information about libraries.

### **Types of Libraries**

Public libraries are libraries freely open to all persons and receiving financial support from a municipality, private association, corporation or group. An area reference and resource center is a large public, school or academic library designated by the State Librarian and receiving state aid to make its resources and services available without charge to all residents of the district, to provide supplemental library services to local libraries within the district, and to coordinate the services of all local libraries within the district that by contract become part of the library district. A research center is any library so designated by the State Librarian that receives state aid to make its major research collections available to state residents. A library district is a defined geographic area consisting of local libraries joined cooperatively to an area reference and resource center and a research center. Local libraries within such a district may also be joined cooperatively with other types of libraries. A regional library system is a network of library districts interrelated by formal or informal contract to organize library resources, research services, information and recreation to improve statewide library service and collectively serve the state's entire population.

### **I. Libraries in Towns, Village Corporations and Municipalities**

Towns may establish free public libraries for their inhabitants' use. Towns may levy and assess a tax and make appropriation from the tax for the library's foundation and maintenance. This tax may be increased annually. Towns with public libraries may establish and maintain branch libraries.

Any town may establish a free public library therein for the use of its inhabitants and provide suitable rooms therefor under such regulation for its government as the inhabitants from time to time prescribe, and may levy and assess a tax and make appropriation therefrom for the foundation and commencement of such library and for its maintenance and increase annually. Any town in which there is a public library may establish and maintain under the same general management and control such branches of the same as the convenience and wants of its citizens seem to demand.

27 M.R.S. § 101

Village corporations located in towns without a free library may establish a library within their limits for their inhabitants' free use. These village corporations may levy and assess a corporate tax and may make appropriation from the tax for libraries' maintenance. This tax may be increased annually. These village libraries are subject to laws relating to free public libraries in towns.

Any village corporation located in a town where no free library exists may establish a library within its limits for the free use of all its inhabitants and may levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase annually. Village libraries established under this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

27 M.R.S. § 102

Municipalities may raise and annually appropriate money to secure their inhabitants the free use of a library in an adjoining municipality.

Any municipality may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants free use of a library located in an adjoining municipality.

27 M.R.S. § 103

Municipalities may raise or appropriate money to provide for libraries.

A municipality may raise or appropriate money to:

1. Public Schools and Libraries. Provide for public schools and libraries;...

30-A M.R.S. § 5724

2+ towns may unite to establish and maintain a free public library with branches in each town for all of the towns' inhabitants' free use. These towns may make annual appropriations. These towns are subject to the law relating to free libraries.

Two or more towns may unite in establishing and maintaining a free public library with branches thereof in each town for the free use of all the inhabitants of said towns and may each raise and make appropriation for that purpose annually. Such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries.

27 M.R.S. § 104

Towns or cities with libraries owned or controlled by a corporation or association, or by trustees, may levy and assess a tax and annually make an appropriation from the tax to procure free use of the library for the town or city's inhabitants.

Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from that library the free use of its books for all the inhabitants of the town or city, under those restrictions and regulations necessary to ensure the safety and good usage of the books.

27 M.R.S. § 106

## II. Library Districts

The Maine Library Commission must divide the state into as many districts as the Commission determines are needed. The Commission must establish or modify each district's geographical boundaries.

The Maine Library Commission shall divide the State into as many districts as the commission determines are required and shall establish or modify the geographical boundaries of each district.

27 M.R.S. § 113

Each district must be affiliated with an area reference and resource center, which the Maine Library Commission must designate.

Each district shall be affiliated with an area reference and resource center which shall be designated by the Maine Library Commission.

27 M.R.S. § 115

The State Librarian may designate research centers with the Maine Library Commission's advice.

Research centers may be designated by the State Librarian with the advice of the Maine Library Commission.

27 M.R.S. § 116

School libraries or media centers in communities with no public library service, or serving communities without public libraries, that agree to offer service as public libraries are entitled, with the State Librarian's approval, to all the benefits of a public library.

Any school library or media center in a community with no public library service, or serving communities with no public libraries, which agrees to offer service as a public library, is entitled to all the benefits accruing to a public library with the approval of the State Librarian.

27 M.R.S. § 118

The State Librarian may apportion funds the legislature appropriates to support regional library systems.

The State Librarian is authorized to apportion funds appropriated by the Legislature for the support of regional library systems

27 M.R.S. § 119

## Municipal Ordinances

Maine's municipal codes with library provisions are not particularly thorough, though one does allude to the town meeting process for budget adoption.

### *A. Belfast*

There is the Belfast Free Library.

The public library shall be called and known as the Belfast Free Library. The trustees appointed by the City Council may establish such regulations for the government of the library as are not inconsistent with law and ordinances.

Belfast, Maine Code of Ordinances Sec. 26-1

### *B. Lisbon*

There is a library department.

There shall be a library department the head of which shall be the library director who shall be appointed by the town manager.

Lisbon, Maine Code of Ordinances Sec. 2-456

The library budget is adopted at town meeting.

(a) The **library** board shall be responsible for preparing a recommended budget for submission to the town council on or before March 1 of each year. The recommended budget shall contain an estimated list of all sources of revenue and a listing of all anticipated and recommended expenditures on a line item basis in a format determined by and agreeable to the town council. Upon receipt of the budget, the town council will review the budget and shall be empowered to make such changes and amendments as it deems appropriate in including that budget as part of the annual town budget, for review by the advisory board and ultimately for action at the annual town meeting.

(b) All expenditures made by or on behalf of the town for **library** expenses shall be reviewed by the **library** board and submitted to the town for inclusion on town warrants for final approval by the town council prior to payment.

Lisbon, Maine Code of Ordinances Sec. 18-38

## Maryland

### Relevant Law

Within the Education Code, libraries appear in Division IV (Other Education Provisions) under Title 23. The Local Government Code Division III (Counties) Title 10 (Express Powers Act) Subtitle 3 (Express Powers of Charter Counties and Code Counties) also authorizes a county to impose taxes for a library's organization, operation and maintenance. Libraries do not seem to be mentioned in any municipal codes, though within the subtitle for county public libraries there is a specific provision only addressing Baltimore City and Washington, Prince George's, and Garrett counties.

### Types of Libraries

The majority of Maryland's provisions are for county public libraries, which seem to primarily refer to county public library systems. There is a special subtitle for resource centers and cooperative programs, which include metropolitan cooperative service programs and cooperative library corporations. There is also a separate subtitle for the Howard County Library System, but only relating to collective bargaining.

### I. County Public Libraries (Systems)

#### *A. In General*

Each county's governing body may establish a county public library system and appropriate an amount to support the library.

(a) **Establishment and support.** -- The governing body of each county may establish, and appropriate an amount to support, a county public library system free from political influence.

(b) **Board of library trustees.** -- Each county public library system shall be governed by a board of trustees. However, a charter county may:

- (1) Establish a county library agency and grant it some or all of the powers of a board of trustees; or
- (2) Have a board of library trustees, provide for the board's selection, and determine its powers.

Md. EDUCATION Code Ann. § 23-401

A county may impose a tax for libraries' organization, operation and maintenance.

... (d) **Tax for county services.** --

- (1) A county may impose a **tax** for the organization, operation, and maintenance of:
  - (i) **libraries;**
  - (ii) fire and ambulance services; and
  - (iii) other municipal services. ...

Md. LOCAL GOVERNMENT Code Ann. § 10-313

There is a county-state minimum library program for public libraries' support and growth. The state must share in the current operating and capital expenses of county public library systems participating in the minimum library program.

- (a) **In general.** -- There is a county-State minimum library program for the support and growth of public libraries.
- (b) **Expenses in which State shares.** -- The State shall share in the current operating and capital expenses of the county public library systems that participate in the minimum library program.

Md. EDUCATION Code Ann. § 23-502

To be eligible for the minimum program state share, a county government must levy an annual tax sufficient to provide an amount for library purposes equaling the county's wealth times a uniform percentage, rounded to the fifth decimal place, equal to 60% of the total minimum program for current and capital expenses to be shared for all counties, divided by all the counties' total wealth. The state minimum program share for each county's current and capital expenses is the difference between the county share and the minimum program for current and capital expenses to be shared. No more than 20% of the county and state shares may be applied to capital expenses. The county appropriation for capital expenses may include funds from any source except the state.

- (a) **County share.** -- To be eligible for its State share of the minimum program, a county government shall levy an annual tax sufficient to provide an amount for library purposes equal to:

- (1) The wealth of the county; times
- (2) A uniform percentage, rounded to the fifth decimal place equal to:

- (i) 60 percent of the total minimum program for current and capital expenses to be shared for all counties; divided by
- (ii) The total wealth of all the counties.

- (b) **State share.** -- The State share of the minimum program for current and capital expenses for each county is the difference between the county share calculated under subsection (a) of this section and the minimum program for current and capital expenses to be shared under § 23-503 of this subtitle.

- (c) **Limitation on capital expense.** -- Not more than 20 percent of the county and State shares may be applied to capital expenses.

- (d) **Source of funds for county share of capital expense.** -- The county appropriation for capital expenses may include funds from any source except the State.

Md. EDUCATION Code Ann. § 23-505

### ***B. Baltimore City, Washington County, Prince George's County, Garrett County***

In Baltimore City, the Mayor and City Council must be governed by requirements and regulations regarding Baltimore City's Enoch Pratt Free Library in a prior act as well as other laws applicable to public libraries' operation. In Washington County, the county commissioners must be governed by the requirements and regulations regarding the Washington County Free Library in a prior act as well as other laws applicable to public libraries' operation. Prince George's County also has special provisions, but only relating to collective bargaining and the minority business enterprise program. Statute names Garrett County's public library system as the Ruth Enlow Library of Garrett County.

- (a) **Baltimore City.** --



(1) The Mayor and City Council of Baltimore shall be governed by the requirements and regulations pertaining to the Enoch Pratt Free Library of Baltimore City as provided in Chapter 181 of the Acts of 1882 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Enoch Pratt Free Library are as provided in Chapter 181 of the Acts of 1882 and the Charter and the Articles of Incorporation of the Enoch Pratt Free Library and other laws applicable to the Board of Trustees of the Enoch Pratt Free Library.

**(b) Washington County. --**

(1) The County Commissioners of Washington County shall be governed by the requirements and regulations pertaining to the Washington County Free Library as provided in Chapter 511 of the Acts of 1898 and any other laws applicable to the operation of public libraries.

(2) The powers and duties of the Board of Trustees of the Washington County Free Library are as provided in Chapter 511 of the Acts of 1898 and the Charter, Articles of Incorporation, and other laws applicable to the Board of Trustees of the Washington County Free Library.

**(c) Prince George's County. --**

(1) Notwithstanding any other provisions of this subtitle, employees of the Prince George's County Memorial Library System have the right to organize and bargain collectively through representatives of their choosing as authorized by the Prince George's County Charter, Section 908, as of July 1, 1986.

(2) Such employees shall be covered under the provisions of the Prince George's County Labor Code, as provided in § 13A-116 of that Code, as of July 1, 1995.

**(3)**

(i) Notwithstanding any other provision of law, a certified bargaining agent or employee organization that represents employees of the Prince George's County Memorial Library System may not call or direct a strike.

(ii) Any certified bargaining agent or employee organization designated as an exclusive representative of the employees of the Prince George's County Memorial Library System that violates any provision of this paragraph shall have its designation as exclusive representative revoked by the Prince George's County Memorial Library System and the certified bargaining agent, employee organization, and any other employee organization that violates any provision of this paragraph is ineligible to be designated as exclusive representative for a period of 2 years after the violation.

(iii) If a certified bargaining agent or an employee organization violates any provision of this paragraph, the Prince George's County Memorial Library System shall stop making payroll deductions for dues of the organization for 1 year after the violation.

**(d) Prince George's County -- Minority business enterprise program. --** (1) (i) In this subsection the following words have the meanings indicated.

(ii) "Bonus points" means established bonus or percentage points used during the bid evaluation process to adjust the bid price submitted by minority business enterprises for the purpose of ascertaining the lowest bidder.

(iii) "Mandatory set-asides" means a procedure designating a certain percentage of total contract dollars for award to minority business enterprises.

(iv) "Mandatory subcontracting" means a procedure mandating that a certain percentage of the dollar amount of designated contracts be subcontracted to minority business enterprises.

(v) "Minority business enterprise" means any business enterprise:

1. A. That is at least 51 percent owned by 1 or more minority individuals; or

B. In the case of any publicly owned corporation, at least 51 percent of the stock of which is owned by 1 or more minority individuals; and

2. Whose management and daily business operations are controlled by 1 or more minority individuals.

(vi) "Percentage points" means established percentage points given for minority business enterprise participation in a sealed proposal process.

(vii) "Restrictive bidding" means competitive bidding of designated contracts that are restricted to minority business enterprises.

(viii) "Restrictive price quotations" means negotiated small procurements that are restricted to minority business enterprises.

(2) The Board of Trustees of the Prince George's County Memorial Library System shall undertake and complete an internal and market fact-finding process by January 1, 1990, to assess the appropriate scope of a minority business enterprise program for the Board. The results of the fact-finding process, including statistical data, supporting documentation, and reports, shall be reported to the Prince George's County Delegation of the General Assembly by January 31, 1990.

(3) If the fact finding required by subsection (b) of this section demonstrates a compelling governmental interest to adopt a remedial minority business enterprise program, the Board of Trustees, by resolution and by implementing rules and regulations, shall establish a minority business enterprise program to facilitate the participation of certified minority business enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of "minority individual".

(4) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

(i) Mandatory set-aside procedures;

(ii) Mandatory subcontracting procedures with reasonable waiver provisions;

(iii) The application of bonus points;

(iv) The application of percentage points;

(v) Restrictive bidding;

(vi) Restrictive price quotations;

(vii) The reduction or waiver of bonding requirements; and

(viii) Incentives to encourage maximum participation by:

1. Small businesses;
2. A variety of different businesses; and
3. Businesses located within Prince George's County.

(5)

(i) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(ii) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this subsection.

(6) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(7)

(i) The program shall be evaluated every 2 years.

(ii) The results of any evaluation under this paragraph shall be submitted to the Prince George's County Delegation of the General Assembly.

(e) **Garrett County.** -- In Garrett County, the public library system operated by the Board of Trustees shall be known as the Ruth Enlow Library of Garrett County.

Md. EDUCATION Code Ann. § 23-402

## II. Regional Resource Centers and Cooperative Programs

### *A. Regional Resource Centers*

The boards of trustees of 3+ public library systems outside the standard metropolitan statistical areas, as defined by the US Bureau of the Census, may request that the Department establishes and maintains a regional resource center. Through mutual cooperation and coordination, each regional resource center must provide resources that an individual library can't provide adequately by itself. Regions that a regional resource center will serve must have a population of 100,000+. Subject to the Department's approval, the participating library systems' boards of library trustees must designate the library to serve as the resource center. If possible, the library selected as the regional resource center must be the strongest library in the region and located so as to be of the greatest service to the entire region.

(a) **Establishment.** -- The boards of library trustees of at least three public library systems outside the standard metropolitan statistical areas defined by the United States Bureau of the Census may request the Department to establish and maintain a regional resource center.

(b) **Purpose.** -- Each regional resource center shall provide, through mutual cooperation and coordination, books, information, and other material and service resources that an individual library cannot provide adequately by itself.

(c) **Standards for establishing; location of center.** --

(1) A region to be served by a regional resource center shall have a population of at least 100,000.

(2) Subject to approval by the Department, the boards of library trustees of the participating library systems shall designate the library to serve as the resource center.

(3) If possible, the library selected as the regional resource center shall be:

(i) The strongest library in the region; and

(ii) Located so as to be of greatest service to the entire region.

(d) **Board of advisors.** --

(1) There is a board of advisors for each regional resource center.

(2) The board of advisors consists of two individuals selected by the board of trustees of each participating library system to represent its library.

(3) The board of advisors for each regional resource center shall:

(i) Gather information on the resource needs of its region and this State;

(ii) Before State funds are distributed to it, make an annual report to the Department and the State Advisory Council on Libraries that evaluates and makes recommendations on the operation of the center;

(iii) Recommend to the board of trustees of the library designated as the regional resource center and to the Department policies and procedures for the development and use of the regional resource center;

(iv) Promote the use of the regional resource center;

(v) Recommend the purchase, condemnation, rental, use, sale, or conveyance of property for any purpose valid under this section; and

(vi) Recommend plans for the regional resource centers, which may include the use of facilities of participating libraries, additions to the facilities of participating libraries, or new facilities separate from the existing facilities of participating libraries.

(e) **Administration of center.** --

(1) The head of each regional resource center is the administrator of the library designated as the center.

(2) The administrator shall operate the regional resource center under standards adopted by the Department.

(3) The policies and procedures of the regional resource center shall be:

- (i) Recommended by the board of trustees of the library designated as the center; and
  - (ii) Approved by the board of advisors of the center.
- (f) **Duties of regional resource centers.** -- Each regional resource center shall:
- (1) Make interlibrary loans of books and materials;
  - (2) Supply collections and exhibits of specialized materials;
  - (3) Provide consultant services;
  - (4) Organize inservice training for library staffs; and
  - (5) Develop and operate cooperative services among libraries.

Md. EDUCATION Code Ann. § 23-202

### ***B. Metropolitan Cooperative Service Programs***

The board of library trustees of any public library system not participating in a regional resource center may participate in a metropolitan cooperative service program. Metropolitan cooperative service programs must conform to the State Board's standards.

- (a) **Authorized.** -- The board of library trustees of any public library system that is not participating in a regional resource center may participate in a metropolitan cooperative service program.
- (b) **Standards.** -- Each metropolitan cooperative service program shall conform to standards adopted by the State Board.
- (c) **Annual report.** -- Each metropolitan cooperative service program shall make an annual report of its operations to the Department and the State Advisory Council on Libraries.

Md. EDUCATION Code Ann. § 23-203

## **III. Cooperative Library Corporations**

2+ boards of library trustees acting as incorporators may organize a cooperative library corporation to administer joint library projects in their counties. Cooperative library corporations are treated as libraries.

- (a) **Formation.** -- Any two or more boards of library trustees acting as incorporators under this section and the nonstock corporation laws may organize a cooperative library corporation to administer joint library projects in their counties.
- (b) **Members.** --
  - (1) The membership of the corporation consists of the members of each board of library trustees that signs the articles of incorporation.
  - (2) If each of the member boards agree, another county may become a member of the corporation.
- (c) **Power to delegate.** -- The member boards may delegate any of their intracounty powers and duties to the corporation to the extent necessary to enable it to carry out and administer joint library projects.
- (d) **Retirement system for employees.** -- Professional and clerical employees of a cooperative library corporation shall join the Teachers' Retirement System.
- (e) **Corporation treated as a library.** -- Each cooperative library corporation:
  - (1) Is entitled to use the library fund;
  - (2) Shall have the annual audit required for a library;
  - (3) Shall make the annual report required of a board of library trustees; and
  - (4) Is exempt from taxation under § 7-202 of the Tax - Property Article.

Md. EDUCATION Code Ann. § 23-206

## **Massachusetts**

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### **Relevant Law**

Within the MA General Law Part I (Administration of the Government), libraries are located within Title XII (Education) under Chapter 78.

### **Types of Libraries**

Massachusetts has surprisingly little law on libraries' organization. Towns are authorized to establish and maintain public libraries, though procedures are not provided. Unfortunately, there are slim municipal code resources to give further information. Statute also requires a comprehensive statewide regional library service program established by the Massachusetts Board of Library Commissioners.

## I. Town Libraries

Towns may establish and maintain public libraries for their inhabitants.

A town may establish and maintain public libraries for its inhabitants under regulations prescribed by the city council or by the town, and may receive, hold and manage any gift, bequest or devise therefor. The city council of a city or the selectmen of a town may place in such library the books, reports and laws which may be received from the commonwealth. That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record as defined by clause Twenty-sixth of section seven of chapter four. Library authorities may disclose or exchange information relating to library users for the purposes of inter-library cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions as authorized by clause (1) of section nineteen E or enforcing the provisions of sections ninety-nine and one hundred of chapter two hundred and sixty-six.

ALM GL ch. 78, § 7

## II. The Regional Library Service Program

The Massachusetts Board of Library Commissioners must establish a comprehensive statewide regional library service program, consisting of no more than six regional library systems, to provide regional services to the region's public, school, academic and special libraries. The Board must designate an administrative agency for each regional system. The Board must apply an annual appropriation for regional library service. As far as practicable, the Board must enter into arrangements with public libraries in each regional area it determines. Under these arrangements' terms, the libraries must supply services to communities of less than 25,000. Regional library systems that provide service under an approved plan must be entitled to receive annual state aid in amount per capita of their served population per square mile of area served in accordance with a statutory schedule. For 1,000 or over, this is \$1.70 per capita. For 750-999, this is \$1.86 per capita. For 500-749, this is \$2.20 per capita. Lastly, for under 500, this is \$2.41 per capita. In addition to those sums, the Boston public library, as the commonwealth's library for reference and research services, must be entitled to receive in state aid the sum of \$0.050 for each of the commonwealth's residents.

The board<sup>10</sup> shall establish a comprehensive statewide program of regional library service, consisting of regional library systems, which shall not exceed six, for the purpose of providing reference and research services, interlibrary loan, delivery, and other regional services to public, school, academic, and special libraries in the region. For each regional library system, the board shall designate an administrative agency. For such purpose, there shall be an annual appropriation which the board shall apply in the following manner:

(1) Insofar as practicable the board shall enter into an arrangement or arrangements with such public library or libraries in each regional area as it may determine under the terms of which such library or libraries shall supply services or space, equipment, personnel, books, periodicals and other library materials to communities having fewer than twenty-five thousand inhabitants;

(2) [Stricken.]

(3) Any regional library system providing service under an approved plan shall be entitled to receive annually in state aid an amount per capita of its served population per square mile of the area served in accordance with the following schedules:

1,000 or over population	\$1.70 per capita
750-999 population	\$1.86 per capita
500-749 population	\$2.20 per capita
Under 500 population	\$2.41 per capita

(4) In addition to the sums provided in clause (3), the Boston public library, as the library of the commonwealth for reference and research services, shall be entitled to receive in state aid the sum of fifty cents for each resident of the commonwealth;

(5) Any employee employed in a position identified as a regional position in a public library which accepts funds under this section shall not be required to comply with residency requirements. For purposes of this section, "regional position" shall mean a full-time or part-time position for which at least fifty per cent of the funding is provided by the commonwealth pursuant to this section.

ALM GL ch. 78, § 19C

## Municipal Ordinances

Despite the absence of procedures for town libraries' organization in the state code, the municipal codes provide scarce examples.

### A. Fall River

The board of trustees may make recommendations to the city council regarding the advisability of new branch libraries' establishment and their sites, or regarding already-established branch libraries' transfer or discontinuance.

<sup>10</sup> This refers to the state's Board of Library Commissioners.

Except as otherwise provided in this article, the board of trustees shall have charge of the operation and upkeep of all branch libraries now existing or hereafter established by the city council. The board of trustees may make recommendations to the city council in regard to the advisability of establishing new branch libraries and the sites for the branch libraries, or in regard to the transfer or discontinuance of any already established.

Fall River, Massachusetts Revised Code of Ordinances Sec. 66-478

## Michigan

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### Relevant Law

Chapter 397 covers libraries. There are a variety of applicable pieces of legislation within that chapter, including Act 371 of 1972 (Library Network Act of 1971), Act 250 of 1931 (Regional Libraries), Act 24 of 1989 (The District Library Establishment Act), Act 164 of 1877 (City, Village and Township Libraries), and Act 181 of 1973 (Transfer of City Public Libraries). Article 9 Section 6 of the state constitution also provides a limit on ad valorem taxation, which is applicable to libraries. Michigan also has a variety of municipal code provisions pertaining to libraries, some of which impose their own tax limits or provide procedures for changing the tax.

### Types of Libraries

Michigan is notable for containing eight main types of libraries, including regional libraries, district libraries (the category with by far the most law), city, village and township libraries, transferred city public libraries, libraries under boards of education, county libraries, consolidated township libraries, and privately owned public libraries. The broad category of city, village and township libraries also contains four subcategories: city libraries, free public libraries in villages and townships, free public libraries in townships and villages incorporated as cities, and joint municipal libraries.

### I. Regional Libraries

The state board for libraries must develop a plan for regional libraries' establishment and location throughout the state based on a detailed survey of the state's various localities' needs. Regions must include 2+ counties.

The state board for libraries shall develop a plan for the establishment and location of regional libraries throughout the state based on a detailed survey of the needs of the various localities of the state. A region shall include 2 or more counties.

MCLS § 397.151

Once a proposed region's survey is completed, the proposal to establish a regional library must be referred to the boards of supervisors of all counties included in the proposed regions. The boards of supervisors must act upon the proposal by resolution. The votes of a majority of the members-elect of the board of supervisors in each of the counties included in the proposed region are needed for the proposal's adoption. If the boards of supervisors of any of the counties included in the proposed region reject the proposal, the plan may be altered to provide for a regional library in that section of the state. The vote of a majority of the members-elect of the board of supervisors in each of the altered region's counties is needed for the proposal's adoption.

On completion of the survey of any proposed region, the proposal to establish a regional library shall be referred to the boards of supervisors of all counties included in such proposed region. The boards of supervisors shall act upon such proposal by resolution, and the votes of a majority of the members-elect of the board of supervisors in each of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the boards of supervisors of any of the counties included in such proposed region, the plan may be altered in accordance with such action in order to provide for a regional library in such section of the state. The vote of a majority of the members-elect of the board of supervisors in each of the counties in such altered region shall be necessary for the adoption of such proposal.

MCLS § 397.152

The boards of supervisors of each of the counties included in the region must provide the sums needed for regional libraries' establishment and operation by an appropriation from the respective counties' general fund, or by a tax levy

authorized by a vote of each of the counties' qualified electors. The regional library's board of trustees must annually propose a budget to the boards of supervisors of the counties in the region.

Sums necessary for the establishment and operation of regional libraries shall be provided by the boards of supervisors of each of the counties included in such region by an appropriation from the general fund of the respective counties, or by a tax levy for this purpose authorized by a vote of the qualified electors in each of the counties. A budget shall be proposed annually by the board of trustees of the regional library to the boards of supervisors of the counties in the region. Upon approval of such budget by a majority of each of said boards of supervisors, the proposed budget shall be effective in all counties in the region. All appropriations shall be paid to the board of trustees and disbursed under its direction by the county treasurer of the county designated by the regional library board as depository for the regional library fund.

MCLS § 397.156

Cities of 5,000+ that maintain a library may be exempted from these provisions if a request of the city legislative body is filed with the state board for libraries. If any such city is included in any regional library proposal, the state board for libraries must notify each included city in writing fifteen days before the regional library proposal is referred to the boards of the supervisors of the involved counties.

Cities of a population of 5,000 or more, maintaining a public library, may be exempted from the provisions of this act on the filing with the state board for libraries of a request by the city legislative body based on action taken by them according to law. Where any such city is included in any regional library proposal the state board for libraries shall notify each city so included in writing of the provisions of this section 15 days before the reference of any regional library proposal under the provisions of section 2.

MCLS § 397.157

After a regional library is established, the township board, the legislative body of any city or village, the board of education of any school district, or the board of supervisors of any municipality in the region, already maintaining a public, school or county library, may notify the regional library's board of trustees that the township, city, village, school district or county library may be transferred to or used by the regional library's board of trustees under mutually agreed-upon terms.

After the establishment of a regional library as provided for in this act, the township board, the legislative body of any city or village, the board of education of any school district or the board of supervisors of any municipality in the region, already maintaining a public, school or county library, may notify the board of trustees of the regional library that such township, city, village, school district or county library may be transferred to, leased to, or used by said board of trustees of the regional library under such terms as may mutually be agreed upon between the said board of trustees and the respective township boards, city or village legislative bodies, boards of education or boards of supervisors.

MCLS § 397.158

## II. District Libraries

2+ municipalities, except 2+ schools districts that hold their regularly scheduled elections on different dates, that the law authorizes to establish and maintain a library or library services may jointly establish a district library if they satisfy three requirements. First, if the proposed district contains a public library, other than a district library, and the department recognizes the public library as lawfully established for state aid and penal fines, the public library's governing board must approve the district library's establishment. Second, the legislative body of each municipality identified in the agreement must adopt a resolution that approves the agreement and provides for a district library's establishment. Finally, the proposed district library mustn't overlap any portion of another district library district. In its resolution, a participating municipality may provide that only a portion of its territory is included in the district library district. The portion of a participating municipality that's included in a district library district must be bounded by county, township, city, village, or school district boundaries. However, cities, villages, or townships may exclude from a district library district that portion of the municipality's territory located within the boundaries of a public library that the department recognizes as lawfully established for the distribution of state aid and penal fines and that was established under a variety of state acts. Participating municipalities that propose to establish a district library must file a copy of an agreement identifying the proposed library district and a copy of a map or drawing of a specified size that clearly shows the territory proposed for inclusion in the district library district. The map must unambiguously show the proposed district library district's relation to the adjacent and constituent governmental

units, which included counties, cities, villages, townships, school districts, and district libraries. The state librarian must then review the agreement and map, and either approve or disapprove of the proposed district library district. Participating libraries must cooperate with the state librarian to correct any errors or changes in the agreement or map that the state librarian considers necessary. When the secretary of the affected district library's board receives notice of the state librarian's approval of the agreement or a ten-day period expires, the secretary must submit the state librarian's written statement approving the district library and the map or drawing of the district library's territory to the county treasurer in each county where the district library is located and to the treasurer of each municipality in which the district library district is located. If the district library includes only a portion of a municipality, the secretary must also submit the tax identification number of each parcel or property within the municipality included in the district library district. Once the state librarian approves the agreement, the district library's agreement and boundaries may only be amended to provide for a participating municipality's withdrawal, add a participating municipality, provide for a participating municipality's disincorporation, annexation, consolidation, or merger, providing for 2+ district libraries' merger, or eliminate certain territory. For any such amendment, the district library's board's secretary must file a copy of the map or drawing of the amended boundaries approved by the participating municipalities with the county treasurer of each county where the district library is situated and the department. District libraries that the legislative council recognized before December 29, 1997 may amend their boundaries to eliminate territory located within a public library or another district library district's legal boundaries, if the department recognizes that public library or other district library as lawfully established for the distribution of state aid and penal fines. The procedures for amending an agreement don't apply to this boundary amendment. A district library amending its boundaries in this way must meet three requirements. First, the district library's board must adopt a resolution designating the territory to be excluded from its boundaries. Second, the proposed amended boundaries must excluded only territory within the legal boundaries of a public library that was established under a variety of acts and that the department recognizes as lawfully established for the distribution of state aid and penal fines. Finally, the district library must file a copy of the resolution and a map or drawing with the state librarian. If the district library does so and the state librarian doesn't disapprove the amended boundaries within ten business days of receiving the map or drawing, the boundaries are amended. The territory excluded from any district library district must remain a part of the district library district from which it has been excluded for the levying of debt retirement taxes for bonded indebtedness of the district library district existing on December 29, 1997. The territory must remain part of the district library district until the bonds are redeemed or sufficient funds are available in the district library's debt retirement fund.

Except for a school district and with the state librarian's approval, a single municipality may establish a district library if it satisfies the following requirements. The municipality must have made an assertive effort for at least three consecutive years to form a district library with 1+ other municipalities. The municipality must have submitted a service plan to the state librarian and received approval. The municipality must also have a population of 4,500+. Finally, the municipality must be otherwise qualified and meet the other requirements for district libraries.

(1) Except as otherwise provided under subsection (12), 2 or more municipalities, except 2 or more school districts that hold their regularly scheduled elections on different dates, authorized by law to establish and maintain a library or library services may jointly establish a district library if each of the following requirements is satisfied:

(a) If the proposed district contains a public library, other than a district library established under this act, and that public library is recognized by the department as lawfully established for purposes of the distribution of state aid and penal fines, the governing board of the public library approves the establishment of the district library.

(b) The legislative body of each municipality identified in the agreement described in section 4 adopts a resolution providing for the establishment of a district library and approving an agreement.

(c) The proposed district library district does not overlap any portion of another district library district.

(2) A participating municipality may provide in the resolution required by subsection (1) that only a portion of its territory is included in the district library district. Except as provided in subsection (3), the portion of a participating municipality included in a district library district shall be bounded by county, township, city, village, or school district boundaries.

(3) A city, village, or township may exclude from a district library district only that portion of the municipality's territory located within the boundaries of a public library that is all of the following:

(a) Recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines.

(b) Established under this act or any of the following acts:

(i) 1877 PA 164, MCL 397.201 to 397.217.

- (ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
  - (iii) 1917 PA 138, MCL 397.301 to 397.305.
- (4) Participating municipalities that propose to establish a district library shall file with the state librarian both of the following:
- (a) A copy of an agreement described in section 4 that identifies the proposed library district.
  - (b) A copy of a map or drawing that is no smaller than 8-1/2 by 11 inches or larger than 14 by 18 inches and clearly shows the territory proposed to be included in the district library district. The map shall unambiguously show the relationship of the proposed district library district to the adjacent and constituent units of government, which include counties, cities, villages, townships, school districts, and district libraries.
- (5) The state librarian shall review the agreement described in section 4 and the map described in subsection (4)(b) and approve or disapprove of the proposed district library district in accordance with section 5. The participating municipalities shall cooperate with the state librarian to correct any errors or changes in the agreement or map that the state librarian considers necessary to comply with this act.
- (6) Upon receiving notice of the state librarian's approval of an agreement described in section 4, or upon expiration of the 10-day period described in subsection (10), the secretary of the board of the affected district library shall submit to the county treasurer of each county in which the district library district is located and to the treasurer of each municipality in which the district library district is located a copy of all of the following:
- (a) The state librarian's written statement of approval for the district library issued in accordance with section 5.
  - (b) The map or drawing of the district library's territory described in subsection (4)(b).
  - (c) If the district library includes only a portion of a municipality, the tax identification number of each parcel of property within that municipality which is included in the district library district.
- (7) Once an agreement is approved by the state librarian, the agreement and boundaries of a district library established under this act may be amended to do only the following:
- (a) Provide for the withdrawal of a participating municipality in accordance with section 24.
  - (b) Add a participating municipality in accordance with section 25.
  - (c) Provide for the disincorporation, annexation, consolidation, or merger of a participating municipality in accordance with sections 3c and 3d.
  - (d) Provide for the merging of 2 or more district libraries.
  - (e) Eliminate certain territory in accordance with subsection (9).
- (8) For any amendment described in subsection (7), the secretary of the board of the district library shall file with each of the following a copy of the map or drawing of the amended boundaries approved by the participating municipalities:
- (a) The county treasurer of each county in which the district library is situated.
  - (b) The department.
- (9) A district library recognized by the legislative council before December 29, 1997 may amend its boundaries to eliminate territory located within the legal boundaries of a public library or another district library district, if that public library or other district library is recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines. The procedures for amending an agreement under section 5 do not apply to a boundary amendment described in this subsection. A district library that amends its boundaries under this subsection shall meet all of the following requirements:
- (a) The board of the district library adopts a resolution designating the territory to be excluded from its boundaries.
  - (b) The proposed amended boundaries exclude only that territory which is within the legal boundaries of a public library established under this act or any of the following acts and recognized by the department as lawfully established for the purposes of the distribution of state aid and penal fines:
    - (i) 1877 PA 164, MCL 397.201 to 397.217.
    - (ii) The revised school code, 1976 PA 451, MCL 380.1 to 380.1852.
    - (iii) 1917 PA 138, MCL 397.301 to 397.305.
- (c) The district library files with the state librarian a copy of the resolution of the board described in subdivision (a) together with a map or drawing that complies with the requirements of subsection (4)(b).
- (10) If a district library complies with subsection (9) and the state librarian does not disapprove the amended boundaries within 10 business days after receiving the map or drawing described in subsection (9)(c), the boundaries are amended.
- (11) The territory that has been excluded from any district library district under subsection (9) shall remain a part of the district library district from which it has been excluded for the purpose of levying debt retirement taxes for bonded indebtedness of the district library district that exists on December 29, 1997. The territory shall remain a part of that district library district until the bonds are redeemed or sufficient funds are available in the debt retirement fund of the district library for that purpose.
- (12) Except for a school district and with the approval of the state librarian, a single municipality may establish a district library under this section if each of the following requirements is satisfied:
- (a) The municipality has made an assertive effort over a period of time of not less than 3 consecutive years to form a district library with 1 or more other municipalities.
  - (b) The municipality has submitted to and received the state librarian's approval of a plan of service.
  - (c) The municipality has a population of 4,500 or more.
  - (d) The municipality is otherwise qualified and meets the requirements of a district library under this act.
  - (e) Any other requirements considered necessary by the state librarian to ensure that a district library created under this section complies with the intent of this act.

MCLS § 397.173

If at least 5% of the resident electors of the affected municipality, municipalities, or the portion of a municipality petition requesting a referendum on the question of becoming a district library or joining an existing library district,



each affected municipality's clerk, upon verifying the required number of signatures on the petitions, must file a copy of the petition with the department and submit the question of if the municipality should become a participating municipality to the vote of the municipality's electors at the next general election or special election called for that purpose and conducted in accordance with Michigan election law. If the petition's question relates to joining an existing district library, before circulating the petition for signatures, the petition's supporters may submit the proposal and the petition language to the existing district library board for review and approval. The district library board must vote by resolution to accept or reject the proposed new participating municipality within thirty days of receiving a copy of the proposed petition. If the district library board approves the proposal and the electors pass the referendum, then the district library must amend its agreement to incorporate the new participating municipality. The referendum must include a request for a millage to fund the new district or the municipality's obligation to the existing district. If a majority of the affected municipality's voters approve the question, the municipality must then become a participating municipality. A new district must consist of 2+ municipalities. A new district library's interim board must prepare and submit the agreement and map to the department within 180 days of the electors approving the new district. If the agreement and map aren't submitted, then the state librarian must prepare the agreement and map. If the district library board hasn't approved the new participating municipality and the petition is submitted to the electors for approval and passes, the district library's board must then vote within thirty days of the election result's certification on whether to accept or reject the new proposed participating municipality. If the new participating municipality is accepted, the district library must amend its agreement to incorporate the new participating municipality.

- (1) Upon petition by not less than 5% of the registered electors residing in the affected municipality, municipalities, or the portion of a municipality, requesting a referendum on the question of becoming a district library or joining an existing district library, the clerk of each affected municipality, upon verifying the required number of signatures on the petitions, shall file a copy of the petition with the department and submit the question of whether the municipality should become a participating municipality to the vote of the electors of the municipality at the next general election or special election called for that purpose and conducted in accordance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.
- (2) If the question of the petition under subsection (1) relates to the joining of an existing district library, before circulating the petition for signatures, the supporters of the petition may submit the proposal and the petition language to the existing district library board for review and approval. The district library board shall vote by resolution to accept or reject the proposed new participating municipality within 30 days of receiving a copy of the proposed petition. If the proposal is approved by the district library board and the referendum is passed by the electors, the district library shall amend its agreement to incorporate the new participating municipality.
- (3) The referendum submitted to the electors under this section shall include a request for a millage to fund the new district or the municipality's obligation to the existing district. For district libraries with appointed boards, the referendum shall include language regarding the appointment of new members to represent any new participating municipality.
- (4) If approved by a majority of the electors in the affected municipality voting on the question, the municipality shall proceed to become a participating municipality in the manner provided under this act.
- (5) A new district library established under this section shall consist of 2 or more municipalities and be governed by an elected board as provided under section 11. The board required under this subsection shall be elected not later than 1 year from the date the electors approve the new district.
- (6) If a new district library is created under this section, each participating municipality shall appoint members to an interim governing board in a number proportional to its population in relationship to the entire district. The interim board shall prepare and submit the agreement and map required by this act to the department no later than 180 days from the date the electors approve the new district. If the agreement and map are not submitted as required by this subsection, the agreement and map shall be prepared by the state librarian.
- (7) If the district library board has not approved the new participating municipality under subsection (2) and the petition is submitted to the electors for approval and passes, the board of the district library shall vote within 30 days following certification of the election results whether to accept or reject the new proposed participating municipality. If the new participating municipality is accepted, the district library shall amend its agreement to incorporate the new participating municipality.

MCLS § 397.173a

2+ district libraries may merge if they satisfy a variety of requirements. The districts libraries' governing boards must by majority vote approve that the district libraries merge. All territory located within their jurisdictional service areas must be included in the merger. The approving resolution must be condition on majority vote of approval by all participating municipalities' governing boards within a period of time specified in the resolution. By their members' majority votes, the district library boards must amend the agreement to reflect the libraries' merger and the territory served by the merger. The amendments to the agreements must include changes in board representation, the percentage of funds needed from each participating municipality for the merged district libraries' establishment and

operation, a revised legal description of the district, and a map clearly showing the new district library's revised service area. Finally, all amendments and resolutions must be submitted to the state librarian. At the time of the merger, if a participating library is levying a district-wide library tax, the tax remains in effect and can be considered a portion or all of that library's contribution in the merger. If a majority of the electorate residing in the merged district libraries' jurisdictional limits approves a merged district library district-wide tax, then this district-wide tax will be extinguished.

(1) Two or more district libraries may merge if all of the following requirements are satisfied:

(a) The governing boards of the district libraries by majority vote approve that the district libraries merge and that all territory located within their jurisdictional service areas are included in the merger.

(b) The approving resolution is conditioned upon majority vote of approval by the governing boards of all participating municipalities, within a period of time specified in the resolution.

(c) By a majority vote of the members of the district library boards, amend the agreement to reflect the merger of the libraries and the territory served by the merger.

(d) The amendments to the agreement shall include, but are not limited to, changes in board representation, the percentage of funds necessary from each participating municipality for the establishment and operation of the merged district libraries, a revised legal description of the district, and a map that clearly shows the revised service area of the new district library.

(e) That all amendments and resolutions are submitted to the state librarian.

(2) If there is a districtwide library tax being levied by a participating library at the time of the merger, the tax will remain in effect and can be considered as a portion or all of that library's contribution in the merger. A districtwide tax will be extinguished upon the approval of a merged district library districtwide tax by the majority of the electorate residing in the merged district libraries' jurisdictional limits.

MCLS § 397.173b

If 2+ participating municipalities establish a district library and 1+ of the participating municipalities is subsequently dis-incorporated, annexed, consolidated, or merged, or if all participating municipalities are consolidated or merged into one municipality, the disincorporation, annexation, consolidation or merger doesn't affect the district library's validity. The district library must continue to be recognized as a lawfully-established district library that may continue to exercise all of its powers, including levying the taxes the district's electors authorized. If 2+ participating municipalities remain in the district library, those municipalities must amend the agreement to reflect the disincorporation, annexation, consolidation or merger. If only one participating municipality remains in the district library after disincorporation, annexation, consolidation or merger, or if all participating municipalities are merged or consolidated into one municipality, that municipality must assume the former participating municipality or municipalities' powers and responsibilities without amendment of the agreement.

If 2 or more participating municipalities establish a district library under this act and 1 or more of those participating municipalities is subsequently disincorporated, annexed, consolidated, or merged, or if all participating municipalities are consolidated or merged into 1 municipality, the disincorporation, annexation, consolidation, or merger does not affect the validity of the district library, and all of the following apply:

(a) The district library shall continue to be recognized for all purposes as a lawfully established district library that may continue to exercise all powers, duties, functions, and responsibilities, including the levy of taxes authorized by the electors of the district, as provided in the agreement, this act, and any other applicable law.

(b) If 2 or more participating municipalities remain in the district library, those municipalities shall amend the agreement to reflect the disincorporation, annexation, consolidation, or merger. If only 1 participating municipality remains in the district library after the disincorporation, annexation, consolidation, or merger, or if all participating municipalities are merged or consolidated into 1 municipality, that municipality shall assume the powers, duties, functions, and responsibilities of the former participating municipality or municipalities without amendment of the agreement.

(c) The terms of the district library board members shall continue as provided in the agreement and this act, except that if the district library board members are appointed, the legislative body of a single remaining participating municipality or a consolidated or merged municipality shall appoint district library board members as the terms of district library board members expire.

MCLS § 397.173c

Two district libraries may amend a contiguous boundary by transferring a portion of one district library to the other if they satisfy a variety of requirements. First, county, township, city, village or school district boundaries must bound the transfer area. Second, each district library's governing board must adopt a resolution approving the transfer by majority vote. Third, within the time period specified by this resolution, the governing board of each participating municipality for both district libraries must approve the transfer by resolution with a majority vote. Fourth, the agreements must be amended to reflect the transfer. The agreements' amendments must include changes in board representation, a revised legal description of the district, a map clearly showing each new district library's revised

service area, and the amount of money needed from each participating municipality for district libraries' establishment and operation. Finally, each district library must submit these resolutions, as well as the agreement amendments, to the state librarian. If there is a district-wide library tax levied in the district library district receiving the transfer area, the district library's board must condition the transfer area's acceptance on a majority of the transfer area's resident electors approving the tax. If a majority of the transfer area's resident electors fail to approve the tax, this doesn't affect the validity of the continued levy of any previously authorized millage by the district library transferring the transfer area. A tax levied by the district library transferring the transfer area will end in the transfer area when a majority of the transfer area's resident electors so approve. If the district library receiving the transfer area isn't levying a district-wide library tax at the time of transfer, but the district library transferring the transfer area is levying a district-wide library tax, the district-wide tax of the district library transferring the transfer area is ended in the transfer area only once the state librarian approves the transfer.

(1) Two district libraries may amend a contiguous boundary by transferring a portion of 1 district library to the other district library if all of the following requirements are satisfied:

- (a) The transfer area is bounded by county, township, city, village, or school district boundaries.
- (b) The governing board of each district library adopts a resolution approving the transfer by majority vote of the members appointed and serving.
- (c) By resolution within the time period specified in a resolution described in subdivision (b), the governing board of each participating municipality for both district libraries approves the transfer by majority vote of the members appointed and serving.
- (d) Both agreements are amended to reflect the transfer. The amendments to the agreements shall include, but are not limited to, all of the following:
  - (i) Changes in board representation.
  - (ii) The money necessary from each participating municipality for the establishment and operation of the district libraries.
  - (iii) A revised legal description of the district.
  - (iv) A map that clearly shows the revised service area of each new district library.

(e) Each district library shall submit the resolutions described in subdivisions (b) and (c) and the amendments to the agreement described in subdivision (d) to the state librarian.

(2) If a districtwide library tax is being levied in the district library district receiving the transfer area, the board of that district library shall condition acceptance of the transfer area on the approval of the tax by a majority of the electors residing in the transfer area. Failure of a majority of the electors residing in the transfer area to approve the tax does not affect the validity of the continued levy of any previously authorized millage by the district library transferring the transfer area. A tax levied by the district library transferring the transfer area will be extinguished in the transfer area upon approval by a majority of the electors residing in the transfer area.

(3) If a districtwide library tax is not being levied by the district library receiving the transfer area at the time of the transfer, but a districtwide library tax is being levied by the district library transferring the transfer area, the districtwide tax of the district library transferring the transfer area is extinguished in the transfer area only upon approval of the transfer by the state librarian.

(4) As used in this section, "transfer area" means the portion of the district library district to be transferred.

MCLS § 397.173d

Agreements must contain a variety of information. First, they must provide the district's name, and for those districts created on or after an amendatory act's effective date, the name must include the word "district." Second, the agreement must identify the municipalities establishing the district library. Third, the agreement must create a board to govern the district's operation. Fourth, the agreement must specify the percent each participating municipality will supply to the annual budget. Fifth, there must be a procedure for amending the agreement, and the procedure must require the consent of at least 2/3 of the participating municipalities' legislative bodies. Sixth, there must be at least a one-year period after the agreement's effective date when adopting a resolution to withdraw from the district library will be void. Seventh, the agreement must provide that upon a participating municipality's withdrawal, distribution of a district library's assets will take place. Finally, the agreement must contain any other necessary provisions regarding the district library. An agreement may also provide that the district library board is abolished and the district library terminated unless, on or before a stated date, the district electors approve a district library millage rate of at least a minimum number of mills stated in the agreement. If the agreement has this provision, then it must specify how the district library's net assets would be distributed to the participating municipalities upon termination, and it must contain a plan for continuing public library service to the district's residents after termination.

(1) The agreement shall provide for all of the following:

- (a) The name of the district. For a district that is created on or after the effective date of the amendatory act that added section 3a, the name shall include the word "district".

- (b) The identity of the municipalities establishing the district library.
  - (c) The creation of a board to govern the operation of the district and the method of selection of board members, whether by election or appointment. If board members are selected by appointment, the agreement shall provide for the term of office, the total number of board members, and the number of board members to be appointed by the legislative body of each participating municipality. If board members are selected by election, the agreement shall provide for the number of provisional board members to be appointed by the legislative body of each participating municipality.
  - (d) Of the amount of money to be stated in the annual budget under section 13, the percentage to be supplied by each participating municipality.
  - (e) The procedure for amending the agreement, which shall require the consent of the legislative bodies of not less than 2/3 of the participating municipalities.
  - (f) A period of time after the effective date of the agreement, not less than 1 year, during which the adoption of a resolution to withdraw from the district library under section 24 shall be void.
  - (g) Any distribution of district library assets to take place upon the withdrawal of a participating municipality.
  - (h) Any other necessary provisions regarding the district library.
- (2) A district library agreement may provide that the district library board is abolished and the district library terminates unless, on or before a date stated in the agreement, the district electors approve a district library millage at a rate not less than a minimum number of mills stated in the agreement. If the district library agreement contains such a provision, the district library agreement shall specify the manner in which the net assets of the district library shall be distributed to the participating municipalities upon termination and shall contain a plan for continuing public library service to all residents of the district after termination.

MCLS § 397.174

For municipalities that establish a district library, their legislative bodies must submit the agreement to the state librarian within ten days following the date of the agreement's adoption. The board must submit an amendment to the agreement to the state librarian within ten days of the agreement's adoption. If the agreement or amendment to an agreement, or a revision in board structure, conforms to statutory requirements, the state librarian must approve it. If such documents don't conform to statutory requirements, the state librarian must disapprove them. Within thirty days of receiving an agreement, amendment, or revision, the state library must send the submitting board of legislative body a written statement of approval or disapproval. If the state librarian disapproves the agreement, amendment, or revision, he or she must explain in writing the reasons for the disapproval, and the department mustn't recognize the district library as lawfully established for purposes of penal fines and state aid's distribution until the state library approves an amendment or revision causing the agreement to conform with statutory requirements. If the state librarian fails to send a written statement of approval or disapproval within thirty days of the receiving the amendment, agreement, or revision, then it must be considered approved.

- (1) The legislative bodies of the municipalities that establish a district library shall submit the agreement to the state librarian within 10 days following the date on which the agreement is adopted. A board shall submit an amendment to the agreement to the state librarian within 10 days following the date on which the amendment is adopted.
- (2) The state librarian shall approve an agreement or an amendment to an agreement submitted pursuant to subsection (1) or a revision in board structure submitted pursuant to section 6 if it conforms to the requirements of this act and shall disapprove the agreement, amendment, or revision if it does not conform to the requirements of this act. Within 30 days following the date on which the state librarian receives an agreement, amendment, or revision, the state librarian shall send to the board or the legislative bodies that submitted the agreement, amendment, or revision a written statement of approval or disapproval. If the state librarian disapproves the agreement, amendment, or revision, the state librarian shall explain in the written statement the reasons for the disapproval, and the department shall not recognize the district library as lawfully established for purposes of the distribution of state aid and penal fines until the state librarian approves an amendment or revision that causes the agreement to conform to the requirements of this act. If the state librarian fails to send a written statement of approval or disapproval within 30 days following the date on which the state librarian receives the agreement, amendment, or revision, it shall be considered approved.

MCLS § 397.175

Within a year after May 22, 1989, the board of a district library established pursuant to a former statute must submit an organizational plan to the state librarian. The plan must include the information required of agreements and must revise the board structure. If the board of such a district library complies with these requirements and the state librarian doesn't disapprove the revision of board structure and selection, then the district library must be considered established pursuant to the current act.

Within 1 year after May 22, 1989, the board of a district library established pursuant to former 1955 PA 164 shall submit to the state librarian an organizational plan including the information required to be set forth in an agreement under section 4(1) and shall revise the board structure and selection to conform to section 9 or to sections 10 and 11. If the board of a district library established pursuant

to former 1955 PA 164 complies with this section and the state librarian does not disapprove the revision of board structure and selection, the district library shall be considered to be established pursuant to this act.

MCLS § 397.176

District libraries established under this act are authorities within the meaning of article IX section 6 of the state constitution of 1963.

A district library established pursuant to this act constitutes an authority under section 6 of article IX of the state constitution of 1963.

MCLS § 397.177

Except as otherwise provided, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year mustn't exceed 15 mills on each dollar of property's assessed valuation as finally equalized. Separate tax limitations for any county and its townships and school districts, with an aggregate not exceeding 18 mills on each dollar of valuation, may be adopted and later altered by a majority vote of the county's qualified electors in lieu of the 15-mills limitation. Such limitations may be increased to an aggregate not exceeding 50 mills on each dollar of valuation, for a period not exceeding 20 years at any one time, if a majority of qualified electors approve. Such limitations don't apply to taxes for the payment of principal and interest on elector-approved bonds, which may be imposed without a limitation.

Except as otherwise provided in this constitution, the total amount of general ad valorem taxes imposed upon real and tangible personal property for all purposes in any one year shall not exceed 15 mills on each dollar of the assessed valuation of property as finally equalized. Under procedures provided by law, which shall guarantee the right of initiative, separate tax limitations for any county and for the townships and for school districts therein, the aggregate of which shall not exceed 18 mills on each dollar of such valuation, may be adopted and thereafter altered by the vote of a majority of the qualified electors of such county voting thereon, in lieu of the limitation hereinbefore established. These limitations may be increased to an aggregate of not to exceed 50 mills on each dollar of valuation, for a period of not to exceed 20 years at any one time, if approved by a majority of the electors, qualified under Section 6 of Article II of this constitution, voting on the question.

**Nonapplication of limitation.** The foregoing limitations shall not apply to taxes imposed for the payment of principal and interest on bonds approved by the electors or other evidences of indebtedness approved by the electors or for the payment of assessments or contract obligations in anticipation of which bonds are issued approved by the electors, which taxes may be imposed without limitation as to rate or amount; or, subject to the provisions of Section [sic] 25 through 34 of this Article to taxes imposed for any other purpose by any city, village, charter county, charter township, charter authority or other authority, the tax limitations of which are provided by charter or by general law.

**School districts in 2 or more counties.** In any school district which extends into two or more counties, property taxes at the highest rate available in the county which contains the greatest part of the area of the district may be imposed and collected for school purposes throughout the district.

MCLS Const. Art. IX, § 6

Subject to any limits in the district library agreement on the district library's annual budget or the percentage of increases in the district library's annual budget, or both, applying in the absence of an elector-approved district-wide tax, the board must annually determine the amount needed for the district library's establishment and operation, and it must state that amount in the district library's annual budget.

All of the money needed for a district library's establishment and operation may be supplied by the district library's tax levy on taxable property in the district. However, a district library mustn't levy such a tax unless it is approved. But, a district-wide tax in effect or authorized to be levied by a district library established pursuant to a prior statute may be levied by the district library at and for the originally-authorized rate and time period without such approval. Such a tax mustn't exceed four mills.

The portion of the total district-wide tax(es) exceeding 2 mills must be authorized to be levied for no longer than 20 years. However, if 1+ participating municipalities had a legally established public library within an authorized tax levy of more than 2 mills on December 31, 1993, that portion of the total district-wide tax(es) exceeding the greater number of mills authorized to be levied by any participating municipality for its public library on December 31, 1992 must be authorized to be levied for up to 20 years.

Of the amount stated in the annual budget that isn't supplied by a district-wide tax, each participating municipality's legislative body must pay the board a percentage set forth in the agreement. Participating municipalities may pay from their general funds or by levying a tax for district library purposes on the taxable property in the municipality. Such a tax mustn't be levied unless a majority of the participating municipality's resident electors approve. At least sixty days before the election, a participating municipality's legislative body must certify a proposed tax to the municipality's clerk or, if the participating municipality is a school district, to the school board's secretary for inclusion on the ballot.

Library taxes in effect or authorized to be levied by a participating municipality before the participating municipality became a party to an agreement may be levied at and for the originally-authorized rate and time period, and they may be used as a source of all or part of the percentage of money set forth in the agreement, unless the millage authorization so prohibits.

(1) Subject to any limitation in the district library agreement on the amount of the district library annual budget or the amount or percentage of an increase in the district library annual budget, or both, that applies in the absence of a districtwide tax approved by the electors, the board shall annually determine the amount of money necessary for the establishment and operation of the district library and shall state that amount in an annual budget of the district library.

(2) All or part of the money necessary for the establishment and operation of a district library may be supplied by a tax levied by the district library on the taxable property in the district. A district library shall not levy a tax authorized by this subsection unless the tax is approved as provided in section 15. However, a districtwide tax in effect or authorized to be levied by a district library established pursuant to former Act No. 164 of the Public Acts of 1955 may be levied by the district library at the rate and for the period of time originally authorized without being approved as provided in section 15.

(3) A districtwide tax or taxes authorized by subsection (2) shall not exceed 4 mills.

(4) That portion of the total districtwide tax or taxes that exceeds 2 mills shall be authorized to be levied for a period of not more than 20 years. However, if 1 or more of the participating municipalities had a legally established public library with an authorized tax levy of more than 2 mills on December 31, 1993, that portion of the total districtwide tax or taxes that exceeds the greatest number of mills authorized to be levied by any such participating municipality for its public library on December 31, 1993 shall be authorized to be levied for a period of not more than 20 years.

(5) Of the amount of money stated in the annual budget pursuant to subsection (1) that is not supplied by a districtwide tax, the legislative body of each participating municipality shall annually pay to the board the percentage set forth in the agreement pursuant to section 4. A participating municipality may make the payment by appropriating money from its general fund or by levying a tax for district library purposes on the taxable property in the municipality, or both.

(6) A participating municipality shall not levy a tax authorized by subsection (5) unless the tax is approved by a majority of the electors who reside in the participating municipality and vote on the proposal. Not less than 60 days before the date of the election, the legislative body of a participating municipality shall certify a proposed tax to the clerk of the municipality or, if the participating municipality is a school district, to the secretary of the school board for inclusion on the ballot.

(7) A library tax in effect or authorized to be levied by a participating municipality before the municipality became a party to an agreement may be levied at the rate and for the period of time originally authorized and used as a source of all or part of the percentage of money set forth in the agreement pursuant to section 4, unless prohibited by the millage authorization.

MCLS § 397.183

The applicable statutory provisions for elections for district-wide taxes depend on if any of the participating municipalities are school districts.

(1) An election for or recall of board members and an election for a districtwide tax shall be conducted under the provisions of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, and applicable provisions of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, except to the extent that those provisions are inconsistent with the provisions of this act.

(2) If none of the participating municipalities are school districts, an election for a districtwide tax is governed by sections 15 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for a districtwide tax is governed by section 15 and sections 19 to 23.

(3) If none of the participating municipalities are school districts, an election for district library board members is governed by sections 16 to 18 and section 23. If 1 or more of the participating municipalities are school districts, an election for district library board members is governed by sections 19 to 23.

MCLS § 397.184

Ballot proposals for district-wide taxes must state the millage amount. If there is a limit on the maximum duration on a portion of the millage in a ballot proposal for a district-wide tax, the ballot proposal must state the proposed duration of that millage portion. If none of the participating municipalities are school districts, proposals for district-

wide taxes mustn't be placed on the ballot unless the board adopts the proposal by resolution and certifies it within sixty days of the election to the county clerk of each county where the district is located for inclusion on the ballot. The proposal must be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution. If any of the participating municipalities are school districts, proposals for district-wide taxes mustn't be placed on the ballot unless the board adopts the proposal by resolution and certifies it within sixty days of the election to the largest participating school district's school district election coordinator. The board must certify the proposal for inclusion on the ballot at the next regularly scheduled election of school board members in the largest participating school district or at a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution. The school district election coordinator must promptly certify the proposal and election date to every other participating school district's school district election coordinator and to the election officials authorized to conduct the election in the participating municipalities or those portions within a nonparticipating school district. If a majority favor the district-wide tax, the tax levy is then authorized. No more than two elections may be held in a calendar year on a proposal for a district-wide tax.

(1) A ballot proposal for a districtwide tax shall state the amount of the millage. If section 13(4) limits the maximum duration of a portion of the millage in a ballot proposal for a districtwide tax, the ballot proposal shall state the proposed duration of that portion of the millage.

(2) If none of the participating municipalities are a school district, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the county clerk of each county in which all or part of the district is located for inclusion on the ballot. The proposal shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution.

(3) If 1 or more of the participating municipalities are school districts, a proposal for a districtwide tax shall not be placed on the ballot unless the proposal is adopted by a resolution of the board and certified by the board not later than 60 days before the election to the school district election coordinator of the largest participating school district. The board shall certify the proposal for inclusion on the ballot at the next regularly scheduled election of school board members in the largest participating school district or at a special election held on an otherwise regularly scheduled election date, as specified by the board's resolution. The school district election coordinator to whom the ballot proposal was certified shall promptly certify the proposal and date of election to the school district election coordinator of every other participating school district and to the election officials authorized by this act to conduct the election in the participating municipalities or the portions of participating municipalities located within a nonparticipating school district.

(4) If a majority of the votes cast on the question of a districtwide tax is in favor of the proposal, the tax levy is authorized. No more than 2 elections shall be held in a calendar year on a proposal for a districtwide tax.

MCLS § 397.185

If none of the participating municipalities are school districts, the county election commission of each participating county and each county in which all or part of a participating municipality is located must provide ballots for elections on a district-wide tax for each participating municipality or part of a participating municipality located in the county.

If none of the participating municipalities are a school district, the county election commission of each participating county and each county in which all or part of a participating municipality is located shall provide ballots for an election for board members or a districtwide tax for each participating municipality or part of a participating municipality located within the county.

MCLS § 397.186

If none of the participating municipalities are school districts, the city and townships clerks and election officials of the municipalities in the district must conduct an election for a district-wide tax. If an election on a district-wide tax proposal is to be held in conjunction with a general election or state primary election, and if a participating village is in a nonparticipating township, the township clerk and election officials must conduct the election. On the 45th day before the election, the village clerk must give the township clerk a list with the names, addresses, and birth dates, of the qualified and registered electors of the village or portion of the village included in the district. Within fifteen days of the election, the village clerk must give the township clerk information updating the list as of registration's close. Those on the updated list may vote in the district election by special ballot. If a district-wide tax is to be voted on at a special election not held in conjunction with a general election or state primary election, and if a participating village is in a nonparticipating township, the village clerk and election officials must conduct the election.

- (1) Except as otherwise provided in subsection (3), if none of the participating municipalities are school districts, an election for board members or a districtwide tax shall be conducted by the city and township clerks and election officials of the municipalities located within the district.
- (2) If an election on a proposal for a districtwide tax is to be held in conjunction with a general election or state primary election or board members are to be elected and if a participating village is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village or the portion of the village that is included in the district. By the fifteenth day preceding the election, the village clerk shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the district election by special ballot.
- (3) If a districtwide tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a participating village is located within a nonparticipating township, the village clerk and election officials shall conduct the election.

MCLS § 397.187

If an election for a district-wide tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election, and if none of the participating municipalities are school districts, the notices of the election and registration's close must be published as state election laws provide. Otherwise, if none of the participating municipalities are school districts, the largest county's county clerk must publish notice of the election and registration's closing. The notice of registration's close must include the proposal's ballot language. If none of the participating municipalities are school districts, the board of county canvassers of each county in which a participating locality is located must canvass the election results for a district-wide tax. The board of county canvassers of a county in which a participating municipality is located and which isn't the largest county must certify the election results to the largest county's board of county canvassers. The largest county's board of county canvassers must make the final canvass for a district-wide tax election based on the certified results of the board of county canvassers of every other county with a participating municipality. The largest county's board of county canvassers must certify the election results to the district library board and issues certificates of election.

- (1) If an election for board members or a districtwide tax is to be held in conjunction with a general election or a state primary election immediately preceding a general election and none of the participating municipalities are school districts, the notices of close of registration and election shall be published as provided for by the state election laws. Otherwise, if none of the participating municipalities are school districts, the county clerk of the largest county shall publish the notices of close of registration and election. The notice of close of registration shall include the ballot language of the proposal.
- (2) If none of the participating municipalities are school districts, the results of an election for board members or a districtwide tax shall be canvassed by the board of county canvassers of each county in which a participating municipality is located. The board of county canvassers of a county in which a participating municipality is located and which is not the largest county shall certify the results of the election to the board of county canvassers of the largest county. The board of county canvassers of the largest county shall make the final canvass of an election for board members or a districtwide tax based on the returns of the election inspectors of the participating municipalities in that county and the certified results of the board of county canvassers of every other county in which a participating municipality is located. The board of county canvassers of the largest county shall certify the results of the election to the district library board and issue certificates of election.

MCLS § 397.188

In any of the participating municipalities are school districts, each participating school district's election coordinator must provide for ballot printing in that school district. The largest participating school district's school district election coordinator must provide ballots for an election for a district-wide tax for a participating municipality or part of a participating municipality in a nonparticipating school district.

If 1 or more participating municipalities are school districts, the school district election coordinator of each participating school district shall provide for the printing of ballots for that school district. The school district election coordinator of the largest participating school district shall provide ballots for an election for board members or a districtwide tax for a participating municipality or part of a participating municipality located within a nonparticipating school district.

MCLS § 397.189



If any of the participating municipalities are school districts, the school district election coordinator otherwise authorized to conduct elections in a participating school district must conduct the election in that school district. If all or a portion of the participating municipality is located in a nonparticipating school district holding an election on the same day as the election for a district-wide tax, the school district election coordinator authorized by law to conduct elections in the nonparticipating school district must conduct the election for a district-wide tax in the participating municipality or that portion of the participating municipality in the nonparticipating school district. The qualified and registered electors of the participating municipality residing in the nonparticipating school district must vote in the election for a district-wide tax by special ballot at their regular polling places in the election in the nonparticipating school district. Those electors must be identified from the nonparticipating school district's registration records or from a list of names, addresses, and birth dates of the participating municipality's qualified and registered electors residing in the nonparticipating school district and eligible to vote in elections for a district-wide tax. The participating municipality's clerk must supply and update the list at the request of the school district election coordinator or other official authorized by law. If all or a portion of a participating municipality is in a nonparticipating school district not holding an election on the same day as that for a district-wide tax, the school district election coordinator authorized by law to conduct elections in the participating municipality must conduct the election for a district-wide tax in the participating municipality or that portion of the participating municipality in the nonparticipating school district.

If 1 or more participating municipalities are school districts, the election for board members or a districtwide tax shall be conducted as follows:

(a) The school district election coordinator otherwise authorized by law to conduct elections in a participating school district shall conduct the election in that school district.

(b) If all or a portion of the participating municipality is located within a nonparticipating school district that is holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the nonparticipating school district shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district. The qualified and registered electors of the participating municipality that reside within the nonparticipating school district shall vote in the election for board members or a districtwide tax by special ballot at their regular polling places in the election in the nonparticipating school district. Those qualified and registered electors shall be identified from the registration records of the nonparticipating school district or from a list of the names, addresses, and birth dates of qualified and registered electors of the participating municipality who reside in the nonparticipating school district and are eligible to vote in elections for board members or a districtwide tax. The list shall be supplied and updated by the clerk of the participating municipality at the request of the school district election coordinator or other official authorized by law to conduct the election.

(c) If all or a portion of a participating municipality is located within a nonparticipating school district that is not holding an election on the same day as the election for board members or a districtwide tax, the school district election coordinator authorized by law to conduct elections in the participating municipality shall conduct the election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district.

MCLS § 397.190

If a participating school district is conducting an election for a district-wide tax, the school district election coordinator required by law to publish notices of the election and registration's close for a school district election in that school district must publish the notices of an election for a district-wide tax in that school district. If a nonparticipating school district conducts an election for a district-wide tax in a participating municipality or a portion of a participating municipality, the school district election coordinator required by law to publish the notices of election and registration's close for a school district election in that school district must publish the notices for an election for a district-wide tax for the participating municipality or portion of a participating municipality located in that school district. The notices of election and registration's close must designate the participating municipality for all or a portion of which the election is conducted. If a participating municipality conducts an election for a district-wide tax, the participating municipality's clerk must published notices of election and registration's close. for the participating municipality or the portion of the participating municipality in the nonparticipating school district. Any notices of registration's close must contain the proposal's ballot language.

(1) If an election for district board members or a districtwide tax is conducted by a participating school district under section 20(a), the school district election coordinator required by law to publish notices of the close of registration and election for a school district election in that school district shall publish the notices for the election for board members or a districtwide tax in that school district.

- (2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district, under section 20(b), the school district election coordinator required by law to publish the notices of close of registration and election for a school district election in that school district shall publish the notices for the election for board members or a districtwide tax for the participating municipality or portion of a participating municipality located within that school district. The notices of close of registration and election shall designate the participating municipality for all or a portion of which the election is being conducted under section 20(b).
- (3) If an election for board members or a districtwide tax is conducted by a participating municipality under section 20(c), the clerk of the participating municipality shall publish notices of close of registration and election for the participating municipality or that portion of the participating municipality located in the nonparticipating school district.
- (4) A notice of close of registration published under this section shall contain the ballot language of the proposal.

MCLS § 397.191

If a participating school district conducts an election for a district-wide tax, the board of canvassers required by law to canvass school district election results in that school district must canvass the election results for a district-wide tax in that school district and, if the school district isn't the largest participating school district, certify the election results to the largest participating school district's board of canvassers. If a nonparticipating school district conducts an election for a district-wide tax in a participating municipality or a portion of a participating municipality, the board of canvassers required by law to canvass school district election results in that school district must canvass the election results for a district-wide tax in the participating municipality or portion of the participating municipality in the nonparticipating school district and certify the results to the largest participating school district's board of canvassers. If a participating municipality conducts an election for a district-wide tax, the board of canvassers required by law to canvass municipal election results in that municipality must canvass the election results for a district-wide tax in the participating municipality or that portion of the participating municipality located in the nonparticipating school district and certify the election results to the largest participating school district's board of canvassers. The board of canvassers required by law to canvass the results of elections in the largest participating school district must make the final canvass of the election for a district-wide tax based on the returns received from that district's election inspectors and certified results received from other boards of canvassers canvassing parts of the election. The board of canvassers required by law to canvass school district election results in the largest participating school district must certify the election results to the board and issues certificates of election.

- (1) If an election for district board members or a districtwide tax is conducted by a participating school district pursuant to section 20(a), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in that school district and, if the school district is not the largest participating school district, certify the results of the election to the board of canvassers of the largest participating school district.
- (2) If an election for board members or a districtwide tax is conducted in a participating municipality or a portion of a participating municipality by a nonparticipating school district pursuant to section 20(b), the board of canvassers required by law to canvass the results of a school district election in that school district shall canvass the results of an election for board members or a districtwide tax in the participating municipality or portion of the participating municipality located within the nonparticipating school district and certify the results to the board of canvassers of the largest participating school district.
- (3) If an election for board members or a districtwide tax is conducted by a participating municipality pursuant to section 20(c), the board of canvassers required by law to canvass the results of a municipal election in that municipality shall canvass the results of an election for board members or a districtwide tax in the participating municipality or that portion of the participating municipality located within the nonparticipating school district and certify the results of the election to the board of canvassers of the largest participating school district.
- (4) The board of canvassers required by law to canvass the results of elections held in the largest participating school district shall make the final canvass of the election for board members or a districtwide tax based on the returns received from the election inspectors of that district and certified results received from other boards of canvassers that canvassed part of the election. The board of canvassers required by law to canvass the results of a school district election in the largest participating school district shall certify the total results of the election to the board and issue certificates of election.

MCLS § 397.192

The district library must reimburse the county for actual costs the county incurs in an election for a district-wide tax. If a participating township, city, or village conducts an election for a district-wide tax, the district library must reimburse the municipality for the actual costs incurred in conducting the election if at least one of three conditions applies. First, the election isn't held in conjunction with a regularly scheduled election in that municipality. Second, only a portion of the municipality's territory is included in the district. Third, the election is conducted in conjunction with a regularly scheduled election in the municipality and a portion of the municipality lies within a nonparticipating

school district's boundaries. If an election for a district-wide tax is held in conjunction with a participating school district's regular election, the district library must reimburse the school district for the additional costs incurred in conducting the election. In addition to these reimbursements, the district library must also reimburse the municipality for actual costs the municipality incurs and that are exclusively attributable to an election for a district-wide tax. The actual costs a county, township, city, village or school district incurs are based on the number of hours of work done in conducting the election, the rates of workers' compensation, and the cost of materials supplied in the election.

- (1) A county clerk shall charge the district library and the district library shall reimburse the county for the actual costs the county incurs in an election for board members or a districtwide tax.
- (2) If a participating township, city, or village conducts an election for district library board members or a districtwide tax, the clerk of that municipality shall charge the district library and the district library shall reimburse the municipality for the actual costs the municipality incurs in conducting the election if 1 or more of the following apply:
  - (a) The election is not held in conjunction with a regularly scheduled election in that municipality.
  - (b) Only a portion of the territory of the municipality is included in the district.
  - (c) The election is conducted under section 20(c) in conjunction with a regularly scheduled election in the municipality and a portion of the municipality lies within the boundaries of a nonparticipating school district.
- (3) If an election for district library board members or a districtwide tax is held in conjunction with the regular election of a participating school district, the school district election coordinator authorized by law to conduct the election shall charge the district library and the district library shall reimburse the school district for the additional costs that the school district incurs in conducting the election.
- (4) In addition to costs reimbursed under subsection (1), (2), or (3), a municipality shall charge the district library and the district library shall reimburse the municipality for actual costs that the municipality incurs and that are exclusively attributable to an election for board members or a districtwide tax.
- (5) The actual costs that a county, township, city, village, or school district incurs shall be based on the number of hours of work done in conducting the election, the rates of compensation of the workers, and the cost of materials supplied in the election.

MCLS § 397.193

Municipalities other than school districts may become parties to existing agreements if an agreement's requirements concerning a participating municipality's addition are satisfied, or, in the absence of the agreement's requirements, if three conditions are satisfied. First, the municipality's legislative body must resolve by majority vote that the municipality become a participating municipality and that all or a portion of the municipality's territory be added to the district. Second, the resolution must be conditioned on the board adopting, within a period of time specified in the resolution, amendments to the agreement specified in the resolution. The amendments must reflect the addition of the municipality or of the territory to the district and must include changes in board representation or the percentage of funds needed for the district library's establishment and operation to be supplied by each participating municipality after the municipality becomes party to the agreement. Third, the board must amend the agreement within the time specified by the resolution of the municipality's legislative body. The amendment must be made by majority vote of the serving board members.

If there is a district-wide library tax, the board must condition acceptance of the municipality or portion of the municipality's territory into the district on a majority of the electors of the municipality or portion of the municipality's territory authorizing the tax by majority vote on the proposal. Existing district library agreements may change the number of mills authorized in the existing district library agreement if 1+ municipalities or parts of municipalities join the existing library district through a preexisting written agreement with the district library board. The change of the numbers of mills levied in the district library district must be contingent on a majority of the existing district library's district approving and a majority of the voters of each municipality or part of a municipality seeking to join the existing library district approving. If the proposal submitted to the existing district library district's electors is defeated, this doesn't effect the validity of the existing district library district and district library board's continued levy of previously authorized millage.

- (1) A municipality other than a school district may become a party to an existing agreement if the agreement's requirements concerning the addition of a participating municipality are satisfied, or, in the absence of requirements in the agreement, if each of the following requirements is satisfied:

(a) The legislative body of the municipality resolves by majority vote that the municipality become a participating municipality and that all or, pursuant to section 3(2), a portion of the territory of the municipality be added to the district.

(b) The resolution is conditioned upon the board's adopting, within a period of time specified in the resolution, amendments to the agreement specified in the resolution. The amendments specified shall reflect the addition of the municipality or of the territory to the district and shall include, but need not be limited to, changes in board representation or the percentage of funds necessary for the establishment and operation of the district library to be supplied by each participating municipality after the municipality becomes a party to the agreement.

(c) The board amends the agreement within the time and in the manner specified in the resolution of the legislative body of the municipality. Notwithstanding anything to the contrary in the procedure for amending the agreement set forth in the agreement pursuant to section 4, the amendment shall be made by majority vote of the members of the board elected or appointed and serving.

(2) If there is a districtwide library tax, the board shall condition acceptance of the municipality or portion of the territory of the municipality into the district on the authorization of that tax by a majority of the electors of the municipality or portion of the territory of the municipality voting on the proposal.

(3) Notwithstanding section 13 or a districtwide tax or taxes authorized by section 13, an existing district library agreement may change the number of mills authorized in the existing district library agreement if 1 or more municipalities or parts of municipalities join the existing district library district through a preexisting written agreement with the district library board. The change of the number of mills to be levied in the district library district shall be contingent on the approval by a majority of the voters of the existing district library district voting on the question and on the approval of a majority of the voters of each municipality or part of a municipality seeking to join the existing library district voting on the question. Defeat of the proposal submitted to the electors of the existing district library district shall not have any effect on the validity of the continued levy by the existing district library and district library board of previously authorized millage.

MCLS § 397.195

If a majority of a district's qualified electors vote and approve issuing bonds, or if bonds are otherwise issued, the board, by resolution, must authorize and levy the taxes needed to pay the bonds' principal and interest. The taxes must be levied and collected with the county taxes. If the bonds are issued without submitting the question to the electors, the board mustn't authorize or levy a tax exceeding the tax levy authorized by a vote of the district's qualified electors as provided elsewhere.

If a majority of the qualified electors of a district voting on the question of issuing bonds approves the issuance, or if bonds are otherwise issued pursuant to section 5, the board, by resolution, shall authorize and levy the taxes necessary to pay the principal of and interest on the bonds. The taxes shall be levied and collected with the county taxes. If, pursuant to section 5, the bonds are issued without submission of the question of the bond issue to the electors, the board shall not authorize or levy a tax that exceeds the tax levy authorized by a vote of the qualified electors of the district as provided in sections 13 to 23.

MCLS § 397.288

### III. City, Village, and Township Libraries

#### *A. Provisions Applying to City, Village, and Township Libraries in General*

If a city, village or township has voted on, approved and established a library and the governing board by resolution determines that the estimate of the amount of money needed for the library's support and maintenance exceeds the previously authorized millage or that, if the previously authorized millage was approved for a specific number of years, the millage should be renewed, the question of increasing the library millage to not more than two mills or renewing the millage must be placed on the ballot for approval at the next regular election for that city, village, or township or at a special election for that city, village, or township. The increase or renewal may be of unlimited duration, or the question may specify the number of years that the increase or renewal must be levied. The library funds must pay a special election's costs. If a library millage was renewed in this manner before April 11, 1994, that millage renewal is validated by statute.

(1) If a city, village, or township has voted on, approved, and established a library pursuant to this act and the governing board by resolution determines that the estimate of the amount of money necessary for the support and maintenance of the library exceeds the previously authorized millage or that, if the previously authorized millage was approved for a specific number of years, the millage should be renewed, the question of increasing the library millage to not more than 2 mills or of renewing the millage shall be placed on the ballot for approval at the next regular annual election for that city, village, or township or at a special election for that city, village, or township. The increase or renewal may be of unlimited duration or the question may specify the number of years for which the increase or renewal shall be levied. The costs of a special election shall be paid from the library fund.

(2) If a library millage was renewed in the manner provided by subsection (1) before April 11, 1994, that millage renewal is hereby validated.

## MCLS § 397.210c

Notwithstanding a contrary city, village, or township charter provisions, a township, village, or city adjacent to a township, village or city supporting a free public library may contract with that adjacent township, village, or city for the use of library services. A township, city, or village may pay for these contractual library services by levying a tax not to exceed two mills of its state equalized valuation, by use of money from the municipality's general fund, or with money received under another Act. A tax mustn't be levied or increased unless a majority of the municipality's electors voting on the question favor the tax.

(1) Notwithstanding a contrary city, village, or township charter provision, a township, village, or city adjacent to a township, village, or city that supports a free public circulating library and reading room under this act may contract for the use of library services with that adjacent township, village, or city.

(2) A township, city, or village may pay for the use of library services contracted for under subsection (1) by levying a tax not to exceed 2 mills of its state equalized valuation, by use of money from the municipality's general fund, or with money received under Act No. 59 of the Public Acts of 1964, being sections 397.31 to 397.40 of the Michigan Compiled Laws. A tax shall not be levied or increased under this section unless a majority of the electors of the municipality voting on the question vote in favor of the tax.

## MCLS § 397.213

If at least ten percent of a township's<sup>11</sup> electors, based on the highest vote cast at the last regular election for the township's township officers, sign a petition addressed to the township board requested a meeting to be called of the township's electors to consider contracting with a township, city, or village supporting and maintaining a free public circulating library and reading room for the use of its privileges by the township's residents, the township board, upon receiving the petition, must call a meeting of the township's electors by posting a notice in at least five public places in the township at least ten days before the meeting. The electors at the meeting must determine if the township will enter into a contract for the use of a township, city, or village's free public circulating library and reading room and the rate of taxation levied to pay for that issue if the electors decide to contract. However, such a tax mustn't exceed 1 mill of the township's state equalized valuation. If a majority of those present favor the township contracting for the use of a township, city, or village's free circulating library and reading room, the township board may enter into a contract and must levy and collect the tax.

Notwithstanding any contrary provision in a township, city or village charter, the governing board of a library of a township, city, or village supporting and maintaining a free public circulating library and reading room may contract with another township, city, or village to provide the other township, city, or village's residents with the full use of the library and reading room, upon terms agreed upon between the library's governing board and the other township, city, or village's legislative body. Such contracts must be executed for a three-year term, but must be automatically extended for an indefinite term after the initial three-year period, and are terminable by either party only upon six months' notice of the intent to terminate.

(1) Upon receipt of a petition signed by not less than 10% of the electors in any township based on the highest vote cast at the last regular election for township officers of the township, addressed to the township board, requesting that a meeting be called of the electors in the township, to consider making a contract with any township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, for the use of its privileges by the residents of the township, the township board shall call a meeting of the electors of the township by posting a notice in at least 5 public places within the township not less than 10 days before the meeting. The electors present at the meeting shall determine whether the township shall enter into a contract for the use of a free public circulating library and reading room in any township, city, or village and the rate of taxation to be levied for the purpose of paying for that use if the electors decide to enter into such a contract. However, a tax so levied shall not exceed 1 mill of the state equalized valuation of the township. If a majority of those present and voting are in favor of the township contracting for the use of a free public circulating library and reading room maintained in any township, city, or village, the township board may enter into a contract and shall levy and collect the tax provided for in this subsection, which shall be placed in a fund to be known as the "library fund". The money in the library fund shall be paid over by the township treasurer to the treasurer of the township, city, or village in which the library is located on the first day of January, February, and March of each year, to be disbursed under section 5. This subsection is not a limitation on the contractual power of a legislative body of a city, village, or township under section 13.

<sup>11</sup> This provision was difficult to place as the first section is directed at townships while the second applies to townships, cities and villages more generally.

(2) Notwithstanding any contrary provision in a township, city, or village charter, the governing board of a library of a township, city, or village supporting and maintaining a free public circulating library and reading room under this act, or under any special act, may enter into a contract with another township, city, or village to provide the residents of that other township, city, or village with the full use of the library and reading room, upon terms and conditions agreed upon between the governing board of the library and the legislative body of the other township, city, or village. A contract entered into under this subsection shall be executed for a term of 3 years, shall be automatically extended for an indefinite term after the initial 3-year period, and shall be terminable by either party only upon 6 months' notice of the intent to terminate the contract.

MCLS § 397.214

### ***B. City Libraries***

Each incorporated city's city council may establish and maintain a public library for the city's inhabitants' use and benefit. The city council may levy a tax not exceeding one mill on the dollar annually on all taxable property in the city. If a majority of voters voting on the proposal at the regular annual election approve, the city council may increase the tax levied by an amount not exceeding one additional mil on the dollar annually on all the taxable property in the city. The tax must be levied and collected in the same manner as the city's other general taxes. This tax is in addition to any tax limitation the city charter imposes.

(1) The city council of each incorporated city may establish and maintain a public library and reading room for the use and benefit of the inhabitants of the city. The city council may levy a tax of not to exceed 1 mill on the dollar annually on all the taxable property in the city. If approved by a majority of the voters voting on the proposal at the regular annual election, the city council may increase the tax levied by not to exceed 1 additional mill on the dollar annually on all the taxable property in the city. The tax shall be levied and collected in the same manner as other general taxes of the city, and shall be deposited in a fund to be known as the "library fund."

(2) The tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

MCLS § 397.201

After appointment, the library's governing board must establish and maintain a public library.

The governing board of a library shall, immediately after appointment, meet and organize, by the election of 1 member as president, and by the election of other officers as necessary. The governing board shall make and adopt bylaws, rules, and regulations for its own guidance and for the government of the library and reading room, consistent with this act. The governing board has exclusive control of the expenditure of all money collected to the credit of the library fund, the construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. All money received for the library shall be deposited in the treasury of the city to the credit of the library fund, shall be kept separate and apart from other money of the city, and drawn upon by the proper officers of the city upon the properly authenticated vouchers of the library board. The governing board may purchase or lease grounds and occupy, lease, or erect an appropriate building or buildings for the use of the library; has the power to appoint a suitable librarian and necessary assistants and fix their compensation; and remove appointees. The governing board shall carry out the spirit and intent of this act in establishing and maintaining a public library and reading room.

MCLS § 397.205

Fifty city voters may present a petition to the city clerk asking that a tax be levied to establish a free public in the city and specifying a tax rate not exceeding 2 mills on the dollars. The tax may be of unlimited duration, or the petition may specify the number of years for which the tax must be levied. The clerk, in the next legal notice of the regular election in that city, must give notice that every voter at the election may vote on the proposition. The notice must specify the rate and any duration of taxation mentioned in the petition. If a majority favors the tax, it must then be levied and collected in the same manner as the city's other general taxes for the period, if any, specified in the petition. If a free public library is established and a governing board is elected and qualified, the board, on or before the first Monday in September each year, must prepare an estimate of the money needed for the free public library's support and maintenance for the ensuing year, not to exceed 2 mills on the dollar of the city's taxable property. Unless any period specified in the petition for the tax's levy has expired, the governing board must report the estimate to the city's legislative body, which must raise the estimated amount by a tax upon the taxable property in the city in the same manner as other general taxes in the city area raised. Any such tax is in addition to any tax limitation a city charter imposes.

(1) Fifty voters of a city may present to the clerk of the city a petition asking that a tax be levied for the establishment of a free public library in that city and specifying a rate of taxation not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in

that city, shall give notice that at the election every voter may vote upon the proposition. The notice shall specify the rate and any duration of taxation mentioned in the petition.

(2) If a majority of all the votes cast in the city upon the proposition is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that city for the period, if any, specified in the petition, and shall be placed in a fund to be known as the “library fund”.

(3) If the free public library is established under this section, and a governing board is elected and qualified as provided in section 11, the board, on or before the first Monday in September in each year, shall prepare an estimate of the amount of money necessary for the support and maintenance of the free public library for the ensuing year, not to exceed 2 mills on the dollar of the taxable property of the city. Unless any period specified in the petition for the levy of the tax has expired, the governing board shall report the estimate to the legislative body of the city. The legislative body shall raise by tax upon the taxable property in the city the amount of the estimate in the same manner that other general taxes are raised in the city.

(4) A tax levied under this section shall be in addition to any tax limitation imposed by a city charter.

MCLS § 397.210a

### *C. Free Public Libraries in Villages or Townships*

Fifty voters of an incorporated village or township may present the village or township’s clerk with a petition asking that a tax be levied for a free public library’s establishment in the village or township and specifying the tax rate, not to exceed 2 mills on the dollar. The tax may be of unlimited duration, or the petition may specify the number of year for which the tax must be levied. The clerk, in the next legal notice of that village or township’s regular election, must give notice that at the election every voter may vote on the proposition. If a majority favors the tax, it must then be levied and collected like the village or township’s other general taxes for the period, if any, specified in the petition. If a free public library is established and a governing board is elected and qualified, that board, on or before the first Monday of September in each year for a free public library a township establishes, and on or before the second Monday in April each year for a free public library an incorporated villages establishes, must prepare an estimate of the money needed for the library’s support and maintenance for the ensuing year, not to exceed 2 mills on the dollars of the village or township’s taxable property. Unless any period specified in the petition for the tax’s levy has expired, the governing body must report the estimate to the village’s assessor or the township’s supervisor for assessment and collection in the same manner as other village or township taxes. Libraries under this section also constitute an authority under article IX section 6 of the state constitution of 1963<sup>12</sup>.

(1) Fifty voters of an incorporated village or township may present to the clerk of the village or township a petition asking that a tax be levied for the establishment of a free public library in the village or township and specifying the rate of taxation, not to exceed 2 mills on the dollar. The tax may be of unlimited duration or the petition may specify the number of years for which the tax shall be levied. The clerk, in the next legal notice of the regular election in that village or township, shall give notice that at the election every voter may vote on the proposition including the rate and any duration of taxation for the free public library.

(2) If the majority of all the votes cast in the village or township is for the tax for a free public library, the tax specified in the notice shall be levied and collected in the same manner as other general taxes of that village or township for the period, if any, specified in the petition, and shall be placed in a fund known as the library fund.

(3) If a free public library is established and a governing board elected and qualified, that board, on or before the first Monday of September in each year for a free public library established by a township, and on or before the second Monday in April in each year for a free public library established by an incorporated village, shall prepare an estimate of the amount of money necessary for the support and maintenance of the library for the ensuing year, not exceeding 2 mills on the dollar of the taxable property of the village or township. Unless any period specified in the petition for the levy of the tax has expired, the governing board shall report the estimate to the assessor of the village or the supervisor of the township for assessment and collection in the same manner as other village or township taxes and the tax shall be so assessed and collected. A corporate authority of a village or township may exercise the same powers conferred upon the corporate authority of a city under this act.

(4) A library established under this section constitutes an authority under section 6 of article IX of the state constitution of 1963.

MCLS § 397.210

### *D. Free Public Libraries in Townships or Villages Incorporated as Cities*

If a township or village where a free public library has been established is incorporated in its entirety as a city, the free public library’s library board must continue in office and the free public library must continue in existence and be governed as if it had originally been established as a free public library under a prior section. Any previously

<sup>12</sup> This provision, which specifies limits on ad valorem taxation, may be found earlier in the Michigan section under Library Districts.

authorized tax for the free public library's support must continue after the incorporation and then be assessed and collected on the city's taxable property.

If a township or village in which a free public library has been established pursuant to section 10 is incorporated in its entirety as a city, the library board of the free public library shall continue in office and the free public library shall continue in existence and be governed by the provisions of section 10a as if the free public library had originally been established as a free public library under section 10a. Any tax previously authorized pursuant to this act for the support of the free public library shall continue in effect after the incorporation and shall then be assessed and collected on the taxable property in the city as provided in section 10a.

MCLS § 397.210b

### ***E. Joint Municipal Libraries***

Villages may join with townships, or townships with villages, or either with cities, to maintain, support, and receive benefits from a free public circulating library.

The people of villages may join with townships, or townships with villages, or either with cities, by complying with similar provisions, as aforesaid in this act, and as amended, for the purpose of maintaining, supporting and receiving the benefits from a free public circulating library.

MCLS § 397.217

## **IV. Transferred City Public Libraries**

If the local act governing a city public library is repealed, the city's governing body must succeed to all title and interest in the library's real and personal property.

If the local act governing a city public library is repealed, the governing body of the city shall succeed to all title and interest in the real and personal property of the library.

MCLS § 397.231

The city's governing body may continue to maintain and operate the library according to appropriate state statutes or the city's own charter.

The governing body of the city may continue to operate and maintain the library in accordance with appropriate statutes of this state or the charter of that governmental unit.

MCLS § 397.232

A city's governing body may convey the library's property to another governmental unit's governing body to use the property for library purposes.

The governing body of the city may convey the property of such library to the governing body of another governmental unit for use of the property for library purposes.

MCLS § 397.233

## **V. Libraries under Boards of Education**

Boards of education are authorized to maintain free public libraries existing under the control of cities' boards of education. Boards of education may raise or borrow money, and issue bonds, to erect and maintain free public library buildings.

AN ACT to authorize boards of education to provide for the maintenance of free public libraries existing under the control of boards of education of the cities; to authorize and empower said boards of education to raise or borrow money and issue bonds in sufficient sum to purchase property or site, erect and maintain buildings for use as a free public library and other educational purposes.

MCLS Ch. 397, Act 261 Note



In cities where free public libraries are under the control of boards of education due to existing charters or other reasons, such boards of education may include in their annual estimate sums sufficient to defray the expense of maintaining and purchasing new books required for those libraries.

Boards of education in cities where free public libraries are under control of such boards of education by reason of existing charters or otherwise, from and after the passage of this act are hereby authorized and empowered to include in their annual estimate a sum or sums sufficient to properly care for and defray the expense of maintenance and to purchase new books required for such libraries.

MCLS § 397.261

## VI. County Libraries

Any county's board of supervisors may establish a public library for the county's inhabitants' free use. The board of supervisors may also contract with the controlling body for the use of a public library already established within the county under the contractual terms. The amount agreed to be paid for such service under the contract and the amount the board may appropriate to establish and maintain a public library must both be charges upon the county. The board may annually levy a tax on the county's taxable property, to be levied and collected like the county's other taxes and known as the library fund.

The board of supervisors of any county shall have the power to establish a public library free for the use of the inhabitants of such county and they may contract for the use, for such purposes, of a public library already established within the county, with the body having control of such library, to furnish library service to the people of the county under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such service under such contract and the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax on the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund.

MCLS § 397.301

If a contract is made with an existing library, the county library board must administer the county library fund and supervise the contract and all services provided under it.

In case a contract shall be made with an existing library, the county library fund shall be administered by the county library board and such contract, and all services provided for thereunder, shall be supervised by the county library board; and all employees engaged in the execution and carrying out of such contract shall be county employees, except those furnished and employed by the library rendering such services in accordance with or fulfillment of such contract.

MCLS § 397.303

Counties with a county library or any regional library's board of trustees may contract with 1+ counties, townships, villages, cities and/or municipalities to secure the municipality's residents agreed-upon library service. Money received for furnishing this service must be deposited to the library fund's credit. Municipalities contracting for library service may levy a library tax to pay for this service. Any municipality contracting for library service may, at any time, establish a public library for its inhabitants' free use, at which time the contract for library service may be continued or terminated according to the parties' agreed-upon terms.

Any county possessing a county library or any board of trustees of a regional library may enter into a contract with 1 or more counties, townships, villages, cities and/or other municipalities to secure to the residents of such municipality such library service as may be agreed upon, and the money received for the furnishing of such service shall be deposited to the credit of the library fund. Any municipality contracting for such library service shall have the power to levy a library tax in the same manner and amount as authorized in section 1 hereof for the purpose of paying therefor. Any municipality contracting for such library service may at any time establish a public library free for the use of its inhabitants, whereupon its contract for said service may be continued or terminated on such terms as may be agreed upon between the parties thereto.

MCLS § 397.305

## VII. Consolidation of Township Libraries

The township boards of adjoining townships in the same county, by joint action of the townships' township boards, may consolidated the libraries in each township into one library and designate a site for the library.

It shall hereafter be lawful for the township boards of adjoining townships in the same county, by joint action of the respective township boards of such townships, by proceeding as hereinafter provided, to consolidate the libraries in each township into 1 library, and to designate the site thereof.

MCLS § 397.351

If at least 25% of each township's registered electors present a signed petition to the township board of each township, the township board must then promptly adopt a resolution submitting the question of the two townships' libraries' consolidation to each township's qualified electors at any regular election or at a special election called for that purpose. The petition must comply with Michigan election law, and anyone violating those provisions is subject to penalties.

(1) If the township board of each township that has a library is presented with a petition, signed by registered electors equal to not less than 25% of the registered electors of each township, the township board shall promptly adopt a resolution submitting the question of consolidation of the libraries of the 2 townships to the qualified electors of each township at any regular election or special election duly called for that purpose.

(2) A petition under subsection (1), including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in subsection (1) is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

MCLS § 397.352

Statute provides a form for the ballot. The election must be conducted like other special or general elections, and the results must be canvassed and certified.

The election shall be by ballot in substantially the following form:

"Shall the township libraries of ..... and ..... townships be consolidated?"

"Yes ."

"No ."

The election shall be conducted in every respect the same as other special or general elections are conducted, and the results canvassed and certified in like manner.

MCLS § 397.353

If a majority of voters in each township favors the proposition, and if the election boards so certify, the township boards must then meet together in the township casting the largest vote at the election and must pass a joint resolution, which must be recorded in the minutes of each board's clerk, canvassing the election returns, and must formally consolidate the two townships' township libraries.

If the proposition shall be carried by a majority of those voting at the election, in each township, and the respective election boards shall so certify, the respective township boards shall meet together in the township casting the largest vote at such election and shall pass a joint resolution, which shall be recorded in the minutes of the clerk of each board, canvassing the returns of the elections, and shall formally consolidate the township libraries of the 2 townships.

MCLS § 397.354

The resolution must designate the library's site. If the present board members can't agree by a majority vote, the county commissioner of schools must choose a site properly located and most advantageous to the townships.

Such resolution shall designate the site of the library, and if not able to agree by a majority vote of the board members present and voting, the county commissioner of schools shall choose a site properly located and most advantageous to the townships.

MCLS § 397.355

The maintenance expense for the next year must be estimated and apportioned between the two townships in proportion their assessed valuations for the prior year. Each board's clerk must certify the tax to its supervisor.

The expense of maintenance for the ensuing year shall be estimated, and the expense apportioned between the 2 townships in proportion to their respective assessed valuations for the preceding year, and such tax certified by the clerk of each board to its respective supervisor.

MCLS § 397.356

After consolidation, the library may be formed into a free public library with a provisional board of directors and jointly taken by the consolidating townships' township boards.

After consolidation, the library may be formed into a free public library, with provisional board of directors in pursuance of the statute in such case made and provided, upon proper procedure for that purpose, jointly taken by the township boards of the townships consolidating.

MCLS § 397.358

## VIII. Privately Owned Public Libraries

Any township, city, or village with a library that was open to the public upon paying dues may make an appropriation for the library's support not to exceed half of 1 mill on its assessed valuation, and the sum must be raised by taxation in the ordinary way. However, any library that receives support from any municipality must be kept open for the public's convenience at least for the afternoons and evenings three days a week, and the books must be for the public's free use under reasonable library restrictions.

Any township, city or village within this state, having within its limits a library that had been open to the public upon the payment of dues, may appropriate not to exceed ½ of 1 mill on its assessed valuation for the support of such library, and such sum or sums shall be raised by taxation in the ordinary way: Provided, That any library so receiving support from any municipality shall be kept open for the convenience of the public not less than the afternoons and evenings of 3 days of each week, and the books therein shall be for the free use of the public under such reasonable restrictions as such library shall prescribe.

MCLS § 397.371

## Municipal Ordinances

Michigan has a variety of municipal code provisions pertaining to libraries, some of which are quite sparse and others of which are particularly thorough, specifying a tax rate and potentially giving procedures to change in. The majority of the provisions address town and city libraries, though privately owned libraries make and free public libraries in townships and villages later incorporated as cities make brief appearances in Center Line and Clawson. Romeo provides a particularly robust look at a library district. As these types are clear outliers, the towns and cities are organized together alphabetically.

### *A. Adrian*

The city commission may annually levy a tax not exceeding one mill on the dollar on all taxable property in the city. If a majority of voters approve a proposal at the regular annual election, the city commission may increase the tax by an amount not to exceed one additional mill on the dollar annually on all the taxable property in the city. The tax must be levied and collected like the city's other general taxes. Such a tax is in addition to any tax limitation a city charter imposes.

(a) *Annual tax levy.* As specifically authorized by Section 1 of PA 164, the city commission may levy a tax of not to exceed one mill on the dollar annually on all the taxable property in the city.

(b) *Additional voted tax levy.* If approved by a majority of the voters voting on the proposal at the regular annual election, the city commission may increase the tax levied under subsection (a) by an amount not to exceed one additional mill on the dollar annually on all the taxable property in the city.

(c) *Tax collection.* The tax shall be levied and collected in the same manner as other general taxes of the city.

(d) *Library fund.* All taxes collected by the city shall be deposited into a fund known as the "library fund." All moneys received for such library, including but not limited to taxes, state aid payments and penal fines, shall be deposited in the treasury of the City of Adrian to the credit of the library fund. The library fund shall be kept separate and apart from other moneys of the city.

(e) *Addition to tax limitation.* The tax levied shall be in addition to any tax limitation imposed by a city charter, as permitted by Section 1 of PA 164.

Adrian, Michigan Code of Ordinances Sec. 2-503

*B. Belding*

The city must maintain the Alvah N. Belding Memorial Library as a free public library for its citizens' use and benefit. The council must make a yearly appropriation of a sum deemed necessary to maintain the library in accordance with the conditions of its gift to the city.

The city shall maintain the Alvah N. Belding Memorial Library as a free public library for the use and benefit of the citizens of the city. For such purpose, the council shall make a yearly appropriation of such sum as may be deemed necessary to maintain the library in accordance with the conditions of its gift to the city.

Belding, Michigan Code of Ordinances Sec. 54-1

*C. Birmingham*

The city must maintain the public library, now known as Baldwin Library, as a free public library for its inhabitants' use and benefit in accordance with the conditions of the donation deed. The commission must levy a tax of at least half a mill and may levy a tax not to exceed more than 1 and  $\frac{3}{4}$  mills on the dollar annually on all the city's taxable property. The tax must be levied and collected like the city's other general taxes.

The city shall maintain the public library, now known as "Baldwin Library," as a free public library for the use and benefit of the inhabitants of the city in all respects in accordance with the conditions of the Donation Deed of the Birmingham Library Association to the Village of Birmingham bearing date the 18th day of June, A.D. 1907, and recorded in the office of the Register of Deeds for Oakland County, Michigan, in Liber 224 of Deeds on Pages 150, 151 and 152, and to that end, the commission shall levy a tax of not less than one-half (0) mill and may levy a tax in total amount of not more than one and three-quarters (1) mills on the dollar annually on all the taxable property of the city, such tax to be levied and collected in like manner with the other general taxes of the city and to be known as the "Library Fund."

Birmingham, Michigan Code of Ordinances Section 1

*D. Buchanan*

The collection of books and library furnishing owned by the city and used to provide library service to its citizens is the Buchanan Public Library.

The collection of books and library furnishings owned by the city and used by it to furnish a library service to its citizens shall be known as the Buchanan Public Library.

Buchanan, Michigan Code of Ordinances Sec. 54-

*E. Center Line*

The city council may appropriate up to half a mill on the assessed valuation of property in the city for support of a library open to the public upon the payment of dues. Such sums must be raised by taxation in the ordinary way. However, such libraries must be kept open for the public's convenience at least during the afternoons and evenings three days a week, and the books must be for the public's free use under reasonable library restrictions. The city council has the power to establish and maintain a public library and reading room for its inhabitants' use and benefit. It may levy a tax not exceeding one mill on the dollar annually on all taxable property in the city. The tax must be levied and collected like the city's other general taxes.

The city council may appropriate not to exceed one-half of one mill ( of 1) on the assessed valuation of the property in the city for the support of a **library** that has been open to the public upon the payment of dues and such sum or sums shall be raised by taxation in the ordinary way; provided, that any **library** so receiving support from the city shall be kept open for the convenience of the public not less than the afternoons and evenings of three days of each week, and the books therein shall be for the free use of the public under such reasonable restrictions as such **library** shall prescribe.<sup>13</sup> Subject to the provisions of this charter and of the general law of the state, the city council shall have power to establish and maintain a public **library** and reading room, for the use and benefit of the inhabitants of the city, and may levy a tax of not to exceed one mill on the dollar annually on all the taxable property in the city, such tax to be levied and collected in like manner with other general taxes of the city, and to be known as the "**library** fund."

Center Line, Michigan Code of Ordinances Sec. 84

<sup>13</sup> This portion is a carbon copy of the state provision on private donation libraries.

*F. Clawson*

The city, as successor municipal corporation of the Village of Clawson, shall maintain a public library, known as the Blair Memorial Library, organized and established by the former Village of Clawson Commission.

The city, as successor municipal corporation of the Village of Clawson, shall maintain a public library, known as "The Blair Memorial Library," organized and established by the former Village of Clawson Commission under Ordinance No. 51 of the village ordinances in accordance with the terms and provisions of this chapter.

Clawson, Michigan Code of Ordinances Sec. 38-1

There will be one mill levied on the city's taxable property and collected with the July 1, 2005 collection of city taxes and annually each year after.

(a) There shall be levied on the taxable property of the city one mill and collected with the July 1, 2005, collection of city taxes and annually thereafter pursuant to section 1 of Act 164 of the Public Acts of 1877 (MCL 397.201 et seq.).

Clawson, Michigan Code of Ordinances Sec. 38-4

*G. Fraser*

There is a public library and reading room for the city inhabitants' use and benefit.

A public **library** and reading room for the use and benefit of the inhabitants of the city is hereby established and is to be maintained pursuant to the provisions of state law until the further order of the city council.

Fraser, Michigan Code of Ordinances Sec. 13-1

*H. Grand Haven*

The council must appropriate in the city's annual budget for the library's operation and conduct. The council mustn't appropriate less than  $\frac{3}{4}$  of a mill in addition to the library's anticipated receipts from non-tax sources, or any larger amount needed to qualify the library for state or other aid. [On December 1, 2000, the city library ceased to operate as a city department and became an autonomous entity, operating as the Loutit District Library, which the state approved as a district library on February 24, 1999.]

(a) The city's **library** and the **library** facilities and services shall constitute department of the city government.

(1) The city manager shall appoint the librarian, who shall have general superintendence of the city's **library** facilities, and shall be responsible to the city manager for the operation and maintenance thereof. The librarian shall have the control and direction of the employees of the **library** department of the city, subject to the provisions of this charter.

(2) The council shall provide and appropriate in each annual budget of the city for the operation and conduct of the city's **library** and its facilities. In no case shall the council appropriate for the **library** and **library** purposes less than three-fourths of a mill in addition to the anticipated receipts of the **library** from non-tax sources, or such larger amount as may be required by law to qualify the **library** for state or other aid.

(b) The City's Community Center and Community Center facilities and services shall constitute a department of the city government.

(1) The city manager shall appoint a director who shall have general superintendence of the City's Community Center facilities and shall be responsible to the city manager for the operation and maintenance thereof. The director shall have the control and direction of the employees of the Community Center department of the city, subject to the provisions of this charter.

(2) The council shall provide and appropriate in each annual budget of the city for the operation and conduct of the City's Community Center and its facilities.

**Editors Note** On December 1, 2000, the city **library** ceased to operate as a department of the city and became an autonomous entity, operating as the Loutit District **Library**, which was approved by the state as a district **library** on February 24, 1999.

Grand Haven, Michigan Code of Ordinances Sec. 7.17

*I. Harper Woods*

A public library and reading room, to be known as the Harper Woods Public Library, is established in the City of Harper Woods.

A public library and reading room is hereby established in the City of Harper Woods under authority of section 2.3 of the city Charter and Act 164, Public Acts of 1877, as amended, to be known as the "Harper Woods Public Library."

Harper Woods, Michigan Code of Ordinances Sec. 2-227

*J. Hastings*

There is the Hastings Public Library.

The library established under the provisions of this chapter shall be known as the Hastings Public Library.

Hastings, Michigan Code of Ordinances Sec. 50-1

*K. Hillsdale*

The city council may annually levy and collect taxes, like the city's other general taxes, to obtain the funds needed to appropriate an amount not exceeding one mill on the dollar on all taxable property in the city.

The city council may also annually levy and collect taxes, in like manner with other general taxes of the city, to obtain the funds necessary to cover such appropriations in an amount not to exceed one mill on the dollar on all taxable property in the city.

Hillsdale, Michigan Code of Ordinances Sec. 2-265

*L. Huntington Woods*

The city must maintain the public library and cultural center. In the annual budget, the commission must include the sum needed to maintain the library and cultural center.

The city shall maintain the Public Library and Cultural Center established in said city as a free public library and cultural center and for such purpose the commission shall include in the annual budget such sum as may be deemed necessary for the purpose of maintaining said library and cultural center.

Huntington Woods, Michigan Code of Ordinances Sec. 22-1

*M. Menominee*

The City of Menominee's council has the power to maintain a free public library for the city inhabitants' use and benefit. The public library the city is now maintaining is recognize as the city's free public library and designated as Spies Public Library.

There is hereby recognized and established, and the council of the City of Menominee shall have power to maintain a free public **library** for the use and benefit of the inhabitants of said city and the public **library** now being maintained by said city is hereby recognized as the free public **library** of said city and the same shall be designated as Spies Public **Library**.

Menominee, Michigan Code of Ordinances Sec. 12.01

*N. Milan*

Pursuant to state law, a 1-mill special tax was previously authorized for the free library board. If a resolution adopted and delivered to the city council before the council's adoption of the city budget for the ensuing financial year estimates that a lesser sum is needed for the library's support and maintenance, the city council must then annually have levied a 1-mill tax upon the taxable property in the city. The tax must be collected like the city's other general taxes. If the library board determines by resolution that money needed for the library's support and maintenance exceeds the revenues that would be generated by the previously authorized 1-mill tax, the question of increasing the library millage to not more than 2 mills on the dollars of taxable property in the city must be placed on the ballot at the city's next regular election, or at a city special election paid for by the library fund. Any such tax is in addition to tax limitations the city's charter imposes.

...(b) Inasmuch as a one-mill special tax was previously authorized pursuant to state law for the support of the free **library** board, by resolution adopted and delivered to the city council prior to the council's adoption of the city's budget for the ensuing fiscal year, shall estimate that a lesser sum of money is necessary for the support and maintenance of the **library**, the city council shall annually cause the one-mill tax to be levied upon the taxable property in the city, and the city clerk-treasurer shall collect such tax for deposit to the credit of the **library** fund, in the same manner as are other general taxes in the city.

(c) If the **library** board by resolution determines that the amount of money necessary for the support and maintenance of the **library** exceeds revenues that would be generated by the previously authorized one-mill tax, the question of increasing the **library** millage to not more than two (2) mills on the dollar of taxable property in the city shall be placed on the ballot at the next regular election for the city, or at a special election for the city, with the costs of that special election being paid from the **library** fund.

(d) A tax levied under this section shall be in addition to any tax limitation imposed by the city's charter.

Milan, Michigan Code of Ordinances Sec. 11-20

***O. Novi***

There is a public library and reading room for the city's inhabitant's use and benefit.

There is hereby created and established a public library and reading room, for the use and benefit of the inhabitants of the city under the authority of Chapter 16 of the City Charter and Act No. 164 of the Public Acts of Michigan of 1877 (MCL 397.201 et seq., MSA 15.1661 et seq.), as amended.

Novi, Michigan Code of Ordinances Sec. 19-1

The council may levy a tax not exceeding 1 mill on the dollar annually on all taxable property in the city. The tax must be levied and collected like the city's other general taxes.

The council may levy a tax not to exceed one (1) mill on the dollar annually on all taxable property in the city, such tax to be levied and collected in like manner with other general taxes of the city, to be known as the "library fund."

Novi, Michigan Code of Ordinances Sec. 19-3

***P. Oak Park***

The city council creates the Oak Park Public Library for its inhabitants' use and benefit.

The city council, pursuant to Act 164 of the Public Acts of 1877, as amended, MCL 397.201 et. seq. (Act 164), hereby creates a public library and reading room, to be known as the Oak Park Public Library, for the use and benefit of the inhabitants of the city.

Oak Park, Michigan Code of Ordinances Sec. 2-650

***Q. Romeo***

The village of Romeo joins with the Township of Bruce and the Township of Washington to establish, maintain and operate a district library. The district library will encompass and include the participating municipalities' land areas.

The village hereby unites and joins with the Township of Bruce and the Township of Washington<sup>14</sup> for the purpose of establishing, maintaining and operating a district library in accordance with the provisions of Public Act No. 24 of 1989 (MCL 397.171 et seq.). Such district library shall encompass and include the land areas of the participating municipalities.

Romeo, Michigan Code of Ordinances Sec. 24-2

The money needed for the district library's formation, operation and maintenance must be appropriated by the participating municipalities' legislative bodies. If any municipality withdraws from the district library, any previously voted tax levy must be continued for public library support.

The monies necessary for the formation, operation and maintenance of the district library shall be appropriated by the legislative bodies of the participating municipalities. If any municipality withdraws from the district library, any previously voted tax levy shall be continued for the provision of public library support.

Romeo, Michigan Code of Ordinances Sec. 24-3

Any municipality without library facilities that enters into the district library agreement may be required to contribute a proportionate share of the valuation of the village free public library's facilities, as determined at the time of the district library's formation. If this contribution isn't required, by mutual agreement, the noncontributing municipality mustn't, upon withdrawal, be entitled to any share of the original facilities' determined value. However, the withdrawing municipality must be entitled to receive its share of the district library's other assets, valued as of the withdrawal date, if it so desires. Payment of the withdrawing municipality's share must be made within a reasonable time period according to a plan approved by the state board of education.

Any municipality without library facilities which enters into the district library agreement may be required to contribute a proportionate share of the valuation of the facilities of the village free public library as determined at the time of the formation of the district library. If this contribution is not required, by mutual agreement, the noncontributing municipality shall not, upon withdrawal, be entitled to any share of this determined value of the original facilities. The withdrawing municipality shall, however, be entitled to receive its share

<sup>14</sup> Washington Township has similar statutory provisions regarding the district library.

of the other assets of the district library valued as of the date of withdrawal, if it so desires. Payment of the withdrawing municipality's share shall be made within a reasonable period of time according to a plan approved by the state board of education.

Romeo, Michigan Code of Ordinances Sec. 24-5

### ***R. Shelby Charter Township***

A free public library and reading room for the township is created and established.

(a) *Established.* A free public **library** and reading room for the township is created and established.

Shelby Charter Township (Macomb Co.), Michigan Code of Ordinances Sec. 38-1

### ***S. Southfield***

In its annual estimate, the city council must provide a sum for a library fund, not to exceed 2.2 mills on the assessed valuation of property to be assessed for city purposes. The amount must be levied and collected each year in the same manner and at the same time as other city taxes

(c) The city council shall in its annual estimates make provision for a **library** fund, which shall not exceed two and two-tenths (2.2) mills on the assessed valuation of the property to be assessed for city purposes, and the amount so provided, shall be levied and collected each year in the same manner and at the same time as other city taxes.

Southfield, Michigan Code of Ordinances Sec. 6.18

### ***T. St. Joseph***

Each year, the Commission must raise, in addition to the general tax, a sum not to exceed .8 of a mill and not to be less than .5 of a mill per dollar of assessed valuation of the city for library purposes. However, not less than .8 of one mill on the dollar of assessed valuation must be raised for 1929 and 1930.

The Commission shall raise each year, in addition to the general tax, a sum not exceeding eight-tenths of a mill nor less than five-tenths of a mill per dollar of assessed valuation of the City of St. Joseph for **library** purposes; provided, however, that not less than eight-tenths of one mill per dollar of the assessed valuation shall be raised for the years 1929 and 1930 respectively.

St. Joseph, Michigan Code of Ordinances Section 14

### ***U. Warren***

The council must appropriate and levy any tax required to participate in state or other library aid available by law, but such tax mustn't exceed 1.35 mills.

For the purpose of such appropriations, the council shall appropriate and levy such tax as is required for participation in state or other **library** aid which is available by law, but not to exceed 1.35 mills for such purposes.

Warren, Michigan Code of Ordinances Sec. 7.23

## **Mississippi**

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### **Relevant Law**

Libraries are found within Title 39 (Libraries, Arts, Archives and History) Chapter 3 (Libraries and Library Commission) Article 1. There are very few municipal ordinances pertaining to libraries.

### **Types of Libraries**

Mississippi has three main categories of libraries: county and municipal libraries, joint city-county public library systems, and regional public library systems.

### **I. County and Municipal Libraries**

The state's policy is to allow and promote free public library service's establishment and development throughout the state as part of the state's provisions for public education. Any Mississippi county's board of supervisors, or counties' other governing bodies, or municipalities and towns, through their governing bodies, may establish and maintain, or



aid in establishing and maintaining, free public libraries for the respective counties, municipalities or towns' citizens' use, either separately or in connection with free public libraries already established there.

It is hereby declared to be the policy of this state to allow and promote the establishment and development of free public library service throughout this state as a part of its provisions for public education. "Public library" shall mean a library which provides customary services, without charge, to all the residents of a county, city or region and is supported whole or in part by public funds. Reasonable reimbursements may be collected for special library services provided these are determined in advance and in writing by the administrative board of trustees.

The board of supervisors of any county in the State of Mississippi, or other governing bodies of the counties of this state, and municipalities and towns, through their governing bodies, may establish and maintain or aid in establishing and maintaining free public libraries for the use of the citizens of the respective counties, municipalities or towns, either separately or in connection with free public libraries already established therein. For said purpose said governing body may acquire the necessary real estate either by purchase, gift or donation and may erect the necessary buildings thereon.

Miss. Code Ann. § 39-3-1

If a county board of supervisors or a municipality's governing body establishes a public library or public library system, the costs of establishing and maintaining the public library or public library system must be paid in whole out of the county or municipality's general funds.

Where any public library or public library system is established under this article, either by the county board of supervisors or the governing body of a municipality, the cost of purchasing land, erecting buildings and equipping and maintaining such public library or public library system shall be paid for in whole out of the general funds of the county or municipality.

Miss. Code Ann. § 39-3-3

Counties supporting a public library or public library system may, by order of the county's board of supervisors, at their discretion levy a four-mill tax on all taxable property in the county to be used for the maintenance and support of a public library or public library system located in the county. Such taxes are excluded from the statutory revenue increase limitation. In addition to this levy, the county's board of supervisors may also, at its discretion, make contributions from any available funds for the support and maintenance of a public library or public library system in the county.

- (1) Any county which supports a public library or public library system may, by order of the board of supervisors of such county, in their discretion, levy a four (4) mill tax on all taxable property within the county to be used for the support, upkeep and maintenance of any public library or public library system located in said county.
- (2) The taxes levied under this section shall be excluded from the revenue increase limitation imposed pursuant to Section 27-39-321.
- (3) In addition to the levy herein authorized, the board of supervisors of any county may, in their discretion, make contributions from any available funds for the support, upkeep and maintenance of any public library or public library system located in such county.

Miss. Code Ann. § 39-3-5

Any municipality supporting a public library or public library system may, by the municipality's governing authorities' order, in its discretion, levy a three-mill tax on all taxable property in the municipality for the support and maintenance of a public library or public library system in the municipality. This tax is excluded from the statutory revenue increase limitation. In addition to this levy, a municipality's governing authorities may, at their discretion, make contribution from any available funds for the support and maintenance of a public library or public library system in the municipality.

- (1) Any municipality which supports a public library or public library system may, by order of the governing authorities of such municipality, in their discretion, levy a three (3) mill tax on all taxable property within the municipality to be used for the support, upkeep and maintenance of any public library or public library system located in said municipality.
- (2) The taxes levied under this section shall be excluded from the revenue increase limitation imposed pursuant to Section 27-39-321.
- (3) In addition to the levy herein authorized, the governing authorities of any municipality may, in their discretion, make contributions from any available funds for the support, upkeep and maintenance of any public library or public library system located in such municipality.

Miss. Code Ann. § 39-3-7

A municipality's governing body may contract with any established public library or public library system's board of trustees to receive that established public library or public library system's services. With the consent of an established public library system's board of trustees, a county's board of supervisors may contract for library service from any established public library system. Any regional public library system's board of trustees may contract for the region to receive library service from an established public library system. Contracts for library service must include the library system's name, a definition of the library service areas, all parties' names and responsibilities regarding participation in the library system (including the library system's funding and maintenance), board of trustees appointments, the eligibility and criteria for new libraries to participate in the library system, and a stated contract review and renewal process. The contract must also provide for the library system's dissolution, including a definition of assets and a procedure for distributing them.

- (1) The governing body of any municipality may contract with the board of trustees of any established public library or public library system to receive the services of that established public library or public library system.
- (2) The board of supervisors of any county in the state may, with the consent of the board of trustees of an established public library system, contract for library service from any established public library system.
- (3) The board of trustees of any regional public library system may contract for such region to receive library service from any established public library system.
- (4) There shall be one (1) board of trustees in each public library system with the administrative powers and responsibilities prescribed in Section 39-3-17, Mississippi Code of 1972. Any other board of trustees within such library system shall serve in a purely advisory capacity to said administrative board. The administrative board shall be designated by contract among all such boards of trustees within the system. Advisory boards may contract with administrative boards to provide local services and policies as may be mutually agreed on. In the event an agreement cannot be reached among all such boards of trustees, the matter shall be submitted to a negotiating committee comprised of the following: two (2) persons selected by each of the boards of trustees involved in the matter plus two (2) persons selected by the Mississippi Library Commission.
- (5) Contracts for library services shall include, but not limited to: (a) name of library system; (b) definition of library service area; (c) name of all parties and responsibilities regarding participation in the library system, including but not limited to funding of the library system and maintenance of facilities; (d) appointment of board of trustees with the naming of the administrative board and the stated responsibilities of said boards; (e) eligibility and criteria for participation of new libraries in the library system; and (f) a stated contract review and renewal process. The contract shall provide for the dissolution of such library system including, but not limited to, the definition of assets and the procedure for the distribution of such assets.

Miss. Code Ann. § 39-3-13

## II. Joint City-County Public Library Systems

Any municipal public library or group of municipal public libraries' board of trustees, and any county public library system's board of trustees, may, with the municipality or municipalities' governing body's consent, and with the county's board of supervisors' consent, contract with each other or among themselves to create, maintain and support a joint city-county library public library system. The contract must contain the terms and conditions that the municipal public library's board of trustees, or the several municipalities' public library boards of trustees, and the county public library's board of trustees agree upon.

The board of trustees of any municipal public library, or any group of municipal public libraries, and the board of trustees of any county public library system, may, with the consent of the governing body of said municipality, or municipalities, and with the consent of the board of supervisors of said county, contract with each other or among themselves, to create, maintain and support a joint city-county public library system. Such a contract shall contain such terms, agreements and conditions as may be agreed upon by the board of trustees

of the municipal public library, or the public library boards of trustees of the several municipalities, and by the board of trustees of the county public library.

Miss. Code Ann. § 39-3-8

## III. Regional Public Library Systems

2+ counties may, by their boards of supervisors' action, join in establishing and maintaining a regional public library system under agreed-upon contract terms. Regional public library systems' expenses must be apportioned between or among the concerned counties on a basis agreed on in the contract. The regional public library system's various counties' boards of supervisors must agree on the location of the public library system's headquarters building in one of the counties.

**Two** (2) or more counties by action of their boards of supervisors may join in establishing and maintaining a regional public library system under the terms of a contract to which all of the participating counties agree. The expenses of the regional public library systems shall be apportioned between or among the counties concerned on such basis as shall be agreed upon in the contract. The public library system headquarters building shall be located at a place in one of the counties to be agreed upon by the boards of supervisors of the various counties in the regional public library system.

Miss. Code Ann. § 39-3-9

If a county public library, city-county public library system, or regional public library system is established, any municipality that aides in a public library's support or maintenance, or that desires to aid in providing public library service for the portion of the county's residents residing in the municipality, may participate in the county public library, city-county public library system or regional public library system. The municipality's governing body, the existing municipal public library's board of trustees and the county public library, city-county public library system or regional public library system's board of trustees will agree upon terms for the participation.

When a county public library, city-county public library system or regional public library system shall have been established under this article, any municipality which is aiding in maintaining or supporting a public library, or which desires to aid in providing public library service for that portion of the county's residents which reside within the municipality, may participate in said county public library, city-county public library system or regional public library system. This participation shall be on such terms as may be agreed upon among the governing body of the municipality, the board of trustees of the existing municipal public library and the board of trustees of the county public library, city-county public library system or regional public library system.

Miss. Code Ann. § 39-3-11

## Municipal Ordinances

Mississippi has few municipal ordinances relating to libraries, and those that do exist are rather sparse. Greenwood presents a more-detailed exception, providing a specific sum for the library's support and maintenance.

### *A. Greenwood*

The city must annually appropriate from the municipality's funds \$11,990.00 for the library's support and maintenance. The city must also furnish lights and water to the library calculated upon regular rates that city's utilities commission establishes from time to time. However, the county must appropriate an amount equaling the cash appropriation the city is authorized to make and the value of the water and electric current served to the library as its part of the public library's cost and maintenance.

The city shall cause to be appropriated annually from the funds of said municipality eleven thousand nine hundred ninety dollars (\$11,990.00) for the maintenance and support of said library, said sum to be paid in equal monthly installments. In addition thereto, the city shall furnish lights and water to the library calculated upon regular rates as may be established from time to time by the utilities commission of the city; provided, however, the county shall appropriate an amount equal to the cash appropriation herein authorized to be made by the city and the value of the water and electric current served to said library as its part of the cost and maintenance of the public library, all in accordance with the aforesaid law.

Greenwood, Mississippi Code of Ordinances Sec. 12-3

### *B. McComb*

There is the McComb Municipal Library.

There is hereby established a municipal **library** for the city which shall be known as the McComb Municipal **Library**.

McComb, Mississippi Code of Ordinances Sec. 78-1

### *C. Vicksburg*

The City of Vicksburg's mayor and alderman may maintain 1+ public libraries for public use in the City of Vicksburg and appropriate funds for the libraries' support and maintenance.

The mayor and aldermen of the City of Vicksburg be, and they hereby are authorized and empowered to maintain one or more **libraries** for public use in the City of Vicksburg, to regulate the use thereof, and to appropriate funds for the support and maintenance thereof in addition to any sum or sums of money which may be otherwise given for that purpose.

Vicksburg, Mississippi Code of Ordinances Sec. 42

## New Hampshire

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### Relevant Law

Title XVI covers libraries, and within it, Chapter 202-A (Public Libraries) is most useful. Municipal ordinances pertaining to libraries could not be located.

### Types of Libraries

Most New Hampshire libraries are either city or town libraries. There is brief mention of library cooperatives.

#### I. City and Town Libraries

Any town may establish a public library by majority vote at a town meeting. In the same manner, a town may vote to accept a public library that has been provided, in whole or in part, by private donation or bequest, and the town may accept any bequest, devise or donation for a library's established, maintenance and support. In a city, the city council's vote may exercise these powers granted to towns.

Any town may establish a public library by majority vote at any duly warned town meeting. Any town may vote in the same manner to accept a public library which has been provided, in whole or in part, by private donation or bequest and may accept any bequest, devise or donation for the establishment, maintenance and support of such a library. The powers herein granted to a town may be exercised by a city by vote of the city council.

RSA 202-A:3

Cities or towns with public libraries must annually raise and appropriate a sum of money sufficient to provide and maintain adequate public library service or supplement otherwise provided funds.

Any city or town having a public library shall annually raise and appropriate a sum of money sufficient to provide and maintain adequate public library service therein or to supplement funds otherwise provided.

RSA 202-A:4

Towns may contract with other towns or cities, or with institutions or other organizations, for library service. If a town meeting votes to enter such a contract, the town must raise and appropriate sufficient money to carry out the contract.

Any town may contract with another town or city, or with an institution or other organization, for any library service. If a town meeting votes to enter into such a contract, the town shall raise and appropriate sufficient money to carry out the contract.

RSA 202-A:4-b

#### II. Library Cooperatives

Public libraries may join library cooperatives consisting of public libraries, or of public and other than public libraries, including school, college and university, and special libraries. Towns may raise and appropriate sufficient money for participation in cooperatives.

Any public library may join library cooperatives consisting of public libraries, or of public and other than public libraries including school, college and university, and special libraries. Towns are authorized to raise and appropriate sufficient money for participation in cooperatives.

RSA 202-A:4-a

## New Jersey

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## Relevant Law

Libraries are located within two main places, both within Title 40. In Title 40 (Municipalities and Counties), libraries are found under Subtitle 2 (County Provisions) Part 1 (General Provisions) Chapter 33 and under Subtitle 3 (Municipality Provisions) Chapter 54 (Public Libraries) Article 1. Only two municipalities have ordinances relating to library establishment, and both ordinances are quite brief.

## Types of Libraries

New Jersey has five main types of libraries: free county libraries, county library systems, regional libraries, free municipal libraries, and joint free public libraries. Ample time is devoted to the reorganization of both free county libraries and county library systems.

## I. Free County Libraries

### *A. In General*

Every county's board of chosen freeholders must establish a free public library known as "the free county library." The library must be established for the county's subdivisions that don't maintain and control free public libraries.

The board of chosen freeholders of every county shall, in the manner hereinafter in this article provided, establish a free public library to be known as "the free county library". This library shall be established for such subdivisions of the county as do not maintain and control free public libraries, pursuant to the provisions of chapter 54 of this title ( 40:54-1 et seq.).

N.J. Stat. § 40:33-1

Such libraries mustn't be established until the county's legal voters assent at an election at which the establishment question is submitted. For counties that have adopted a prior act's provisions, this referendum election needn't be held.

No such library shall be established until assented to by the legal voters of the county at any election at which the question of the establishment thereof shall be submitted. In counties which have heretofore adopted the provisions of an act entitled "An act to provide for the establishment and maintenance of county free libraries," approved April seventh, one thousand nine hundred and twenty, the referendum election provided for herein need not be held and the provisions of this article shall apply to such counties.

N.J. Stat. § 40:33-2

If 300+ of the county's qualified voters make a written request, the board of chosen freeholders must submit, at any general or special election, the question of a library's establishment to the county's voters.

At the request in writing of not less than three hundred qualified voters of the county, the board of chosen freeholders shall submit, at any general or special election, the question of the establishment of such library to the voters of the county for adoption or rejection.

N.J. Stat. § 40:33-3

The board of chosen freeholders must have the question printed on ballots for the election following a statutory form.

The board of chosen freeholders shall cause the question to be printed upon the ballots to be used at such election, in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.

N.J. Stat. § 40:33-4

The elections results must be returned and canvassed like those of other elections. If a majority favors the question, then this article's provisions take effect in the county.

The result of the election shall be returned and canvassed in the same manner and at the same time as other elections. If a majority of the votes cast on the question shall be in favor thereof the provisions of this article shall take effect in the county.

N.J. Stat. § 40:33-5

For counties of 150,000 or less that haven't established a free county library as of this act's effective date, the board of chosen freeholders may, by resolution, establish a library for all municipalities in the county.

The board of chosen freeholders of any county with a population of less than 150,000 which, on the effective date of this act, has not established a free county library pursuant to the provisions of article 1, chapter 33 of Title 40 of the Revised Statutes, may, by resolution, establish such a library for all the municipalities within the county. All libraries established pursuant to this act shall be governed by the provisions of article 1, chapter 33, Title 40 of the Revised Statutes insofar as they are not inconsistent with the provisions of this act.

N.J. Stat. § 40:33-5.1

Once this article is adopted, the board of chosen freeholders may contract with an existing library, or library board, within the county or the library commission of an already established county library that furnishes county library services in another county, for the county free library's establishment and maintenance subject to the board chosen freeholders' rules and regulation. However, independently operated county libraries mustn't be established in counties unless a financing plan, indicating the amount annually to be assessed, levied and collected in taxes for the library's establishment and maintenance, is approved as sufficient by the State Library's head of the Library Development Bureau.

Upon the adoption of the provisions of this article the board of chosen freeholders may contract with an existing library, or library board, within the county or the library commission of a county library already established and furnishing county library services in another county, for the establishment and maintenance of the county free library in accordance with the provisions of this article and subject to the rules and regulations of the board of chosen freeholders. No independently operated county library shall be established hereafter in any county unless a plan for the financing of the same, indicating the amount annually to be assessed, levied and collected in taxes for the establishment and thereafter for the maintenance, thereof, shall be submitted to, and shall be approved as sufficient by, the head of the Library Development Bureau in the State Library.

N.J. Stat. § 40:33-6

Once this article is adopted, the board of chosen freeholders must determine a sum sufficient for the library's establishment and maintenance. The board of chosen freeholders must certify this sum to the county board of taxation, which must apportion the amount among the municipalities receiving the article's benefits. This sum mustn't be less than 1/15 of a mill per dollars on the apportionment valuation of the municipalities receiving the article's benefit. The amount apportioned to each municipality must be assessed, levied and collected like other county taxes.

Upon the adoption of the provisions of this article, the board of chosen freeholders shall determine a sum sufficient for the establishment and, annually thereafter, for the maintenance of the library. The sum so to be raised shall be certified by the board of chosen freeholders to the county board of taxation, which shall apportion such amount among the municipalities receiving the benefits of this article in accordance with the provisions of section 54:4-49 of the Revised Statutes. The sum so raised shall be not less than 1/15 of a mill per dollar on the "apportionment valuation," as defined in section 54:4-49 of the Revised Statutes, of the municipalities receiving the benefits of this article. The amount thus apportioned to each municipality shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein.

N.J. Stat. § 40:33-9

### ***B. Reorganization of Free County Libraries.***

For counties between 350,000 and 450,000 population according to the 1970 Federal census that have an established free county library, the board of chosen freeholders may, by resolution to be effective January 1, 1978, reorganize the free county library to provide library services for all of the county's residents and inhabitants' use.

Notwithstanding the provisions of any other law, the board of chosen freeholders of any county having a population of not less than 350,000 nor more than 450,000 according to the 1970 Federal census which has established a free county library under chapter 33 of Title 40 of the Revised Statutes may, by resolution to be effective January 1, 1978, reorganize the free county library pursuant to the provisions of this act in order to provide library services for the use of all residents and inhabitants of the county.

N.J. Stat. § 40:33-15

First level services are those services a free county library provides that are coextensive with what a free public library provides. Second level services are specialized services the free county library provides to all the county's residents supplementing the services free public libraries provide and the services a free county library provides to all public libraries, school libraries, industrial, commercial, and other special libraries in the county which are designed to assist and strengthen these libraries.

a. "First level services" means services provided by a free county library which are coextensive with those provided by free public libraries established pursuant to chapter 54 of Title 40 of the Revised Statutes which may include but are not limited to over-the-counter borrowing, story-telling and bookmobile programs; and, in addition, the following services provided by the free county library to local libraries: material acquisition and processing, book allowances and book rental services.

b. "Second level services" means specialized services provided to all residents of a county by the free county library which supplement services provided by free public libraries and services provided by a free county library to all public libraries, school libraries, industrial, commercial and other special libraries in the county which are designed to assist and strengthen such libraries. Second level services shall include but not be limited to inter-library loan, in-library use of materials, reference and reading guidance, provision of photocopy at cost, compilation and publication of a union list of periodicals and the coordination of cooperative countywide services.

N.J. Stat. § 40:33-16

Following passage of a resolution to reorganize the free county library and annually after, the board of chosen freeholders must determine a sum sufficient to maintain the county library's first and second level services. The board of chosen freeholders must certify the sum for first level services to the county board of taxation, which must apportion the amount among the municipalities receiving first level services.

Following the passage of a resolution to reorganize the free county library pursuant to the provisions of this act and annually thereafter, the board of chosen freeholders shall determine a sum sufficient for the maintenance of first and second level services at the county library. The sum to be raised for first level services shall be certified by the board of chosen freeholders to the county board of taxation, which shall apportion such amount among the municipalities receiving first level services.

The amount thus apportioned to each municipality for first level services shall be assessed, levied and collected in the same manner and at the same time as other county taxes are assessed, levied and collected therein. The sum to be raised and appropriated for second level services shall be raised and appropriated by the board of chosen freeholders in the same manner as moneys are raised and appropriated for other county purposes pursuant to the Local Budget Law (N.J.S. 40A:4-1 et seq.).

N.J. Stat. § 40:33-19

Municipalities that received the free county library's benefits prior to the board of chosen freeholders adopting a resolution to reorganize the free county library must continue to receive the free county library's first and second level services, except as provided. By September 30 of the year after the free county library's reorganization, the governing body of a municipality maintaining a free public library and receiving the free county library's first level services may, by resolution, notify the county's county library commission that it will withdraw from participating in the free county library's first level services effective January 1 of the following year. By September 30 of the second year following the county free library's reorganization, and every third year afterward, the governing body of a municipality maintaining a free public library, receiving the county free library's first level services, and in the first third of an alphabetical list of the county's municipalities may, by resolution, notify the county's county library commission that it will withdraw from participating in the free county library's first level services effective January 1 of the following year. By September 30 of the third year following the county free library's reorganization, and every third year afterward, the governing body of a municipality maintaining a free public library, receiving the county free library's first level services, and in the second third of an alphabetical list of the county's municipalities may, by resolution, notify the county's library commission that it will withdraw from participating in the free county library's first level services effective January 1 of the following year. By September 30 of the fourth year after the free county library's reorganization, and every third year afterward, the governing body of a municipality maintaining a free public library, receiving the free county library's services, and in the remaining third of an alphabetical list of the county's municipalities may, by resolution, notify the county's county library commission that it will withdraw from participating in the free county library's first level services effective January 1 of the following year. Any municipality's governing body may, by resolution, by September 30 of any year, except as otherwise provided, may notify the county library commission that it will receive and support first level services to be effective January 1 of the following year. If a municipality is party to a joint library agreement in the year before the free county library's

reorganization, notification may be given in the first four years after reorganization only if the governing body of the other municipality party to the agreement consents, or on the condition that the agreement must remain in force for the four years. If a municipality is party to a contract for full library services with another municipality in the year before the free county library's reorganization, notification may be given in the first four years after reorganization only if the governing body of the other municipality party to the agreement consents, or if the municipality providing library services pursuant to the agreement is unwilling to renew the agreement for the next year for an amount less than 5% above the amount the current agreement provides.

Municipalities receiving benefits from the free county library prior to the adoption of a resolution by the board of chosen freeholders to reorganize the free county library pursuant to the provisions of this act shall continue to receive first and second level services from the free county library, except as provided below. On or before September 30 of the year following the reorganization of the free county library pursuant to the provisions of this act, the governing body of any municipality which maintains a free public library and receives first level services from the free county library may, by resolution, notify the county library commission of such county that it will withdraw from participation in the first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the second year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the first third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the third year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the second third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. On or before September 30 of the fourth year following the reorganization of the free county library pursuant to the provisions of this act, and every third year thereafter, the governing body of any municipality which maintains a free public library, receives first level services from the free county library and is in the remaining third of an alphabetical list of the municipalities in the county may, by resolution, notify the county library commission of such county that it will withdraw from participation in first level services of the free county library to be effective January 1 of the following year. The governing body of any municipality may, by resolution, on or before September 30 in any year, except as otherwise specifically provided hereinafter, notify the county library commission that it will receive and support first level services to be effective January 1 of the following year. In the event any municipality is a party to a joint library agreement pursuant to Article 2 of chapter 54 of Title 40 of the Revised Statutes in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or upon the condition that such agreement shall remain in force for the said 4 years. In the event that any municipality is a party to a contract for full library services with another municipality in the year prior to the reorganization of the free county library, such notification may be given in the first 4 years following said reorganization only if the governing body of the other municipality party to such agreement consents thereto, or if the municipality providing library services pursuant to the agreement is unwilling to renew the agreement for the next year for an amount less than 5% above the amount provided for in the current agreement.

N.J. Stat. § 40:33-20

Within eighteen months of a free county library's reorganization, and after consultation with all the county's libraries, the county library commission must submit a report to the county's municipalities evaluating the effectiveness of the free county library's second level services and indicating the action it will take to improve the services in the next year.

Within 18 months following the reorganization of the free county library pursuant to this act, after consultation with all the libraries in the county, the county library commission shall submit a report to all the municipalities in the county which evaluates the effectiveness of the second level services provided by the free county library and indicates what action it will take to improve such services in the forthcoming year.

N.J. Stat. § 40:33-21

In the first year after a free county library's reorganization, the amount by which the county tax levy is increased to fund the county library's second level services mustn't be considered part of the county tax levy when calculating that year's permissible expenditures. However, this amount must be considered as part of the county tax levy when calculating permissible expenditures for the following year and every year after.

In the first year in which a free county library is reorganized pursuant to the provisions of this act, the amount which the county tax levy is increased to fund second level services provided by the county library shall not be considered as part of the county tax levy for the purposes of calculating permissible expenditures for that year pursuant to P.L.1976, c. 68 (C. 40A:4-45.1 et seq.), however the



amount which the county tax levy is so increased in that first year shall be considered as part of the county tax levy for the purposes of calculating permissible expenditures pursuant to P.L.1976, c. 68, for the following year and every year thereafter.

N.J. Stat. § 40:33-23

## II. County Library Systems

### *A. In General*

If a municipality, maintaining a public library and situated in a county with a county library system, wishes to participate in this article's benefits, its governing body may, by resolution, apply to the county's county library commission for inclusion in the county library system. The municipality must be admitted to the county library system and terms agreed upon by the governing body and the county's library commission. Provision must be made to assess, levy and collect the special tax within the municipality that is assessed, levied and collected in the other municipalities the county library system serves. The municipal public library must continue to be operated as a municipal public library under its own governing board or body, and it must be entitled to receive municipal appropriations notwithstanding its exclusion in the county library system, and that municipal library is entitled to receive from the county library services the same services that the system's other municipalities receive.

When any municipality, maintaining a public library and situate in a county which has adopted a county library system under the provisions of this article, desires to participate in the benefits of this article, the governing body thereof, by resolution, may apply to the county library commission of such county to be included in the county library system, and the municipality shall be admitted to said county library system upon such terms and conditions as may be agreed upon by the governing body thereof and the county library commission of the county, not inconsistent with the provisions of this act; provided, and so long as provision is made for assessing, levying and collecting within the municipality the special tax assessed, levied and collected in the other municipalities served by such county library system and thereafter such municipal public library shall continue to be operated as a municipal public library under its own governing board or body and shall be entitled to receive municipal appropriations notwithstanding its inclusion in the county library system and shall be entitled to receive from the county library system the same book loan, advisory, and other services as are received by the other municipalities within said system.

N.J. Stat. § 40:33-13

If a municipality forms part of a county library system, its governing body may, by resolution, contract with another municipality maintaining a free public library to furnish additional library service for the first municipality's inhabitants. For this purpose, the governing body may annually appropriate a sum of money, as the contract parties agree upon, that must be in addition to the amount annually raised in the municipality for the county library system's support.

The governing body of any municipality which forms part of a county library system may, by resolution, contract with any other municipality which maintains a free public library, for the furnishing of additional library service to the inhabitants of the first municipality, and may appropriate annually for this purpose, such sum of money as may be agreed upon between the contracting parties, which sum shall be in addition to the amount raised annually in such municipality for the support of the county library system.

N.J. Stat. § 40:33-13.1

### *B. Reorganization of County Library Systems*

The county library study commission must study the county library system, assess it needs, and evaluate its ability to provide library services to county residents. The library study commission may report and recommend a referendum to submit to the county's voters the question of if the county library system must be reorganized. The commission may also report and recommend that the county library system remains unchanged.

It shall be the duty of the county library study commission to study the county library system, assess its needs, and evaluate its ability to provide library services to county residents. The library study commission may report and recommend that:

- a. A referendum be held to submit to the voters of the county the question as to whether or not the county library system shall be reorganized to conform to one of the options set forth in sections 6, 7 and 8 of this act; or
- b. The county library system remain unchanged.

N.J. Stat. § 40:33-13.2f

If the county library study commission recommends the county library system's reorganization, the county clerk must cause a referendum question to be placed on the ballot at the next general election occurring at least sixty days after the clerk received notice of the commission's recommendations and the required summary.

If the county library study commission shall recommend the reorganization of the county library system as provided in section 8 of this act, the county clerk shall cause a referendum question conforming with the requirements of section 5 of this act to be placed on the ballot at the next general election occurring not less than 60 days following the clerk's receipt of notice of the commission's recommendations and the summary required to be prepared pursuant to section 5 of this act. If the commission recommends that a county library system be reorganized pursuant to sections 6 and 7 of this act, the county clerk shall cause a referendum question to appear only on the ballots in those municipalities to which the question is applicable at the next general election occurring not less than 60 days following the clerk's receipt of notice of the commission's recommendations.

N.J. Stat. § 40:33-13.2g

Statute provides a form for submitting the question of reorganizing a county library system to the voters. Within 45 days of the general election, the county clerk must have published in a newspaper generally circulating in the county a summary of the commission's report prepared by the commission and a notice of the time and place where any requesting member of the public may obtain copies of the commission's report free of cost. At the election, if a majority favors reorganization, then the question is adopted and the adoption date is the county library system's effective reorganization date

The question of the reorganization of the county library system shall be submitted to the voters in substantially the following form:

"Shall the county library system be reorganized pursuant to section of the "County Library Reorganization Law" (P.L. [1981] c. [489]) to implement the " Option," as recommended by the County Library Study Commission?"

Not more than 45 days prior to the general election the county clerk shall cause to have published in a newspaper generally circulating in the county a summary of the commission's report prepared by the commission and a notice of the time and place at which copies of the commission's report may be obtained without cost by any member of the public requesting the same.

If at the election at which the question is submitted, a majority of all votes cast for and against adoption shall be cast in favor thereof, the question is adopted, and the date of the adoption shall be the effective date of reorganization of the county library system for the purposes of this act.

N.J. Stat. § 40:33-13.2h

The Branch Development Option for county library systems' reorganization governs the county library systems of counties whose voters adopt it. Under this option, the county library commission must establish a county library branch in each municipality that is a member of the county library system upon the system's effective reorganization date and in which the municipal governing body adopts a resolution approving a branch library's establishment. If the county library commission determines the library needs of 2+ adjacent municipalities could be best served by a joint branch library, it may establish a joint branch library for these municipalities upon the governing bodies all the municipalities to be served adopting a joint resolution that approves establishment. Any such branch libraries or joint branch libraries must conform to the standards the State Library promulgates for branch libraries. The county library commission must assure that all agreed upon branch or joint branch libraries are operating within three calendar years of the county library system's effective reorganization date. Any municipality that agrees to the establishment of the county library's branch or joint branch library must remain a county library system member for at least five years following the county library system's effective reorganization date. Municipalities that aren't county library system members and whose governing body doesn't approve a branch library or joint branch library's establishment must remain county library system members until they elect to withdraw from the system. By resolution, such a municipality's governing body may request that the county library system establish a branch or joint branch library at any time following the county library system's effective reorganization date.

The option for reorganization of the county library system provided in this section shall be known as the "Branch Development Option" and shall govern the county library system of any county whose voters have adopted it pursuant to section 5 of this act.

a. The county library commission shall establish a branch of the county library in each municipality: (1) which is a member of the county library system upon the effective date of the reorganization of the system; and (2) in which the municipal governing body adopts a resolution approving the establishment of a branch library. The county library commission may establish a joint branch library for two or more adjacent municipalities upon its determination that the library needs of such municipalities could best be served by a joint branch library, and upon the adoption by the governing bodies of all municipalities to be served thereby of joint resolutions,

approving the establishment thereof. A branch library or a joint branch library established pursuant to this act shall conform to all standards promulgated by the State Library for branch libraries.

**b.** The county library commission shall assure that all branch or joint branch libraries agreed upon pursuant to subsection a. of this section are operating within three calendar years of the effective date of the reorganization of the county library system.

**c.** Any municipality which has agreed to the establishment of a branch library or joint branch library of the county library shall remain a member of the county library system for at least five years following the effective date of the reorganization of the county library system.

**d.** Any municipality which is a member of the county library system and whose governing body does not approve the establishment of a branch library or a joint branch library shall remain a member of the county library system until such time as it elects to withdraw from the system in the manner provided in chapter 33 of Title 40 of the Revised Statutes. The governing body of such a municipality may, by resolution, request that the county library establish a branch library or a joint branch library at any time following the effective date of the reorganization of the county library system, in the manner provided in subsection a.

N.J. Stat. § 40:33-13.2i

The Service Contract Option is an option for county library systems' reorganization and governs the county library systems of counties whose voters adopt it. Under this option, the county library commission must offer a contract to any of the municipalities that the county library study commission identifies in its report to provide those municipalities with sufficient staff and materials to comply with the standards the State Librarian promulgates, with the approval of Thomas Edison State College's President, for library service in those municipalities. Municipalities accept or reject these contracts by their governing bodies' resolutions. Any municipality that rejects a contract and is a county library system member must remain a system member until it elects to withdraw from the system. Municipalities that accept a contract must determine an appropriate location in the municipality for the staff and materials the county library provides.

The option for reorganization of the county library system provided in this section shall be known as the "Service Contract Option" and shall govern the county library system of any county whose voters have adopted it pursuant to section 5 of this act.

**a.** The county library commission shall offer a contract to any of the municipalities identified by the county library study commission in its report to provide such municipalities with sufficient staff and materials to insure compliance with standards promulgated by the State Librarian, with the approval of the President of Thomas Edison State College, for library service in those municipalities. Municipalities shall accept or reject such contracts by resolution of the governing body.

**b.** Any municipality which rejects a contract pursuant to this section and is a member of the county library system shall remain a member of the system until such time as it elects to withdraw from the system in the manner provided in chapter 33 of Title 40 of the Revised Statutes.

Any municipality which accepts a contract shall determine an appropriate geographic location within the municipality for the staff and materials provided by the county library.

N.J. Stat. § 40:33-13.2j

The Tax Base Sharing Option for county library systems' reorganization is available only to counties in which the dedicated county library tax's revenues have been derived from less than 75% of the county's total assessed property in the calendar year prior to the county library study commission's establishment. This option governs the county library systems of qualified counties whose voters adopt it.

Under this option, the county's governing body must annually determine a sufficient sum to distribute among the county and certain municipalities. Statute provides a formula for determining this. The total tax pool to be distributed is the sum of the county base share, the county residual share, and the local residual share. The county base share is determined as .0000666 times the county's apportionment values. The county residual share is determined by subtracting the county base share from the total tax pool to be distributed and multiplying by .60. The local residual share is determined by subtracting the county base share from the total tax pool to be distributed and multiplying by .40. The county base share must be appropriated to a county library that receives no library tax funds. The local residual share must be distributed among municipalities that aren't county library system members on January 1, 1982. Those municipalities will each be apportioned a revenue amount equal to the proportion which each municipality's apportionment valuation is of the apportionment valuation of all the municipalities. Any municipality that receives revenues from this option must directly appropriate the funds to the board of trustees of any library within its borders the municipality runs in the calendar year prior to the county library system's reorganization.

Each year after a county library system's reorganization, the county library distribution (the county base share plus the county residual share) mustn't be less than the appropriation made to the county library in the calendar year immediately before the county library system's reorganization. However, in the first calendar year following the county library system's reorganization, the county library must receive an appropriation not less than that made to the county library in the calendar year preceding the system's reorganization and not greater than the prior year's appropriation plus 10% of that appropriation. Each year after the county library system's reorganization, the governing body of any municipality that isn't a county library system member must appropriate to any library in the municipality that the municipality funded prior to the county library system's reorganization a sum not less than the average appropriation made to those libraries in the three years immediately before the county library system's reorganization. The governing body must also provide any in-kind benefits, or cash equivalents, that were provided to those libraries during that prior period.

The county library must receive state aid based on the expenditures from the total appropriation from the tax base sharing option made to the county library and the county's total resident population. Any library located within a municipality that isn't a county library system member must receive state aid based on the expenditures from the total appropriation the municipality made to the library and from the local residual share portion the municipality received. Municipalities that are county library system members and support a library must receive state aid based on the total appropriation the municipality makes for library purposes.

The county library must make all its patron services available to all the county's residents. Any municipality that maintains a municipal public library in the county mustn't dissolve its municipal public library for at least two calendar years after the county library system's effective reorganization date. The county library system may offer a service contract for library services to any municipality in the county for any library services the county library performs. The county library study commission must remain in existence for one calendar year after the effective reorganization date. The commission must evaluate the tax base sharing option and determine if the county library system appropriation is sufficient to provide patron services to all the county's residents and that the services comply with the standards the State Library promulgates for such libraries. The commission must report its findings to the county governing body within one calendar year of the county library system's reorganization.

The option for reorganization of the county library system provided in this section shall be known as the "Tax Base Sharing Option," and shall be available only to any county in which revenues from the dedicated county library tax established pursuant to R.S. 40:33-9 or P.L. 1977, c. 300 (C. 40:33-15 et seq.) have been derived from less than 75% of the total assessed property of the county in the calendar year prior to the establishment of the county library study commission. This option shall govern the county library system of any qualified county whose voters have adopted it pursuant to section 5 of this act.

**a.** The governing body of the county shall annually determine a sum sufficient to distribute among certain municipalities and the county according to the following formula:

$A = CBS + CRS + LRS$  where: A is the total tax pool to be distributed; CBS is the county base share and is determined as  $.0000666 \times$  the apportionment valuation of the county; CRS is the county residual share and is determined as  $(A - CBS) \times .60$ ; and LRS is the local residual share and is determined as  $(A - CBS) \times .40$ .

The county base share (CBS) shall be appropriated to the county library which shall receive no funds from the library tax provided for in R.S. 40:33-9 or from the library tax established in P.L. 1977, c. 300 (C. 40:33-15 et seq.). The local residual share (LRS) shall be distributed among those municipalities not members of the county library system on January 1, 1982. Each such municipality shall be apportioned an amount of those revenues in a proportion equal to the proportion which that municipality's apportionment valuation is of the apportionment valuation of all such municipalities. Any municipality receiving revenues from the tax base sharing option provided in this section shall appropriate those funds directly to the board of trustees of any library within its borders funded by the municipality in the calendar year prior to the reorganization of the county library system.

**b.** For each year following the reorganization of the county library system, the county library distribution (CBS + CRS) from the formula established in subsection a. of this section shall not be less than the appropriation made to the county library in the calendar year immediately prior to the reorganization of the county library system; provided, however, that in the first calendar year following the reorganization of the county library system, the county library shall receive an appropriation not less than an amount equal to the appropriation made to the county library in the calendar year preceding the reorganization of the system and not more than an amount equal to the prior year's appropriation plus 10% of that appropriation.

In each year following the reorganization of the county library system, the governing body of any municipality not a member of the county library system shall appropriate to any library in the municipality which was funded by the municipality prior to the reorganization of the county library system a sum of money not less than the average appropriation made to such libraries in the three years occurring immediately prior to the reorganization of the county library system. The governing body shall also provide any in-kind benefits or the cash equivalent thereof, which were provided to such libraries during that preceding period.

c. The county library shall receive State aid as provided in the “State Library Aid Law” (N.J.S. 18A:74-1 et seq.) based on expenditures from the total appropriation from the tax base sharing option made to the county library and the total resident population of the county. Any library located within a municipality not a member of the county library system shall receive State aid as provided in the “State Library Aid Law” based on expenditures from the total appropriation made to the library from the municipality and from the portion of the local residual share received by the municipality as provided in subsection a. of this section. Any municipality which is a member of the county library system and which supports a library shall receive State aid as provided in the “State Library Aid Law” based on the total appropriation made by the municipality for library purposes.

d. The county library shall make all of its patron services available to all residents of the county. For the purpose of this act “patron services” means services rendered by a library directly to patrons as distinguished from those services rendered to other libraries. Patron services shall include circulation of library materials, reference assistance, and public programs.

e. A municipality which maintains a municipal public library within the county shall not dissolve its municipal public library for a period of two calendar years from the effective date of the reorganization of the county library system.

f. The county library commission may offer a service contract for library services to any municipality within the county for any library services performed by the county library. Any such contracts shall conform to the contracts established in section 7 of this act.

g. The county library study commission shall remain in existence for one calendar year after the effective date of such reorganization. It shall be the responsibility of the commission to evaluate the tax base sharing option and to determine if the appropriation for the county library system is sufficient to provide patron services to all residents of the county and that such services are in compliance with standards promulgated by the State Library for such libraries. The commission shall make a report of its findings to the county governing body within one calendar year of the reorganization of the county library system.

N.J. Stat. § 40:33-13.2k

For the first two years following a county library system’s reorganization, any appropriation the county governing body makes for library purposes mustn’t be included or considered a part of the county tax levy. In the third calendar year following the county library system’s reorganization and every year after, any appropriation the county governing body makes for library purposes must be considered part of the county tax levy when calculating permissible expenditures.

For the first 2 years following the reorganization of a county library system pursuant to section 8 of this act, any appropriation made by the county governing body for library purposes shall not be included or considered a part of the county tax levy under section 4 of P.L.1976, c. 68 (C. 40A:4-45.4). In the third calendar year following the reorganization of the county library system and every year thereafter any appropriation made by the county governing body for library purposes shall be considered a part of the county tax levy for the purpose of calculating permissible expenditures.

N.J. Stat. § 40:33-13.2l

The governing body of a county that rejects a ballot question may, by ordinance or resolution, as appropriate, establish another county library study commission to evaluate the county library system. The governing body must establish another commission when it receives a petition signed by 10% of the county’s registered voters calling for a county library study commission’s creation. The governing body of any county that has adopted any of the reorganization options may, by ordinance or resolution as appropriate, establish another county library study commission to evaluate the reorganized county library system. The governing body must establish this commission when it receives a petition signed by 10% of the county’s registered voters calling for a county library study commission’s creation. If the commission recommends additional reorganization, the question must be submitted to voters. Statute provides a form for the question. No ordinance, resolution, or petition establishing a county library study commission shall be valid, and no question may be submitted, within three years of any election at which the original adoption question was submitted to the county’s voters.

a. Except as provided in subsection c. of this section, the governing body of any county which has rejected a question placed on the ballot pursuant to section 5 of this act may, by ordinance or resolution, as appropriate, establish another county library study commission to evaluate the county library system. The governing body shall establish another commission when it receives a petition signed by 10% of the registered voters of the county calling for the creation of a county library study commission. Any such commission shall be established and its membership appointed as provided in section 2 of this act. The commission shall have the same powers and responsibilities as established in sections 3 and 4 of this act.

b. Except as provided in subsection c. of this section, the governing body of any county which has adopted any of the options provided in this act may, by ordinance or resolution as appropriate, establish another county library study commission to evaluate the reorganized county library system. The governing body shall establish such a commission when it receives a petition signed by 10% of the registered voters of the county calling for the creation of a county library study commission. Any such commission shall be established and its members appointed as provided in section 2 of this act. The commission shall have the same powers and responsibilities as established in sections 3 and 4 of this act; except that, it may also recommend that any reorganized county library

system be organized as provided in chapter 33 of Title 40 of the Revised Statutes. If the commission shall recommend the latter then the question to be submitted to the voters pursuant to section 5 of this act shall be in substantially the following form:

“Shall the county library system be reorganized pursuant to article 1 of chapter 33 of Title 40 of the Revised Statutes as recommended by ..... County Library Study Commission?”

c. No ordinance or resolution or petition establishing a county library study commission shall be valid and no question shall be submitted within 3 years of the date of any election at which the original question of adoption was submitted to the voters of the county.

N.J. Stat. § 40:33-13.2m

### III. Regional Libraries

2+ counties may, by their boards of chosen freeholders’ joint agreement in adopting similar resolutions, provide for a regional library’s establishment and maintenance for the use and benefit of the residents of the municipalities within those counties.

Any 2 or more counties may, by joint agreement adopted by similar resolutions of their boards of chosen freeholders, provide for the establishment and maintenance of a regional library for the use and benefit of the residents of the municipalities within said counties.

N.J. Stat. § 40:33-13.3

The regional library agreement must provide for a regional library’s establishment and maintenance upon the counties’ approval of the agreement. It must also provide the regional library’s proposed initial budget and the apportionment of the regional library’s initial, annual and other appropriations among the participating counties, with the factor(s) upon which the apportionments are based. The agreement must provide for any participating county’s withdrawal from the agreement, the regional library’s termination, and the apportionment of the regional library’s assets and obligations among the participating counties if there is a withdrawal or termination.

The regional library agreement shall provide for:

- (a) the establishment and maintenance of a regional library upon the approval of such agreement by such counties as the agreement shall provide;
  - (b) a proposed initial budget for the regional library;
  - (c) the apportionment of the initial, annual and other appropriations for the regional library among the participating counties and the factor or factors upon which such apportionments shall be based;
  - (d) the withdrawal of any participating county from such agreement, the termination of the regional library and the apportionment of all assets and obligations of the regional library among the participating counties in the event of such withdrawal or termination;
  - (e) the number and initial terms of the members of the board of trustees of the regional library within the limits set forth in this act;
- and
- (f) such other matters not inconsistent with the provisions of this act as may be necessary or desirable to accomplish the objectives of this act.

N.J. Stat. § 40:33-13.4

From time to time, the participating counties’ boards of freeholders may amend or supplement the regional library agreement by adopting similar resolutions. A copy of the original regional library agreement, of any amendment or supplements, and of the resolutions approving the agreement, amendments or supplements must be filed with the State Librarian and the Director of the Division of Local Government.

The regional library agreement may, from time to time, be amended or supplemented by the adoption of similar resolutions by all the boards of chosen freeholders of the participating counties. A copy of the original regional library agreement, of any amendments or supplements thereto and of the resolutions approving such agreement, amendments or supplements shall be filed with the State Librarian and with the Director of the Division of Local Government.

N.J. Stat. § 40:33-13.5

If a resolution approving the agreement, or any amendments or supplements, is introduced, the resolutions, agreement, amendment, or supplement must be and remain on file for public inspection in the board of chosen freeholders’ clerk’s office. The resolution must be published at least once 2+ weeks before final consideration and passage in a newspaper published in the county or with a substantial circulation there.

Upon the introduction of a resolution approving such agreement, or any amendment or supplement thereto, such resolutions, agreement, amendment, or supplement shall be and remain on file for public inspection in the office of the clerk of the board of chosen freeholders. Such resolution shall be published at least once 2 weeks or more before final consideration and passage in a newspaper published in the county or having a substantial circulation therein.

N.J. Stat. § 40:33-13.6

Each board of chosen freeholders must certify to its county board of taxation the sum the county must provide. The county board of taxation must apportion the sum among all the county's municipalities served by the regional library pursuant to the regional library agreement. These apportioned amounts must be assessed, levied and collected in each municipality like other county taxes.

Each board of chosen freeholders shall certify to its county board of taxation the sum to be provided by that county as certified or determined pursuant to section 8 of this act. The county board of taxation shall apportion such sum, in accordance with the provisions of section 54:4-49 of the Revised Statutes, among the municipalities within that county served by the regional library pursuant to the regional library agreement. The amounts thus apportioned shall be assessed, levied and collected in each such municipality in the same manner and at the same time as other county taxes are assessed, levied, and collected. Each such county shall pay over the sum so collected, in quarterly installments on February 15, May 15, August 15 and November 15 of each year, to the treasurer of the regional library.

N.J. Stat. § 40:33-13.12

The board of trustees may enter into agreements with the governing body of a municipality, which the regional library doesn't then serve, to increase or improve the library services available to that municipality's residents or to the residents of the municipalities the regional library does serve. The agreements must specify the services that the regional library and municipality will render, as well as the amount and nature of payment of any consideration for the services. Municipalities may enter into these agreements with the board of trustees for no longer than five years, but the agreements may be renewed for like periods. These agreements mustn't be concluded without the approval of the boards of chosen freeholders of the counties participating in the regional library. If the municipality maintains a municipal public library, the library's board of trustees must also approve the agreement. From time to time, the agreement may be amended and supplement. A copy of the agreement, amendments and supplements, together with the board of trustees' resolutions approving the agreement, amendments and supplements, must be filed with the State Librarian and the Director of the Division of Local Government.

The board of trustees may enter into agreements with the governing body of any municipality which is not then served by the regional library to increase or improve the library services available to the residents of said municipality or to the residents of the municipalities then served by the regional library. Any such agreement shall specify the services to be rendered by the regional library and by the municipality and the amount and nature of payment of any consideration for such services. Any municipality may enter into such agreements with the board of trustees for periods of not more than five years and may renew such agreements for like periods.

No such agreement shall be concluded (a) without the approval of the boards of chosen freeholders of the counties participating in the regional library and, (b) in the event that the municipality maintains a municipal public library, without the approval of the board of trustees of such library. Such agreement may be amended and supplemented, from time to time, and a copy of such agreement, amendments and supplements, together with resolutions of the board of trustees approving such agreement, amendments and supplements, shall be filed with the State Librarian and with the Director of the Division of Local Government.

N.J. Stat. § 40:33-13.14

Upon a regional library's establishment, any participating county's county library commission's members' terms of office terminate. The commission and county library's assets and obligation devolve upon the county unless the regional library agreement otherwise provides.

Upon the establishment of a regional library, the terms of office of all members of any county library commission of any participating county shall terminate. The assets and obligations of any such commission and of the county library under its supervision shall devolve upon such county, unless otherwise provided in the regional library agreement.

N.J. Stat. § 40:33-13.16

#### **IV. Free Municipal Public Libraries**

Municipalities may establish free public libraries within their corporate limits.

Any municipality may, in the manner hereinafter provided, establish a free public library within its corporate limits. Every library established under this chapter, and every free public library established pursuant to any general law shall be governed by the provisions of this chapter.

N.J. Stat. § 40:54-1

Such libraries mustn't be established unless a majority of the municipality's legal voters, at a general or special election at which the governing body has submitted the question of this article's adoption to vote, assents.

No such library shall be established in any municipality unless assented to by a majority of the legal voters of the municipality, at an election, general or special, at which the question of the adoption of this article shall be submitted to vote by direction of the governing body.

N.J. Stat. § 40:54-2

The municipal clerk must make public notice of the general or special election by an advertisement. The clerk must sign the advertisement, which must be set up in at least five of the municipality's public places for at least ten days before the election and also published in two or the newspapers printed or circulated in the municipality for the same period.

The municipal clerk shall cause public notice of such general or special election to be given by advertisement, signed by himself and set up in at least five public places in the municipality for at least ten days previous to the date of such election and published for the same period in two newspapers printed or circulating therein.

N.J. Stat. § 40:54-3

The officer charged with preparing the election's ballots must have the question submitted to be printed on the election's official ballots according to a statutory form.

The officer charged with the duty of preparing the ballots for such election shall cause the question to be submitted to be printed on the official ballots for such election in substantially the following form:

"To vote upon the public question printed below, if in favor thereof mark a cross (X) or plus (+) in the square at the left of the word YES, and if opposed thereto mark a cross (X) or plus (+) in the square at the left of the word NO.

N.J. Stat. § 40:54-4

The municipality's election officers must make a true and correct return of the election's result in their own writing, and the governing body must enter this statement upon its minutes.

The election officers of the municipality shall make a true and correct return of the result of such election in writing, under their hands, and said statement shall be entered at large upon the minutes of the governing body.

N.J. Stat. § 40:54-5

If a majority favors the library, then this article is adopted.

If a majority of the votes so counted shall be in favor of a free public library, the provisions of this article shall be deemed to have been adopted.

N.J. Stat. § 40:54-6

If a municipality votes against a free public library's establishment, that vote mustn't preclude another election, general or special, to vote on adopting this article.

Where any municipality shall vote against the establishment of a free public library such vote shall not preclude the holding of another election, general or special, to vote for or against the adoption of the provisions of this article.

N.J. Stat. § 40:54-7

Under this article, municipalities must annually raise by taxation a sum equaling 1/3 of a mill on every dollar of assessable property in the municipality based on the property's equalized valuation as certified by the Director of the Division of Taxation in the Department of the Treasury. The amount must be assessed, levied and collected like



other municipal purposes taxes. Following the Municipal Library Tax Levy Law's enactment, the director of the Division of Local Government Services in the Department of Community Affairs must decrease the municipality's adjusted tax levy so that there is no net impact on the amount of the adjusted tax levy available to the municipality for non-library purposes. An additional sum, which the municipal governing body or appropriate municipal board judges as necessary for a free public library's proper maintenance, may be appropriated in the municipal budget from the general purposes municipal tax levy.

Within every municipality governed by this article [R.S.40:54-1 et seq.] there shall annually be raised by taxation a sum equal to one-third of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury in accordance with the provisions of R.S.54:4-49. The amount shall be assessed, levied and collected in the same manner and at the same time as other municipal purposes taxes are assessed, levied and collected therein and shall be paid from the disbursing officer to the treasurer of the free public library on a quarterly basis. Following enactment of P.L.2011, c.38, the director of the Division of Local Government Services in the Department of Community Affairs shall decrease the municipality's adjusted tax levy pursuant to subsection d. of section 11 of P.L.2007, c.62 (C.40A:4-45.46), so that there is no net impact on the amount of the adjusted tax levy available to the municipality for non-library purposes pursuant to section 9 of P.L.2007, c.62 (C.40A:4-45.44).

Such additional sum, as in the judgment of the municipal governing body or appropriate board of the municipality, is necessary for the proper maintenance of a free public library, may be appropriated in the municipal budget from the general purposes municipal tax levy.

N.J. Stat. § 40:54-8

Increases in the amount raised for the municipal library by taxation mustn't exceed the total amount the municipality expended in the previous year plus 15% of the previous year's total expenditures for a free public library's maintenance. However, the State Librarian may approve additional appropriation to any municipality requesting to appropriate an amount exceeding 15% of the previous year's total library expenditures.

Any increase in the amount raised by taxation for the municipal library as required by R.S. 40:54-8 shall not exceed the total amount expended by the municipality in the previous year plus 15% of the previous year's total expenditures for the maintenance of a free public library; except that the State Librarian is authorized to approve additional appropriations to any municipality that requests to appropriate an amount in excess of 15% of the previous year's total library expenditures.

N.J. Stat. § 40:54-8.1

## V. Joint Free Public Libraries

2+ municipalities may unite in supporting and maintaining a joint free public library for the municipalities' residents' benefit and use.

Any two or more municipalities may unite in the support, maintenance and control of a joint free public library for the use and benefit of the residents of such municipalities.

Every library established under this chapter shall be considered a free public library as defined under R. S. 40:54-1 et seq. and shall have the same benefits, powers, duties and responsibilities granted to free public libraries and their governing boards of trustees.

N.J. Stat. § 40:54-29.3

A joint library agreement of the municipalities' governing bodies must propose the joint free public library undertaking. The agreement must provide for the municipalities' apportionment of annual and special appropriations, the initial annual library appropriation, and for the agreement's abandonment or continuance if not approved by all the municipalities. The apportionment of appropriations may be based on the respective municipalities' assessed valuations or population, or on any other factor(s) the governing bodies agree to. The agreement must provide that the joint library's combined minimum appropriation must annually be at least 1/3 of a mill on every dollar of assessable property in the participating municipalities based on the equalized valuation of the property in the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury.

The governing bodies of such municipalities shall propose such an undertaking by a joint library agreement, which shall provide for the apportionment of annual and special appropriations therefor among such municipalities, for the initial annual appropriation for such library, for the abandonment or the continuance of such agreement in the event that it is not approved by all such municipalities as provided for in this act, and for such other matters as they shall determine. Such apportionment of appropriations may be based on the assessed valuations of the respective municipalities, their populations, or such factor or factors as the governing bodies shall agree.

Such an agreement shall provide that the combined minimum appropriation for the joint library shall annually be not less than one-third of a mill on every dollar of assessable property within the participating municipalities based upon the equalized valuation of such property within the combined municipalities as certified by the Director of the Division of Taxation in the Department of the Treasury.

N.J. Stat. § 40:54-29.4

After the ordinance approving the joint library agreement, which may be incorporated by reference, is introduced, the agreement must be and remain on file for public inspection in the municipal clerk's office from the time of the ordinance's introduction, as the ordinance must state. Copies of the ordinance and joint library agreement must be filed with the State Librarian and the Director of the Division of Local Government. Subsequent amendments and supplements to the ordinance and agreement must also be filed.

After the introduction of an ordinance approving such joint library agreement, which may be incorporated by reference therein, such agreement shall be and remain on file for public inspection in the municipal clerk's office from the time of introduction of such ordinance and such ordinance shall so state. A copy of such ordinance and of the joint library agreement shall be filed with the State Librarian and the Director of the Division of Local Government. Subsequent amendments and supplements to such ordinance and agreement shall be filed in like manner.

N.J. Stat. § 40:54-29.5

After the ordinance's adoption, each governing body must notify all the other governing bodies proposing to unite in the joint library of the adoption. After all governing bodies adopt these ordinances, the question of uniting in the joint library must be submitted to each municipality's legal voters at the next general election, unless the election is less than forty days after the ordinance's adoption, in which case it must be submitted at the next succeeding general election.

After the adoption of such ordinance, each governing body shall notify each of the other governing bodies proposing to unite in the joint library of such adoption. After the adoption of such ordinances by all such governing bodies, the question of uniting in such undertaking shall be submitted to the legal voters of each such municipality at the next general election unless said election is less than 40 days after the adoption of such ordinances, in which event it shall be submitted at the next succeeding general election.

N.J. Stat. § 40:54-29.6

Statute contains a form for the question to be placed on the participating municipalities' official ballots.

Such question shall be placed upon the official ballots in each of the participating municipalities in substantially the following form:  
 "Shall (insert the name of one municipality) unite with (insert the name or names of the other municipality or municipalities) in the support, maintenance and control of a joint free public library pursuant to chapter (insert the chapter number of this act) of the laws of 1959?"

N.J. Stat. § 40:54-29.7

The municipalities whose voters approve the question at the election must, as of the January 1 following the election, unite in supporting, maintaining and controlling a joint free public library in accordance with the joint library agreement.

These municipalities in which at said election the question is approved by a majority of the legal votes cast in each, both for and against such question, shall, as of January 1 next following said election, unite in the support, maintenance and control of a joint free public library in accordance with such joint library agreement.

N.J. Stat. § 40:54-29.8

The parties' agreement may amend the joint library agreement, but the amendments mustn't become effective until each of the participating municipalities approve them by an ordinance, which may incorporate the amendments by reference.

The joint library agreement may be amended by agreement among the parties thereto but such amendments shall not become effective until approved in each of the participating municipalities by ordinance, which ordinances may incorporate such amendments by reference.

N.J. Stat. § 40:54-29.9

The proportionate share of the sum agreed upon or determined in the annual budget must be raised by taxation. The amount must be assessed, levied and collected like taxes for other municipal purposes.

The proportionate share of the sum so certified or agreed upon or determined in its annual budget, shall be raised by taxation, pursuant to the provisions of R.S.54:4-49, and shall be paid over to the disbursing officer of the joint library on a quarterly basis. The amount thus agreed upon shall be assessed, levied, and collected in the same manner and at the same time as other municipal purposes taxes are assessed, levied and collected. Operations under the budget and related matters shall be subject to and in accordance with rules of the Local Finance Board in the Department of Community Affairs.

N.J. Stat. § 40:54-29.17

## Municipal Ordinances

Only two townships have ordinances related to library establishment, and these ordinances are quite sparse.

### *A. Berkeley Heights Township*

There will be a free public library.

There shall be a free public **library** which shall have the duties and be organized as set forth in Chapter 2.80 of this code.

Berkeley Heights Township, New Jersey Code of Ordinances Sec. 2.72.090

### *B. Hamilton Township*

The Hamilton Township Free Public Library is established in the township.

There is hereby established in the township the Hamilton Township Free Public **Library**.

Hamilton Township, New Jersey Code of Ordinances Sec. 2-601

The council must annually appropriate and raise by taxation the money needed for the library's support and maintenance.

The council shall annually appropriate and raise by taxation the money necessary for the support and maintenance of the library as provided for by law.

Hamilton Township, New Jersey Code of Ordinances Sec. 2-606

## New York

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### Relevant Law

Sweeping provisions governing libraries are found within the Education Code under Title I (General Provisions) Article 5 (University of the State of New York<sup>15</sup>) Part II. Under the Unconsolidated Laws<sup>16</sup>, libraries also appear in Chapter 80 of Counties. Only two municipal ordinances cover library establishment.

### Types of Libraries

As New York enjoys lumping most all types of libraries into the same length provisions, it is difficult to categorize types of libraries. Counties, cities, villages, towns, schools districts, or other bodies authorized to levy and collect taxes may all individually or jointly authorize public libraries, with or without branches. Joint public libraries are again alluded to elsewhere. Indian libraries are also mentioned. There is also discussion of free association libraries registered by the regents and public libraries registered by the regents, but the exact procedures for these types are unclear. There is some information on cooperative library systems, approved by the commissioner. Federated library systems are mentioned in passing with no further information. There are some provisions that seem exclusive to city

<sup>15</sup> This placement of libraries under the University of the State of New York seems somewhat strange.

<sup>16</sup> The NY Unconsolidated Laws are uncoded but legally binding. Supposedly, the Unconsolidated Laws are uncoded due to a typically local nature. However, all of the county provisions applicable here were worded generally.

and county libraries. The exact wording at times makes it difficult to distinguish if those are two separate entities are one united library.

### **I. Libraries under the Education Code (General)**

Any county, city, village, town, school district, or other body authorized to levy and collect taxes, by a majority vote at any election or at a meeting of the electors, or any county by vote of a board of supervisors or other county elective body, or any city by a vote of a common council or by action of a board of estimate and apportionment or other proper authority, or any village by the board of trustees vote, or any town by its town board vote, or any combination of these voting bodies, may individually or jointly authorize a public library's establishment, without or without branches, and may appropriate money raised by tax or otherwise to equip and maintain the library. If twenty-five taxpayers petition, the question of providing library facilities must be voted on at the next election or meeting at which taxes may be voted, Due public notice of this proposed action must be given. If a school district's electors authorize a public library's establishment at a district meeting, at that or a subsequent meeting they may determine, by a majority vote on the proposition, to levy a tax to acquire a site for a library building, construct the building, and equip it.

For libraries chartered by the regents, if a majority of the members of the board of trustees of 2+ such libraries so request, and if it appears to the commissioner's satisfaction that a cooperative library system's establishment would result in improved and expanded library service to the area and that the area is suitable for a cooperative library system's establishment, the commissioner may call a joint meeting of the libraries' trustees to determine if a cooperative library system will be established and to elect the system's board of trustees. If it appears to the commissioner that the area proposed for a cooperative library system isn't sufficient to warrant the system's establishment, that the area isn't otherwise suitable or that for a sufficient other reason the cooperative library system shouldn't be established as proposed, the commissioner must disapprove the request. The commissioner must give notice of this meeting to each trustee by mail at the last known address at least five days before the meeting. Statute provides procedures for conducting the meeting. A cooperative library system's board of trustees and the department may contract for the state library to provide services, facilities and stuff to the cooperative library system under agreed-upon terms. For libraries chartered by the regents and not participating in a cooperative library system, their boards of trustees may adopt a resolution requesting that the library become a participating library in a cooperative library system. Duplicate copies of this resolution, certified by the clerk of the board of trustees, must be filed with the cooperative library system's board of trustees. If that board approves the resolution, the approval must then be endorsed and a copy must be filed with the commissioner. If the commissioner approves the resolution, the additional library must then become a participating library in the system.

By majority vote of an Indian reservation's tribal government, or upon an Indian reservation's tribal government's request, an Indian library, with or without branches, may be established and may apply to the state or another source for money to equip and maintain the library or libraries, or to provide a building or rooms. No more than one Indian library may be established on a reservation, and the library must serve all the reservation's inhabitants. No such library may be established on any reservation with less than 300 permanent residents and 1000 acres of land.

1. By a majority vote at any election, or at a meeting of the electors duly held, any county, city, village, town, school district or other body authorized to levy and collect taxes; or by vote of its board of supervisors or other governing elective body any county, or by vote of its common council or by action of a board of estimate and apportionment or other proper authority any city, or by vote of its board of trustees any village, or by vote of its town board any town, or any combination of such voting bodies, may individually or jointly authorize the establishment of a public library with or without branches, and may appropriate money raised by tax or otherwise to equip and maintain such library or libraries or to provide a building or rooms for its or their use. Any such municipality or district may acquire real or personal property for library purposes by gift, grant, devise, bequest or condemnation and may take, buy, sell, hold and transfer either real or personal property for public library purposes. Whenever twenty-five taxpayers shall so petition, the question of providing library facilities shall be voted on at the next election or meeting at which taxes may be voted, provided that due public notice of the proposed action shall have been given. Whenever the electors of a school district at a district meeting duly held shall have authorized the establishment of a public library under the provisions of this section, at such meeting or at any subsequent meeting duly held, they may determine by a majority of the voters present and voting on the proposition to levy a tax to be collected in installments for the purchase or condemnation of a site and the erection thereon of a library building or the erection of a library building on land

acquired otherwise than by purchase or condemnation, or for the purchase of land and a suitable building thereon and make necessary alterations and additions and equip such building for use as a library.

2. Upon the request of a majority of the members of the boards of trustees of two or more libraries chartered by the regents, if it shall appear to the satisfaction of the commissioner that the establishment of a cooperative library system will result in improved and expanded library service to the area and that the area is suitable for the establishment of such a cooperative library system, the commissioner may call a joint meeting of the trustees of such libraries for the purpose of determining whether a cooperative library system shall be established and electing a board of trustees of such cooperative library system. If it shall appear to the commissioner that the area proposed for the cooperative library system is not sufficient to warrant the establishment of such system; that such area is not otherwise suitable or that for sufficient other reason such cooperative library system as proposed should not be established he shall disapprove such request.

a. Notice of such meeting shall be given by the commissioner to each trustee by mail to his last known address at least five days prior to such meeting. At such meeting the board of trustees of each library participating shall have five votes.

b. Such meeting shall be called to order by the person designated by the commissioner and shall thereupon organize by the election of a chairman. At such meeting a resolution in substantially the following form shall be presented for the action of the meeting: "Resolved that a cooperative library system be established consisting of the following libraries chartered by the regents . . . (name libraries) for the purpose of expanding and improving library service in the area served by the above named libraries."

c. If the resolution described above is adopted, then the meeting shall proceed to elect a board of trustees of such library system to consist of not less than five nor more than twenty-five members as determined by the meeting.

d. Within one month after taking office, the trustees-elect shall apply to the regents for a charter as a cooperative library system.

e. The board of trustees shall manage and control such cooperative library system and shall have all the powers of trustees of other educational institutions in the university as defined in this chapter. Such board shall elect a president, secretary and treasurer. Before entering upon his duties, such treasurer shall execute and file with the trustees an official undertaking in such sum and with such sureties as the board shall direct and approve. The treasurer need not be a member of such board. The funds of the cooperative library system shall be deposited in a bank or banks designated by the board of trustees and shall be expended only under the direction of such trustees upon properly authenticated vouchers.

f. The term of office of trustees shall be *either three or five years* except that the members of the first board of trustees shall determine by lot the year in which the term of office of each trustee shall expire so that as nearly as possible the terms of *either one-third or one-fifth* of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the trustees of the participating libraries in the cooperative library system. *1 Where the term of office of a trustee is five years, no trustee shall hold office consecutively for more than two full five year terms and where the term of office of a trustee is three years, no trustee shall hold office consecutively for more than three full three year terms. Provided further, however, years served by a trustee appointed to fill an unexpired term shall not count towards the term limit.* Such meeting shall be called by the secretary of the cooperative library system who shall give notice to all the trustees of participating libraries in the manner provided in subparagraph a of this subdivision for giving notice of the meeting to authorize the establishment of such cooperative library system. *Within one month after approving a change in the length of the term of office of trustees, the trustees shall apply to the regents for an amendment to the charter of the cooperative library system. Such change in the length of the term of office of trustees shall not take effect until such charter amendment is approved by the regents. Any cooperative library system that changes the length of the term of office of trustees pursuant to this paragraph, may appoint an individual for a shorter term in order to ensure that as nearly as possible, an equal number of trustees shall be elected to the board each year, with the trustees assigned such shorter terms determined by lot, and provided further that the term of office of each incumbent member of the board shall not be decreased thereby.*

g. A contract may be entered into between the board of trustees of a cooperative library system and the department under which the state library will provide services, facilities and staff to the cooperative library system upon terms agreed upon by and between the parties to such contract.

h. Nothing herein contained shall be deemed to deprive any participating library of its property.

i. The board of trustees of any library chartered by the regents which is not participating in a cooperative library system may adopt a resolution requesting that such library become a participating library in a cooperative library system. Duplicate copies of such resolution certified by the clerk of such board of trustees shall be filed with the board of trustees of the cooperative library system. If such board approve such resolution such approval shall be endorsed thereon and a copy thereof shall be filed with the commissioner. Upon such resolution being approved by the commissioner such additional library shall become a participating library in such system and shall have the same rights, duties and privileges as other libraries participating therein.

j. The participating libraries in such library system shall be those libraries, members of the boards of trustees of which join in petitioning the commissioner to call the meeting for the establishment of the cooperative library system pursuant to this section, and who are named in the resolution voted upon by such meeting and in the charter of the library system.

k. The board of trustees of each public library system shall meet no fewer than six times a year.

3. Trustees of a reference and research library resources system shall have those powers set forth in section two hundred twenty-six of this article with respect to trustees of corporations chartered by the regents, and in addition shall have the following powers and duties:

a. The board of trustees of a reference and research library resources system shall include at least one representative of each constituent public library system, at least one representative of the member academic library with the largest collection, and at least two nonlibrarians from the research community served by the system.

b. The term of office of trustees shall be five years except that the members of the first board of trustees shall determine by lot the year in which the term of office of each trustee shall expire so that as nearly as possible the terms of one-fifth of the members of such board will expire annually. Thereafter, the successors of such trustees shall be elected annually by a meeting of the designated representatives of the member institutions participating in the reference and research library resources system. No trustee shall hold office consecutively for more than two full terms. Such annual meeting shall be called by the secretary of the reference and research library resources system who shall give notice to all the participating libraries by mail at least five days prior to such meeting.

c. The board of trustees shall meet no fewer than six times a year.

4. By a majority vote of the tribal government of an Indian reservation, or upon the request of the tribal government of an Indian reservation, an Indian library may be established, with or without branches, and may make application to the state or other source for money to equip and maintain such library or libraries or to provide a building or rooms for its uses. Notwithstanding the provisions of section seven of the Indian law, the board of trustees of such library, on behalf of the tribal government, may acquire real or personal property for use by an Indian library by gift, grant, devise, bequest and may take, buy, sell, hold and transfer either real or personal property for the purposes of such library. No more than one Indian library may be established on a reservation and such library shall serve all inhabitants of that reservation. No such library shall be established on any reservation that has fewer than three hundred permanent residents and one thousand acres of land.

5. The boards of trustees of any two, or more, public libraries, Indian libraries, reference and research library resources systems, cooperative library systems, or association libraries, as defined in this article, may pool surplus funds to be used for the purchase of certificates of deposit in any bank or trust company, provided that such certificate of deposit be secured by a pledge of obligations of the United States of America, or any obligation fully guaranteed or insured as to interest and principal by the United States of America acting through an agency, subdivision, department or division thereof, or obligations of the state of New York. Each participating public library, Indian library, reference and research library resources system, cooperative library system or association library shall be entitled to its pro-rata share of interest earned on such certificates in proportion to its contribution to the purchase price of such certificates.

6. The board of trustees of any two, or more, public libraries, public library systems, reference and research library resources systems, as defined in this chapter, shall have the power to enter into, amend, cancel and terminate agreements for performance among themselves or one for the other of their respective functions, for the purpose of cooperatively advertising and awarding bids for equipment, supplies and services, provided:

- a. such advertising and awards have been made in accordance with the requirements of article five-A of the general municipal law;
- b. the purchasing and making of contracts shall be subject to general laws applicable thereto; and
- c. that any such agreements shall include a manner of responding for any liabilities that might be incurred in the operation of the joint service or agreement.

NY CLS Educ § 255

Any authority in the prior provision may, individually or jointly with another municipal or district body or tribal government, grant money for the support of the cost of maintaining or the cost of any capital improvements to or expenditure for 1+: free association libraries (provided the regents register such libraries), public libraries (provided the regents register such libraries) and cooperative library systems (approved by the commissioner). Such authorities may also, individually or jointly with another municipal or district body or tribal government, contract with the trustees of a free association library registered by the regents, or with any municipal or district body that controls such a library, or with a cooperative library system's trustees, or with the trustees of a public library registered by the regents to furnish library services to the municipality, district or reservation's people under terms and conditions stated in the contract. The amount agreed to be paid for such services under the contract is a charge upon the municipal or district bodies or tribal government, which must agree to make the payment. If the municipality agreeing to make the payment or grant is a town with 1+ incorporated villages, and the village(s) jointly with the town contract with a cooperative library system's trustees, a free association library, or with another municipal district or body that controls a public library (whether or not that district or body is an incorporated village in the town), the amount the town's town board appropriates must be a charge upon the taxable property of that part of the town outside any such incorporated village.

1. Any authority named in section two hundred fifty-five may, individually or jointly with another municipal or district body or tribal government, grant money for the support of the cost of maintaining or the cost of any capital improvements to or expenditure for one or more: free association libraries, provided such libraries are registered by the regents; public libraries, provided such libraries are registered by the regents; and cooperative library systems approved by the commissioner; or may, individually or jointly with another municipal or district body or tribal government, contract with the trustees of a free association library registered by the regents, or with any municipal or district body having control of such a library, or with the trustees of the cooperative library system, or with the trustees of a public library registered by the regents to furnish library services to the people of the municipality, district or reservation for whose benefit the contract is made, under such terms and conditions as may be stated in such contract. The amount agreed to be paid for such services under such contract shall be a charge upon the municipal or district bodies or tribal government which agree to make the payment and shall be paid directly to the treasurer of the free association library, public library or of the cooperative library system.

2. When the municipality agreeing to make the payment or grant is a town in which there are one or more incorporated villages, which village or villages jointly with such town contract with the trustees of a cooperative library system, a free association library or with another municipal district or body having control of a public library whether or not such district or body is an incorporated village in such town, the amount appropriated by the town board in such town shall be a charge upon the taxable property of that part of the town outside of any such incorporated village.



NY CLS Educ § 256

Any of the authorities in the provision two prior may vote taxes, in addition to those otherwise authorized, for library purposes, and such taxes must, unless a vote otherwise directs, be considered as annual appropriations until changed by a further voted and levied and collected yearly, or as directed, like other general taxes. For school districts, the library appropriation must be submitted to the district's voters as the library board of trustees proposes in a separate resolution and not submitted as part of the appropriation of the funds needed to meet the school district's estimated expenditures.

Whenever qualified voters of a municipality<sup>17</sup>, equaling at least 10% of the total votes cast in the municipality for governor at the last gubernatorial election, make a petition, which is then endorsed by the library board of trustees, the question of establishing or increasing the amount of funding of the annual contribution by the municipality for a registered public or free association library's operating budget by a sum specified in the petition must be voted on at the municipality's next general election, provided that due public notice of the proposed action is given. Such increases in library funding don't apply to municipal budgets adopted prior to the election date.

1.

a. Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of this part and shall, unless otherwise directed by such vote, be considered as annual appropriations therefor until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes. In the case of a school district the appropriation for library purposes shall be submitted to the voters of the district as proposed by the library board of trustees in a separate resolution and shall not be submitted as a part of the appropriation of the necessary funds to meet the estimated expenditures of the school district. All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers, except that money received from taxes and other public sources for the support of a public library or a free association library or a cooperative library system shall be paid over to the treasurer of such library or cooperative library system upon the written demand of its trustees. All such moneys paid over to a public library treasurer shall be deposited and secured in the manner provided by section ten of the general municipal law and the library trustees or the library treasurer, if the trustees shall delegate such duty to him, may invest such moneys in the manner provided by section eleven of such law.

b.

(1) Except as provided in subparagraph two of this paragraph, whenever qualified voters of a municipality, in a number equal to at least ten per centum of the total number of votes cast in such municipality for governor at the last gubernatorial election, shall so petition and the library board of trustees shall endorse, the question of establishing or increasing the amount of funding of the annual contribution for the operating budget of a registered public or free association library by such municipality to a sum specified in said petition, shall be voted on at the next general election of such municipality, provided that due public notice of the proposed action shall have been given. An increase in library funding provided pursuant to this paragraph shall not apply to a municipal budget adopted prior to the date of such election.

(2) Solely for the purposes of this paragraph, the term "municipality" shall:

(i) not include a city with a population of one million or more,

(ii) mean only a county when the public libraries located in such county are members of a federated public library system whose central library is located in a city of more than three hundred thousand inhabitants.

2. In the case of a joint public library authorized to be established by two or more municipalities or districts pursuant to section two hundred fifty-five of this chapter, the governing bodies of the participating municipalities and districts shall enter into an agreement designating the treasurer of one of the participating municipalities or districts to be the treasurer of the joint public library. The agreement shall be for a period of not less than one year nor more than five years and the state comptroller and the commissioner of education shall be notified in writing by the board of library trustees of such agreement and designation.

The municipality or district whose treasurer is designated to serve as treasurer of a joint public library may be compensated for the services rendered by such official to the library. The amount to be paid for such services shall be determined by agreement between the governing body of the municipality or district and the board of library trustees, and shall be paid at least annually from the public library fund.

3. The treasurer of a joint public library shall maintain the separate library fund required by subdivision one of this section and shall credit to such fund all moneys received. The state aid apportioned to a joint public library, amounts appropriated by participants toward its support and all amounts received from other sources shall be paid to the library treasurer. Appropriations for the library made by the participating municipalities or districts shall be paid in full to the library treasurer within sixty days after the beginning of the library fiscal year.

Disbursements for purposes of a joint public library shall be made by the treasurer in the manner prescribed in subdivision one of this section.

<sup>17</sup> For this paragraph only, a municipality doesn't include cities with over 1,000,000 population and only includes a county if all public libraries in the county are members of a federated public library system with a central library in a city of more than 300,000.

Within thirty days after the close of the fiscal year the treasurer shall make an annual report of the receipt and disbursement of library moneys to the board of library trustees and to the governing body of each of the participating municipalities or districts.

4. Notwithstanding the provisions of subdivisions one and three of this section, the library trustees may by resolution establish a petty cash fund, in such amount as they shall determine, for any employee who has supervision of any library or branch thereof. Expenditures from such fund may be made by such employee in advance of audit by the library trustees, but only after the submission of properly itemized and authenticated vouchers for materials, supplies or services furnished to the library or branch thereof and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. At each meeting of the library trustees a list of all expenditures made from such fund since the last meeting of the trustees, together with the vouchers supporting such expenditures, shall be presented by such employee to the library trustees. The trustees shall direct the treasurer to reimburse such petty cash fund in an amount equal to the total of such bills which the trustees shall so allow. Any of such bills or any portion of such bills which the library trustees shall refuse to allow shall be the personal liability of such employee and he shall promptly reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to such employee after the action of the library trustees in disallowing an amount so expended, such amount shall be withheld from such salary payment to such employee and, if necessary, subsequent salary payments and paid into such petty cash fund until an amount so disallowed by the library trustees has been repaid in full to the petty cash fund.

NY CLS Educ § 259

Any municipality or district or tribal government or combination of district, or by action by its trustees at a meeting any association library, incorporated or registered by the regents, may, when the regents approve the vote or action, transfer, conditionally or otherwise, the ownership and control of its library with all its property, real and personal, or any part, to any municipality, or district, or institution that provides free library service. The trustees or body making the transfer are then relieved of all responsibility for the transferred property.

By vote similar to that required by section two hundred fifty-five of this chapter any municipality or district or tribal government or combination of districts, or by action of its trustees at a meeting duly held any association library, incorporated or registered by the regents, may, when such vote or action has been duly approved by the regents, transfer, conditionally as provided in section two hundred fifty-seven of this chapter, or otherwise, the ownership and control of its library with all its property, real and personal, or any part thereof, to any municipality, or district, or institution providing for free library service; and the trustees or body making the transfer shall thereafter be relieved of all responsibility pertaining to property thus transferred.

NY CLS Educ § 266

## II. Libraries under the Unconsolidated Laws (Counties and Cities)

Any county's governing body may establish a free public library, with or without branches, to be known as a city and county public library, and may levy and raise by taxation and appropriation the sum needed to establish and maintain the library and branches, provide building and accommodations, and provide salaries. Such sums are charges upon the county. The levy, appropriation and use of this sum is for the county's benefit and for a county purpose.

The governing body of any county is hereby authorized and empowered to establish a free public library, with or without branches, to be known as a city and county public library and to levy and raise by taxation and appropriate such sums as shall be necessary to establish, equip and maintain such library and branches, provide buildings and accommodations therefor, and provide the necessary salaries and expenses of a director, deputy directors, librarians, assistants and other employees, which said sums shall be charges upon the county. The levy, appropriation and use of such sums of money so raised are declared to be for the benefit of the county and are declared to be for a county purpose. Upon the establishment of a city and county public library, the county may acquire real or personal property for library purposes by gift, grant, devise, bequest, or pursuant to the provisions of the eminent domain procedure law, and may take, buy, sell, hold and transfer either real or personal property and administer the same for public library purposes.

The term "city library" as used herein shall mean any circulating library, reference library, or association library located within a city and organized under any general or special law, or created under or pursuant to the provisions of any will or deed of trust.

The term "county public library" shall mean any library having trustees appointed by the governing body of any county.

NY CLS Unconsol, Ch. 80, § 1

Any city and county public library's board of trustees may contract with the trustees of any free library within the county registered by regents, or with any municipal or district body that controls such a library, to furnish library privileges to the county's people under terms and conditions stated in the contract and with amounts the board of supervisors or other governing body appropriates, and with other available funds, as the contracting parties agree. The amount agreed to be paid for these privileges is a charge upon the county.

The board of trustees of any city and county public library may contract with the trustees of any free library within the county registered, by the regents, or with any municipal or district body having control of such library, to furnish library privileges to the people of the county, under such terms and conditions as may be stated in such contract and within such amounts appropriated by the



board of supervisors or other governing body and other available funds, as may be agreed upon by the contracting parties. The amount agreed to be paid for such privileges under such contract shall be a charge upon the county and shall be paid in the manner authorized by sections one and five of this act.

NY CLS Unconsol, Ch. 80, § 6

Any city, by a resolution adopted pursuant to its city charter, may enter into agreement(s) with any city library cancelling any contract between the parties and assigning and transferring to the city library all rights and interests under the contract. City libraries, by a resolution adopted by majority vote of the trustees, or if it has members, by a majority vote of the members, present in person or by proxy at a meeting of the members called for this purpose, may enter into these agreements.

Any city is hereby authorized and empowered by resolution to be adopted pursuant to the city charter to enter into an agreement or agreements with any city library cancelling and abrogating any contract between said parties, and assigning and transferring to such city library all its right, title and interest in any and all books, papers, documents, works of art and personal property of every name, nature and description covered by said contract, and any related lease or contract of occupancy may also be cancelled by agreement. Any city library is authorized and empowered by resolution to be adopted by the votes of a majority of its trustees, or if it has members, by a majority vote of such members, present in person or by proxy at a meeting of such members called for that purpose to enter into such agreements.

NY CLS Unconsol, Ch. 80, § 8

Whenever any county's board of supervisors or other governing body has established a city and county public library, any city may, subject to the board of supervisors or other governing body's acceptance, without authorization and notwithstanding any provisions of the city charter or other general or special law, and for agreed-upon consideration or without consideration, convey, lease, or transfer to a city and county public library or the county all or part of the land the city used for branch library purposes, together with the buildings there.

Whenever the board of supervisors or other governing body of any county shall have established a city and county public library as provided herein, any city may, subject to the acceptance thereof by said board of supervisors or other governing body, without other authorization and notwithstanding any provisions of the charter of the city or other general or special law and for such consideration as may be agreed upon or without consideration convey or lease or transfer to a city and county public library or the county the whole or any part of the lands of the city used for branch library purposes, together with the buildings thereon and the furniture, fixtures and appurtenances thereof.

NY CLS Unconsol, Ch. 80, § 11

## **Municipal Ordinances**

Surprisingly, New York seems to have only two municipal ordinances pertaining to library establishment.

### ***A. Syracuse***

The common council must levy an annual tax, in the same manner as other general city taxes are levied and collected, sufficient to defray the Syracuse Public Library's expenses. This amount mustn't be less than 2% or greater than 4% of the aggregate annual tax levied exclusive of local assessments.

The common council of the city shall levy an annual tax in the same manner as other general city taxes are levied to be collected in the same manner in an amount sufficient to defray the expenses of the Syracuse Public **Library**, such amount to be not less than two (2) percent nor more than four (4) percent of the aggregate annual tax levied exclusive of local assessments.

Syracuse, New York Code of Ordinances Sec. 19-34

### ***B. White Plains***

The city must provide and maintain a public library, to be known as the White Plains Public Library, within its boundaries.

The said city shall provide for and maintain a public library within its boundaries, said library to be known as the White Plains Public Library. Said library and its branches, if any, shall be entitled to all rights, powers, privileges, public moneys and other benefits conferred upon public libraries by law or other state authority and shall, except as otherwise provided in this act, be subject to all the rules, regulations, powers of inspection and superintendence prescribed by law, applicable to public libraries in the state of New York.

White Plains, New York Code of Ordinances Sec. 269

## North Carolina

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### Relevant Law

Libraries are found within Chapter 153A (Counties) Article 14.

### Types of Libraries

North Carolina seems to only have city and county library systems (though some municipal ordinances still evidence single libraries).

### I. City and County Library Systems

Cities or counties may establish and support public library systems. For such purposes, they may also appropriate funds.

A county or city may:

- (1) Establish, operate, and support public library systems;
- (2) Set apart lands and buildings for a public library system;
- (3) Acquire real property for a public library system by gift, grant, purchase, lease, exercise of the power of eminent domain, or any other lawful method. If a library board of trustees is appointed, a county or city shall, before acquiring real property by purchase, lease, or exercise of the power of eminent domain, seek the recommendations of the board of trustees regarding the proposed acquisition;
- (4) Provide, acquire, construct, equip, operate, and maintain buildings and other structures for a public library system;
- (5) Acquire library materials by purchase, exchange, devise, gift, or any other lawful method;
- (6) Appropriate funds to carry out the provisions of this Article;
- (7) Accept any gift, grant, lease, loan, exchange, or devise of real or personal property for a public library system. Devises, grants, and gifts may be accepted and held subject to any term or condition that may be imposed by the grantor or trustor, except that no county or city may accept or administer any term or condition that requires it to discriminate among its citizens on the basis of race, sex, or religion.

N.C. Gen. Stat. § 153A-263

For library purposes, cities or counties may appropriate any funds not otherwise limited as to use by law.

A county or city may appropriate for library purposes any funds not otherwise limited as to use by law.

N.C. Gen. Stat. § 153A-268

2+ counties or cities, or counties and cities, may establish a joint library system or contract for library services.

Two or more counties or cities or counties and cities may establish a joint library system or contract for library services, according to the procedures and provisions of Chapter 160A, Article 20, Part 1.

N.C. Gen. Stat. § 153A-270

For a city or county that operates a library system pursuant to a local act, the county or city's governing body may, by ordinance, provide that the library system will be operated pursuant to this article.

If a county or city operates a library system pursuant to a local act, the governing body of the county or city may by ordinance provide that the library system is to be operated pursuant to this Article.

N.C. Gen. Stat. § 153A-271

### Municipal Ordinances

North Carolina has a few municipal ordinances relating to library establishment. Those of Tarboro are by far the most detailed and specify a maximum tax rate. Other ordinances evidence older libraries transitioning into library systems.

#### *A. Brunswick County*

Brunswick County established the Brunswick County Library System on July 1, 1992.

Pursuant to the provisions of North Carolina General Statute 153A-263, on July 1, 1992 the County of Brunswick hereby establishes the Brunswick County Library System and the said system shall operate as a department of county government.

Brunswick County, North Carolina Code of Ordinances Sec. 1-4.5-1

### ***B. Burke County***

The Burke County Public Library is created and established, and Burke County Public Library, Inc. is no longer in operation.

The Burke County Public Library (Public Library) has been created and established as a department of Burke County. Likewise, the Burke County Public Library, Inc. is no longer in operation.

Burke County, North Carolina Code of Ordinances Sec. 38-1

### ***C. Catawba County***

The county may establish, operate and support a public library system.

In accordance with G.S. 153A-263, the county may:

- (1) Establish, operate, and support a public library system.

Catawba County, North Carolina Code of Ordinances Sec. 24-2

### ***D. Clinton***

The Sampson-Clinton Public Library, a joint library, is created pursuant to an agreement between the city and Sampson County.

A joint library to be known as the Sampson-Clinton Public Library is hereby created pursuant to an agreement between the city and Sampson County under article 3, chapter 128 of the general statutes.

Clinton, North Carolina Code of Ordinances Sec. 13-16

### ***E. Lee County***

The appointments and terms of Lee County Library's present trustees are terminated. Lee County Library System will operate pursuant to statute.

The appointments and terms of all present trustees of the Lee County Library are hereby terminated and the operation of the Lee County Library System shall be pursuant to G.S. ch. 153A, art. 14, from and after the effective date of this chapter.

Lee County, North Carolina Code of Ordinances Sec. 14-1

### ***F. Lumberton***

The Robeson County Public Library, a joint library, is created to provide public library service in Robeson County.

There is hereby created and established a joint library (in this article called the "library") to provide and develop public library service in Robeson County. The name of the library is The Robeson County Public Library.

Lumberton, North Carolina Code of Ordinances Sec. 7-76

### ***G. Randleman***

The Randleman Public Library is established in the city.

Pursuant to the authority granted by G.S. 153A-261 et seq., there is hereby established a free public library in the city to be known as the Randleman Public Library.

Randleman, North Carolina Code of Ordinances Sec. 20-1

***H. Tarboro***

The town of Tarboro and the county of Edgecombe may establish and maintain free public library. For that purpose, Tarboro's board of commissioners and Edgecombe's board of commissioners may erect a library building, acquire land for the building, acquire equipment, and rent or lease additional quarters.

The Town of Tarboro and the County of Edgecombe are hereby authorized to establish and maintain a free public **library** and, for that purpose, the board of commissioners of the Town of Tarboro and the board of commissioners of the County of Edgecombe shall have power to erect a building suitable to house such **library** and to acquire the land required as a site for such building and to acquire and install the furnishings and equipment appropriate for such a **library**, and to rent or lease such additional buildings or quarters as may be necessary or desirable.

Tarboro, North Carolina Code of Ordinances Sec. 101

Tarboro's board of commissioners and Edgecombe's board of commissioners may appropriate for the free public library's support and maintenance any money lawfully available for such an appropriation and in proportions and amounts mutually determined by the boards of commissioners. The free public library's board of trustees must annually prepare an estimate of the money needed for the free public library's maintenance and support and certify the estimate to Tarboro's board of commissioners and Edgecombe's board of commissioners.

Sec. 6. The board of commissioners of the Town of Tarboro and the board of commissioners of the County of Edgecombe shall have power to appropriate to the maintenance and support of such free public **library** and moneys lawfully available for such appropriation and in such proportions and in such amounts as may be mutually determined by said boards of commissioners. The board of trustees of the free public **library** shall prepare annually an estimate of the moneys needed for the maintenance and support of the free public **library** and shall certify such estimate to the board of commissioners of the Town of Tarboro and the board of commissioners of the County of Edgecombe.

Tarboro, North Carolina Code of Ordinances Sec. 106

Tarboro's board of commissioners may levy a tax of not more than ten cents on each hundred dollars of assessed valuation of taxable property in the town for the free public library's support and maintenance, provided that the tax's levy is authorized at an election held in the town.

Sec. 7. The board of commissioners of the Town of Tarboro may levy a tax of not more than ten cents (10\xA2) on each one hundred dollars (\$100.00) of assessed value of taxable property in said town for the support and maintenance of said free public **library** provided the levy of such tax shall be authorized at an election held in said town pursuant to and in accordance with the provisions of section 160-65 of the general statutes of North Carolina.

Tarboro, North Carolina Code of Ordinances Sec. 107

## Ohio

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**Relevant Law**

Libraries are primarily found in Title 33 (Education – Libraries) Chapter 3375. An additional procedure for increasing taxes is found in Title 57 (Taxation) Chapter 5705 (Tax Levy Law). There are no municipal ordinances relating to library establishment.

**Types of Libraries**

Ohio has eight main categories of libraries: county free public libraries, township public libraries, municipal free public libraries, school district free public libraries, county library districts, regional library districts, libraries established by contract, and regional library systems. Association library districts, metropolitan library systems, and area library service organizations are mentioned in passing, but no further information is provided.

**I. County Free Public Libraries**

If a county's board of county commissioners accepts a gift or bequest, a county free public library must be established for the county's inhabitants' use.

In any county in which the board of county commissioners has accepted a gift or bequest pursuant to volume 122, Ohio Laws, page

166, section I at “Sec. 2454,” a county free public library shall be established for the use of all of the inhabitants of the county. Such library shall be under the control and management of a board of library trustees consisting of seven members...

ORC Ann. 3375.06

If a county free public library is established after the county’s board of county commissioners accepts a gift or bequest, the county’s board of county commissioners may, at its June session each year, levy a tax not exceeding one mill on each dollars of taxable property in the county to maintain the library.

The board of county commissioners of any county in which there has been created a county free public library, pursuant to section 3375.06 of the Revised Code, may, at its June session each year, levy a tax not to exceed one mill on each dollar of taxable property in such county for the purpose of maintaining the library. The proceeds of such tax levy shall be paid over by the county treasurer to the treasurer of the board of trustees of the county free public library.

ORC Ann. 3375.07

## II. Township Public Libraries

In townships where a public library was created by their electors’ vote before September 4, 1947, the board of township trustees may annually levy upon the township’s taxable property a tax not exceeding one mill on the property’s dollar valuation to maintain the library.

In any township where a public library has been created by a vote of the electors thereof, prior to September 4, 1947, the board of township trustees may, annually, levy upon all the taxable property of such township a tax not exceeding one mill on the dollar valuation thereof to maintain such library and to procure suitable rooms therefor.

ORC Ann. 3375.09

## III. Municipal Free Public Libraries

In municipal corporations not located in a county library district with 25,000+ population and without a township, municipal, school district, association, or county free public library’s main library, that municipal corporation’s legislative authority may create a library district by adopting a resolution. However, after a year from June 20, 1977, the legislative authority mustn’t adopt such a resolution. Upon the resolution’s adoption, any branches of an existing library that are located in the municipal corporation must become the created municipal library district’s property. If a public library maintains any existing branches in the municipal corporation, the public library’s board of trustees and the municipal action must transfer all title and interest in the real and personal property located in the municipal corporation in the name of the library district maintaining the branches in the municipal corporation to the municipal corporation, which must adopt an appropriate resolution. Once title and interest in the property is transferred, the branches must become part of, and be operated by, the board of library trustees, which the municipal corporation’s legislative authority must appoint. In municipal corporations with less than 25,000 population and with at least \$100,000 available from a bequest for a municipal library’s establishment, the municipal corporation’s legislative authority may adopt, within a year of June 20, 1977, a resolution creating a library district. Upon a library district’s establishment, the board of trustees of any library operating a branch library in the municipal corporation mustn’t be required to transfer any property to the newly established library. All such library districts may participate in the county public library fund’s proceeds. Municipal corporations may establish and operate free public libraries regardless of if they are in a county library district or school library district, subject to four conditions. First, the facility where the library is principally located must be transferred to the municipal corporation from the county library district or school library district where it is located before January 1, 1996. Second, when the county library district or school library district transfers the library to the municipal corporation, the municipal corporation must have a population of less than 500. Third, the municipal corporation mustn’t establish a municipal library district. Finally, the library mustn’t receive any of the county public library fund’s proceeds.

(A) In any municipal corporation, not located in a county library district, that has a population of not less than twenty-five thousand, and within which there is not located a main library of a township, municipal, school district, association, or county free public library, a library district may be created by a resolution adopted by the legislative authority of that municipal corporation. No such resolution shall be adopted after one year from June 20, 1977. Upon the adoption of the resolution, any branches of an existing library that are located in that municipal corporation shall become the property of the municipal library district created.

The municipal corporation and the board of trustees of the public library maintaining any existing branches in that municipal corporation shall forthwith take appropriate action transferring all title and interest in all real and personal property located in that municipal corporation in the name of the library district maintaining those branches in that municipal corporation to the municipal corporation adopting the appropriate resolution. Upon transfer of all title and interest in that property, the branches shall become a part of, and be operated by, the board of library trustees appointed by the legislative authority of the municipal corporation.

**(B)** In any municipal corporation that has a population of less than twenty-five thousand and that has not less than one hundred thousand dollars available from a bequest for the establishment of a municipal library, the legislative authority of that municipal corporation may adopt, within one year after June 20, 1977, a resolution creating a library district. Upon the establishment of any such library district, the board of trustees of any library operating a branch library in that municipal corporation shall not be required to transfer any property to the newly established library.

**(C)** The board of library trustees of any library district created under this section shall be composed of seven members. Those trustees shall be appointed by the legislative authority of the municipal corporation, to serve without compensation, for a term of four years, but the initial term of the seventh trustee may be for the number of years set by the legislative authority, not to exceed four years. Vacancies shall be filled by like appointment for the unexpired term. This section does not affect the term of any trustee appointed prior to January 1, 2013. A library district created under this section shall be governed in accordance with and exercise the authority provided for in sections 3375.32 to 3375.41 of the Revised Code.

Notwithstanding any contrary provision of section 3.24 of the Revised Code, the president of a board of township trustees may administer the oath of office to a person or persons representing the township on the board of library trustees of any library district created under this section, even if the geographical limits of the library district do not fall within the geographical limits of the township.

**(D)** Any library district created under this section is eligible to participate in the proceeds of the county public library fund in accordance with section 5705.28 of the Revised Code.

**(E)** A municipal corporation may establish and operate a free public library regardless of whether the municipal corporation is located in a county library district or school library district, if all of the following conditions are met:

- (1)** The facility in which the library is principally located is transferred to the municipal corporation from the county library district or school library district in which it is located prior to January 1, 1996.
- (2)** The population of the municipal corporation is less than five hundred when the library is transferred from the county library district or school library district to the municipal corporation.
- (3)** The municipal corporation does not establish a municipal library district under this section.
- (4)** The library does not receive any proceeds from the county public library fund under section 5747.48 of the Revised Code.

ORC Ann. 3375.121

#### **IV. School District Free Public Libraries**

Between this section's effective date and January 1, 2014, the board of education in any school district without a previously established free public library may receive a bequest, gift or endowment, or any combination, from an incorporated or incorporated library association, whose main library is located in the school district, that was organized and operating before January 1, 1968 and participates in the county public library fund's proceeds' distribution, and for which the state library board has defined a library district. The bequest, gift or endowment must be used to construct and/or operate a school district free public library. Between this section's effective date and January 1, 2014, the board of education may, by resolution, accept the bequest, gift, or endowment on agree on the school district's behalf to establish and maintain a school district free public library. Library associations that make such bequests, gifts, or endowments, mustn't then receive the county public library fund's proceeds, any other appropriated funds, or any levied taxes. The newly established school district free public library's library district must be the library district that the state library board for the library association previously established.

At any time after the effective date of this section but prior to January 1, 2014, the board of education of any school district in which a free public library has not previously been established may receive a bequest, gift, or endowment of a building, money, or property, or any combination thereof, from an incorporated or unincorporated library association whose main library is located within the school district, that was organized and operating before January 1, 1968, that participates in the distribution of the proceeds of the county public library fund, and that has had a library district defined for it by the state library board under section 3375.01 of the Revised Code. The bequest, gift, or endowment shall be used to construct a building for, or to furnish, equip, or operate, a school district free public library.

At any time after the effective date of this section but prior to January 1, 2014, the board of education, by resolution, may accept the bequest, gift, or endowment and agree on behalf of the school district to establish, provide, and maintain a school district free public library. No library association that has made a bequest, gift, or endowment under this section shall thereafter receive proceeds from the county public library fund or from any funds appropriated or taxes levied under section 3375.42 of the Revised Code. The library district for the newly established school district free public library shall be the library district previously established by the state library board for the library association.

ORC Ann. 3375.151

In any school district with a free public library that was established by a resolution the school district's board of education adopted before September 4, 1947, or by a resolution the school district's board of education adopted under the prior provision before January 1, 2014, that library must be under the control of a seven-member board library trustees.

In any school district in which a free public library has been established by resolution adopted by the board of education of such school district prior to September 4, 1947, or by resolution adopted by the board of education of such school district under section 3375.151 of the Revised Code after the effective date of this amendment but prior to January 1, 2014, such library shall be under the control and management of a board of library trustees consisting of seven members.

ORC Ann. 3375.15

A school district free public library's board of library trustees may annually, during May, certify to the school district's board of education the amount needed to maintain and operate the library during the ensuing year and the amount of revenue anticipated from all sources other than a tax levy on the school district's taxable property. The board of education may annually levy a tax, not to exceed 1.5 mills, on the school district's taxable property to provide library operation funds pursuant to the certificate. This tax is in addition to all other levies authorized by law.

The board of library trustees of a school district free public library may annually, during the month of May, certify to the board of education of the school district the amount of money required to maintain and operate said library during the ensuing year and the amount of revenue anticipated from all sources other than a tax levy on the taxable property of said school district. The board of education may annually levy a tax on the taxable property of the school district, not to exceed one and one-half mills, for the purposes of providing funds for library operation pursuant to said certification. The tax so levied shall be in addition to all other levies authorized by law.

The proceeds of such tax levy shall be paid by the county treasurer to the treasurer of the board of library trustees.

ORC Ann. 3375.17

## **V. County Library Districts**

Counties may have county library districts, which are composed of all the local, exempted village, and city school districts in the county that aren't within an, existing township, school district, municipal, county district, or county free public library's territorial boundaries. There are two ways to create such a county library district. The board of county commissioners may initiative a county library district's creation by adopting a resolution that provides for submitting the question of a district's creation to the proposed district's electors. The resolution must define the territory to be included in the district by listing the school districts that would compose the proposed county library district.

Upon receiving a petition signed by at least ten percent, or five hundred (whichever is lesser), of the qualified voters of the proposed county library district, the board of county commissioners must adopt a resolution that provides for submitting the question of a district's creation to the proposed district's electors. The resolution must define the territory to be included in the district by listing the school districts that would compose the proposed county library district.

Upon adopting the resolution through either of these methods, the board of county commissioners must have a certified copy of the resolution filed with the county's board of electors no later than ninety days before the election at which the question will appear on the ballot. The board of elections must submit the question of the district's creation to the electors of the territory comprising the proposed district at the next November election. If a majority favors the district, it must then be created.

In each county there may be created a county library district composed of all the local, exempted village, and city school districts in the county which are not within the territorial boundaries of an existing township, school district, municipal, county district, or county free public library, by one of the following methods:

(A) The board of county commissioners may initiate the creation of such a county library district by adopting a resolution providing for the submission of the question of creating a county library district to the electors of such proposed district. Such

resolution shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

(B) The board of county commissioners shall, upon receipt of a petition signed by no less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the proposed county library district voting at the last general election, adopt a resolution providing for the submission of the question of creating a county library district to the electors of the proposed district. Such resolution shall define the territory to be included in such district by listing the school districts which will compose the proposed county library district.

Upon adoption of such a resolution authorized in either division (A) or (B) of this section the board of county commissioners shall cause a certified copy of it to be filed with the board of elections of the county prior to the ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question of the creation of such county library district to the electors of the territory comprising such proposed district at the succeeding November election.

If a majority of the electors, voting on the question of creating such proposed district, vote in the affirmative such district shall be created.

ORC Ann. 3375.19

County library districts may be created in counties without an existing county library district and in which all of the local, exempted village and city school districts in the county, in which there isn't located a township, municipal, school district, association, or county free public library main library, are receiving approved service from 1+ such libraries. The board of trustees of the library or libraries that provide approved library service to the school districts of the county in which there isn't a township, municipal, school district, or county free public library main library may adopt a resolution requesting formation of a county library district comprising all the school districts such library or libraries serve. The resolution(s) must set forth the school districts included in the proposed county library district, and must be submitted to the taxing authority of the subdivision(s) with jurisdiction over the library or libraries requesting the proposed library district's formation. Within thirty days of a subdivision's taxing authority receiving the resolution, it must approve or disapprove the proposed county library district's formation, as set forth in the resolution. Within ten days of the taxing authority approving or disapproving a proposed county library district's formation, it must notify the board of county commissioners of the county where the proposed library will be situated of the action. If all taxing authorities to which the proposal was submitted approve the county library district's creation, then the district is created. The board of county commissioners must immediately notify the board of library trustees that initiate the proposed county library district and the taxing authorities that approve the county library district's formation that the county library district is created. Once the boards of trustees initiating the proposed county library district and the taxing authorities approving the county library district's formation receive the notice of the board of county commissioners, they must transfer all title to the interest in all property in the name of the public libraries under their jurisdiction to the county library district's board of trustees.

In any county in which there is not in existence a county library district and in which all of the local, exempted village, and city school districts in the county, in which there is not located a main library of a township, municipal, school district, association, or county free public library, are receiving approved service from one or more of such libraries, there may be created a county library district.

The boards of trustees of the library or libraries providing approved library service to the school districts in the county in which there is not located a main library of a township, municipal, school district, or county free public library may adopt a resolution requesting the formation of a county library district composed of all of the school districts being served by such library or libraries. Such resolution or resolutions shall set forth the school districts to be included in the proposed county library district and it shall be submitted to the taxing authority of the subdivision or subdivisions having jurisdiction over the library or libraries requesting the formation of such proposed library district.

Within thirty days after the receipt of such resolution by the taxing authority of a subdivision it shall either approve or disapprove the formation of the proposed county library district as set forth in said resolution. Within ten days after a taxing authority has either approved or disapproved the formation of a proposed county library district it shall notify the board of county commissioners of the county in which such proposed library is to be situated of its action.

If all of the taxing authorities to which such proposal has been submitted approve of the creation of such county library district, such district is created and the board of county commissioners shall immediately notify the boards of library trustees initiating such proposed county library district and the taxing authorities which approve the formation of such county library district that such county library district has been created.

Upon receipt of such notice from the board of county commissioners the boards of library trustees initiating such proposed county library district and the taxing authorities which approve the creation of such county library district shall take appropriate action transferring all title to the interest in all property, both real and personal, in the name of the public libraries under their jurisdiction to the board of trustees of the county library district.

For the purposes of this section the board of county commissioners is the taxing authority of an association library.



ORC Ann. 3375.20

Taxing authorities of subdivisions that maintain a free public library providing approved library services, and whose board of library trustees is thus qualified to request a county library district's formation, must, upon receiving a petition signed by at least ten percent, or five hundred, which is the lesser, of the subdivision's qualified electors, adopt a resolution providing that the question of the subdivision's public library becoming a county district library be submitted. The taxing authority must then have a certified copy filed with the county's board of electors at least ninety days before the election at which the question will be on the ballot. The board of electors must submit the question of the county district library's creation to the electors of the subdivision maintaining the free public library at the next November election. If a majority of electors favor the county district library's creation, the library board of trustees and the subdivision's taxing authority must establish a county library district via resolutions.

The taxing authority of a subdivision maintaining a free public library which is providing approved library service and whose board of library trustees therefor is qualified under section 3375.20 of the Revised Code to request the formation of a county library district shall, upon receipt of a petition signed by not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision voting at the last general election, adopt a resolution providing for the submission of the question, "Shall the free public library of the subdivision become a county district library?". The taxing authority shall cause a certified copy of it to be filed with the board of elections of the county prior to the ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question of the creation of such county district library to the electors of the subdivision maintaining said free public library at the succeeding November election.

If a majority of the electors, voting on the question of creating such county district library, vote in the affirmative, the board of trustees of the library and the taxing authority of the subdivision shall establish a county library district in the manner prescribed in section 3375.20 of the Revised Code, by adopting and approving the resolutions so authorized.

ORC Ann. 3375.201

In counties with a county library district, the taxing authority of any of the county's subdivisions not included in the library district and maintaining a free public library for its inhabitants may, upon the request of the free public library's board of trustees, adopt a resolution providing for the subdivision's inclusion in the library district. Upon this resolution's adoption, the subdivision's taxing authority and the free public library's board of trustees must transfer all title and interest in all property in the free public library's name to the county library district's board of trustees. Once such property's title and interest is transferred, the subdivision must become part of the county library district.

In any county in which there has been created a county library district, the taxing authority of any subdivision of the county not included in said library district and maintaining a free public library for the inhabitants thereof may, upon request of the board of trustees of said free public library, adopt a resolution providing for the inclusion of said subdivision in said library district. Upon the adoption of such a resolution, the taxing authority of the subdivision and the board of trustees of the free public library shall take appropriate action transferring all title and interest in all property, both real and personal, in the name of said free public library to the board of trustees of the county library district. Upon the transfer of such title and interest in such property said subdivision shall become part of the county library district.

ORC Ann. 3375.21

For subdivisions maintaining a free public library for their inhabitants and whose board of trustees is qualified to request the subdivision's inclusion in a county library district, the taxing authority must, upon receiving a petition signed by qualified electors equaling at least ten percent of the subdivision's qualified electors, adopt a resolution providing for the submission of the question of including the subdivision in the county library district to the subdivision's electors. The taxing authority must have a certified copy of the resolution filed with the county's board of electors at least ninety days before the election at which the question will be on the ballot. The board of elections must submit the inclusion question to the subdivision's electors at the next November election. If a majority favors inclusion, the subdivision's taxing authority and the free public library's board of trustees must include the subdivision in the county library district via resolutions. Unless thirty percent of the vote favors inclusion, the same issue mustn't be submitted to the subdivision's electors for three years after the election in which the question was defeated.

The taxing authority of any subdivision maintaining a free public library for the inhabitants thereof and whose board of library trustees is qualified under section 3375.21 of the Revised Code to request inclusion of the subdivision in a county library district shall, upon receipt of a petition signed by qualified electors equal in number to at least ten per cent of the qualified electors of the subdivision voting at the last general election, adopt a resolution providing for the submission of the question of the inclusion of the subdivision in such county library district to the electors of the subdivision.

The taxing authority shall cause a certified copy of the resolution to be filed with the board of elections of the county prior to the ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question of the inclusion of the subdivision in such county library district to the electors of the subdivision at the succeeding November election.

If a majority of the electors, voting on the question of including the subdivision in such county library district, vote in the affirmative, the taxing authority of the subdivision and the board of trustees of the free public library shall include the subdivision in the county library district in the manner prescribed in section 3375.20 of the Revised Code by adopting and approving the resolutions so authorized.

Unless more than thirty per cent of the votes cast on the question of including the subdivision in the county library district are in the affirmative, the same issue shall not be submitted to the electors of the subdivision for three years following an election in which the question was defeated.

ORC Ann. 3375.211

A county library district's board of public library trustees may consolidate with another subdivision in the county maintaining a free public library via three main methods.

First, the county library district's board of public library trustees may submit a resolution to the board of library trustees of the subdivision requesting consolidation. The subdivision's library trustees must, within thirty days of the resolution's receipt, approve or reject the resolution. If the subdivision's library trustees approve the resolution, they must forward it as well as a certification of the action to the subdivision's taxing authority. Within thirty days of receiving the resolution and certification, the taxing authority must approve or reject, and then notify the county district library's board of library trustees and the board of county commissioners.

Second, when it receives this resolution from the county library district's board of public trustees, the subdivision's board of library trustees may request that subdivision's taxing authority to adopt a resolution to submit the consolidation question to the subdivision's electors. The taxing authority must then adopt a resolution and have a certified copy of the resolution filed with the county's board of electors within ninety days of the election at which the question will appear on the ballot. The board of elections must submit the question to the subdivision's electors at the next November election.

Third, upon receiving petitions signed by at least 10% or 500, whichever is the lesser, of the county library district's qualified electors and at least 10% or 500, which is the lesser, of the subdivision's qualified electors, voting at the last general election, the board of county commissioners and the subdivision's taxing authority must adopt resolution to submit the consolidation question to the county library district and subdivision's electors. Each taxing authority must then have a certified copy of its resolution filed with the county's board of election at least 90 days before the election at which the question will appear on the ballot. The board of elections must submit the consolidation question to the subdivision and county library district's electors at the next November election.

If the subdivision's board of library trustees and taxing authority approve the consolidation quest under the first method, or if a majority of the subdivision's electors favor consolidation under the second method, or if a majority of each of the county library district and the subdivision's electors favor consolidation under the third method, then the consolidation must occur. The subdivision's taxing authority or the board of elections, depending on the method, must notify the county commissioners and the respective library boards. During the next December, the county library district and subdivision's boards of trustees, and their taxing authorities, must take appropriate action to transfer all title and interest in all property, real and personal, held in the library boards' names to the consolidated county library district's board of trustees, effective the second Monday of the following January. Whenever a county library district consolidates with a subdivision other than school district, the area the school district comprises in which the subdivision's main library is located must become part of the county library district. For the purposes of

this section, whenever a county library district is consolidated with a subdivision other than a school district, the area comprising the school district in which the main library of said subdivision is located shall become a part of the county library district.

The board of public library trustees of a county library district, appointed under section 3375.22 of the Revised Code, may consolidate with another subdivision in the county maintaining a free public library. Such consolidation may be accomplished by one of the following procedures:

**(A)** The board of public library trustees of the county library district may submit a resolution to the board of library trustees of such subdivision requesting such consolidation. The library trustees of the subdivision within thirty days of receipt of the resolution shall approve or reject such resolution; and, if approved shall forward the resolution together with a certification of its action to the taxing authority of said subdivision. Said taxing authority within thirty days of receipt of such resolution and certification shall approve or reject it and so notify the board of library trustees of the county district library and the board of county commissioners.

**(B)** Upon receipt of such resolution, under division (A) of this section the board of library trustees of the subdivision may request the taxing authority of the subdivision to adopt a resolution providing for the submission of the question of consolidation to the electors of the subdivision.

The taxing authority in turn shall adopt such a resolution and shall cause a certified copy of the resolution to be filed with the board of elections of the county prior to the ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question to the electors of the subdivision at the succeeding November election.

**(C)** The board of county commissioners and the taxing authority of the subdivision, upon receipt of petitions signed by not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors in the county library district and not less than ten per cent, or five hundred, whichever is the lesser, of the qualified electors of the subdivision, voting at the last general election, shall adopt resolutions providing for the submission of the question of consolidation to the electors of the county library district and of the subdivision.

Each taxing authority in turn shall cause a certified copy of its resolution to be filed with the board of elections of the county prior to the ninetieth day before the day of the election at which the question will appear on the ballot. The board of elections shall submit the question of the consolidation of the county library district and the subdivision to the electors of the county library district and of the subdivision at the succeeding November election.

If under division (A) of this section the board of library trustees and the taxing authority of said subdivision approve the request for consolidation, or if under division (B) of this section a majority of the electors of the subdivision vote in favor of the consolidation, or if under division (C) of this section a majority of the electors of the county library district and a majority of the electors of the subdivision vote in favor of the consolidation, such consolidation shall take place. The taxing authority of the subdivision or the board of elections, whichever the case may be, shall notify the county commissioners and the respective library boards.

The board of library trustees of the county library district, the board of library trustees of the subdivision and their respective taxing authorities shall take appropriate action during the succeeding December, transferring all title and interest in all property, both real and personal, held in the names of said library boards to the board of trustees of the consolidated county library district, effective the second Monday of the succeeding January.

The board of library trustees of the county library district and the board of library trustees of the subdivision shall meet jointly on the second Monday of the succeeding January.

Acting as a board of the whole, the two boards shall become the interim board of library trustees of the consolidated county library district whose terms shall expire the second Monday of the second January succeeding the election at which the consolidation was approved. The board shall organize itself under section 3375.32 of the Revised Code and shall have the same powers, rights, and limitations in law as does a board of library trustees appointed under section 3375.22 of the Revised Code. In the event of a vacancy on the interim board the appointment shall be made by the same taxing authority which appointed the trustee whose place has become vacant and shall be only for the period in which the interim board is in existence.

At least thirty days prior to the second Monday of the second January succeeding the election at which the consolidation was approved, the board shall request the county commissioners and the judges of the court of common pleas to appoint a regular board of library trustees of seven members under the provisions of section 3375.22 of the Revised Code. The terms of said trustees shall commence on the second Monday of the January last referred to above. The control and management of such consolidated county library district shall continue to be under section 3375.22 of the Revised Code.

For the purposes of this section, whenever a county library district is consolidated with a subdivision other than a school district, the area comprising the school district in which the main library of said subdivision is located shall become a part of the county library district.

ORC Ann. 3375.212

A county library district's board of library trustees may annually, during May, certify to the county's board of county commissioners the amount needed to maintain and operation the free public library during the next year and the amount of revenue anticipated from all sources other than a tax levy on the district's taxable property. The board of county commissioners may annually levy a tax, not to exceed 1 mill, on the district's taxable property to provide library operation funds pursuant to the certification. This tax is in addition to all other levies authorized by law.

The board of library trustees of a county library district may annually, during the month of May, certify to the board of county commissioners of the county in which such district is situated the amount of money required to maintain and operate the free public

library during the ensuing year and the amount of revenue anticipated from all sources other than a tax levy on the taxable property of said district. The board of county commissioners may annually levy a tax on the taxable property of the district not to exceed one mill for the purpose of providing funds for library operation pursuant to said certification. The tax so levied shall be in addition to all other levies authorized by law.

ORC Ann. 3375.23

## **VI. Regional Library Districts**

2+ contiguous counties' board of county commissioners may, by joint resolution, create a regional library district and provide for a free public library's establishment and maintenance in the district. The district must contain the territory of all school districts of counties outside the territorial boundaries of a subdivision or district maintaining a free public library, including the territory of any subdivision or districting maintaining a free public library and petitioning to become part of a regional library district.

The board of county commissioners of two or more contiguous counties may by joint resolution create a regional library district and may provide for the establishment, control, and maintenance in such district of a free public library.

Such district shall contain the territory of all school districts of such counties outside the territorial boundaries of a subdivision or district maintaining a free public library, including the territory of any such subdivision or district maintaining a free public library and petitioning to become a part of such regional library district pursuant to section 3375.29 of the Revised Code.

ORC Ann. 3375.28

In any county comprising part of a regional library district, or in any county contiguous to such a county with a regional library district, the taxing authority of any of the county's subdivisions, not included in the district and maintaining a free public library for its inhabitants, may, upon the request of that free public library's board of trustees, adopt a resolution to provide for the subdivision's inclusion in the regional library district. Upon the resolution's adoption, the taxing authority and the free public library's board of trustees must take appropriate action, transferring all title and interest in all property, real and personal, in the free public library's name to the regional library district's board of library trustees. Once title and interest in property is transferred, the subdivision is part of the regional library district.

In any county comprising a part of a regional library district or in any county contiguous to such a county in which there has been created a regional library district, the taxing authority of any subdivision of the county, not included in said district and maintaining a free public library for the inhabitants thereof, may, upon request of the board of trustees of said free public library, adopt a resolution providing for the inclusion of said subdivision in the regional library district. Upon the adoption of such a resolution, the taxing authority and the board of trustees of the free public library shall take appropriate action transferring all title and interest in all property, both real and personal, in the name of said free public library to the board of library trustees of the regional library district. Upon the transfer of such title and interest in such property said subdivision shall become part of the regional library district.

ORC Ann. 3375.29

A regional library district's board of trustees may annually, during May, certify to the boards of county commissioners of the districts' counties the amount anticipated from all sources other than a tax levy on the district's taxable property. The boards of county commissioners may annually levy a tax on the taxable property of the district within their counties, not to exceed 1 mill, to provide library operation funds pursuant to the certification.

The board of library trustees of a regional library district may annually, during the month of May, certify to the boards of county commissioners of counties in such district the amount of revenue anticipated from all sources other than a tax levy on the taxable property of such district. The boards of county commissioners may annually levy a tax on the taxable property of such district situated within their respective counties, not to exceed one mill, for the purpose of providing funds for library operation pursuant to said certification.

ORC Ann. 3375.31

## **VII. Library Service by Contract**

Any county's board of county commissioners, any school district's board of education, any municipal corporation's legislative body, or any township's board of township trustees may contract with any public library's board of trustees, or with any private corporation or library association that maintained a free public library prior to

September 4, 1947, situated within or without the taxing district, to furnish library service to the taxing district's inhabitants, notwithstanding the fact that the library is receiving proceeds from the county public library fund and may levy a tax, or may make an appropriation from its general fund or from federal funds, for the library to expend in providing library services in the taxing district. The taxing authority may require an annual report from the board of library trustees, private corporation, or library association. When a tax for library purposes has been levied, at each semiannual collection of the tax, the county auditor must certify the collected amount to the taxing district's proper officer, who must draw a warrant for the amount on the district's treasurer payable to the library's proper officer. A subdivision's taxing authority may levy a tax for the support of a library association or private corporation only if the library association or private corporation has an association library district, and if the subdivision's territory includes some or all of the association library district's territory. The taxing authority must submit the question of levying the tax only to electors residing within the association library district's territory. If a majority of those electors approve, then the tax must be levied, only upon the taxable property located within the association library district's territory.

(A) The board of county commissioners of any county, the board of education of any school district, the legislative authority of any municipal corporation, or the board of township trustees of any township may contract with the board of library trustees of any public library, or with any private corporation or library association maintaining a free public library prior to September 4, 1947, situated within or without the taxing district, to furnish library service to all the inhabitants of said taxing district, notwithstanding the fact that such library is receiving proceeds from the county public library fund, and, subject to division (B) of this section, may levy a tax, or may make an appropriation from its general fund or from federal funds, to be expended by such library in providing library service in said taxing district for any of the purposes specified in section 3375.40 of the Revised Code. The taxing authority may require an annual report in writing from such board of library trustees, private corporation, or library association. When a tax for library purposes has been so levied, at each semiannual collection of such tax the county auditor shall certify the amount collected to the proper officer of the taxing district who shall forthwith draw a warrant for such amount on the treasurer of such district payable to the proper officer of such library.

(B) The taxing authority of a subdivision may levy a tax pursuant to division (A) of this section for the support of a library association or private corporation only if the library association or private corporation has an association library district, as defined in section 5705.01 of the Revised Code, and if the territory of the subdivision includes some or all of the territory of that association library district. The taxing authority shall submit the question of levying such a tax only to electors residing within the territory of the association library district. If approved by a majority of such electors voting on the question, such a tax shall be levied only upon taxable property located within the territory of the association library district.

ORC Ann. 3375.42

## VIII. Regional Library Systems

Public libraries in 2+ counties, or 4+ libraries, including 2+ types, within a metropolitan area, as defined by the state library board, may form a regional library system by agreement. Libraries authorized to form a regional library system may include any of the following types of libraries: academic, public, special, and school, including cooperative ventures 2+ school districts establish. Such libraries may be serving the general public, public or private schools, colleges or universities, or a profession, occupation, or business. The participating libraries' governing bodies must first approve an agreement for a regional library system's formation. The governing body of a library means a public library's board of trustees, a public school or school system's board of education if the library is a public school library, or the board of trustees or directors or other recognizing governing board or committee of any private school, college, university, association, or union, public or private, which provides, controls, or maintains a library intended to be a participating library. The agreement and application for a regional library system's formation must be submitted to the state library board as the state library board prescribes with a service plan describing the specific purposes behind the system's formation and how these purposes will be accomplished. Once the state library board approves the application and that board, or some other authority or authorities, makes grant(s) for the system, the regional library system must become operable. The state library board mustn't approve more than seven regional library systems. The application submitted to the state library board must contain the number of trustees, the manner of selection, the terms of office, and the provisions for filling vacancies, as determined by agreement of the participating libraries' governing bodies. No area library service organization or metropolitan library system existing on March 30, 1999 is required to submit a new agreement and application to the state library board to continue operation as a regional library system. Any agreement that applied immediately prior to that date to an area library service organization or metropolitan library system that continues operation as a regional library system continues to govern the regional library system.

Public libraries in two or more counties, or four or more libraries, including two or more types, within a metropolitan area, as defined by the state library board, may form a regional library system by agreement in the manner set forth in this section.

(A) The libraries authorized to form a regional library system may include any of the following types of libraries: academic, public, special, and school, including cooperative ventures established by two or more school districts. For the purposes of this section, those libraries may be serving the general public, public or private schools, colleges or universities, or a profession, occupation, or business.

An agreement for the formation of a regional library system shall first be approved by the governing bodies of the participating libraries. For the purposes of this section, the “governing body of a library” means the board of trustees of a public library, the board of education of a public school or school system if the library is a public school library, or otherwise the board of trustees or directors or other recognized governing board or committee of any private school, college, university, association, or union, public or private, which provides, controls, or maintains a library that is intended to be a participating library.

(B) Except as otherwise provided in division (D) of this section, the agreement and an application for the formation of the regional library system shall be submitted to the state library board in the form and in accordance with rules prescribed by the state library board, with a plan of service describing the specific purposes for which the system is formed and the means by which those purposes are to be accomplished.

(C) Upon approval of the application by the state library board and the making by that board or some other authority or authorities of a grant or grants for the system, the regional library system shall become operable. The state library board shall approve no more than seven regional library systems.

A regional library system shall be governed by a board of trustees consisting of at least seven and no more than fifteen persons, to be selected from among the representatives of the participating libraries, duly appointed as such representatives by the governing bodies of the participating libraries.

The number of trustees, the manner of selection, the terms of office, and the provisions for filling vacancies shall be determined by the agreement between the governing bodies of the participating libraries and shall be set forth in the application submitted to the state library board. Nothing pertaining to the organization and operation of a regional library system shall be construed to infringe upon the autonomy of any participating library or of the governing body of any library.

(D) No area library service organization or metropolitan library system in existence on March 30, 1999, shall be required to submit a new agreement and application to the state library board in order to continue operation as a regional library system on and after that date. Any agreement that applied under this section immediately prior to March 30, 1999, to an area library service organization or metropolitan library system that continues operation as a regional library system under this division shall continue to govern the applicable regional library system to the extent authorized by sections 3375.90 to 3375.93 of the Revised Code.

ORC Ann. 3375.90

## IX. Additional Procedures under the Tax Levy Law

This doesn't apply to school districts, county school financing districts, or lake facilities authorities. Any subdivision's taxing authority, at any time and in any year, by vote of 2/3 of all the taxing authority's members, may declare by resolution and certify the resolution to the board of elections within 90 days before the election upon which it will be voted that the amount of taxes that may be raised within the 10-mill limitation will be insufficient to provide for the subdivision's necessary requirements, and that it is necessary to levy a tax exceeding that limitation for any of the listed purposes, including for a public library of or supported by the subdivision. The resolution must specify the amount of the rate increase that is needed to levy, the purpose of the rate increase, and the number of years the rate increase will be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number up to five, except that when the increase is for one of a variety of purposes, including libraries, the tax levy may be for any specified number of years, or for a continuing period of time, as set forth in the resolution.

This section does not apply to school districts, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:....

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported; .... The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows: ....

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (I), (Z), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

ORC Ann. 5705.19

## Pennsylvania

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### Relevant Law

Libraries are found within Title 24 (Education) Part VI. Only one municipal provision, a library tax provision for Pittsburgh, addresses library establishment or taxation.

### Types of Libraries

The majority of law is devoted to municipal libraries in general. There are some provisions for county libraries and district library centers. Association libraries are mentioned briefly, but no further information is provided.

### I. Municipal Libraries

A municipality's qualified voters must determine at a special election whether to establish an annual special library tax on all the municipality's taxable property for a local library's establishment, maintenance and aid. The municipality's municipal officers may submit the library tax question to the qualified voters at any time. If 3% of those who voted in the last preceding general or municipal election petition for a library tax, the municipality's municipal officers must submit the question to the qualified voters. A special election must be held at the time of the next general, municipal or primary election that occurs at least sixty days after the date of the municipal officers' decision to submit the library tax question or the date of the petition's submission. If a majority approve the library tax, at the first meeting after the election results' official announcement, the municipal officers must take the needed steps to levy and collect the tax, and appoint a board of library directors to have exclusive control of the library and library tax revenue. This library tax must be an annual tax that must remain effective until another vote changes it. The municipal officers of a municipality that approved the tax may increase the rate without submitting the question to voters. The library tax must be levied and collected like the municipality's other taxes and must be in addition to all other taxes, unless the municipality incorporates the library tax in the general levy.

Municipalities may contract with an existing local library's managers or owners for public library service to the municipality's residents, whether the library is located in the same or another municipality. The contract may be renewed as its terms permit. A municipality's municipal officers may make appropriations from the current municipal revenue or money raised by the library tax to pay these contractual obligations.

No new library may be established in any municipality where there's a local library that one, is open to all the municipality's residents and that two, meets the minimum standards the State Librarian recommends as conditions for participating in State aid. All authorized State aid must be given to an existing local library if it satisfies those two conditions.

If 2+ libraries receive State aid from the same municipality and were established by July 20, 1917, any authorized appropriation must be divided between those libraries according to the terms of any agreement those libraries entered into and the State Librarian approved.

(a) *Vote on library tax; approval.* — The qualified voters of a municipality shall determine at a special election whether to establish an annual special library tax on all taxable property of the municipality for the establishment of, maintenance of and aid to a local library under the following procedures:

(1) Subject to paragraph (2), the municipal officers of a municipality may submit to the qualified voters the question of the library tax at any time.

(2) If petitioned for by 3% of the number of individuals who voted in the last preceding general or municipal election, the municipal officers of a municipality shall submit to the qualified voters the question of the library tax.

(3) A special election under this subsection shall be held at the time of the next general, municipal or primary election that

occurs not less than 60 days from:

- (i) The date of the decision of the municipal officers to submit the question of the library tax; or
- (ii) The date of submission of the petition under paragraph (2).

(4) If the majority of votes cast approves of the library tax, at the first meeting following the official announcement of the results of the election, the municipal officers shall:

- (i) Take the necessary steps to levy and collect the tax.
- (ii) Appoint a board of library directors to have exclusive control of the library and library tax revenue as provided in section 9318 (relating to local library governance).

(b) **Timing and amount of tax rate.** — The following shall apply:

(1) Subject to paragraph (2), the library tax established under this section shall be an annual tax which shall remain in effect until another vote is taken to change it.

(2) The municipal officers of the municipality that have approved the library tax may increase the rate without submitting the question to the voters.

(c) **Levy and collection.** — The library tax shall be levied and collected in the same manner as other taxes in the municipality and shall be in addition to all other taxes, unless the municipality incorporates the library tax in the general levy.

(d) **Use of tax proceeds.** — The library tax may not be used for any purpose other than the establishment of, maintenance of and aid to a local library.

(e) **Contract for library service.** — The following shall apply:

(1) A municipality may contract with the managers or owners of an existing local library for public library service to the residents of the municipality, whether the library is located in the same or another municipality. The contract may be renewed as permitted by the terms of the contract.

(2) The municipal officers of a municipality may make appropriations from current municipal revenue or moneys raised by the library tax to pay the contractual obligations under paragraph (1).

(3) If a special library tax is levied, all income from the tax shall be used for the establishment of, maintenance of and aid to the local library with which the municipal officers have entered into contract.

(f) **Limitation on establishment of new libraries.** — The following shall apply:

(1) No new library may be established under the provisions of this chapter in any municipality where there is a local library which:

- (i) is open to the use of all the residents of the municipality; and
- (ii) meets the minimum standards recommended by the State Librarian as conditions for participation in State aid.

(2) All State aid authorized under this chapter shall be given to an existing local library meeting the provisions of paragraph (1).

(g) **Multiple libraries in municipality.** — If two or more libraries receive State aid from the same municipality and were established on or before July 20, 1917, any appropriation authorized by this chapter shall be divided between those libraries according to the terms of any agreement previously entered into between those libraries and approved by the State Librarian.

24 Pa.C.S. § 9315

A municipality's municipal officers may establish a local library or aid in the maintenance of a local library established by deed, gift or testamentary provision for the municipality's residents' use through appropriations out of the current revenue of the municipality and money raised by a special library tax levy. A special library tax may be levied on the municipality's taxable property or levied and collected with the general taxes. A special library tax mustn't be levied on residents of a municipality that appropriates funds or levies a tax for the support of a local library that is located within the municipality but not part of a county library's direct service area. A special library tax's imposition mustn't prevent a municipality from also making appropriations for library purposes. Income from a special library tax must be used for the local library's support and maintenance.

(a) **Municipalities empowered to support libraries.** — The municipal officers of a municipality may establish a local library or aid in the maintenance of a local library established by deed, gift or testamentary provision for the use of the residents of the municipality through:

- (1) Appropriations out of current revenue of the municipality.
- (2) Money raised by the levy of a special library tax.

(b) **Special library tax.**

(1) A special library tax may be:

- (i) levied on the taxable property of the municipality; or
- (ii) levied and collected with the general taxes.

(2) A special library tax may not be levied on residents of a municipality which appropriates funds or levies a tax for the support of a local library that is located within the municipality but is not a part of the direct service area of a county library.

(3) Imposition of a special library tax shall not prevent a municipality from also making appropriations for library purposes.

(4) Income from a special library tax shall be used for the support and maintenance of the local library.

24 Pa.C.S. § 9351



## II. County Libraries

If a locality maintains a library that isn't part of a county library's direct service area, no county library may be established or maintained, and no county library tax may be imposed unless, prior to any library tax's establishment, that locality's municipal officer, or the board of trustees or managers of any endowed or association library in that locality that wasn't established under these provisions have signified the intent, by ordinance or resolution, to become part of the county library's direct service area and merge any existing library in the locality with the county library, or have contracted with the county commissioners for the existing library to become part of the county library's direct service area. A county library may use the books and other property of any endowed library or association library in that locality in accordance with a written agreement between the county commissioners and the municipal officers or board of trustees or managers of the library that is supported by the locality. Title to the books and other property may be transferred to the county library.

If a county library's direct service area is established and a locality hasn't joined in its establishment, the locality may later join the direct service area if the municipal officers or that library's board of trustees or managers enter into agreement with the county board of library directors to merge its facilities with the county library.

No county library tax may be levied on any property in a locality that maintains a local library by public tax funds and prior to the county library tax's levy, hasn't elected to join the county library's direct service area.

If a locality has established and maintained a separate local library, and if a county library also exists at the time, the locality's qualified voters must determine at a special election if the locality will be part of the county library's direct service area and subject to any tax for the county library's establishment, maintenance and aid. If 3% of those voting in the last preceding general or municipal election in the locality petition, the locality's officers must submit the question to the qualified voters. A special election must be held at the time of the next general, primary or municipal election that is at least 60 days for the date of the petition's submission. Such a special election mustn't be held more than once every five years. If a majority approve the locality's removal from the county library's direct service area and the county library tax's imposition, the locality is no longer part of the county library's direct service area and mustn't be subject to any county library tax's levy and payment.

**(a) *Establishment prohibited in certain cases.*** — If a locality maintains a library that is not part of the direct service area of a county library, no county library may be established or maintained and no county library tax may be imposed unless, prior to establishment of any library tax, the municipal officers of that locality or the board of trustees or managers of any endowed or association library in that locality that was not established under this chapter or any of its predecessors have:

(1) signified the intent by ordinance or resolution to become part of the direct service area of the county library and merge any existing library in the locality with the county library; or

(2) contracted with the county commissioners as to the terms and conditions under which the existing library will become a part of the direct service area of the county library.

**(b) *Use of books and other property.*** — Title to the books and other property of a library that is supported by a locality or any endowed library or association library in that locality that was not established under this chapter or its predecessors shall remain with locality or with the board of trustees or managers. The books and other property may be used by the county library in accordance with the terms of a written agreement between the county commissioners and the municipal officers or board of trustees or managers of the library that is supported by the locality. Title to the books and other property may be transferred to the county library.

**(c) *Merger at a later date.*** — If a direct service area of a county library is established and a locality has not joined in its establishment, the locality may join the direct service area at a later date if the municipal officers or the board of trustees or managers of that library enter into an agreement with the county board of library directors to merge its facilities with the county library.

**(d) *Imposition of county library tax restricted.*** — No county library tax may be levied on any property in a locality that:

(1) Maintains a local library by public tax funds.

(2) Prior to the levy of the county library tax, has not elected to join the direct service area of the county library.

**(e) *Referendum to separate from county library.*** — If a locality has established and maintained a separate local library and a county library also exists at that time, the qualified voters of the locality shall determine at a special election whether the locality shall be a part of the direct service area of the county library and be subject to any tax for the establishment of, maintenance of and aid to the county library under the following procedures:

(1) If petitioned for by 3% of the number of individuals voting in the last preceding general or municipal election in the locality, the officers of the locality shall submit the question to the qualified voters.

(2) A special election under this subsection shall be held at the time of the next general, primary or municipal election that occurs not less than 60 days from the date of the submission of the petition.

(3) A special election under this subsection shall be held no more than once in five years.

(4) If the majority of votes cast approves the removal of the locality from the direct service area of the county library and the imposition of the county library tax, the locality shall no longer be a part of the direct service area of the county library and shall not be subject to the levy and payment of any county library tax.

24 Pa.C.S. § 9317

### III. District Library Centers

With the advisory council's approval, the State Librarian must designate up to 30 libraries as district library centers, which may include any local library, any State college library, the Pennsylvania State University Library, or any privately supported college or university library that agrees to service as a district library center. District library centers may coordinate the services of local libraries within the district library center system by contracting with a municipality or a local library's board of trustees or managers to become part of the system. District library centers are to provide direct library service without charge to all the district's residents and provide supplementary library services to all local libraries in the district. District library centers may exchange or provide services with other district library centers, or contract for library services with other district library centers.

(a) **Designation.** — With the approval of the advisory council, the State Librarian shall designate up to 30 libraries throughout this Commonwealth as district library centers which may include:

- (1) any local library;
- (2) any State college library;
- (3) the Pennsylvania State University Library; or
- (4) any privately supported college or university library which agrees to serve as a district library center.

(b) **Powers and duties.** — A district library center may:

- (1) Coordinate the services of local libraries within the district library center system by contracting with a municipality or board of trustees or managers of a local library to become part of the system.
- (2) Provide direct library service without charge to all residents of the district.
- (3) Provide supplementary library services to all local libraries within the district.
- (4) Exchange or provide services with other district library centers or contract for the provision of library services with other district library centers.

24 Pa.C.S. § 9314

### Municipal Ordinances

There is only one municipal code provision pertaining to library establishment and taxation.

#### A. Pittsburgh

Effective January 1, 2012, based on a majority vote in the November 8, 2011 General Election, to provide revenue for the Carnegie Library of Pittsburgh's maintenance and operation, the following taxes shall be levied upon all real property taxable for the state, county, and city purposes within the city limits: .25 mills upon each dollar or 25 cents upon each 1,000.00 of land's assessed valuation, and .25 mills upon the dollar or 25 cents upon each 1,000.00 of buildings' assessed valuation.

Effective January 1, 2012, based on the will of the majority of those voting in the General Election on November 8, 2011, for the purpose of providing revenue for the maintenance and operation of the Carnegie **Library** of Pittsburgh, the following taxes shall be and the same are hereby levied and assessed upon all real property taxable for the state, county and city purposes within the limits of the city, viz: .25 mills upon each dollar or \$0.25 upon each \$1,000.00 of the assessed valuation of land, and .25 mills upon each dollar or \$0.25 upon each \$1,000.00 of the assessed valuation of all buildings. All tax revenue collected under this Section shall be allocated exclusively for the maintenance and operation of the Carnegie **Library** of Pittsburgh and shall be under the exclusive control of the Board of Trustees of the Carnegie **Library** of Pittsburgh.

Pittsburgh, Pennsylvania Code of Ordinances Sec. 263.03

## Rhode Island

### Relevant Law

Libraries are found in Title 29. There are a few municipal ordinances related to library establishment, all of which mimic the same format.

## Types of Libraries

Rhode Island seems to have only town and city free public libraries (handled together in the statute).

### I. Town and City Free Public Libraries

Any town's electors, qualified to vote upon any proposition to impose a tax or for monetary expenditures in the town, voting at any financial town meeting, or in the case of any city, the city council, may appropriate such sums as deemed proper for founding a free public library, with or without branches, for all inhabitants and providing the library with suitable land, buildings, and capital improvements.

The electors in any town, qualified to vote upon any proposition to impose a tax or for the expenditure of money in the town, voting at any financial town meeting, or in the case of any city, the city council, may appropriate such sum or sums as they shall deem proper for the foundation therein of a free public library, with or without branches, for all the inhabitants thereof, and to provide suitable rooms, land, buildings, and capital improvements for the library.

R.I. Gen. Laws § 29-4-1

Any town or city that has a established a free public library may annually, by majority vote of the town's electors qualified to vote and voting on the proposition, or by the vote of the city's city council, appropriate such sums as deemed proper for the public library's maintenance. Similarly, any town or city may annually appropriate for any free public library's maintenance such sums as deemed proper for the free public library's maintenance, land, buildings or improvements.

Any town or city having established a free public library therein, in the manner described in § 29-4-1, may annually, by the majority vote of the electors of the town qualified to vote and voting on the proposition, or by vote of the city council of the city, appropriate such sum or sums as it shall deem proper for the maintenance and increase of the library, and may take, receive, hold, and manage any devise, bequest, or donation for the establishment, maintenance, or increase of a public library therein. Any town or city may annually in like manner appropriate for the maintenance and increase of any free public library therein such sum or sums as may be deemed proper for the maintenance and increase of the free public library and for land, buildings, and capital improvements for such free public library.

R.I. Gen. Laws § 29-4-2

Any town or city that doesn't own a free public library may annually, by majority vote of the town's electors qualified to vote and voting on the proposition, or by the vote of the city's city council, appropriate such sums as deemed property to for a free public library's maintenance, land, buildings and capital improvements.

Any town or city not owning a free public library may annually, by the majority vote of the electors of the town qualified to vote and voting on the proposition, or by vote of the city council of the city, appropriate such sum or sums as it shall deem proper for the maintenance and increase of any free public library therein and for land, buildings, and capital improvements for any free public library.

R.I. Gen. Laws § 29-4-3

Any city or town may enter into an agreement with another city or town, or more than one other, to establish or maintain a free public library service, or 1+ aspects of such a service, to its citizens. Agreements for cooperative library service are valid when approved and accepted by the concerned libraries' boards of trustees and other governing bodies, and by the city or town councils of the cities and towns party to the agreement, and signed by the appropriate library officers and city or town officials. 2+ free public libraries may enter into agreements for cooperative library service, whether or not they're in the same city or town. However, for free public libraries established by a town or city council vote, the agreement mustn't be valid until the council of the city or town where the library is located approves and accepts. Such agreements must be reported to the office of library and information services.

(a) Any city or town may enter into an agreement with another city or town, or more than one other, to establish or maintain free public **library** service, or one or more aspects thereof to citizens therein, and those agreements for cooperative **library** service shall be valid when approved and accepted by the boards of trustees or other governing bodies of the **libraries** concerned, and by the respective city or town councils of the cities and towns parties to the agreement, and signed by the appropriate **library** officers and city or town officials thereunto authorized.

(b) Agreements for cooperative **library** service may be entered into by and between two (2) or more free public **libraries**, whether or not they are in the same city or town; provided, however, in the case of a free public **library** established or existing under the provisions of § 29-4-1, the agreement shall not be valid until it has been approved and accepted by the council of the city or town where the **library** is located.

(c) These agreements shall be reported to the office of **library** and information services, and such appropriate and equitable adjustments in annual grants-in-aid under this chapter shall be made as the circumstances may require.

R.I. Gen. Laws § 29-6-5

## Municipal Ordinances

Rhode Island has six municipal ordinances pertaining to library establishment. However, they are all virtually identical. One is provided here. The matching ordinances come from the towns of Cumberland, Narragansett and South Kingston, and the cities of East Providence and Warwick.

### *A. Cranston*

The Cranston public library, a free public library, is established for the city and its inhabitants.

There is established and founded for the city and for all the inhabitants thereof a free public **library** to be known as the Cranston public **library**. Such **library** may include such facilities and branches throughout the city as may be determined by the board of trustees.

Cranston, Rhode Island Code of Ordinances Sec. 2.44.010

## South Carolina

### Relevant Law

Libraries found within Title 4 (Counties) under Chapter 9 (County Government) Article 1 (General Provisions). Many counties have municipal ordinances relating to library establishment, but most of these are identical.

### Types of Libraries

South Carolina only has county public library systems.

### I. County Public Library Systems

Prior to July 1, 1979, each county council must, by ordinance, establish a county public library system within the county, though any county's governing body may, by ordinance, provide for the county library system's operation, composition and duties. County library systems created by such ordinances are regarded as a continuing function of the county government.

(A) Each county council shall prior to July 1, 1979, by ordinance establish within the county a county public **library** system, which ordinance shall be consistent with the provisions of this section; provided, however, notwithstanding any other provision of this chapter, the governing body of any county may by ordinance provide for the composition, function, duties, responsibilities, and operation of the county **library** system. County **library** systems created by such ordinances shall be deemed a continuing function of county government and shall not be subject to the provisions of § 4-9-50 except as state funds are specifically appropriated under other provisions of law.

(B) Each county public **library** system shall be controlled and managed by a board of trustees consisting of not fewer than seven nor more than eleven members appointed by the county council (council) for terms of four years and until successors are appointed and qualify except that of those members initially appointed one-half of such appointees less one shall be appointed for terms of two years only. Previous service on a county **library** board prior to the enactment of the county ordinance establishing the board shall not limit service on the board. Vacancies shall be filled in the manner of the original appointment for the unexpired term. To the extent feasible, members shall be appointed from all geographical areas of the county.

(C) The board shall annually elect a chairman, vice-chairman, secretary, treasurer and such other officers as it deems necessary. The board shall meet not less than four times each year and at other times as called by the chairman or upon the written request by a majority of the members.

S.C. Code Ann. § 4-9-35

Annual appropriations by the county council including millage, if any, levied specifically for the county public library system plus aid provided by the state and federal government and other sources must fund the county public library system. If any county council levies a tax specifically for a county public library system's support, that tax must apply to all persons and corporations subject to school taxes. All assets and property, both real and personal, the county library owned prior to a library system's creation must be transferred to the county by the persons or entities with title. Any decision to sell or otherwise transfer the property for a use other than library purposes must be made by a 2/3 majority of the county governing body.

County public library systems shall be funded by annual appropriations by the county council including millage, if any, levied specifically for the county public library system plus aid provided by the state and federal governments and other sources. If any county council levies a tax specifically for the support of a county public library system, such tax shall apply to all persons and corporations subject to school taxes.

All assets and property, both real and personal, owned by any county library prior to the creation of a library system under Section 4-9-35 shall be transferred to the county by the persons or entities owning title thereto provided, however, any decision to sell or otherwise transfer the property for use other than for library purposes must be made by two-thirds majority of the county governing body.

S.C. Code Ann. § 4-9-39

Any county may perform any of its functions, or furnish any of its services within the corporate limits of any municipality, situated within the county, by contract with any individual, corporation or municipal governing body. However, if the municipality is providing such a service or the service has been budgeted or funds have been applied for that service, the service mustn't be rendered without the municipal governing body's permission.

Any county may perform any of its functions, furnish any of its services within the corporate limits of any municipality, situated within the county, by contract with any individual, corporation or municipal governing body, subject always to the general law and the Constitution of this State regarding such matters. Provided, however, that where such service is being provided by the municipality or has been budgeted or funds have been applied for that such service may not be rendered without the permission of the municipal governing body.

S.C. Code Ann. § 4-9-40

Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers.<sup>18</sup>

(A) Any county, incorporated municipality, special purpose district, or other political subdivision may provide for the joint administration of any function and exercise of powers as authorized by Section 13 of Article VIII of the South Carolina Constitution.

(B) The provisions of this section may not be construed in any manner to result in diminution or alteration of the political integrity of any of the participant subdivisions which agree to and become a part of the functional consolidation, nor may any constitutional office be abolished by it.

S.C. Code Ann. § 4-9-41

## Municipal

South Carolina has a number of county ordinances relating to library establishment, though most are rather brief. The ordinances of eighteen other counties (Aiken, Charleston, Chester, Colleton, Darlington, Dorchester, Edgefield, Fairfield, Florence, Jasper, Lancaster, Lexington, McCormick, Oconee, Orangeburg, Pickens, Spartanburg, and Sumter) are not included as they follow substantially the same form as that of Berkeley County. The ordinance for Horry County is the one outlier here, as it provides a specified millage amount.

### *A. Anderson County*

A county library system is established.

There is established the county library system.

Anderson County, South Carolina Code of Ordinances Sec. 46-36

A tax levied specifically for the county public library system, plus an appropriation and aid the state and federal governments and other sources provide, must fund the county library system.

The county library system shall be funded by a tax levied specifically for the county public library system plus an appropriation and aid provided by the state and federal governments and other sources.

Anderson County, South Carolina Code of Ordinances Sec. 46-38

<sup>18</sup> The intent of this provision is to provide a way to consolidate the government and corporate functions vested in municipal corporations and other political subdivisions with the government and corporate functions vested in the counties where those municipal corporations and other political subdivisions are located, and to provide a way to create consolidated governments.

***B. Berkeley County***

The Berkeley County Library System is established.

Pursuant to the S.C. Code 4-9-35, as amended, there is hereby established the Berkeley County Library System.

Berkeley County, South Carolina Code of Ordinances Sec. 32-1

The county council's annual appropriations, including millage, if any, levied specifically for the county public library system, plus aid the state and federal governments, and other sources provide, must fund the county public library system. If the county council levies a tax specifically for the county public library system's support, the tax must apply to all persons subject to school taxes.

The county public library system shall be funded by annual appropriations by the county council, including millage, if any, levied specifically for the county public library system, plus aid provided by the state and federal governments and other sources. If the county council levies a tax specifically for the support of the county public library system, such tax shall apply to all persons subject to school taxes.

Berkeley County, South Carolina Code of Ordinances Sec. 32-

***C. Horry County***

The Horry County Memorial Library is established to provide public library service to the county's entire population and succeeds the Horry County Memorial Library established under prior law.

The Horry County Memorial Library is hereby established to provide public library service to the entire population of the county. It succeeds the Horry County Memorial Library established under the South Carolina code of Laws 1962, Chapter 42, Article 22.

Horry County, South Carolina Code of Ordinances Sec. 12-16

The county council's annual appropriations, including 1 mill levied specifically for the county library system plus aid the state and federal governments, and other sources, provide must fund the county public library system. A budget request must be submitted to the council for the balance of the funds. Millage the county council levies for the county public library system's support applies to all persons and corporations subject to school taxes.

The county public **library** system shall be funded by annual appropriations by the county council including one (1) **mill** levied specifically for the county public **library** system plus aid provided by the state and federal governments and other sources. A budget request shall be submitted to the council for the balance of the funds. Millage levied by the county council for the support of the county public library system shall apply to all persons and corporations subject to school taxes.

Horry County, South Carolina Code of Ordinances Sec. 12-21

## Tennessee

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**Relevant Law**

Libraries are found within Title 10 (Public Libraries, Archives and Records). There are a few municipal ordinances relating to library establishment.

**Types of Libraries**

Tennessee has a multi-county regional library program organized by the state. Groups of counties recognized as regions may create regional library boards. The statute also specifically creates the Northeast Tennessee Public Library as part of this system. There are also libraries of cities, counties, and towns.

**I. The Multi-County Regional Library System*****A. Regional Library Boards***

2+ counties that have qualified to participate in the state's multi-county regional library program, that the secretary of state has recognized as a region, and that have made the minimum local appropriation of funds that the secretary of



state may now or later require may execute contracts with each other to create a regional library board to assist the secretary of state, acting through the division of public libraries and archives, in administering and controlling the regional library services within the region. The legislative body of the county desiring to participate must authorize the contract by resolution. The county mayor must execute the contract, as the resolution authorizes, and the county clerk must attest the contract. After a county's governing body authorizes participation, municipalities within the county may participate in regional library service so long as the county participates. A city in a county not participating in a region can, with the secretary of state's approval, join the state regional system as related to state purchasing contracts. The secretary of state must assess fees, from participating cities, for any additional cost of services under the state contracts. Counties and municipalities may appropriate funds for this purpose. A single county that's large enough to constitute a region and is so recognized by the secretary of state may also create a regional library board by executing a contract between the county and 1+ cities within the county.

**Two** (2) or more counties that have qualified for participation in the state's multi-county regional library program and that have been recognized as a region by the secretary of state and have made the minimum local appropriation of funds that may now or hereafter be required by the secretary of state, are empowered and authorized to execute contracts with each other to create a regional library board to assist the secretary of state, acting through the division of public libraries and archives, in administering and controlling the regional library services within the region. Each county shall be represented by two (2) members of the regional library board. The contract shall be authorized by a resolution of the legislative body of the county desiring to participate and the county mayor shall execute the contract as authorized in the resolution, and the contract shall be attested by the county clerk. After the governing body of a county authorizes participation, municipalities within the county may participate in the regional library service so long as the county participates. A city in a county not participating in a region can, with approval by the secretary of state, join the state regional system as related to state purchasing contracts. The secretary of state shall assess fees, from participating cities, for any additional cost of services under the state contracts. Counties and municipalities may appropriate funds for this purpose. A single county that is large enough to constitute a region and has been so recognized by the secretary of state may also create a regional library board by executing a contract between the county and one (1) or more cities within the county. There shall be at least seven (7) board members apportioned among county and municipalities according to the ratio of population in each participating municipality and in the county outside the municipalities, based on the most recent federal census.

Tenn. Code Ann. § 10-5-101

The county legislative bodies and municipal governing bodies of counties and cities that have signed regional library service agreements may make available to the secretary of state, acting through the division of public libraries and archives, such funds as deemed necessary to supplement the funds the regional library receives through state and federal resources. The funds may only be expended for library service for which the county or city agreed in writing.

(a) The county legislative bodies and municipal governing bodies of counties and cities which have signed agreements for regional library services are authorized to make available to the secretary of state, acting through the division of public libraries and archives, such funds as may be deemed necessary to supplement the funds received by the regional library through state and federal resources. Such funds shall be expended only for the library service for which the county or city agreed in writing and for no other purpose.

(b) The regional library board, acting through the chief administrative officer of its regional library program, shall make a detailed report of receipts and disbursements of all funds at the first regular meeting of the legislative body of every participating county and the governing body of every participating city after the close of the state's fiscal year.

Tenn. Code Ann. § 10-5-104

### ***B. The Northeast Tennessee Public Library***

As part of the state's multi-county regional library system, the Northeast Tennessee public library, to be operated and administered by the Holston River regional library board, is established. The Holston River regional library board will provide, with the secretary of state's approval, the Northeast Tennessee public library's physical site and facilities. However, the library's physical site and facilities must be in 1+ of the Holston River region's ten counties (Cocke, Hawkins, Hamblen, Hancock, Sullivan, Washington, Carter, Greene, Unicoi, and Johnson).

(a) There is hereby established, as part of the state's multi-county regional library system, the Northeast Tennessee public library, to be operated and administered by the Holston River regional library board.

(b) The mission of the Northeast Tennessee public library shall be to provide legislative information and to develop and implement a communications network for the benefit of the citizens of the Holston River region, which includes the Northeast Tennessee counties of Cocke, Hawkins, Hamblen, Hancock, Sullivan, Washington, Carter, Greene, Unicoi and Johnson.

(c) The physical site and facilities for the Northeast Tennessee public library shall be as provided for by the Holston River regional

library board, with the approval of the secretary of state. However, the physical site and facilities of such library shall be located in one (1) or more of the ten (10) counties of the Holston River region.

(d) The Northeast Tennessee public library shall otherwise be operated and administered in accordance with chapter 5 of this title.

(e) The secretary of state is authorized to promulgate rules and regulations to effectuate the purposes of this section. All such rules and regulations shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

Tenn. Code Ann. § 10-1-112

## II. Libraries of Counties, Cities, and Towns

Any county's legislative body and/or any incorporated city or town's governing body may establish and maintain a free public library, or give support to a free public library already established, or contract with another library for library service for the use of the county, city, or town's inhabitants, or contract with 1+ counties or cities for a free public library's joint operation.

The legislative body of any county and/or the governing body of any incorporated city or town has the power to establish and maintain a free public library, or give support to any free public library already established therein, or contract with another library for library service for the use of the inhabitants of such county, city or town, or enter into contractual agreements with one (1) or more counties or cities for joint operation of a free public library.

Tenn. Code Ann. § 10-3-101

When a county legislative body and/or city governing body decide to establish, maintain or support a free public library, or contract with another library for library service, or contract with 1+ counties or cities for a free public library's joint operation, for this purpose, it must levy a property tax, or use funds raised by taxes for county or municipal purposes, with the library service declared as a county or municipal service. If a portion of a county is already taxed for a free public library's maintenance, the county legislative body may levy a tax for a free library on all property in the county, or the county legislative body may levy a tax on only the property of the portion of the county not already taxed for a free public library's maintenance.

(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.

Tenn. Code Ann. § 10-3-102

## Municipal Ordinances

Tennessee has a few municipal ordinances pertaining to library establishment, and referencing both city libraries and library systems.

### *A. Kingsport*

There is a city library.

There is created a city library.

Kingsport, Tennessee Code of Ordinances Sec. 54-1

### *B. Memphis*

A library system is established to operate a main facilities and city branches within the City of Memphis, and to operate and provide library service to any municipality or entity located within the county that has contracted with the system for library service.



A library system is hereby established to operate a main facility and all city branches located within the City of Memphis, and to operate and provide library services to any municipality or entity located within the county that has contracted with the system for the provision of such library services in accordance with T.C.A. 10-3-101 and section 2-14-8 of this Code.

Memphis, Tennessee Code of Ordinances Sec. 2-14-1

The city will fund the operation of library branches located in the City of Memphis. For branches located within a municipality or entity outside the city, the municipality or entity where the branch is located must bear the cost of the branch's operation. The city council must approve the total library system budget each fiscal year upon the submission of the system's financial needs. The budget must be presented as part of the budget of the public services and neighborhoods division, as a department under its general control and direction. Funds exceeding the approved budget mustn't be expended.

The operation of all library branches located within the City of Memphis shall be funded by the city. The operation of any branch located within a municipality or entity outside the city shall be borne by the municipality or entity in which the branch is located. The total budget of the library system shall be approved by the city council each fiscal year upon submission of the financial needs of the system. The budget will be presented as a part of the budget of the public services and neighborhoods division as a department under its general control and direction. No funds shall be expended that exceed the approved budget.

Memphis, Tennessee Code of Ordinances Sec. 2-14-3

### ***C. Metro Government of Nashville and Davidson County***

The metropolitan government must provide for the Nashville Public Library's operation and maintenance.

The metropolitan government shall provide for the maintenance and operation of the Nashville Public Library.

Metro Government of Nashville and Davidson County, Tennessee Charter Sec. 11.1201

### ***D. Millersville***

The Millersville Public Library, an independent public library for the city, is created and must be free to the city's residents.

Pursuant to T.C.A. 10-3-101 et seq., there is hereby created an independent public library for the city, which shall be known as Millersville Public Library. Such library shall be free to the residents of the city. The library board, created in article II of this chapter, may extend the privileges and facilities of the library to persons residing outside the city upon such terms as it may deem proper.

Millersville, Tennessee Code of Ordinances Sec. 50-1

## **Vermont**

### **Relevant Law**

Libraries are found within Title 22 (Libraries, History, and Information Technology). Some municipal charters mention libraries.

### **Types of Libraries**

"Public library" means any library established and maintained by a municipality or by a private association, corporation or group to provide basic library services free of charge to all residents of a municipality or a community and which receives its annual financial support in whole or in part from public funds. The statute only deals generally with municipal libraries.

### **I. Municipal<sup>19</sup> Libraries**

Municipalities may establish and maintain public libraries for their residents' use. Municipalities may also provide library service to other municipalities' residents under agreed-upon terms, and they may annually contract with a library or library corporation to furnish library materials to its residents free of charge. Municipalities may also

<sup>19</sup> As used in these sections, "municipality" means a town, city or incorporated village only.

appropriate money for this purpose, and may annually appropriate money for the maintenance, care and support of a library held in trust for the municipality's residents.

(a) A municipality may establish and maintain for the use of its residents public libraries.

(b) A municipality may provide library services to the residents of other municipalities, upon terms to be agreed upon, and may annually contract with a library or library corporation to furnish library materials to its residents free of charge and may appropriate money for that purpose and may annually appropriate money for the maintenance, care, increase and support of a library held in trust for the residents of the municipality.

22 V.S.A. § 141

Municipalities that establish and maintain a library, or contract for library service, may appropriate money as needed for the public library's foundation and suitable facilities, and annually must appropriate money for the library's maintenance and care in an amount voted at their annual meeting.

A municipality establishing and maintaining a library or contracting for library services may appropriate money as necessary for suitable facilities and for the foundation of a public library and shall appropriate money annually for the maintenance, care and increase of the library in an amount voted at its annual meeting.

22 V.S.A. § 142

2+ library corporations in the same municipality, or in different municipalities, may, by a majority vote of all the corporations' members, at meetings for this purpose, unite and assume the corporate name of any one of the corporations.

Two or more library corporations in the same municipality or in different municipalities may, by a majority vote of the members of all the corporations, at meetings warned for that purpose, unite and assume the corporate name of any one of the corporations. The plan of incorporation shall contain regulations necessary to carry out the provisions of this chapter.

22 V.S.A. § 110

## **Municipal Ordinances**

Vermont has a few municipal charter provisions related to library establishment. Most are quite simple and very similar. A few impose tax limits.

### ***A. Burlington***

The city council has the power to establish and maintain a public library.

The City Council shall have power:... to establish and maintain a public library.

24A V.S.A. § 3-48

The city council must annually assess upon the city's property grand list, to assist in meeting the appropriation for purchasing books and media for the library department, a tax that, in the city council's judgment, will be sufficient to assist in meeting that appropriation. The rate mustn't exceed half a cent upon the dollar of the property grand list, except when the city's legal voters authorize a larger rate. The tax mustn't be included within the limitation of taxes for city purposes.

The City Council shall annually assess upon the property grand list of the City to assist in meeting the appropriation made for the use of purchasing books and other media for the **Library** Department, a tax which will, in the judgment of the City Council, be sufficient to assist in meeting such appropriation, but the rate shall not exceed one-half cent upon the dollar of said property grand list, except when a larger rate shall be authorized by the legal voters of said City. Such tax shall not be included within the limitations of the amount of tax for City purposes prescribed in section 99 of this charter.

24A V.S.A. § 3-102c

### ***B. Cambridge***

The corporation has the power to establish and maintain a public library and reading room.

The corporation shall have power to make, amend, or repeal bylaws not repugnant to the Constitution or laws of this State or of the United States for the following purposes:... To establish and maintain a public **library** and reading room.

24A V.S.A. § 213-61

### *C. Chester*

Chester's selectboard has the power to establish and maintain a public library and reading room.

The Selectboard of the Town of Chester, consistent with the Constitution and laws of the United States and of this State, shall have the power and authority to make, establish, alter, amend, or repeal ordinances, regulations and systems of licenses for regulation or revenue, for the following purposes:... To establish and maintain a public **library** and reading room.

24A V.S.A. § 111-301

### *D. Jacksonville*

The village may establish and maintain a free public library for its inhabitants' improvement.

The Village may establish, keep, and maintain a free public **library** for the improvement of its inhabitants, and to that end may purchase, hold, and dispose of real and personal property to preserve, improve, enlarge, and continue the **library** and erect such building as may be necessary for its safe and convenient keeping and receive such donations of books, maps, charts, or other property as may be donated to the Village or the **library**.

24A V.S.A. § 227-13

### *E. Ludlow*

The village has the power to establish and maintain a public library and reading room.

Said Village shall have power to make, amend, or repeal bylaws not repugnant to the Constitution or laws of this State or of the United States, for the following purposes:... To establish and maintain a public **library** and reading room.

24A V.S.A. § 235-114

### *F. Newfane*

The corporation has the power to establish and maintain a public library and reading room.

Said corporation shall have power to make, amend or repeal by-laws not repugnant to the Constitution or laws of this State or of the United States, for the following purposes:... To establish and maintain a public **library** and reading room.

24A V.S.A. § 249-701

### *G. Orleans*

The village has the power to establish and maintain public library and reading room.

Said Village shall have power to make, establish, alter, or amend or repeal ordinances, regulations, and bylaws for the following purposes:... To establish and maintain a public **library** and reading room.

24A V.S.A. § 261-17

### *H. Richford*

Richford must provide suitable rooms in a town property for the Arvin A. Brown Public Library and furnish and heat the room without expense to the library's trustees, as set forth in a March 13, 1914 deed.

The Town of Richford shall provide suitable rooms in a Town property for the Arvin A. Brown Public **Library** and shall keep the rooms furnished and heated without expense to the Arvin A. Brown **Library** Trustees, as set forth in the deed of March 13, 1914 recorded in Book 23, Page 65 of the Richford Land Records.

24A V.S.A. § 142-403

### *I. Rutland*

The city has the power to appropriate a sum for the Rutland Free Library Association, Inc.'s support and maintenance, provided that the city's inhabitants at all reasonable and proper times have free use of the library.

Without in any way limiting the powers hereinafter granted, the City of Rutland shall have the power:... To appropriate a sum for the support and maintenance of the Rutland Free **Library** Association, Inc., provided that the inhabitants of the City shall at all reasonable and proper times have the free use of said **library**;

24A V.S.A. § 9-3.1

### *J. St. Albans*

The city council of St. Albans must annually assess upon the ratable estate in the city, whether owned by residents or nonresidents, such a tax as the St. Albans Free Library's trustees recommend to the council for the library's support and furnishing. The tax mustn't exceed five cents on a dollar of the city's grand list, is in addition to all taxes currently levied and assessed, and must be included in the rate-bill and collected like all other taxes. The city council must annually appropriate for St. Albans Free Library's support such a sum for the general funds as is realized from the tax the library's trustees recommend and from the income of any property or money any of the city's people donate for the library's use.

(a) The City Council of the City of St. Albans shall annually assess upon the ratable estate within the City, whether owned by residents or nonresidents, such **tax** as the trustees of the St. Albans Free **Library** shall recommend to the Council for the support of the **library** and furnishing books and periodicals for the same, but not to exceed five cents on a dollar of the grand list of the City. The tax shall be in addition to all taxes now levied and assessed and shall be included in the rate-bill and collected in the same manner as all other **taxes**.

(b) The City Council shall annually appropriate for the support of the St. Albans Free **Library** such sum from the General Funds as may be realized from the **tax** recommended by the trustees of the St. Albans Free **Library** and from the income of any property or money donated by any person to the City for the use of the St. Albans Free Library and shall be paid over to the Treasurer of the St. Albans Free Library.

24A V.S.A. § 11-32

## Virginia

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### Relevant Law

Libraries are found within Title 42.1, with Chapter 2 (Local and Regional Libraries) as the most useful portion. A few municipal ordinances relate to libraries.

### Types of Libraries

Virginia libraries are split into two main categories: local libraries under a city, county, or town, and regional library systems.

### I. City, County and Town Libraries

Any city, county, or town's governing body may establish a free public library for its residents' use and benefit. The governing body must provide sufficient support for the library's operation by levying a tax, either by special levy as a fun of the city, county or town's general levy.

The governing body of any city, county or town shall have the power to establish a free public library for the use and benefit of its residents. The governing body shall provide sufficient support for the operation of the library by levying a tax therefor, either by special levy or as a fund of the general levy of the city, county or town. The word "support" as used in this chapter shall include but is not limited to, purchase of land for library buildings, purchase or erection of buildings for library purposes, purchase of library books, materials and equipment, compensation of library personnel, and all maintenance expenses for library property and equipment. Funds appropriated or contributed for public library purposes shall constitute a separate fund and shall not be used for any but public library purposes.

Va. Code Ann. § 42.1-33

Any city, town or county may contract with adjacent cities, counties, towns, or state-supported institutions of higher learning to receive or provide library service under mutually acceptable terms and conditions, or they may contract for library service with a library not owned by a public corporation but maintained for free public use. A free public library's board of trustees may contract with county, city or town school boards and boards of school trustees to provide library service for schools. Any city or county governing body that contracts for library service is entitled to all the rights and benefits of regional free library systems. Any such library's board of trustees or other governing

body may also, with the State Library's Board approval and with satisfactory terms, extend its service to those in adjacent areas of other states.

Any city, town or county shall have the power to enter into contracts with adjacent cities, counties, towns, or state-supported institutions of higher learning to receive or to provide library service on such terms and conditions as shall be mutually acceptable, or they may contract for a library service with a library not owned by a public corporation but maintained for free public use. The board of trustees of a free public library may enter into contracts with county, city or town school boards and boards of school trustees to provide library service for schools. Any city or county governing body contracting for library service shall, as a part of such contract, have the power to appoint at least one member to the board of trustees or other governing body of the library contracting to provide such service. Any city or county thus contracting for library service shall be entitled to the rights and benefits of regional free library systems established in accordance with the provisions of § 42.1-37. The board of trustees or other governing body of any library established under the provisions of § 42.1-33 may also, with the approval of and on terms satisfactory to the State Library Board, extend its services to persons in adjacent areas of other states.

Va. Code Ann. § 42.1-34

The governing body of any county, city, or town where no free public library system has been established may, in its discretion, appropriation sums of money, as it seems proper, for the support and maintenance of any free library or library service a company, society or association operates and conducts in the county, city or town.

The governing body of any county, city or town in which no free public library system as provided in this chapter shall have been established, may, in its discretion, appropriate such sums of money as to it seems proper for the support and maintenance of any free library or library service operated and conducted in such county, city or town by a company, society or association organized under the provisions of §§ 13.1-801 through 13.1-980.

Va. Code Ann. § 42.1-43

The board of directors or trustees of any public free library established via a prior act may lease, convey, or transfer any interest to its properties, real or personal, to the governing body of the political subdivision where the library is located so that the library may become part of the city's public library system, subject to restrictions and conditions the board of directors or trustees and the governing body agree to.

The board of directors or trustees of any public free library established pursuant to Chapter 13, Acts of Assembly, 1924, approved February 13, 1924, may lease, convey, or transfer any interest to its properties, real or personal, to the governing body of the political subdivision in which such library be situated in order that such library may become a part of the public library system of such city, subject to such restrictions and conditions as may be agreed to by such board of directors or trustees and such governing body.

Va. Code Ann. § 42.1-45

## II. Regional Free Library Systems

2+ political subdivisions (counties or cities), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between the political subdivisions. For established county or city free library systems, the library boards must agree to the action.

Two or more political subdivisions, (counties or cities), by action of their governing bodies, may join in establishing and maintaining a regional free library system under the terms of a contract between such political subdivisions; provided, that in the case of established county or city free library systems, the library boards shall agree to such action.

Va. Code Ann. § 42.1-37

2+ political subdivisions (counties or cities) that have qualified for participation in the state's regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as currently or later recommended by the Board, may contract with each other to create a regional library board to administer and control the regional library service in the region.

Two or more political subdivisions (counties or cities) which have qualified for participation in the state's regional library program, have been recognized as a region by the State Library Board, and have made the minimum local appropriation of funds as may now or hereafter be recommended by the Board, are hereby empowered and authorized to execute contracts with each other to create a regional library board to administer and control the regional library services within the region. Each jurisdiction shall, as a part of such contract, have the power to appoint at least one member to the regional library board.

Va. Code Ann. § 42.1-38

## Municipal Ordinances

Virginia has a few local ordinances related to library establishment. Some evidence libraries' conversion into library systems.

### *A. Covington*

The Charles Pinckney Jones, Jr., Memorial Library is established as a municipal library and reading room for the city.

The Charles Pinckney Jones, Jr., Memorial **Library** is hereby established as a municipal **library** and reading room for the city.

Covington, Virginia Code of Ordinances Sec. 28-19

### *B. Falls Church*

A public library is established for the use of city residents and others by cooperative agreement.

A public library, for the use and benefit of the residents of the city and others by cooperative agreement, is hereby established.

Falls Church, Virginia Code of Ordinances Sec. 24-1

The city must provide sufficient support for the public library's operation with funds appropriated via money from the city's general levy and other sources.

(a) The city council shall provide sufficient support, as defined in Code of Virginia, 42.1-33 for the operation of the public library with funds appropriated for that purpose by means of monies derived from the general levy of the city and other sources.

Falls Church, Virginia Code of Ordinances Sec. 24-2

### *C. Fredericksburg*

Beginning July 1, 1971, the city will participate in the Central Rappahannock Regional Library, a regional library system, to provide needed expansion and encourage more extensive use of the library's services. The regional library system must consist of 1+ of the following counties: Stafford, Spotsylvania, King George, Caroline, and Westmoreland.

(a) The city, pursuant to the provisions of Code of Virginia, tit. 42.1, shall participate in a regional **library** system, to be known as the Central Rappahannock Regional **Library**, beginning July 1, 1971, to provide for the needed expansion and to foster and encourage more extensive use of the **library's** services and facilities. The regional **library** system shall consist of one or more of the following counties: Stafford, Spotsylvania, King George, Caroline, and Westmoreland.

Fredericksburg, Virginia Code of Ordinances Sec. 10.524

### *D. Newport News*

As of September 15, 1968, all public in the libraries will constitute one single system, known as the Newport News Public Library System.

From and after the fifteenth day of September, 1968, all public libraries in the city shall be, and the same are hereby, designated as constituting one (1) single system to be known as the Newport News Public Library System.

Newport News, Virginia Code of Ordinances Sec. 22-2

### *E. Orange*

The existing library in the town, the Orange County Public Library, is established as the town's public library.

Under the authority of Code of Virginia, 42.1-33, the existing **library** in the town, known as the Orange County Public **Library**, is recognized and established as the public **library** for the town.

Orange, Virginia Code of Ordinances Sec. 2-156

### *F. Richmond*

There is the Richmond Public Library.

There is created the Richmond Public Library, which may be referred to in this chapter as the "public library."

Richmond, Virginia Code of Ordinances Sec. 18-1

## West Virginia

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### Relevant Law

Libraries are primarily found in Chapter 10 (Public Libraries; Public Recreation; Athletic Establishments; Monuments and Memorials; Roster of Servicemen; Educational Broadcasting Authority) Article 1. Chapter 11 (Taxation) Article 8 (Levies) provides procedures for increasing tax levies and statutory maximums. Chapter 18 (Education) Article 9A (Public School Support) favorably notes a strong relation between public libraries and school libraries. West Virginia only has one brief municipal ordinance related to library establishment.

### Types of Libraries

Public libraries are defined as libraries maintained wholly or in part by any governing authority from funds derived by taxation with service free to the public. In addition to local public libraries, some of which are closely tied to school libraries, West Virginia has regional libraries.

### I. Local Public Libraries

#### *A. General*

A governing authority, either by itself or in cooperation with 1+ other governing authorities, may establish and maintain a public library, or take over, maintain and support an already established public library. Any library that a governing authority maintains or supports may be financed by either the appropriation of a sufficient sum from the governing authority's general funds, or the imposition of an excess levy for library purposes.

A governing authority either by itself or in cooperation with one or more other such governing authorities, shall have the power to establish, equip and maintain a public library, or to take over, maintain or support any public library already established. Any library established, maintained or supported by a governing authority may be financed either (1) by the appropriation from the general funds of the governing authority of a sum sufficient for the purpose, or (2) by the imposition of an excess levy for library purposes, in accordance with the provisions of section sixteen [§ 11-8-16], article eight, chapter eleven of this code.

Such sums as are appropriated hereunder may be transferred to the public library board for deposit and disbursement as the public library board shall direct. By such transfer the governing authority designates the public library board as its disbursing agent.

W. Va. Code § 10-1-2

Local levying bodies may provide for an election to increase levies. They must enter an order that contains the purpose requiring additional funds, the amount for each purpose, the total amount needed, the spate and aggregate assessed valuation of each taxable property class in the jurisdiction, the proposed additional levy rate in cents on each class of property, the proposed number of year – not to exceed five – when the additional levy will apply, and whether the local levying body will issue bonds upon the proposed increased levy's approval. The local levying body must submit to voters within its political subdivision the additional levy question at either a primary, general or special election. If at least 60% of voters favor the levy, the county commission or municipality may impose the additional levy. If at least a majority favors the additional levy, the county board of education may impose the additional levy.

Any additional levy the voters adopt, including any additional levy adopted before this provision's effective date, must be the actual number of cents per each hundred dollars of value set forth in the ballot provision. The number mustn't exceed statutory maximum amounts, regardless of the rate of the regular levy previously or currently in effect, unless the additional special levy's rate is reduced or otherwise changed via a ballot petition. For county commissions, the levy mustn't exceed a rate greater than 7.15 cents on each hundred dollars of value for Class I properties, and for Class II properties, a rate greater than twice the rate of Class I properties, and for Class III and IV properties, a rate greater than twice the rate for Class II properties. For municipalities, this levy mustn't exceed

6.25 cents on each hundred dollars of value for Class I properties, and for Class II properties, a rate greater than twice that for Class I properties, and for Class III and IV properties, a rate greater than twice that for Class II properties. For county boards of education, the levy mustn't exceed 22.95 cents on each hundred dollars of value for Class I properties, and for Class II properties, a rate greater than that for Class I properties, and for Class III and IV properties, a rate greater than twice that for Class II properties.

Such levies mustn't continue for more than five years without resubmission to voters. Upon an increased levy's approval, a local levying body may immediately issue bonds in an amount not to exceed the amount of the increased levy plus the total interest, but the bonds' term mustn't extend beyond the increased levy period.

A local levying body may provide for an election to increase the levies by entering on its record of proceedings an order setting forth:

- (1) The purpose for which additional funds are needed;
- (2) The amount for each purpose;
- (3) The total amount needed;
- (4) The separate and aggregate assessed valuation of each class of taxable property within its jurisdiction;
- (5) The proposed additional rate of levy in cents on each class of property;
- (6) The proposed number of years, not to exceed five, to which the additional levy applies;
- (7) The fact that the local levying body will or will not issue bonds, as provided by this section, upon approval of the proposed increased levy.

The local levying body shall submit to the voters within their political subdivision the question of the additional levy at either a primary, general or special election. If at least sixty percent of the voters cast their ballots in favor of the additional levy, the county commission or municipality may impose the additional levy. If at least a majority of voters cast their ballot in favor of the additional levy, the county board of education may impose the additional levy: Provided, That any additional levy adopted by the voters, including any additional levy adopted prior to the effective date of this section, shall be the actual number of cents per each one hundred dollars of value set forth in the ballot provision, which number shall not exceed the maximum amounts prescribed in this section, regardless of the rate of regular levy then or currently in effect, unless such rate of additional special levy is reduced in accordance with the provisions of section six-g [§ 11-8-6g] of this article or otherwise changed in accordance with the applicable ballot provisions. For county commissions, this levy shall not exceed a rate greater than seven and fifteen hundredths cents for each one hundred dollars of value for Class I properties, and for Class II properties a rate greater than twice the rate for Class I properties, and for Class III and IV properties a rate greater than twice the rate for Class II properties. For municipalities, this levy shall not exceed a rate greater than six and twenty-five hundredths cents for each one hundred dollars of value for Class I properties, and for Class II properties a rate greater than twice the rate for Class I properties, and for Class III and IV properties a rate greater than twice the rate for Class II properties. For county boards of education, this levy shall not exceed a rate greater than twenty-two and ninety-five hundredths cents for each one hundred dollars of value for Class I properties, and for Class II properties a rate greater than twice the rate for Class I properties, and for Class III and IV properties a rate greater than twice the rate for Class II properties.

Levies authorized by this section shall not continue for more than five years without resubmission to the voters.

Upon approval of an increased levy as provided by this section, a local levying body may immediately issue bonds in an amount not exceeding the amount of the increased levy plus the total interest thereon, but the term of the bonds shall not extend beyond the period of the increased levy.

Insofar as they might concern the issuance of bonds as provided in this section, the provisions of sections three [§ 13-1-3] and four [§ 13-1-4], article one, chapter thirteen of this code shall not apply.

W. Va. Code § 11-8-16

Instead of supporting and maintaining its own public library, a governing authority may contract with an existing public library and make annual payments to that library, whose materials and services must be available without charge to everyone living within the area the governing authority represents. Any school board may contract with an existing public library for school library service, and the existing public library must then agreed to provide books to school(s) under the contract terms.

The governing authority may, in lieu of supporting and maintaining its own public library, enter into a contract with an existing public library and make annual payments of money to such library, whose library materials and services shall be available without charge to all persons living within the area represented by such governing authority. Any school board may contract for school library service from an existing public library which shall agree to furnish books to a school or schools under the terms of the contract.

All money paid to a library under such a contract shall be expended solely for the maintenance and support of the library.

W. Va. Code § 10-1-4

### ***B. Public Libraries and Schools***

Public school systems in the state provide varying degrees of support to public libraries via various means, including budgeted allocations, excess levy funds, and portions of regular school board levies. A number of public libraries are



on public school campuses, and several are in public school builds, serving both students and public patrons. County boards are encouraged to support public libraries in their counties.

(f) The Legislature finds that public school systems throughout the state provide support in varying degrees to public **libraries** through a variety of means including budgeted allocations, excess levy funds and portions of their regular school board levies. A number of public **libraries** are situated on the campuses of public schools and several are within public school buildings serving both the students and public patrons. To the extent that public schools recognize and choose to avail the resources of public **libraries** toward developing within their students such legally recognized elements of a thorough and efficient education as literacy, interests in literature, knowledge of government and the world around them and preparation for advanced academic training, work and citizenship, public **libraries** serve a legitimate school purpose and may do so economically. Therefore, county boards are encouraged to support public **libraries** within their counties.

W. Va. Code § 18-9A-11

## II. Regional Libraries

A regional library is a public library that 2+ counties establish and/or maintain by their governing authorities' action under agreed-upon contractual terms. A regional library's expenses must be apportioned among the counties as agreed upon in the contract.

A regional library is a public library established and/or maintained by two or more counties, by action of their governing authorities, under the terms of a contract to which they all agree. The expenses of the regional library shall be apportioned between or among the counties concerned on such a basis as shall be agreed upon in the contract.

W. Va. Code § 10-1-3

Governing authorities that maintain a regional library may contribute the apportioned sum to the regional library board.

The governing authorities which maintain a regional library may contribute the apportioned sum to the regional library board, such contributions to be deposited as the regional library board shall direct and to be disbursed by the officer designated by that board. By such contribution the governing authority designates the regional library board as its disbursing agent.

W. Va. Code § 10-1-3a

The West Virginia Library Commission is authorized to develop a plan for regional libraries' establishment and location, and library areas throughout the state, based on a detailed survey the commission will make on the needs of the state's localities. Regions must include 2+ counties.

The West Virginia Library Commission is hereby authorized to develop a plan for the establishment and location of regional libraries, and library areas throughout the State, based on a detailed survey to be made by the commission of the needs of the various localities of the State. A region shall include two or more counties.

W. Va. Code § 10-1-16

Once any proposed region's survey is completed, the commission's executive secretary must refer the proposal to the county courts (county commissions) of all counties included in the proposed region. The county courts must act on the proposal by resolution. A majority vote of each of the county courts of the counties included in the proposed region is needed for the proposal's adoption. If the county courts of any of the counties included in the proposed region reject the proposal, the library commission may alter its plan to provide for a region in that section of the state. A majority vote of each county court in the counties in the altered region is needed for that proposal's adoption.

On completion of the survey of any proposed region, the executive secretary of the commission shall refer the proposal to the county courts [county commissions] of all the counties included in such proposed region. The county courts shall act upon such proposal by resolution, and the votes of a majority of each of the county courts of the counties included in the proposed region shall be necessary for the adoption of such proposal. In case of the rejection of such proposal by the county courts of any of the counties included in such proposed region, the library commission is hereby authorized to alter its plan in accordance with such action in order to provide for a region in such section of the State. The vote of a majority of each county court in the counties in such altered region shall be necessary for the adoption of such proposal.

W. Va. Code § 10-1-17

The West Virginia Library Commission may establish, maintain and operate public libraries in regions. The Commission may also contract to receive service from, or give service to, libraries within or without the region, and to give service to municipalities outside the region with no libraries, or to cooperate with and aid generally without any contract, public school, institutional, and other libraries. The Commission may accept for the state any appropriations of money later made of the federal treasury by act(s) of Congress and to disburse the funds.

The West Virginia Library Commission shall have the following powers for the establishment and maintenance of regional areas and regional libraries:

- (a) To establish, maintain, and operate a public library for the region;
- (b) To appoint a librarian and the necessary assistants, and to fix their compensation, such appointments to be based upon merit and efficiency as determined by the commission. The librarian shall hold a certificate from an approved school of library science and shall have had not less than three years of practical experience in library work. Said library commission shall also have the power to remove said librarian and other assistants;
- (c) To purchase books, periodicals, equipment and supplies;
- (d) To purchase sites and erect buildings, and/or to lease suitable quarters, and to have supervision and control of said property;
- (e) To borrow books from and lend books to other libraries;
- (f) To enter into contracts to receive service from or give service to libraries within or without the region and to give service to municipalities without the region which have no libraries, or to cooperate with and aid generally without such contracts, public school, institutional and other libraries;
- (g) To make such bylaws, rules and regulations not inconsistent with this article as may be expedient for the government of such regional library areas and the regional libraries therein, and for the purpose of carrying out the provisions of this article;
- (h) To accept for the State of West Virginia any appropriations of money that may hereafter be made out of the federal treasury by an act or acts of Congress and to disburse such funds for the purpose of carrying out the provisions of this article, in accordance with sections eleven [§ 18-10-11] and twelve [§ 18-10-12], article ten, chapter eighteen of the code of one thousand nine hundred thirty-one, as amended.

W. Va. Code § 10-1-18

## Municipal Ordinances

West Virginia only has one brief ordinance relating to library establishment.

### *A. Charleston*

The council may establish and maintain libraries and reading rooms.

The council shall have the authority to erect, buy, sell and lease all buildings necessary for the use of the city government and to provide for and regulate the same, and to establish and maintain public hospitals, **libraries** and reading rooms, and to purchase books, papers and manuscripts therefor, and to receive donations, gifts or bequests for same in trust or otherwise.

Charleston, West Virginia Code of Ordinances Sec. 76

## Wisconsin

### Relevant Law

Within the statutes, libraries are found under the heading of Cultural and Memorial Institutions; Veterans Affairs in Chapter 43. Wisconsin is notable for having multiple attorney general opinions relating to library establishment. The state also has a few relevant municipal ordinances.

### Types of Libraries

Counties in Wisconsin have a variety of options for libraries. In addition to single county public libraries, there are multi county systems, consolidated public library systems, and federated public library systems. Unfortunately, the statutes often mention these three systems in tandem when discussing counties, and there are not precise definitions of their meaning. A system resource library is a specifically designated library within a system. There are also municipal libraries (with municipalities including cities, villages, towns, tribal governments or tribal associations, and school districts) and joint libraries. Lastly, there are tribal college-county joint libraries.

## **I. County Libraries (including systems)**

Any county board may appoint a county library planning committee. If a county board, in a county where an existing county library board administers or coordinates all public library service, or where there is a single-county public library system board, determine to appoint a committee, the existing library board may serve as the county library planning committee. Upon the committee's appointment, the county board must immediately notify the division. The committee may prepare a new plan for a county or multicounty system's organization, revise an existing plan, or change a public library system's boundaries. The committee must conduct public hearings, to which representatives of all libraries in the county must be invited, concerning these plans, revisions, and changes. The committee's final report, including a new plan, revisions to an existing plan, or changes to a public library system's boundaries, and copies of any written agreements needed to implement the proposal, must be filed with the county board and submitted to the division. Plans for multicounty systems must include a method for allocating system board membership among the member counties. The plan of library service for a county, whether for a single county or multicounty system, must provide for library service to the residents of municipalities in the county not maintaining a public library. Such service includes full access to public libraries participating in the public library system, and the plan must provide reimbursement for this access. Service may also include additional libraries' establishment. Service may be provided by contracting with existing public libraries in the county or in adjacent counties, or with the public library system, or by creating a county library organization. A county's library service plan may provide for improving public library service countywide and in municipalities with libraries. The plan must specify the funding method and level the county will provide to implement services described in the plan, including public libraries' reimbursement for access by residents of the municipalities of the county that don't maintain a library. The library service plan for the county may include minimum standards for public libraries' operation in the county. If any standards are proposed, the county must hold a public hearing. The standards take effect if approved by the county and the public library boards of at least half the participating municipalities in the county that contain, according to the most recent prepared estimate, 80% of the population of participating municipalities in the county. A county's library service plan may require that a municipality located wholly or partly in the county that operates a public library compensate another municipality located wholly or partly in the county that operates a public library whenever the latter public library provides service to the residents of the municipality operating the form public library. The plan's compensation for each loan mustn't exceed the loan's actual cost.

**(1) CREATION.** Any county board may appoint a county library planning committee under this section. If a county board, in a county where all public library service is administered or coordinated by an existing county library board or where there is a single-county public library system board, determines to appoint a committee under this section, the existing library board may serve as the county library planning committee. The county board shall notify the division immediately upon appointment of the committee.

### **(3) DUTIES AND POWERS.**

**(a)** The committee may prepare a new plan for the organization of a county or multicounty system, revise an existing plan or change the boundaries of a public library system. It shall conduct public hearings concerning these plans, revisions and changes to which representatives of all libraries in the county shall be invited.

**(b)** The committee's final report, including a new plan, revisions to an existing plan or changes to the boundaries of a public library system and copies of any written agreements necessary to implement the proposal, shall be filed with the county board and submitted to the division. Plans for multicounty systems shall include a method for allocating system board membership among the member counties.

**(c)** The plan of library service for a county, whether for a single county or a multicounty system, shall provide for library services to residents of those municipalities in the county not maintaining a public library under this chapter. The services shall include full access to public libraries participating in the public library system and the plan shall provide for reimbursement for that access. Services may include books-by-mail service, bookmobile service, the establishment of additional libraries or other services deemed appropriate by the committee. Services may be provided by contracting with existing public libraries in the county or in adjacent counties or with the public library system or by creating a county library organization under this chapter. The plan of library service for a county may provide for improving public library service countywide and in municipalities that have libraries. The plan shall specify the method and level of funding to be provided by the county to implement the services described in the plan, including the reimbursement of public libraries for access by residents of those municipalities in the county not maintaining a public library.

**(d)** The plan of library services for a county may include minimum standards of operation for public libraries in the county. The county shall hold a public hearing on any standards proposed under this paragraph. The standards shall take effect if they are approved by the county and the public library boards of at least 50% of the participating municipalities in the county that contain, according to the most recent estimate prepared under s. 16.96, at least 80% of the population of participating municipalities in the county.

(e) The plan of library services for a county may require that a municipality located in whole or in part within the county that operates a public library compensate another municipality located in whole or in part within the county that operates a public library whenever the latter public library provides library services to residents of the municipality that operates the former public library. The plans compensation for each loan may not exceed the actual cost of the loan, as defined by the department by rule.

Wis. Stat. § 43.11

By March 1 each year, each of the following payments, of not less than the minimum calculated amount, must be made. (1) A county that doesn't maintain a consolidated public library for the county and that contains residents who aren't residents of a municipality maintaining a public library, must pay each public library in the county and each public library in an adjacent county, other than a county with a population of at least 500,000 or a county that maintains a consolidated public library for the county. (2) If the adjacent county maintains a consolidated public library and provides notice, a county that doesn't maintain a consolidated library for the county and that contains residents who aren't residents of a municipality maintaining a public library, must pay the consolidated public library of the adjacent county providing notice. (3) If a county maintains a consolidated public library and provides notice, that county must pay each public library in an adjacent county, other than a county with a population of at least 500,000, that provides a statement to the county. The minimum amount is 70% of the amount obtained by multiplying the number of loans of material the library made during the calendar year, for (1) or (3), to residents of the county who aren't residents of a municipality maintaining a public library. For (2), to residents of the county who aren't residents of a municipality containing a branch of the consolidated library, the minimum amount is that resulting from dividing the library's total operational expenses during the calendar year for which the number of loans are reported, not including capital expenditures or federal funds' expenditures, by the total number of loans of material the public library made during the calendar year for which the loans are reported.

If a county maintains a consolidated public library, the library must provide a notice by April 1 to any public library from which it requests payment. By June 1 each year, each public library wholly or partly in the county must provide a statement to the county's county clerk, and to the county clerk of each adjacent county, other than a county with a population of 500,000, that reports three pieces of information. First, the report must state the number of loans of material that library made during the prior calendar year to the residents of the county, or adjacent county, who aren't residents of a municipality maintaining a public library. Second, if the library is in a county adjacent to a county with a consolidated library system, the report must state the number of loans the library made during the prior calendar year to residents of the adjacent county who aren't residents of a municipality containing a branch of the consolidated library. Third, the report must state the total number of loans of material the library made during the previous calendar year.

A county may enter into an agreement with its participating municipalities, or with a public library system, to pay no less than the minimum amounts to the public library system for distribution to the public libraries participating in the system. If a county clerk so requests, a public library must provide access to all books and records used to compute the minimum amount. Tribal college-county joint libraries are considered branches of consolidated libraries.

(1)

(a) By March 1 of each year, each of the following payments of not less than the minimum amount calculated under par. (b) shall be made:

1. Except as provided in subd. 2., by a county that does not maintain a consolidated public library for the county under s. 43.57 and that contains residents who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53, to each public library in the county and to each public library in an adjacent county, other than a county with a population of at least 500,000 or a county that maintains a consolidated public library for the county.

2. If the adjacent county maintains a consolidated public library and provides the notice under sub. (1m), by a county that does not maintain a consolidated public library for the county under s. 43.57 and that contains residents who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53, to the consolidated public library for the adjacent county providing the notice under sub. (1m).

**3.** If a county maintains a consolidated public library and provides a notice under sub. (1m), by that county to each public library in an adjacent county, other than a county with a population of at least 500,000, that provides a statement to the county under sub. (2).

**(b)** The minimum amount under par. (a) shall be calculated to equal 70 percent of the amount computed by multiplying the number of loans of material made by the library during the prior calendar year, for par. (a) 1. or 3., to residents of the county who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53, or, for par. (a) 2., to residents of the county who are not residents of a municipality that contains a branch of the consolidated library, as reported under sub. (2), by the amount that results from dividing the total operational expenditures of the library during the calendar year for which the number of loans are reported, not including capital expenditures or expenditures of federal funds, by the total number of loans of material made by the public library during the calendar year for which the loans are reported.

**(c)** The library board of the public library entitled to a payment under this subsection may direct the county to credit all or a portion of the payment to a county library service or library system for shared services.

**(1m)** If a county maintains a consolidated public library, the library shall provide a notice not later than April 1 to any public library from which it requests payment under sub. (1).

**(2)** By July 1 of each year, each public library lying in whole or in part in a county shall provide a statement to the county clerk of that county and to the county clerk of each adjacent county, other than a county with a population of at least 500,000, that reports all of the following:

**(a)** The number of loans of material made by that library during the prior calendar year to residents of the county, or adjacent county, who are not residents of a municipality that maintains a public library under s. 43.52 or 43.53.

**(b)** If the library is in a county that is adjacent to a county with a consolidated library system, the number of loans of material made by that library during the prior calendar year to residents of the adjacent county who are not residents of a municipality that contains a branch of the consolidated library.

**(c)** The total number of loans of material made by that library during the previous calendar year.

**(3)** A county may enter into an agreement with its participating municipalities or with a public library system to pay no less than the amounts determined under sub. (1) to the public library system for distribution to the public libraries that participate in that system.

**(4)** Upon request of a county clerk, a public library shall provide access to all books and records used to determine the amount computed under sub. (2).

**(5m)** Nothing in this section prohibits a county from providing funding for capital expenditures.

**(6)** The county library board or, if no county library board exists, the county itself, shall either distribute the aid provided by the county to the public libraries, as provided in the plan prepared under s. 43.11, or shall transfer the aid for distribution to the public library system in which it participates.

**(7)** This section does not apply to a county having a population of 500,000 or more.

**(8)** For the purposes of this section, a county that provides library service solely under s. 43.57 (2m) is a county that maintains a consolidated public library, and a tribal college-county joint library under s. 43.57 (2m) is a branch of the consolidated library.

Wis. Stat. § 43.12

Public library systems mustn't be established without the division's approval. In reviewing final reports the county library planning committees submit, the division must consider the proposed system territory, organization and financing, initial and long-range plans for library services, the role of existing multi-jurisdictional service programs in the territory and plans for cooperating with adjoining systems and with other kinds of libraries in the territory. If the division approves the final report, it must report approval to the appropriate county boards and county library planning committees. Upon the county boards' acceptance, the division must certify to the appropriate county boards the establishment of the public library system proposed by the report, specifying the system's effective establishment date. A public library system board may submit to the division a plan for the alteration in the territory included within the system or for a change in system organization from a federated to a consolidated system. If the change the plan proposed is approved, the division must certify this to the system board, specifying the change's effective date. Systems' effective establishment dates must be January 1 of the year the division specifies. Any of the division's decisions may be appealed to the state superintendent.

**(1)**

**(a)** No public library system may be established without the approval of the division. In reviewing final reports submitted by county library planning committees, the division shall consider, in addition to the standards set forth in s. 43.15, the proposed system territory, organization and financing, initial and long-range plans for library services, the role of existing multi-jurisdictional service programs in the territory and plans for cooperation with adjoining systems and with other kinds of libraries in the territory.

**(b)** If the division approves a final report, it shall report such approval to the appropriate county boards and county library planning committees. Upon acceptance by the county boards, the division shall certify to the appropriate county boards the establishment of the public library system proposed by the report, specifying the effective date of the establishment of the system.

**(2)** A public library system board may submit to the division a plan for the alteration in the territory included within the system or for a change in system organization from a federated to a consolidated system or vice versa. If the change proposed by the plan is approved, the division shall certify such fact to the system board, specifying the effective date of the change.

- (3) The effective date of the establishment of a system under sub. (1) or of a change under sub. (2) shall be January 1 of the year specified by the division.
- (4) Any decision by the division under this section may be appealed to the state superintendent.

Wis. Stat. § 43.13

There are requirements that must be met before a public library system's establishment. The territory must have at least 100,000 population. If, because of participating counties' withdrawal or realignment, a public library system has fewer than 3 participating counties and a population under 200,000, the system's remaining parts must realign with an existing system within 2 years after the date on which the population falls below 200,000. After July 1, 1998, no new system may be established unless it serves at least 200,000 population. Each county proposed for inclusion in a system must demonstrate, to the division's satisfaction, its ability to provide adequate funding to implement the submitted plan and report. A consolidated system must only consist of 1 county. If a municipality's territory lies in 2+ counties, which aren't in the same public library system, the municipal library board, or, if no board exists, the municipal governing body, must determine the system in which the municipality will participate. If a joint library's territory lie in 2+ counties that aren't in the same public library system, the joint library board or, if no such board exists, the governing bodies of the municipalities and counties that created the joint library must determine the system in which the joint library will participate.

A public library system may be organized as a single-county federated public library system, a multicounty federated public library system, or a single-county consolidated public library system. Two public library systems may merge with the approval of each public library system board and the participating counties' county boards. Counties may participate in federated public library systems if they meet three conditions. First, the county must adopt and maintain a submitted and approved library service plan. Second, the county must provide the required financial support for library services. Third, the county must enter into a written agreement with the public library system board to participate in the system and to furnish library service to the residents of those municipalities in the county that don't maintain a public library. A municipal, county, or joint public library may participate in a public library system if it meets seven requirements. First, it must be established under these provisions; tribal college-county joint libraries are deemed to satisfy this requirement. Second, it must be located in a county participating in a public library system. Third, its municipal governing body or county board must authorize it to participate in the public library service; tribal college-county joint libraries are authorized by agreements. Fourth, it must enter into a written agreement with the public library system board to participate in the system and to provide, to any of the system area's residents, the same library service, on the same terms, that is provided to the residents of the municipality or county that established the member library. Fifth, it must employ a certified head librarian. Sixth, beginning in 2008, it must annually be open to the public at least an average of 20 hours each week. A library in existence on June 3, 2006 must annually be open to the public an average of at least 20 hours, or the number of hours each week it was open to the public in 2005, whichever is the fewer. Seventh, beginning in 2008, it must annually spend at least 2,500 on library materials.

A county may establish a consolidated public library system in which the included county and its underlying communities form a single system. For this purpose, the county may take over and acquire any library property by the controlling authority's consent. When determining the amount of required financial support, the amount spent for capital projects is excluded. A public library system mustn't be established if its establishment would cause the number of public library systems to exceed the number existing on June 3, 2006.

A public library system shall not be established unless it meets the requirements under this section.

**(1) POPULATION.**

The territory within the system shall:

- (a) Have a population of 100,000 or more. If, because of the withdrawal or realignment of participating counties, a public library system has fewer than 3 participating counties and a population under 200,000, the remaining parts of the system shall realign with an existing system within 2 years after the date on which the population falls below 200,000.
- (b) After July 1, 1998, no new system may be established unless it serves a population of at least 200,000.

**(2) FINANCIAL SUPPORT.** Each county proposed to be included within a system shall demonstrate, to the satisfaction of the division, its ability to provide adequate funding to implement the plan submitted under s. 43.11 (3) and the report submitted under s. 43.13 (1).

**(3) TERRITORY INCLUDED.**

**(a)** A consolidated system shall consist of one county only. A federated system shall consist of one or more counties.

**(b)** No more than one system may be established within a single county. If the territory of a municipality lies in 2 or more counties which are not in the same public library system, the municipal library board or, if no such board exists, the municipal governing body shall determine the system in which the municipality will participate.

**(c)** If the territory of a joint library lies in 2 or more counties that are not in the same public library system, the joint library board or, if no such board exists, the governing bodies of the municipalities and counties that created the joint library shall determine the system in which the joint library will participate.

**(4) METHOD OF ORGANIZATION.**

**(a)** A public library system may be organized as a single-county federated public library system, a multicounty federated public library system, or a single-county consolidated public library system. Two public library systems may merge with the approval of each public library system board and the county boards of the participating counties.

**(b)** A county may participate in a federated public library system if it does all of the following:

1. Adopts and maintains the plan of library service submitted and approved under ss. 43.11 (3) and 43.13 (1).

2. Provides the financial support for library services required under sub. (2).

3. Enters into a written agreement with the public library system board to participate in the system and its activities and to furnish library services to residents of those municipalities in the county not maintaining a public library.

**(c)** A municipal, county or joint public library may participate in a public library system if it meets all of the following requirements:

1. Is established under this chapter. A tribal college-county joint library under s. 43.57 (2m) is a library established under this chapter.

2. Is located in a county that participates in a public library system.

3. Is authorized by its municipal governing body or county board to participate in the public library system. If the library is a tribal college-county joint library, it is authorized by an agreement under 43.57 (2m).

4. Enters into a written agreement with the public library system board to participate in the system and its activities, to participate in interlibrary loan of materials with other system libraries, and to provide, to any resident of the system area, the same library services, on the same terms, that are provided to the residents of the municipality or county that established the member library. This subdivision does not prohibit a municipal, county, or joint public library from giving preference to its residents in library group programs held for children or adults if the library limits the number of persons who may participate in the group program, or from providing remote access to a library's online resources only to its residents.

6. Employs a head librarian who is certified as a public librarian by the department and whose employment requires that he or she be present in the library for at least 10 hours of each week that the library is open to the public, less leave time.

7. Beginning in 2008, annually is open to the public an average of at least 20 hours each week except that for a library in existence on June 3, 2006, annually is open to the public an average of at least 20 hours or the number of hours each week that the library was open to the public in 2005, whichever is fewer.

8. Beginning in 2008, annually spends at least 2,500 on library materials.

**(d)** A county may establish a consolidated public library system in which the included county and its underlying communities form a single system. The county may, for such purposes, take over and acquire any library property by consent of the authority controlling that property.

**(5) CAPITAL COSTS EXCLUDED.** For the purpose of determining the amount of financial support required under sub. (4) (b) 2., amounts spent for capital projects shall be excluded.

**(5m) LIMIT.** A public library system may not be established if its establishment would cause the number of public library systems to exceed the number in existence on June 3, 2006.

Wis. Stat. § 43.15

A public library system may contract with another system, or with other libraries, library organization or resource centers within the state or in adjacent states to provide or receive library service.

...(6) **COOPERATIVE SERVICES.** A public library system may contract with another such system, or with other libraries, library organizations or resource centers within this state or in adjacent states, to provide or receive library services.

Wis. Stat. § 43.17

A county board may establish and maintain a consolidated public library for the county. For this purpose, it may adopt, take over and acquire any already establish libraries by their controlling authorities' consent. If it is consistent with the terms, a gift, bequest or endowment made to a public library that becomes part of a consolidated county library may be taken over by the county library board. The county library board must maintain the gift, bequest or endowment for the benefit of the library to which it was given. Consolidated county libraries may become part of

federated multicounty systems. Consolidated county libraries may contract with library organizations in this state or in adjacent states to provide or receive library service.

A county board may authorize a joint library's formation and may participate in a joint library board.

A county board may enter into an agreement with a tribal college to maintain a public library for the county. The agreement must require the tribal college to annually provide the county board with an accounting of the expenditure of any appropriations received from the county. The agreement must also require that the tribal college make the library free for the use of the county's inhabitants, though the tribal college may prescribe reasonable regulations for the library's use to render the library's use most beneficial to the most people.

A county board may establish and maintain a county library service to serve the county's residents who don't live in municipalities that have established library or to improve municipal libraries' library services. The county library service may operate a library or library service program, or may contract with library organizations in the state or in adjacent states for service.

**(1) CONSOLIDATED COUNTY LIBRARIES.**

(a) A county board may establish and maintain a consolidated public library for the county, and may for such purpose adopt, take over and acquire any libraries already established, by consent of the authorities controlling those libraries.

(b) If it is consistent with the terms thereof, a gift, bequest or endowment to a public library becoming a part of a consolidated county library may be taken over by the county library board. The county library board shall maintain the gift, bequest or endowment for the benefit of the library to which it was given.

(c) A consolidated county library may become part of a federated multicounty system organized under s. 43.19.

(d) A consolidated county library may contract with library organizations within this state or in adjacent states to provide or receive library services.

**(2) JOINT LIBRARIES.** A county board may authorize the formation of a joint library under s. 43.53 and may participate in a joint library board under s. 43.54.

**(2m) TRIBAL COLLEGE-COUNTY JOINT LIBRARIES.**

(a) A county board may enter into an agreement with a tribal college to maintain a public library for the county.

(b) An agreement under par. (a) shall require all of the following:

1. That the tribal college annually provide to the county board an accounting of the expenditure of any appropriations received from the county.

2. Except as provided in this subdivision, that the tribal college make the library free for the use of the inhabitants of the county. The tribal college may prescribe reasonable regulations for the use of the library so as to render the use of the library most beneficial to the greatest number of persons. The tribal college may exclude from the use of the library all persons who willfully violate the regulations.

(c) Sections 43.52 to 43.54 do not apply to a tribal college-county joint library under this subsection.

**(3) COUNTY LIBRARY SERVICES.** A county board may establish and maintain a county library service to serve the residents of the county who do not live in municipalities that have established libraries under s. 43.52 or 43.53 or to improve the library services of municipal libraries established under s. 43.52 or 43.53. The county library service may operate a library or library service program or may contract with library organizations within this state or in adjacent states for services.

Wis. Stat. § 43.57

The county board of a county that expends money for public library service to its inhabitants may levy a tax to provide funds for this service. Any city, town, village, or school district in a county levying a tax for public library service must, upon written application to the county's county board, be exempted from the tax levy, if the city, town, village, or school district making the application levies a tax for public library service and appropriates and expends for a library fund during the year for which the county tax is levied a sum that at least equals an amount found by the following calculation. One must divide the amount of tax the county levied for public library service in the prior year, minus the amount levied for public library capital expenditures, by the equalized valuation of property in that area of the county that was subject to the county property tax levy for public library services in the prior year. One must then multiply that amount by the equalized valuation of property in the city, village, town or school district for the current year. However, if both of two conditions apply, then any city, village, town, or school district in a county levying a tax for public library service is exempt from the tax levy. First, the city, village, town or school district is included in a joint library. Second, the city, village, town, or school district levies a tax for public library service, minus the amount levied for public library capital expenditures, and appropriates and spends for a library fund during the year the county tax levy is made an amount that isn't less than the average of the previous 3 years. Each



city, town, village or school district participating in a joint library must be treated individually in determining its eligibility for this tax exemption.

(1) The county board of a county expending money for public library service to its inhabitants may levy a tax to provide funds for such service and shall include any amount of tax under this subsection in the amount of taxes determined to be levied under s. 70.62 (1).

(2)

(a) In this subsection, “library fund” means the funds raised by the city, village, town or school district by tax levy or appropriation under s. 43.52 (1).

(b) Except as provided in sub. (2m), any city, town, village or school district in a county levying a tax for public library service under sub. (1) shall, upon written application to the county board of the county, be exempted from the tax levy, if the city, town, village or school district making the application levies a tax for public library service and appropriates and expends for a library fund during the year for which the county tax levy is made a sum at least equal to an amount calculated as follows:

1. Divide the amount of tax levied by the county for public library service under sub. (1) in the prior year, less the amount levied for public library capital expenditures, by the equalized valuation of property in that area of the county that was subject to the county property tax levy for public library services in the prior year.

2. Multiply the amount determined under subd. 1. by the equalized valuation of property in the city, village, town or school district for the current year.

(c) Notwithstanding sub. (2m), any city, village, town, or school district in a county levying a tax for public library service under sub. (1) is exempt from the tax levy if all of the following apply:

1. The city, village, town, or school district is included in a joint library under s. 43.53.

2. The city, village, town, or school district levies a tax for public library service, less the amount levied for public library capital expenditures, and appropriates and spends for a library fund during the year for which the county tax levy is made an amount that is not less than the average of the previous 3 years.

**(2m) No city, village, town or school district is exempt from the tax levy under sub.**

(2) for any year if, by September 1 of the year preceding the year for which the tax is levied, the county board determines that the public library of the city, village, town or school district that is a member of the public library system has not complied with standards approved under s. 43.11 (3) (d) and (e).

(3) Each city, town, village or school district participating in a joint library under s. 43.53 shall be treated individually in determining its eligibility for tax exemption under sub. (2).

Wis. Stat. § 43.64

## II. System Resource Libraries

Each public library system must have 1+ system resources libraries. Annually, prior to the expiration of its agreement with its existing system resource library, the public library system board must negotiate with the member public library with the largest annual operating budget of all member libraries to serve as a system resource library in the following year. If the board and the proposed resource library can't reach an agreement for the following year before the expiration date of any existing agreements with resource libraries, the existing agreements must be extended for one year, or until an agreement is reached with that proposed resource library, whichever occurs earlier. The division must notify the public library system board, the existing resource libraries, and the proposed resource library of the extension and, during the extension period, must attempt to mediate an agreement between the public library system board and the proposed resource library. If the division determines that the public library system board and the proposed system resource library can't reach an agreement before the one-year period's end, the division must propose an alternative agreement, which must be binding if it is acceptable to the proposed system resource library. If the proposed system resource library finds the alternative agreement unacceptable, the board must negotiate with the member public library with the next largest annual operating budget of all member public libraries to serve as a system resource library in the following year. Existing contracts may be extended only if entered into on May 8, 1990 or later. This procedure must be repeated with member public libraries in decreasing order of size of their annual operating budgets until an agreement is reached with a member public library to serve as system resource library.

If a member public library selected to serve as a system resource library fails to meet all of three requirements, the system board must enter into a supplementary contract with the academic library with the largest operating budget of all academic libraries in the system area, or with a resource library in an adjacent system, that does meet all three of the requirements. First, the library must have a collection of 100,000+ volumes. Second, the library must be open to the public for 50+ hours a week. Third, the library must employ at least one full-time, permanent reference librarian with a master's degree in library science.

(1)

(a) Each public library system shall have at least one system resource library. Annually, prior to the expiration of its agreement with its existing system resource library, the public library system board shall negotiate with the member public library with the largest annual operating budget of all member libraries to serve as a system resource library in the following year. If the board and the proposed resource library are unable to reach an agreement for the following year before the expiration date of any existing agreements with resource libraries, the existing agreements shall be extended for one year or until an agreement is reached with that proposed resource library, whichever occurs earlier. The division shall notify the public library system board, the existing resource libraries and the proposed resource library of the extension and, during the period of extension, shall attempt to mediate an agreement between the public library system board and the proposed resource library. If the division determines that the public library system board and the proposed system resource library are unable to reach an agreement before the end of the one-year period, the division shall propose an alternative agreement, which shall be binding if it is acceptable to the proposed system resource library. If the alternative agreement is unacceptable to the proposed system resource library, the board shall negotiate with the member public library with the next largest annual operating budget of all member public libraries to serve as a system resource library in the following year.

(am) An existing contract may be extended under par. (a) only if it was entered into on or after May 8, 1990.

(b) The procedure under par. (a) shall be repeated with member public libraries in decreasing order of the size of their annual operating budgets until an agreement is reached with a member public library to serve as a system resource library. Except as provided in par. (a), no agreement may extend beyond December 31 of any year.

(2) If the member public library selected to serve as a system resource library under sub. (1) fails to meet all of the following requirements, the system board shall enter into a supplementary contract with the academic library with the largest operating budget of all academic libraries in the system area, or with a resource library in an adjacent system, that meets all of the following requirements:

(a) The library has a collection of at least 100,000 volumes.

(b) The library is open to the public at least 50 hours each week.

(c) The library employs at least one full-time, permanent reference librarian with a masters degree in library science.

Wis. Stat. § 43.16

### III. Federated Public Library Systems

A federated public library system whose territory is within a single county must be deemed an agency of the county, and a federated public library system whose territory is within 2+ counties must be deemed a joint agency of those counties. A federated public library system whose territory lies in 2+ counties is a separate legal entity for purposes including exclusive custody and control of system funds, constructing and improving buildings, and making contracts. A federated public library system whose territory lies within a single county with a population of 500,000+ Is a separate legal entity only for the purposes of exclusive custody and control of system funds, making contracts, and providing employee benefits.

...(2)

(a) Except as otherwise provided in this paragraph, a federated public library system whose territory lies within a single county shall be deemed an agency of the county and a federated public library system whose territory lies within 2 or more counties shall be deemed a joint agency of those counties. A federated public library system whose territory lies within 2 or more counties constitutes a separate legal entity for the purposes of having the exclusive custody and control of all system funds, holding title to and disposing of property, constructing, enlarging and improving buildings, making contracts and suing and being sued. A federated public library system whose territory lies within a single county with a population of 500,000 or more constitutes a separate legal entity solely for the purposes of having the exclusive custody and control of all system funds, making contracts and providing benefits to its employees under ch. 40.

(b) A federated public library system board shall have the powers of a public library board under s. 43.58 with respect to system-wide functions and services. The local library boards shall retain responsibility for their public libraries in all other areas.

Wis. Stat. § 43.19

### IV. Consolidated Public Library Systems

A consolidated public library system is an agency of the county by which created.

...(2)

(a) A consolidated public library system shall be deemed an agency of the county by which created.

(b) A consolidated public library system board shall have the powers of a library board under ss. 43.58 and 43.60 and shall be responsible for the total program of public library service for the system territory.

Wis. Stat. § 43.21

### V. Municipal Libraries

Any municipality may establish, equip and maintain public library, and may annually levy a tax or appropriate money to provide a library fund for the public library's maintenance. Any municipality that wishes to establish a new public

library must obtain a written opinion by the division on the feasibility and desirability of the public library's establishment before final action is taken. The division must give its opinion within 30 days of the request's receipt.

In addition to this requirement, any town that wishes to establish a new public library, or participate in a joint library, must obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors must render decisions within 90 days of the request's receipt. A town may appeal to the state superintendent the decision of the county library board or the county board of supervisors that disapproves the town's participation in a joint library with a municipality located in another county. The state superintendent must hold a public hearing on the appeal within 60 days of receiving notice of the appeal. The state superintendent must publish notice of the hearing, and must provide notice of the hearing to the town board, the county board of supervisors and the county library board. The state superintendent must decide the appeal within 30 days of the public hearing's adjournment.

In addition to the requirement in the first paragraph, any city or village that is entirely located in a county operating and maintaining a consolidated public library for the county and that wishes to establish a new public library or participate in a joint library must obtain the approval of the county library board, if one exists, and the county board of supervisors before the final action is taken. The county library board and the county board of supervisors must give decisions within 90 days of the request's receipt. The common council or village board may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the city or village's participation in a joint library with a municipality located in another county. The state superintendent must hold a public hearing on the appeal within 60 days of receiving notice of the appeal. The state superintendent must publish notice of the hearing and must also provide notice of the hearing to the common council or village board, the county board of supervisors, and the county library board. The state superintendent must decide the appeal within 30 days of the hearing's adjournment.

All public libraries must be free for the use of the inhabitants of the municipality which establishes and maintains it, subject to reasonable regulations the library board prescribes. Any municipality may purchase or acquire 1+ sites and erect 1+ buildings for a public library or any already established library, or may adopt, take over and acquire an already established library by consent of its controlling authorities. A municipal library may contract with library organizations in the state or in adjacent states to provide or receive library service.

**(1)** Any municipality may establish, equip and maintain a public library, and may annually levy a tax or appropriate money to provide a library fund, to be used exclusively to maintain the public library. The municipality may enact and enforce police regulations to govern the use, management and preservation of the public library. Any municipality desiring to establish a new public library shall obtain a written opinion by the division regarding the feasibility and desirability of establishing the public library before final action is taken. The division shall render its opinion within 30 days of the time the request is received.

**(1m)**

**(a)** Any town desiring to establish a new public library or participate in a joint library under s. 43.53 shall in addition to the requirement under sub. (1) obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors shall render decisions within 90 days of the request being received. A town may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the participation by the town in a joint library with a municipality located in another county. The state superintendent shall hold a public hearing on the appeal within 60 days after receiving notice of the appeal. The state superintendent shall publish a class 1 notice under ch. 985 of the hearing and shall also provide notice of the hearing to the town board, the county board of supervisors and the county library board. The state superintendent shall decide the appeal within 30 days after the adjournment of the public hearing.

**(b)** Any city or village that is entirely located in a county that operates and maintains a consolidated public library for the county under s. 43.57, and that desires to establish a new public library or participate in a joint library under s. 43.53, shall, in addition to the requirement under sub. (1), obtain the approval of the county library board, if one exists, and the county board of supervisors before final action is taken. The county library board and the county board of supervisors shall render decisions within 90 days of the request being received. The common council or village board may appeal to the state superintendent a decision of the county library board or the county board of supervisors that disapproves the participation by the city or village in a joint library with a municipality located in another county. The state superintendent shall hold a public hearing on the appeal within 60 days after receiving notice of the appeal. The state superintendent shall publish a class 1 notice under ch. 985 of the hearing and shall also provide notice of the hearing to the common council or village board, the county board of supervisors, and the county library board. The state superintendent shall decide the appeal within 30 days after the adjournment of the public hearing.

- (2) Every public library shall be free for the use of the inhabitants of the municipality by which it is established and maintained, subject to such reasonable regulations as the library board prescribes in order to render its use most beneficial to the greatest number. The library board may exclude from the use of the public library all persons who willfully violate such regulations.
- (3) Any municipality may purchase or acquire one or more sites, erect one or more buildings and equip the same for a public library or any library already established; or may adopt, take over and acquire any library already established, by consent of the authorities controlling the same.
- (4) A municipal library may contract with library organizations within this state or in adjacent states to provide or receive library services.

Wis. Stat. § 43.52

## VI. Joint Libraries

2+ municipalities, or a county and 1+ municipalities located wholly or partly in the county, may create joint libraries by their governing bodies' appropriate agreement. Joint library agreements must contain a procedure for adjusting a library board's membership to ensure it remains representative of the participating municipalities' populations, as shown by the most recent federal census. A joint library agreement must also name one of the participants as the library's fiscal agent and include a procedure for distributing the joint library's assets and liabilities if the joint library is dissolved. A joint library mustn't be established unless it includes at least one municipality with a public library established before May 8, 1990.

- (1) Joint libraries may be created by any 2 or more municipalities or by a county and one or more municipalities located in whole or in part in the county, by appropriate agreement of their governing bodies. Section 43.52 applies to joint libraries.
- (2) Joint library agreements under sub. (1) shall contain provisions necessary to establish a library board under s. 43.54, including a procedure for adjusting the membership of the board to ensure that it remains representative of the populations of the participating municipalities, as shown by the most recent federal census, under s. 43.54 (1m) (a) 1.; perform the duties under s. 43.58; and own and operate the physical facilities. A joint library agreement shall also do all of the following:
  - (a) Name one of the participants as the library's fiscal agent, who is responsible for the payroll, benefit administration, insurance, and financial record keeping and auditing for the library. The participant's costs of providing the services under this paragraph count toward the financial support required of the participant under s. 43.15 (4) (b) 2.
  - (b) Include a procedure for the distribution of a joint library's assets and liabilities if the joint library is dissolved.
- (3) A joint library may not be established unless it includes at least one municipality with a public library established before May 8, 1990.

Wis. Stat. § 43.53

## VII. Attorney General Opinions

A town, city, or village that doesn't maintain a public library, as a municipality or jointly with another municipality under contract, but which makes contributions to a nearby public library, can't be exempted from the county library tax levy.

A town, city or village which does not maintain a public library, as a municipality or jointly with another municipality under contract, but which makes contributions to a nearby public library, cannot be exempted from the county library tax levy under sec. 43.64 (2), Stats.

1976 Wisc. AG LEXIS 52, \*1, 65 Op. Atty Gen. Wis. 182, 182

Municipal libraries are a matter of paramount local concern rather than statewide concern. They are subject to otherwise constitutionally legal local legislative enactments under the state constitution's home-rule provisions.

Municipal libraries are a matter of paramount local concern as opposed to a statewide concern and are subject to otherwise constitutionally legal local legislative enactments under the home-rule provisions of the state constitution.

1981 Wisc. AG LEXIS 50, \*1, 70 Op. Atty Gen. Wis. 54

A county with over 85,000 population that doesn't operate and maintain a library, but does contain a city of 30,000+ operating a library, can establish a single-county federated library system.

A county having a population in excess of 85,000 and which does not presently operate and maintain a library but which contains a city of over 30,000 operating a library, can establish a single-county federated library system.

1974 Wisc. AG LEXIS 41, \*1, 63 Op. Atty Gen. Wis. 142, 142

To qualify for an exemption from the county library tax, a municipality or school district must have expended for its own library fund during the year in which the county tax levy is made a sum at least equal to the sum it would have to pay for the county tax levy made during that year to fund the county budget for the ensuing year.

To qualify for exemption from county library tax under section 43.64(2), Stats., municipality or school district must have expended for its own "library fund" during the year in which the county tax levy is made a sum at least equal to the sum it would have to pay for the county tax levy made during that year to fund the county budget for the ensuing year.

1983 Wisc. AG LEXIS 37, \*1, 72 Op. Atty Gen. Wis. 49

## Municipal Ordinances

### *A. Columbus*

The library must receive funding from the city at a level that isn't lower than the average funding received for the previous three years.

The library shall receive funding from the city at a level that is not lower than the average of such funding received for the previous three years.

Columbus, Wisconsin Code of Ordinances Sec. 62-2

### *B. Oconto*

The City of Oconto and the County of Oconto establish the Farnsworth Public Library Board as a joint municipal library.

The Farnsworth Public **Library** Board is hereby established by the City of Oconto and the County of Oconto as a joint municipal **library** pursuant to Wis. Stats. 43.53.

Oconto, Wisconsin Code of Ordinances Sec. 2-4-2

### *C. Racine County*

The Lakeshores Library System, a two-county federated library system, is created for Racine and Walworth counties. Racine and Walworth counties intend that each municipal library within those counties be retained and maintained, and that existing library boards retain autonomy to provide library service within their individual communities. The Lakeshore Library System is intended to support, supplement and extend the resource of the public libraries operating in Racine and Walworth counties.

There is hereby created a two-county federated **library** system known as the Lakeshores **Library** System for Racine and Walworth counties. The Lakeshores **Library** System is created pursuant to the authority granted by W.S.A., 43.15(4) and 43.19. It is the intention of Racine and Walworth counties that each municipal **library** within those counties be retained and maintained and that existing **library** boards retain autonomy with regard to providing **library** services within their individual community. The Lakeshore **Library** System is intended to support, extend and supplement the resources and services of the public **libraries** operating within Racine and Walworth counties so as to make accessible to those county residents a wider variety of public **library** benefits.

Racine County, Wisconsin Code of Ordinances Sec. 2-536

The City of Racine Public Library will be the Lakeshore Library System's resource library. The Lake Geneva Public Library will serve as a satellite resource library. These libraries will serve as reference and information referral centers for participating libraries' inquiries.

The resource library for the Lakeshore Library System shall be the City of Racine Public Library. The Lake Geneva Public Library shall serve as a satellite resource library. These libraries will serve as reference and information referral centers for inquiries from participating libraries.

Racine County, Wisconsin Code of Ordinances Sec. 2-538

Budget responsibility for the Lakeshore Library System rests with both Racine and Walworth counties. Racine County, Walworth County, and the library system board must annually take all steps needed to obtain reimbursement for the library system's operation as possible under any state statutes. The library system must operate under a

budget that the Racine County board of supervisors and the Walworth County board of supervisors approve. The county boards may levy a tax to provide funds for Lakeshore Library System, and must include any such tax's amount in the general county tax. Any city, town, or village in either county must, upon written application filed with its county board, be exempt from the portion of the general county tax allocated for the library system's operation if the city, town or villages making the application expends for a library fund, during the year for which the tax levy is made, the sum at least equaling the sum which it would have to pay toward the county tax levy for the library system's operation.

(a) Budget responsibility for the Lakeshore **Library** System shall rest with both Racine and Walworth counties. Racine County, Walworth County, and the **library** system board shall annually take all steps necessary to obtain such reimbursement for the operation of a **library** system as is possible under the statutes in the state as they now exist or might hereinafter be amended. The **library** system shall operate under a budget approved by the Racine County board of supervisors and the Walworth County board of supervisors.

(b) The respective county boards may levy a tax to provide funds for the Lakeshore **Library** System and shall include the amount of any such tax in the general county tax. Any city, town or village in either county shall, upon written application filed with its respective county board, be exempted from that portion of the general county tax allocated for the **library** system operation if the city, town or village making such application expends for a **library** fund, during the year for which the tax levy is made, the sum at least equal to the sum which it would have to pay toward the county tax levy for the **library** system operation.

Racine County, Wisconsin Code of Ordinances Sec. 2-539

#### *D. Sheboygan*

The city may establish, equip and maintain a public library and branches or reading rooms, or maintain and support those already established. To provide a library fund for the public library or reading room's maintenance, the city may annually levy a tax or appropriate money.

The city may establish, equip and maintain a public library and branches thereof or reading rooms or maintain and support those already established and may annually levy a tax or appropriate money to provide a library fund to be used exclusively to maintain the public library or reading room.

Sheboygan, Wisconsin Code of Ordinances Sec. 58-1

#### *E. Superior*

A public library is established and will have custody and operation of all public libraries and branches.

There is established the public library which shall have custody and operation of all public libraries and branches thereof. The library director shall be the administrative head of the public library.

Superior, Wisconsin Code of Ordinances Sec. 70-1

#### *F. Verona*

The Common Council may annually levy a tax or appropriate money to provide a library fund for the Verona Public Library's maintenance.

(f) **Power to Levy Tax and Enact Regulations.** The Common Council may annually levy a tax or appropriate money to provide a **library** fund to be used exclusively to maintain the Verona Public **Library** and may enact and enforce police regulations to govern the use, management and preservation thereof.

Verona, Wisconsin Code of Ordinances Sec. 2-4-3

## Fifty-State Library Survey - Western States

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Kyle K. Courtney, Harvard Library Office for Scholarly Communication & the Law Advisor to @EveryLibrary

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Sarah Racicot, Harvard Library Office for Scholarly Communication, Copyright Fellow '16

### Alaska

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There is little statutory information regarding libraries in Alaska. There is some mention of their establishment in the codes of various municipalities. For example, the Galena Code of Ordinances establishes a municipal library (Galena, Alaska Code of Ordinances Sec. 2.40.010). While Title 14 (Education, Libraries, and Museums) has Chapter 56 (State and Community Libraries), that label is a bit misleading as the Chapter does not actually provide information on who may establish such libraries, how such libraries may be established, and how taxes may be levied for financial support. Instead, the Chapter covers the state library, details grants that already established public libraries may receive, and provides general requirements for public library (open to the public, etc.).

### Arizona

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#### Relevant Law

Title 11 (Counties) Chapter 7 (Intergovernmental Operations) Article I covers Public Libraries. These county free library districts also appear in Title 48 (Special Taxing Districts) Chapter 24. Libraries are also covered in Title 9 (Cities and Towns) under Chapter 4 (General Provisions) Article II.

#### Types of Libraries

Cities and towns may establish free public libraries. Counties may establish county free library districts.

#### I. Free Public Libraries

A city or town may establish a free public library by levying an annual tax. Statute specifies a maximum for this tax.

A city or town may levy annually, in addition to all other taxes, a tax not to exceed one and one-half mills on the assessed value of all property in the city or town, exclusive of the valuation of property exempt from taxation, for the purpose of establishing and maintaining therein free public libraries and reading rooms, for purchasing books, journals and other publications, and erecting and maintaining such buildings as may be necessary therefor.

A.R.S. § 9-411

#### II. County Free Library Districts

A county's board of supervisors may establish and maintain a county free library district.

The board of supervisors may establish and maintain, within the county, a county free library district in the manner and with the powers prescribed in this article and title 48, chapter 24.

A.R.S. § 11-901

This establishment is done by the board at a meeting. The board must publish notice of this contemplated action once a week for three successive weeks before taking action and provide the date and time of the meeting.

**A.** The board of supervisors may establish at the county seat a county free library district for the county and for all cities and towns within the county as may elect to become a part of, or to participate in, the county free library district, as provided in this article and title 11, chapter 7, article 1. The district may include branch libraries at locations determined by the board.

**B.** At least once each week for three successive weeks prior to taking action upon the establishment of the county free library district, the board shall publish in the county notice of such contemplated action, giving therein the date and time of the meeting at which the action is proposed to be taken.

A.R.S. § 48-3901

Counties may enter into contracts with one another for the use of a county free library.

...**B.** The board of supervisors of a county in which a county free library district has been established under the provisions of this article may enter into contracts with the board of supervisors of any other county to secure to the residents of the other county such privileges of the county free library as may by the contract be agreed upon, and upon such consideration as may be expressed in the contract, which shall be paid into the county free library district fund. Thereafter the inhabitants of the other county shall have such privileges of the county free library as may be agreed upon by the contract.

**C.** The board of supervisors of the county may enter into a contract with the board of supervisors of another county in which a county free library district has been established under the provisions of this article, as provided in this section, and may levy a library tax, as provided in this article, for the purpose of carrying out the contract, but the making of the contract shall not bar the board of supervisors of the county during the continuance of the contract from establishing a county free library district under the provisions of this article if one is not already established. Upon the establishment of such a county free library district the contract may be terminated upon such terms as may be agreed upon by the parties thereto, or it may continue for the term thereof.

A.R.S. § 48-3902

After a free county library district has been established, the governing body of any incorporated city or town in that county may notify the county board of supervisors that the city or town wishes to become part of the county free library district. Similarly, such a governing body may notify the board that the city or town no longer wishes to be part of the county free library district. Prior to either of these actions, the governing body must publish notice once a week for three successive weeks giving the date, place and time of the meeting for the action.

**A.** After the establishment of a free county library district as provided in this article and title 48, chapter 24, article 1, the governing body of any incorporated city or town in the county may notify the board of supervisors that the city or town desires to become a part of the county free library district, and thereafter the city or town shall be a part thereof and its inhabitants shall be entitled to the benefits of the county free library.

**B.** The governing body of an incorporated city or town in the county may at any time notify the board that the city or town no longer desires to be a part of the county free library district, and thereafter the city or town shall cease to participate in the benefits of the county free library.

**C.** The governing body of an incorporated town or city shall publish once each week for three successive weeks, prior either to giving or to withdrawing such notice, notice of its contemplated action in a newspaper of general circulation in the city or town, designated by the governing body, giving therein the date, place and time of the meeting at which such action is proposed to be taken.

A.R.S. § 11-903

Instead of establishing a separate county free library, the county's board of supervisors may contract with an incorporated city or town's free public library's board of trustees or other authority in charge to provide that the city or town's free public library shall assume a county free library's functions within that county. Such a contract may be terminated.

Instead of establishing a separate county free library, the board of supervisors may enter into a contract under the provisions of this section with the board of library trustees or other authority in charge of the free public library of an incorporated city or town, and the board of library trustees or other authority in charge may make such a contract. The contract may provide that the free public library of the incorporated city or town shall assume the functions of a county free library within the county, including incorporated cities and towns therein. The board of supervisors may pay annually into the library fund of the incorporated city or town such sum as is agreed upon. Either party may terminate the contract by giving six months notice of intention to do so.

A.R.S. § 11-904

The county board of districts annually levies a county free library district tax sufficient to establish and maintain the district. This is levied in the same manner and at the same time as other county secondary property taxes.

The board of directors, after a county free library is established, shall annually levy in the same manner and at the same time as other county secondary property taxes are levied a county free library district tax sufficient to establish the district and to insure the payment of salaries, maintenance and upkeep and other necessary expenses of the county free library district. The tax shall be levied and collected upon all property in the county and upon all property within incorporated cities and towns in the county.

A.R.S. § 48-3903



## Arkansas

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### Relevant Law

Libraries are covered in Title 13 (Libraries, Archives, and Cultural Resources) under Chapter 2. Amendment 30 of the Arkansas Constitution (City Libraries) details many tax matters relating to city libraries, while Amendment 38 does the same for county libraries.

### Types of Libraries

There are county libraries, municipal libraries and regional library systems. Joint city-county libraries may also be formed.

### I. County Libraries

County quorum courts have the power to establish and maintain county public libraries. They can also establish a joint public library in cooperation with another county.

- (a) The county quorum courts of the several counties shall have the power and authority to establish, maintain, and operate county public libraries or public library services or systems in the manner and with the functions prescribed in this subchapter, and counties may appropriate money for these purposes.
- (b) The county quorum court shall also have the power to establish in cooperation with another county or other counties a joint public library or a joint library service or system for the benefit of the cooperating counties.

A.C.A. § 13-2-401

This is done by an ordinance of the quorum court or by an agreement between multiple counties' governing bodies to coordinate services.

- (c)
- (1) Establishment of county libraries or library systems shall be evidenced by an ordinance of the county quorum court or by an agreement between the governing bodies of the several counties participating in a regional library system or coordinating library services under an interlocal agreement.

A.C.A. § 13-2-401

Taxpaying electors in the county may petition the county court to ask for an annual tax on real and personal property to be levied for a library. At least 100 electors must file such a petition, which must specify a rate of taxation not to exceed five mills on the dollar. The question is submitted at a general or special election, and the petition must be filed at least thirty days before the election at which it will be submitted.

Whenever 100 or more taxpaying electors of any county shall file a petition in the County Court asking that an annual tax on real and personal property be levied for the purpose of maintaining and operating a public county library or a county library service or system and shall specify a rate of taxation not to exceed five mills on the dollar, the question as to whether said tax shall be levied shall be submitted to the qualified electors of such county at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters...

Ark. Const. Amendment 38, § 1

This tax can't be levied against any real or personal property that's already taxed to maintain a city library. Voters in such cities are not entitled to vote on the county tax.

[S]uch tax shall not be levied against any real or personal property which is taxed for the maintenance of a city library, pursuant to the provisions of Amendment No. 30; and no voter residing within such city shall be entitled to vote on the question as to whether county tax shall be levied...

Ark. Const. Amendment 38, § 2

This tax may be raised, reduced or abolished by at least 100 county taxpaying electors filing a petition in the county court. The question is submitted at a general or special election, and the petition must be filed at least thirty days before the election at which it will be submitted.

Whenever 100 or more taxpaying electors of any county having library tax in force shall file a petition in the County Court asking that

such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall follow, as far as practicable, the form set forth in Section 1 hereof. The result shall be certified and entered of record as provided in Section 2 hereof, and the result as entered of record shall be conclusive unless attacked in the courts within thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the case may be, according to the majority of qualified electors voting on the question at such election. If lowered or raised, the revised tax shall thereafter be continually levied and collected and proceeds used in the manner and for the purposes as provided in Section 2 hereof. [As amended by Const. Amend. 72, § 5.]

Ark. Const. Amendment 38, § 3

County taxing electors may also file a petition with the county court asking for an annual tax on real and personal property for library construction or capital improvements. The petition must have at least 100 electors and specify a rate of taxation, not to exceed three mills on the dollar. The question is submitted at a general or special election, and the petition must be filed at least thirty days before the election at which it will be submitted. Voters may also authorize the county court to issue bonds for library capital improvements or construction and authorize the pledge of all or part of the tax for retiring the bonds. The ballot must state the maximum rate of any special tax to pay bond debt. Such a tax constitutes a special fund. It may not be extended for any purpose and once approved may not be reduced or diminished.

- (a) Whenever 100 or more taxing electors of any county shall file a petition in the County Court asking that an annual tax on real and personal property be levied for the purpose of capital improvements to or construction of a public county library or a county library service or system and shall specify a rate of taxation not to exceed three mills on the dollar, the question as to whether said tax shall be levied shall be submitted to the qualified electors of such county at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters...
- (b) The voters may authorize the County Court to issue bonds as prescribed by law for capital improvements to or construction of the library and to authorize the pledge of all, or any part of, the tax authorized in Section 1 of this Amendment for the purpose of retiring the bonds...
- (c) The maximum rate of any special tax to pay bonded indebtedness, as authorized by paragraph (b) hereof shall be stated on the ballot.
- (d) The special tax for payment of bonded indebtedness authorized in paragraph (b) hereof shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus tax collections, which may have accumulated, shall be transferred to the general funds of the county, and shall be used for maintenance of the county library or county library service or system.
- (e) Notwithstanding any other provision of this Amendment, a tax approved by the voters for the purpose of paying the bonded indebtedness shall not be reduced or diminished, nor shall it be used for any other purpose than to pay principal of, premium or interest on, and the reasonable fees of a trustee or paying agent, so long as the bonded indebtedness shall remain outstanding and unpaid. [Added by Const. Amend. 72, § 6; amended by Const. Amend. 89.]

Ark. Const. Amendment 38, § 5

## II. Municipal Libraries

Any city of the first class or second class, or any incorporated town, may provide for library services, or contract or join with other political subdivisions to form regional library systems.

- (a)
  - (1) Any city of the first class, city of the second class, or incorporated town in Arkansas may provide for library services for its citizens or may enter into agreements or contracts for library services with other political subdivisions or join with other political subdivisions to form regional library systems to provide library services for its citizens.
  - (2) The governing body of the city of the first class, city of the second class, or incorporated town may expend available municipal funds for the support, operation, and maintenance of any service, contract, agreement, or library system in which the municipality participates for library services for its citizens.
- (b) The provisions of this subchapter shall not be construed to restrict or prohibit any cities of the first class, cities of the second class, or incorporated towns from entering into interlocal cooperation agreements with other cities, counties, or regional library systems to better coordinate the provision of services to their inhabitants.

A.C.A. § 13-2-510

Any city of the first class's governing body may establish and maintain a public library by ordinance. For any city that levies a library tax under the Arkansas Constitution, it must establish and maintain a city public library or library services. Moreover, in a city of the first class, if 5% of voters request a public library, the municipality's governing body must call for an election within 30 days of that petition's filing.

(a)

(1) The city council or governing body of any city of the first class may by ordinance establish and maintain a public library for the use and benefit of the inhabitants of the city.

(2) The governing body of any city which levies a city library tax in accordance with Arkansas Constitution, Amendment 30, shall establish, operate, and maintain a city public library or library services for the citizens of the city.

(b)

(1) In a city of the first class, on petition of five percent (5%) of the voters requesting the establishment of a public library, the city council or governing body of the municipality within thirty (30) days after the filing of the petition shall call an election to be held in accordance with § 7-11-201 et seq.

(2)

(A) The election shall be advertised and conducted as special elections are required by law to be advertised and conducted.

(B) The ballots shall be marked "FOR Public Library", "AGAINST Public Library".

(3) If a majority of the electors voting at the election vote in favor of the establishment of a public library, it shall be the duty of the city council or the governing body of the municipality immediately to establish a public library and continue to maintain it in accordance with the provisions of this section.

A.C.A. § 13-2-501

If a city of the first class has decided to establish and maintain a public library, the city board of trustees of the library may contract with the municipal authorities of a neighboring city within the city or without the state if the neighboring city's city limit extend to the state line and are contiguous to the city of the first class's city limits to establish and maintain a common library for both cities' residents. The contract must be ratified by a majority of the city of the first class's governing body.

(a) When any city council or governing body of a city of the first class shall have decided to establish and maintain a public library under the terms of this subchapter, the city board of trustees of the library appointed pursuant to this subchapter in fulfilling the purposes of this subchapter may contract with the municipal authorities of a neighboring city within this state or without this state if the city limits of the neighboring city so without this state extend to the state line of this state and are contiguous to the city limits of the city of the first class within this state, whereby a common library for the residents of both cities may be established and maintained by both cities.

(b) The contract shall provide for the division of the total cost of establishing, maintaining, and operating the library between the cities, even though the library is located without this state.

(c) However, the contract shall become effective only from and after its ratification by a majority of the elected members of the city council or the governing body of a city of the first class.

A.C.A. § 13-2-501

The city board of trustees, with its governing body's consent, and the county library board, with the county quorum court's consent – or any combination of municipal public libraries – may contract to create and maintain a joint city-county public library system or regional public library system. Any library created in this manner is considered as a public city library.

(d)

(1) The city board of trustees, with the consent of its governing body of the city, and the county library board, with the consent of the county quorum court, or any group of municipal public libraries, and any combination of them, may contract with each other or among themselves to create, maintain, and support a joint city-county public library system or regional public library system or may enter into an interlocal cooperation agreement among themselves to coordinate public library services among the different jurisdictions.

(2) Such a contract or interlocal agreement shall contain terms, agreements, and conditions as may be agreed upon by the city board of trustees, the county library board of trustees, the county quorum court, and the board of trustees of the several municipalities.

(e) Any library or joint city-county library or other library system created under this section for coordination of library services when so established and operated shall be a public city library for all the intents and purposes of this subchapter and of Arkansas Constitution, Amendment 30.

A.C.A. § 13-2-508

A municipality's governing body may allot a prescribed portion of its municipal revenues to be used exclusively for library maintenance. If the city supports the library with a city library tax under the Arkansas Constitution, it shall by ordinance appropriate all tax revenues raised by the millage approved by voters on taxable property within the city to

be used for the library within that city or for library services from a system in which the city participates.

(c) When a public library has been established, the city council or the governing body of the municipality may allot for library purposes a prescribed proportion of its municipal revenues to be used exclusively for the maintenance of the public library.

(d)

(1) A city which supports a city public library or library system with a city library tax under Arkansas Constitution, Amendment 30, shall by ordinance of the governing body of the municipality appropriate all tax revenues raised by the millage approved by the voters on all taxable property within the city to be used for the support, operation, and maintenance of the public library or public library system located in the city or for library services from within a library system in which the city participates.

(2) In addition to the levy authorized in this subsection, the governing body of the municipality may make contributions from any available funds for the support, operation, and maintenance of a city public library or public library system located in the city or for library services from within a library system in which the city participates.

(3) Further, the governing body of a municipality may make contributions from the city funds and any other available funds for the support, operation, and maintenance of a joint city-county or regional public library system in which the city has agreed to participate in coordination with the libraries of other cities and other counties.

A.C.A. § 13-2-501

The Arkansas Constitution provides that for any city with a population of 5,000 or more, whenever 100+ taxpaying electors file a petition with the mayor asking for an annual tax on real and personal property to be levied for a city library and specify a rate of taxation not over five mills on the dollar, the question of levying the tax shall be submitted at a general or special election. The petition must be filled at least thirty days before the election at which it will be submitted.

Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for the purpose of maintaining and operating a public city library and shall specify a rate of taxation not to exceed five mills on the dollar, the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters.

Ark. Const. Amendment 30, § 1

To raise, lower or abolish this tax, at least 100 taxpaying electors must file a petition with the mayor. The question is then submitted at a general or special election. The petition must be filed at least thirty days before the election at which it will be submitted.

Whenever 100 or more taxpaying electors of any city having a library tax in force shall file a petition with the Mayor asking that such tax be raised, reduced or abolished, the question shall be submitted to the qualified electors at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters. The ballot shall follow, as far as practicable, the form set forth in Section 1 hereof. The result shall be certified and proclaimed, as provided in Section 2 hereof, and the result as proclaimed shall be conclusive unless attacked in the courts within thirty days. Subject to the limitations of Section 5(e) hereof, the tax shall be lowered, raised or abolished, as the case may be, according to the majority of the qualified electors voting on the question of such election. If lowered or raised, the revised tax shall thereafter be continually levied and collected and the proceeds used in the manner and for the purposes as provided in Section 2 hereof. [As amended by Const. Amend. 72, § 2.]

Ark. Const. Amendment 30, § 3

Electors in cities with a population of 5,000 or more may also file a petition with the mayor asking for an annual tax on real and personal property to be levied for library construction or capital improvements. The petition must specify a rate of taxation, not to exceed three mills on the dollar. The question is submitted at a general or special election, and the petition must be filed at least thirty days before the election at which it will be submitted. Electors may also authorize the city's governing body to issue bonds for construction and capital improvements and authorize the pledge of all or part of the tax for the purpose of retiring the bonds. The maximum rate of any special tax to pay bond debt must be specified on the ballot. Such a tax is a special fund and may not be extended for any purpose and once approved by voters may not be reduced or diminished.

(a) Whenever 100 or more taxpaying electors of any city, having a population of not less than 5,000, shall file a petition with the Mayor asking that an annual tax on real and personal property be levied for capital improvements to or construction of a public city library and shall specify a rate of taxation not to exceed three mills on the dollar, the question as to whether such tax shall be levied shall be submitted to the qualified electors of such city at a general or special election. Such petition must be filed at least thirty days prior to the election at which it will be submitted to the voters...

- (b) The electors may authorize the governing body of the city to issue bonds as prescribed by law for capital improvements to or construction of the library and to authorize the pledge of all, or any part of, the tax authorized by this section for the purpose of retiring the bonds...
- (c) The maximum rate of any special tax to pay bonded indebtedness, as authorized by paragraph (b) hereof shall be stated on the ballot.
- (d) The special tax for payment of bonded indebtedness authorized in paragraph (b) hereof shall constitute a special fund pledged as security for the payment of such indebtedness. The special tax shall never be extended for any purpose, nor collected for any greater length of time than necessary to retire such bonded indebtedness, except that tax receipts in excess of the amount required to retire the debt according to its terms may, subject to covenants entered into with the holders of the bonds, be pledged as security for the issuance of additional bonds if authorized by the voters. The tax for such additional bonds shall terminate within the time provided for the tax originally imposed. Upon retirement of the bonded indebtedness, any surplus tax collections, which may have accumulated shall be transferred to the general funds of the city, and shall be used for maintenance and operation of the public city library.
- (e) Notwithstanding any other provision of this amendment, a tax approved by the voters for the purpose of paying the bonded indebtedness shall not be reduced or diminished, nor shall it be used for any other purpose than to pay principal of, premium or interest on, and the reasonable fees of a trustee or paying agent, so long as the bonded indebtedness shall remain outstanding and unpaid. [Added by Const. Amend. 72, § 3; amended by Const. Amend. 89.]

Ark. Const. Amendment 30, § 5

### III. Regional Library Systems

Any 2+ municipalities or counties, or any 1+ municipalities together with 1+ counties may create and become members of a regional library system. Upon the city library board of trustees or the county library board's recommendation, each municipality or county desiring to do so may issue an ordinance. Any such ordinance may later be amended and other municipalities or counties may become new system members, provided the system members consent via their governing bodies' ordinances.

- (a) Any two (2) or more municipalities, any two (2) or more counties, or any one (1) or more municipalities together with any one (1) or more counties are authorized to create and become members of a regional library system as prescribed in this subchapter.
- (b) Upon the recommendation by the city library board of trustees or the county library board, the governing body of each municipality and county desiring to create and become a member of a system may by ordinance determine that it is in the best interest of the municipality or county in accomplishing the purposes of this subchapter to create and become a member of a system to better coordinate the services of libraries of different cities and counties as is permitted under Arkansas Constitution, Amendment 30, § 4, and Arkansas Constitution, Amendment 38, § 4, or as is otherwise permitted under interlocal cooperation agreements.
- (c) The ordinance shall:
  - (1) Specify the desire that a system be created as a public body and a body corporate and politic under this subchapter;
  - (2) Set forth the names of the municipalities or counties, or both, which are proposed to be initial members of the system;
  - (3) Set forth the name which is proposed for the system;
  - (4) Specify the powers to be granted to the system and its board of trustees and any limitations on the exercise of the powers granted, including limitations on the system's area of operations and the use of system funds and facilities;
  - (5) Specify the number of trustees on the board, the length of terms, and the voting rights of each trustee;
  - (6) Establish the proportion of financial assistance and support to be apportioned among the participating jurisdictions in the system; and
  - (7) Set forth the terms and conditions for the withdrawal from the system and the division of any system funds or property.
- (d)
  - (1) The ordinance shall be signed by the mayor of each municipality and the county judge of each county, attested by the respective clerks, and sent to the Secretary of State and to the Arkansas State Library. The Secretary of State shall receive and file it and shall record it in an appropriate book of record in his or her office.
  - (2) When the ordinance has been made, filed, and recorded as provided in this subchapter, the system shall constitute a public body and a body corporate and politic under the name proposed in the ordinance.
- (e)
  - (1) Any ordinance filed with the Secretary of State pursuant to the provisions of this section may be amended from time to time, and any other municipality or county may become a new member in the system with the consent of the members of the system evidenced by ordinances of their governing bodies.
  - (2) The amendment shall be signed and filed with the Secretary of State and the Arkansas State Library in the manner provided in this section.

A.C.A. § 13-2-903

Regional library systems may contract with other entities for common branches or joint services. Such contracts must be ratified by a majority of the members of the regional library system's board of trustees.

- (a) Regional library systems are authorized to contract with other regional libraries, municipal libraries, or county public libraries or with library authorities of any college or university or any privately organized or endowed library, whereby common library branches or buildings or joint library services for the residents or patrons of the participating jurisdictions may be established and maintained in

joint effort.

(b) The contract shall provide for the division of any cost of establishing, maintaining, and operating the library and library services between the system and the other entity, even though the entity may be located without this state.

(c) The contract shall become effective only from and after its ratification by a majority of the members of the board of trustees of the regional library system.

A.C.A. § 13-2-907

## California

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### Relevant Law

Libraries appear in Part 11 of the Education Code, Division 1 (General Education Code Provisions). The Government Code and the California Constitution provide some information about taxes for library purposes, which apply to most all types of libraries and will be discussed following the information related to specific library types.

### Types of Libraries

The Education Code details municipal libraries, county free libraries, library districts, and library districts in unincorporated towns and villages.

#### I. Municipal Libraries

Any city's legislative body shall, upon the request of a quarter of the municipal corporation's electors, establish by ordinance a public library in the municipality if none is already there.

The common council, board of trustees, or other legislative body of any city in the state may, and upon being requested to do so by one-fourth of the electors of the municipal corporation in the manner provided in this article, shall, by ordinance, establish in and for the municipality a public library if there is none already established therein.

Cal Ed Code § 18900

This request may be one petition or several. If several petitions, they should have substantially the same form. Either alone or together they must have the requisite number of signatures.

The request may be by a single petition, or by several petitions. The several petitions shall be substantially in the same form. The single petition, or several petitions in the aggregate, shall have, the signatures of the requisite number of electors.

Cal Ed Code § 18901

#### II. County Free Libraries

Counties' boards of supervisors may establish and maintain county free libraries.

The boards of supervisors of the several counties may establish and maintain, within their respective counties, county free libraries pursuant to this chapter.

Cal Ed Code § 19100

For two weeks before doing so, at least once a week the county's board of supervisors must publish – in a newspaper published in the county – a notice of the contemplated action that gives the date of the meeting at which the proposed action is to be taken.

At least once a week for two successive weeks prior to taking any action, the board of supervisors shall publish, in a newspaper designated by it and published in the county, notice of the contemplated action, giving the date of the meeting at which the action is proposed to be taken.

Cal Ed Code § 19102

After a county free public library has been established, the legislative body of any city in the county may notify the board of supervisors that it wishes to join.

After the establishment of a county free library, the board of trustees, common council, or other legislative body of any city in the county maintaining a free public library, or the board of trustees of any library district maintaining a district library, may notify the



board of supervisors that the city or library district desires to become a part of the county free library system. Thereafter the city or library district shall be a part of the system and its inhabitants shall be entitled to the benefits of the county free library, and the property within the city or library district shall be liable to taxes levied for county free library purposes.

Cal Ed Code § 19103

Before the city's legislative body gives notice that it wishes to join, it must publish for two successive weeks at least once a week – in a newspaper that circulates in the city – a notice of the contemplated actions that gives the date and place of the meeting at which the contemplated action is proposed to be taken.

Before any board of trustees, common council, or other legislative body of any city, or the board of trustees of any library district gives notice that the city or library district desires to become a part of the county free library system, or gives notice of withdrawal from the system, the board of trustees, common council, or other legislative body of the city or the board of trustees of the library district shall publish at least once a week for two successive weeks prior to the giving of either notice, in a newspaper designated by the board of trustees, common council, or other legislative body of the city or the board of library trustees of the library district, and circulating throughout the city or library district, notice of the contemplated action, giving the date and the place of the meeting at which the contemplated action is proposed to be taken.

Cal Ed Code § 19106

Cities and counties may also contract with one another for library services.

The board of supervisors of any county in which a county free library has been established may enter into contracts with any city maintaining a free public library, and any such city, through its board of trustees or other legislative body, may enter into contracts with the county to secure to the residents of the city the same privileges of the county free library as are granted to, or enjoyed by, the residents of the county outside of the city, or such privileges as are agreed upon in the contract, upon such consideration named in the contract as is agreed upon, to be paid into the county free library fund. Thereupon the residents of the city shall have the same privileges with regard to the county free library as the residents of the county outside of the city, or such privileges as are agreed upon by the contract.

Cal Ed Code § 19107

Counties with county free libraries may also contract with other counties.

The board of supervisors of any county in which a county free library has been established may enter into a contract with the board of supervisors of any other county to secure to the residents of the other county such privileges of the county free library as are agreed upon by the contract and upon such considerations as are agreed upon in the contract to be paid into the county free library fund. Thereupon the inhabitants of the other county shall have such privileges of the county free library as are agreed upon by the contract.

Cal Ed Code § 19108

The county board of supervisors may contract with the board of supervisors of another county that has a free library and may levy a tax for the contract.

The board of supervisors of any county may enter into a contract with the board of supervisors of another county in which a county free library has been established, and may levy a library tax, for the purpose of carrying out the contract.

Cal Ed Code § 19109

These contracts don't bar a county from later establishing a county free library though if it doesn't already have one.

The making of the contract shall not bar the board of supervisors of the county during the continuance of the contract from establishing a county free library under the provisions of this chapter if none is already established. Upon the establishment of any county free library, the contract may be terminated upon such terms as may be agreed upon by the parties thereto, or may continue for the term thereof.

Cal Ed Code § 19111

Instead of establishing a separate county free library, a county's board of supervisors may contract with the authority in charge of a city's free public library to provide that the city's free public library will assume that functions of a county free library within that county.

Instead of establishing a separate county free library, the board of supervisors may enter into a contract with the board of library trustees or other authority in charge of the free public library of any city and the board of library trustees, or other authority in charge of the free public library, may make such a contract. The contract may provide that the free public library of the city shall assume the

functions of a county free library within the county with which the contract is made, including cities in the county. The board of supervisors may agree to pay annually into the library fund of the city such sum as may be agreed upon. Either party to the contract may terminate the contract by giving six months' notice of intention to do so.

Cal Ed Code § 19112

Within the county territory taxed for the county free library, the county board of supervisors may create special taxing zones if it finds that the territory within those zones requires special services in addition to those provided generally by the library.

The board of supervisors may create special taxing zones within the territory of the county subject to taxation for county free library purposes for the purpose of levying special taxes within the zones when it is found by the board that the territory within the zones require special services or special facilities in addition to those provided generally by the county free library system and that the special tax levy is commensurate with the special benefits to be provided in the zones.

Taxes levied pursuant to this section, together with taxes levied pursuant to Section 19170 [repealed – related to taxes for county free libraries], shall not exceed the higher of the limit provided by Section 19170 [repealed] or the applicable provisions of Section 2263 of the Revenue and Taxation Code.

Cal Ed Code § 19173

Funds from the county general fund may also be used to support the county free library.

Notwithstanding any other provision of law, funds from the county general fund may be used to support the county free library.

Cal Ed Code § 19174.5

### III. Library Districts

Library districts may be organized, and they may establish and maintain a public library.

A library district may be organized, as provided in this chapter. The library district may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature and may exercise the powers granted or necessarily implied pursuant to this chapter.

Cal Ed Code § 19400

Library districts may cover incorporated or unincorporated territory (or both) in one or more counties as long as the district's territory is a contiguous parcel and no city's territory is divided.

The library district may include incorporated or unincorporated territory, or both, in any one or more counties, so long as the territory of the district consists of contiguous parcels and the territory of no city is divided.

Cal Ed Code § 19401

To form such a district, a petition may be presented at the regular meeting of the board of supervisors of the county that has the largest proportionate value of the lands for the proposed district. The petition must specify if the library is to be governed by a three or five-member board of trustees. The board of supervisors receiving this petition is known as the supervising board of supervisors.

Whenever the formation of a library district is desired, a petition which may consist of any number of instruments, may be presented at a regular meeting of the board of supervisors of the county in which is located the largest proportionate value of the lands within the proposed district as shown by the last equalized county assessment roll. The petition shall specify whether the proposed library district shall be governed by a three-member board of library trustees or by a five-member board of library trustees. The board of supervisors to whom the petition is presented is designated in this chapter as the supervising board of supervisors.

Cal Ed Code § 19402

Registered voters equaling at least 5% of the votes cast in the proposed district's territory for the last election for governor must sign the petition.

The petition shall be signed by registered voters residing within the proposed library district equal in number to at least 5 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected.

Cal Ed Code § 19403



Other procedures for filing and hearing the petition are located under Districts in the CA Government Code.

The proceedings for the filing and hearing of the petition are governed and controlled by the provisions of Sections 58032, 58033, 58034, 58060, and 58061 of the Government Code.

Cal Ed Code § 19404

Procedures for the final hearing and forming the district are also in the Government Code.

The proceedings for final hearing of the petition and the formation of the district are governed and controlled by the provisions of Article 4 (commencing with Section 58090), Article 5 (commencing with Section 58130), and Article 7 (commencing with Section 58200) of Chapter 1 of Title 6 of the Government Code.

Cal Ed Code § 19405

If registered voters in the district equaling at least 50% of the number of votes in the proposed district's territory for the last general election for governor file written protests, the proceeding for forming the district is terminated, as provided in the Government Code.

On the filing of written protests by registered voters residing in the proposed district equal in number to at least 50 percent of the number of votes cast in the territory comprising the proposed district at the last preceding general state election at which a Governor was elected, the proceeding for the formation of the district shall be terminated as provided in Sections 58103 and 58104 of the Government Code.

Cal Ed Code § 19406

If the library district includes territory in more than one county, there must be the concurrent consent by resolution of each board of supervisors involved and the consent of each governing body of cities to be included.

No library district including territory in more than one county shall be organized under this chapter without the concurrent consent by resolution of each board of supervisors involved, as well as the consent of the governing body of each city to be included.

Cal Ed Code § 19407

A tax calculated in the same manner as other county taxes will be collected for the library.

The tax shall be computed, entered upon the tax rolls, and collected in the same manner as county taxes are computed, entered, and collected. All money collected shall be paid into the county treasury to the credit of the particular library district fund and shall be paid out on the order of the district board, signed by the president and secretary.

Cal Ed Code § 19473

In any library district created subsequent to a county free library's establishment, property there is taxed for the county free library as if the library district hadn't been created.

Anything in Sections 19100 to 19179, inclusive, to the contrary, notwithstanding, the property in any library district created under this chapter subsequent to the establishment of a county free library is subject to taxation for county free library purposes as though the library district had not been created. This section shall not apply to any adjustments in property tax allocations made pursuant to Section 19116 [special rules about a city or library district in LA or Riversides counties withdrawing from a county free library system]

Cal Ed Code § 19483

If a library district has bonds, the boards of supervisors for each county in which any part of the district is located, when they levy taxes for county purposes, levies a tax on the district's taxable property for the bonds' interest and redemption. The tax can't be less than sufficient to pay the bond interest for that year plus the portion of the principal coming due.

The board of supervisors of each county in which any part of the district is situated, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds are to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole

amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Cal Ed Code § 19528

#### **IV. Library Districts in Unincorporated Towns and Villages**

Unincorporated towns and villages may establish and maintain libraries.

Any unincorporated town or village of this state may establish, equip, and maintain a public library for the dissemination of knowledge of the arts, sciences, and general literature, in accordance with this chapter...

Cal Ed Code § 19600

If 50+ taxpaying residents of an unincorporated town or village petition the board of supervisors in the county in which the town or village is located for the formation of a library district and set forth the proposed district's boundaries, within 10 days of receiving the petition, the board of supervisors will by resolution order an election on the proposed district.

Upon the application, by petition, of 50 or more taxpayers and residents of any unincorporated town or village to the board of supervisors in the county in which the town or village is located, for the formation of a library district, and setting forth the boundaries of the proposed district, the board of supervisors shall, within 10 days after receiving the petition, by resolution, order that an election be held in the proposed district for the determination of the question and shall conduct the election.

Cal Ed Code § 19601

Within five days of calling the election for district formation, that legislative body will transmit a written notice of the election by registered mail to the executive officer of the local agency formation commission of the county or principal county in which the major portion of the proposed district's territory is located. This notice must include the proposed district's name and a description. It may be in the form of a certified copy of the legislative body's resolution. Within five days of being notified, the executive officer must submit to the commission an impartial analysis of the proposed formation to be approved or modified. This analysis can't be over 500 words and must include a specific description of the proposed district's boundaries. Within five days of receiving this analysis, the commission must approve or modify it, and submit it to the officials in charge of conducting the election.

Within five days after the district formation election has been called, the legislative body which has called the election shall transmit, by registered mail, a written notification of the election call to the executive officer of the local agency formation commission of the county or principal county in which the territory or major portion of the territory of the proposed district is located. Such written notice shall include the name and a description of the proposed district, and may be in the form of a certified copy of the resolution adopted by the legislative body calling the district formation election.

The executive officer, within five days after being notified that a district formation election has been called, shall submit to the commission, for its approval or modification, an impartial analysis of the proposed district formation.

The impartial analysis shall not exceed 500 words in length and shall include a specific description of the boundaries of the district proposed to be formed.

The local agency formation commission, within five days after the receipt of the executive officer's analysis, shall approve or modify the analysis and submit it to the officials in charge of conducting the district formation election.

Cal Ed Code § 19603

The board of supervisors, members authorized by the board, individual voters, or a bona fide association of citizens entitled to vote on the district – or any combination – may file written arguments for or against the district. These arguments can't exceed 300 words and must be filed with the officials in charge of conducting the election at least 54 days before the election.

The board of supervisors or any member or members of the board authorized by the board, or any individual voter or bona fide association of citizens entitled to vote on the district formation proposition, or any combination of such voters and associations of citizens, may file a written argument for or a written argument against the proposed district formation.

Arguments shall not exceed 300 words in length and shall be filed with the officials in charge of conducting the election not less than 54 days prior to the date of the district formation election.

Cal Ed Code § 19604

If more than one argument for or against the district is filed during this time, election officials must select one of the arguments for printing and distribution to voters. In this selection, preference is given to arguments by the board of supervisors or its members, then to those by individual voters or associations.

If more than one argument for or more than one argument against the proposed district formation is filed with the election officials within the time prescribed, such election officials shall select one of the arguments for printing and distribution to the voters.

In selecting the arguments, the election officials shall give preference and priority in the order named to the arguments of the following:

- (a) The board of supervisors or any member or members of the board authorized by the board.
- (b) Individual voters or bona fide associations of citizens or a combination of such voters and associations.

Cal Ed Code § 19605

On the ballot, voters write or print “yes” or “no” after the words “for library district.”

The election shall be conducted in accordance with the general election laws of this state, where applicable, without reference to form of ballot or manner of voting, except that the ballots shall contain the words, "For library district," and the voter shall write or print after the words on his ballot the word "Yes," or the word "No."

Cal Ed Code § 19608

Election officials report the election result to the board of supervisors within five days of the election.

The election officers shall report the result of the election to the board of supervisors within five days after the election.

Cal Ed Code § 19610

If a majority favors the district, by resolution the board of supervisors establishes the district and appoints trustees.

If a majority of the votes at the election is in favor of a library district, the board of supervisors shall by resolution, establish the library district, and shall appoint five trustees, who shall be qualified electors and residents within the limits of the district, to be known as a board of library trustees of the town or village for which they are appointed.

Cal Ed Code § 19611

If the vote is unfavorable, there may be no further proceedings until one year from the date of the original petition's presentation.

If a majority of the votes cast is against a library district, the board of supervisors shall, by order, so declare, and no other proceedings shall be taken in relation thereto until the expiration of one year from the date of presentation of the petition.

Cal Ed Code § 19613

If a library district within an unincorporated town or village has bonds, the board of supervisors for that county, at the time it levies taxes for county purposes, levies a tax on the district's taxable property for bond interest and redemption. The tax can't be less than sufficient to pay that year's bond interest plus the portion of the principal coming due.

The board of supervisors, at the time of making the levy of taxes for county purposes, shall levy a tax for that year upon the taxable property in the district, at the equalized assessed value thereof for that year, for the interest and redemption of the bonds. The tax shall not be less than sufficient to pay the interest of the bonds for that year, and such portion of the principal as is to become due during the year. In any event the tax shall be high enough to raise, annually, for the first half of the term the bonds have to run, a sufficient sum to pay the interest thereon, and during the balance of the term, high enough to pay the annual interest and to pay, annually, a proportion of the principal of the bonds equal to a sum produced by taking the whole amount of the bonds outstanding and dividing it by the number of years the bonds then have to run.

Cal Ed Code § 19730

## V. General Provisions Regarding Taxation

Any city, county, city or county, or library district may impose special taxes to provide library facilities and services.

(a) Pursuant to Section 4 of Article XIII A of the California Constitution and Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1, and consistent with Article 3.7 (commencing with Section 53720), any city, county, city or county, or library district may impose special taxes for the purpose of providing public library facilities and services as described in Chapter 1.5 (commencing with Section 18010) of Part 11 of the Education Code.

(b) As used in this section, "special taxes" means special taxes that apply uniformly to all taxpayers or all real property within the city, county, city and county, or library district.

Cal Gov Code § 53717

Under the California Constitution, cities, counties, and special districts may, by a 2/3 vote of their qualified electors, impose special taxes on such a district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within the city, county, or special district.

Cities, Counties and special districts, by a two-thirds vote of the qualified electors of such district, may impose special taxes on such district, except ad valorem taxes on real property or a transaction tax or sales tax on the sale of real property within such City, County or special district.

Cal Const, Art. XIII A § 4

## Colorado

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### Relevant Law

Libraries are located within Title 24 (Government – State) under Article 90.

### Types of Libraries

The definitional section (24-90-103) lists a variety of types of libraries. County libraries are public libraries established and maintained by counties. Joint libraries are libraries establishes and jointly funded by through an agreement of 2+ governmental units or 1+ governmental unit and an institution of higher education. A library district is a public library established as its own taxing authority by 1+ governmental units or parts; these are political subdivisions of the state. Municipal libraries are public libraries established and maintained by municipalities (cities or towns). A regional library authority is a separate government authority created by the agreement of 2+ governmental units to provide and fund library services for their residents. A regional library services system is an organization of publicly-supported member libraries established to coordinate service within a geographic area; these are governed by independent boards. Special libraries are those primarily established and maintained for a specialized population's use; if the specialized population is an Indian tribe with a reservation in the state and the population requests classification as a public library, the library is treated as a public library if it meets the general requirements for public libraries (free use, open to the public, etc.).

The definitional section further specifies that all public libraries are publicly-supported libraries, meaning that they are principally supported via money from taxes.

### I. County Libraries

County libraries may be established by the county's legislative body on its own initiative by adopting a resolution or ordinance, or they may be established upon petition of a hundred registered electors residing within the proposed library's legal service area.

If this is done through a resolution or ordinance, there must be a public hearing held by the county legislative body following notice. The notice must specify the matters to be included in the resolution or ordinance and give a date for the hearing that isn't less than thirty or more than sixty days after the notice's first publication. The hearing must include a discussion of the library's purposes. The resolution or ordinance must described the library's legal service area, identify any excluded areas, specify the mill levy and property tax dollars to be imposed (or other type and amount of funding), and state that electors must approve any amount of tax not previously established by resolution or ordinance or approved by electors. Once the resolution or ordinance is adopted, the legislative body must establish the library and provide for its financial support beginning on or before January 1st of the year following the resolution or ordinance's adoption, or, if a tax levy not previously established by resolution or ordinance or approved by electors is to provide financial support, following elector approval of that levy.

If this is done by petition, the petition must set forth a request for the library's establishment, the name of the governmental unit establishing the library, the library's proposed name, a general description of the library's legal service area so that property owners may determine if their property is within the area, and a specification of the mill levy to be imposed or other type and amount of funding – and that electors must approve any tax levy not previously established by resolution or ordinance or approved by voters. Petitions are addressed to the county's legislative body. Upon receiving the petition, the legislative body either establishes the library by resolution or ordinance, or submits the question to a vote of the registered electors residing in the proposed library's legal service area. The election is held in accordance with Title 1 (Elections) and the Taxpayer's Bill of Rights within the Colorado Constitution. It is held on the date of the state biennial general election or on the first Tuesday in November in odd-numbered years, whichever is earliest except that the petition must be filed at least ninety days before the election. Before the election, the legislative body must conduct public hearings, which must include a discussion of the library's purposes. If a majority of the voters favor the library, the legislative body must establish the library and provide for its financial support on or before January 1 of the year following the election.

(1) A municipal or county library may be established for a governmental unit either by the legislative body of said governmental unit on its own initiative, by adoption of a resolution or ordinance to that effect, or upon petition of one hundred registered electors residing in the proposed library's legal service area...

(2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

(a) A public hearing following notice shall be held by any governmental unit forming the public library. Such notice shall set forth the matters to be included in the resolution or ordinance and shall fix a date for the hearing that shall be not less than thirty nor more than sixty days after the date of first publication of such notice.

(b) Such public hearings shall include discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(c) The resolution or ordinance shall describe the proposed library's legal service area, identifying any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.

(d) Upon the adoption of the resolution or ordinance, the legislative body or bodies shall establish the public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting the establishment or, if any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors is to provide the financial support, following elector approval of that levy....

(3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:

(a) The petition shall set forth:

(I) A request for the establishment of the library;

(II) The name or names of the governmental unit or units establishing the library;

(III) The name of the proposed library, and for a library district, the chosen name preceding the words "library district";

(IV) A general description of the legal service area of the proposed public library with such certainty as to enable a property owner to determine whether or not such property owner's property is within the proposed library's legal service area; and

(V) Specification of the mill levy to be imposed or other type and amount of funding and that the electors must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the county or municipal library or library district can be established.

(b) Petitions shall be addressed to the legislative body of the county or municipality, or, in the case of a library district, to the boards of county commissioners of each county having territory within the legal service area of the proposed district.

.....

(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed library's legal service area in accordance with the following provisions:

....

(II) In the case of a library district or county library, such election shall be held in accordance with articles 1 to 13 of title 1, C.R.S., and section 20 of article X of the state constitution, and shall be held on the date of the state biennial general election or the first Tuesday in November in odd-numbered years, whichever is earliest; except that such petition shall be filed at least ninety days before such election.

(III) Public hearings shall be conducted by such legislative body or bodies prior to an election and shall include a discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(e) and (f) (Deleted by amendment, L. 97, p. 411, § 1, effective April 24, 1997.)

(g) If a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body of each establishing governmental unit shall forthwith establish such library and provide for its financial support beginning on or before January 1 of the year following the election....



C.R.S. 24-90-107

When forming a county library, specific written notice of the proposed establishment must be sent at least ninety days prior to the anticipated action on the proposed establishment to each governmental unit maintaining a public library in the proposed library's legal service area and the boards of trustees for each of those libraries. The legislative body of any governmental unit maintaining a public library within the territory to be served by the county library – or the board of trustees of an established library district – decides by resolution or ordinance on participating in the county library.

If participation in the county library would be funded by a tax levy not previously established by resolution or ordinance or approved by the voters, the resolution or ordinance must state that the electors must approve the levy before participating.

For a decision not to participate, written notice must be filed with the board of county commissioners. This notice must be filed at least thirty days before the action being taken on the resolution or ordinance to create a county library, or on the resolution to conduct an election to create the library.

(1) Any governmental unit of the state of Colorado has the power to establish and maintain a public library under the provisions of this part 1, either by itself or in cooperation with one or more other governmental units. Whenever a county library or library district is proposed to be formed, specific written notification of the proposed establishment shall be given at least ninety days prior to anticipated action on the proposed establishment to each governmental unit maintaining a public library in the legal service area of the proposed library and the board of trustees of each library. The legislative body of any governmental unit that maintains a public library within the territory to be served by a county library or a library district or the board of trustees of an established library district shall decide, by resolution or ordinance, whether or not to participate in the county library or library district. If participation in the county library or library district is to be funded by any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors, the resolution or ordinance shall state that the electors of the library district or governmental unit must approve that levy before participation can be effected. Written notice of a decision not to participate shall be filed with the board of county commissioners in the case of a proposed county library or with the boards of county commissioners of each county having territory within the library's legal service area in the case of a proposed library district. The notice shall be filed at least thirty days prior to action being taken on the resolution or ordinance to create a county library or library district or on the resolution to conduct an election to create the county library or library district.

C.R.S. 24-90-10

## II. Joint Libraries

The legislative bodies of 2+ governmental units may establish a joint library by adopting a resolution or ordinance. Unlike municipal and county libraries, and library districts, it doesn't appear that joint libraries may be created by petition and election.

To establish the joint library, there must be a public hearing held by the legislative body of any governmental unit involved following notice. The notice must specify the matters to be included in the resolution or ordinance and give a date for the hearing that isn't less than thirty or more than sixty days after the notice's first publication. The hearing must include a discussion of the library's purposes. The resolution or ordinance must described the library's legal service area, identify any excluded areas, specify the mill levy and property tax dollars to be imposed (or other type and amount of funding), and state that electors must approve any amount of tax not previously established by resolution or ordinance or approved by electors. Once the resolution or ordinance is adopted, the legislative bodies must establish the library and provide for its financial support beginning on or before January 1st of the year following the resolution or ordinance's adoption, or, if a tax levy not previously established by resolution or ordinance or approved by electors is to provide financial support, following elector approval of that levy. After establishment of the joint library and appointment of trustees, within ninety days there must be a written agreement between the legislative body of each participating government unit and the library board of trustees that sets forth all parties' rights, obligations, and responsibilities.

1) ... A joint library may be established by the legislative bodies of two or more governmental units, and a library district by the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect. A library district may also be formed by petition of one hundred registered electors residing within the proposed library district addressed to the

boards of county commissioners in each county in the proposed library district.

(2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

(a) A public hearing following notice shall be held by any governmental unit forming the public library. Such notice shall set forth the matters to be included in the resolution or ordinance and shall fix a date for the hearing that shall be not less than thirty nor more than sixty days after the date of first publication of such notice.

(b) Such public hearings shall include discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(c) The resolution or ordinance shall describe the proposed library's legal service area, identifying any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.

(d) Upon the adoption of the resolution or ordinance, the legislative body or bodies shall establish the public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting the establishment or, if any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors is to provide the financial support, following elector approval of that levy.

(e) Upon establishment of a joint library or library district, and after appointment of the library board of trustees, a written agreement between the legislative body of each participating governmental unit and the library board of trustees shall be effected within ninety days, which time frame may be extended by mutual agreement of the parties, and shall set forth fully the rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement, including provisions concerning:

(I) The transition from the library to a library district, such as ownership of the library's real and personal property, personnel, and the provision of administrative services during the transition;

(II) The method of trustee selection; and

(III) Such other necessary terms and conditions as may be determined by the parties.

C.R.S. 24-90-107

### III. Library Districts

A library district may be established by the legislative bodies of 1+ governmental units adopting a resolution or ordinance. It may also be formed by the petition of a hundred registered electors residing within the proposed district addressed to the boards of county commissioners in each county within the district.<sup>20</sup>

If this is done through a resolution or ordinance, there must be a public hearing held by the legislative body of any governmental unit involved following notice. The notice must specify the matters to be included in the resolution or ordinance and give a date for the hearing that isn't less than thirty or more than sixty days after the notice's first publication. The hearing must include a discussion of the library's purposes. The resolution or ordinance must described the library's legal service area, identify any excluded areas, specify the mill levy and property tax dollars to be imposed (or other type and amount of funding), and state that electors must approve any amount of tax not previously established by resolution or ordinance or approved by electors. Once the resolution or ordinance is adopted, the legislative bodies must establish the library and provide for its financial support beginning on or before January 1st of the year following the resolution or ordinance's adoption, or, if a tax levy not previously established by resolution or ordinance or approved by electors is to provide financial support, following elector approval of that levy. After establishment of the district and appointment of trustees, within ninety days there must be a written agreement between the legislative body of each participating government unit and the library board of trustees that sets forth all parties' rights, obligations, and responsibilities.

If this is done by petition, the petition must set forth a request for the library's establishment, the name of the governmental unit establishing the library, the library's proposed name, a general description of the library's legal service area so that property owners may determine if their property is within the area, and a specification of the mill levy to be imposed or other type and amount of funding – and that electors must approve any tax levy not previously

<sup>20</sup> Note that while the procedures for a resolution or election for a library district are roughly the same as those for county, joint or municipal libraries, there are various additional requirements for the formation of a library district.

established by resolution or ordinance or approved by voters. Petitions are addressed to the boards of county commissioners of each county having territory within the proposed district's legal service area.

At the time of filing the petition, a bond is filed with the county or counties sufficient to pay all expenses connected with the library district's organization in the case that it is not affected. The board of county commissioners of each county may waive the bonding requirement and, with the consent of an existing library's board of trustees, pay for the costs of the election for the district. If the proposed district's legal service area included 2+ counties the election costs paid by any county can't exceed a percentage equal to the percent the population of the county within the legal service area bears to the total population within the area. Subject to those requirements though, the board of county commissioners for each county with territory within the proposed district must pay no less than 50% of the election costs if the submitted petition contains signatures of registered electors within the district equaling at least 5% of the total votes cast in each of the proposed district's precincts for all candidates for the Secretary of State at the previous general election. Payment of these costs though is not required of any county more than once every four years. If the proposed library district's legal service area includes 2+ counties, the election costs are paid on a prorated basis with each county within the area paying a percent of the costs equal to the percent that the population of the county within the area bears to the total population in the area. Instead of these procedures for election costs, an existing library may assume the costs if the assumption is approved by its board of trustees.

Upon receiving the petition, the legislative bodies either establish the library by resolution or ordinance, or submit the question to a vote of the registered electors residing in the proposed library's legal service area. The election is held in accordance with Title 1 (Elections) and the Taxpayer's Bill of Rights within the Colorado Constitution. It is held on the date of the state biennial general election or on the first Tuesday in November in odd-numbered years, whichever is earliest except that the petition must be filed at least ninety days before the election. Before the election, the legislative bodies must conduct public hearings, which must include a discussion of the library's purposes. If a majority of the voters favor the library, the legislative bodies must establish the library and provide for its financial support on or before January 1 of the year following the election. After establishment of the district and appointment of trustees, within ninety days there must be a written agreement between the legislative body of each participating government unit and the library board of trustees that sets forth all parties' rights, obligations, and responsibilities. The district must also reimburse the legislative bodies that held the election for any election expenses.

**(1)** ... A joint library may be established by the legislative bodies of two or more governmental units, and a library district by the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect. A library district may also be formed by petition of one hundred registered electors residing within the proposed library district addressed to the boards of county commissioners in each county in the proposed library district.

**(2)** If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

**(a)** A public hearing following notice shall be held by any governmental unit forming the public library.

Such notice shall set forth the matters to be included in the resolution or ordinance and shall fix a date for the hearing that shall be not less than thirty nor more than sixty days after the date of first publication of such notice.

**(b)** Such public hearings shall include discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

**(c)** The resolution or ordinance shall describe the proposed library's legal service area, identifying any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.

**(d)** Upon the adoption of the resolution or ordinance, the legislative body or bodies shall establish the public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting the establishment or, if any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors is to provide the financial support, following elector approval of that levy.

**(e)** Upon establishment of a joint library or library district, and after appointment of the library board of trustees, a written agreement between the legislative body of each participating governmental unit and the library board of trustees shall be effected within ninety days, which time frame may be extended by mutual agreement of the parties, and shall set forth fully the rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement, including



provisions concerning:

- (I) The transition from the library to a library district, such as ownership of the library's real and personal property, personnel, and the provision of administrative services during the transition;
  - (II) The method of trustee selection; and
  - (III) Such other necessary terms and conditions as may be determined by the parties.
- (3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:

(a) The petition shall set forth:

- (I) A request for the establishment of the library;
- (II) The name or names of the governmental unit or units establishing the library;
- (III) The name of the proposed library, and for a library district, the chosen name preceding the words "library district";
- (IV) A general description of the legal service area of the proposed public library with such certainty as to enable a property owner to determine whether or not such property owner's property is within the proposed library's legal service area; and
- (V) Specification of the mill levy to be imposed or other type and amount of funding and that the electors must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the county or municipal library or library district can be established.

(b) Petitions shall be addressed to the legislative body of the county or municipality, or, in the case of a library district, to the boards of county commissioners of each county having territory within the legal service area of the proposed district.

(c)

(I) Except as otherwise provided in subparagraphs (II) and (III) of this paragraph (c), at the time of filing the petition for the establishment of a library district, a bond shall be filed with the county or counties sufficient to pay all expenses connected with the organization of the library district if such organization is not affected.

(II) Except as otherwise provided in subparagraph (III) of this paragraph (c), the board of county commissioners of each county having territory within the legal service area of the proposed library district may:

(A) Waive the bonding requirement; and

(B) With the consent of the board of trustees of an existing library, pay for the costs of the election for the proposed library district. If the legal service area of a proposed library district includes two or more counties, the costs of election for such library district to be paid by any county pursuant to this sub-subparagraph (B) shall not exceed a percentage of said costs equal to the percentage that the population of the county within the boundaries of the legal service area bears to the total population within the boundaries of such service area.

(III) (A) Subject to the provisions of sub-subparagraphs (B) and (C) of this subparagraph (III), the board of county commissioners of each county having territory within the legal service area of the proposed library district shall pay no less than fifty percent of the costs of the election for such library district if the petition submitted pursuant to subsection (1) of this section contains signatures by registered electors residing in the proposed library district in an amount equal to at least five percent of the total number of votes cast in every precinct in the proposed library district for all candidates for the office of secretary of state at the previous general election.

(B) Payment of election costs for any library district shall not be required of any county under this subparagraph (III) more than once every four years.

(C) In the case where the legal service area of a proposed library district includes two or more counties, the costs of the election for the library district shall be paid on a prorated basis with each county within the boundaries of the proposed library's legal service area paying a percentage of said costs equal to the percentage that the population of the county within the boundaries of the library's legal service area bears to the total population of such service area.

(c.5) Notwithstanding any other provision of this section, the costs of the election of a proposed library district may be assumed by an existing library where the assumption of the costs has been approved by the board of trustees of said library.

(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed library's legal service area in accordance with the following provisions:

....

(II) In the case of a library district or county library, such election shall be held in accordance with articles 1 to 13 of title 1, C.R.S., and section 20 of article X of the state constitution, and shall be held on the date of the state biennial general election or the first Tuesday in November in odd-numbered years, whichever is earliest; except that such petition shall be filed at least ninety days before such election.

(III) Public hearings shall be conducted by such legislative body or bodies prior to an election and shall include a discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(e) and (f) (Deleted by amendment, L. 97, p. 411, § 1, effective April 24, 1997.)

(g) If a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body of each establishing governmental unit shall forthwith establish such library and provide for its financial support beginning on or before January 1 of the year following the election.

(h) Upon establishment of a library district, and after appointment of the library board of trustees, a written agreement between the legislative body of each participating governmental unit and the library board of trustees shall be effected within ninety days, which time frame may be extended by mutual agreement of the parties, and shall set forth fully the rights, obligations, and responsibilities, financial and otherwise, of all parties to the agreement, including provisions concerning:

(I) The transition from the library to a library district, such as ownership of the library's real and personal property, personnel, and the provision of administrative services during the transition;

(II) The method of trustee selection; and

(III) Such other necessary terms and conditions as may be determined by the parties.

(i) If organization of a library district is effected, the district shall reimburse the legislative bodies holding the election for expenses incurred in holding the election.

C.R.S. 24-90-107

Any governmental unit that shares at least one common boundary with an existing library district may join the district upon a resolution executed by the district's board of trustees and an ordinance or resolution adopted by the governmental unit that approved the unit's inclusion in the district. If the district imposes a tax levy that hasn't been previously approved by the unit's electors, the electors must approve the levy before the unit may join. This election is held in the accordance with Colorado Constitution's Taxpayers Bill of Rights and either Title 1 (Election) for counties or Title 31 (Government – Municipalities) for municipalities. The election is on the date of the state biennial general election, the first Tuesday in November in odd-numbered years, or, if the unit is a municipality, on the date of the municipality's regular election. Once the unit is included, the unit's legislative body and the district's board of trustees must enter a written agreement within ninety days of the elections that sets forth the parties' rights, obligations, and responsibilities.

If a governmental unit has a portion included within a district and a portion that isn't, the unit may follow these procedures to bring about its entire inclusion in the district, except that only the registered electors within the unincluded portion may vote on the district tax levy.

(1) Any governmental unit sharing at least one common boundary with an existing library district may become part of the district upon a resolution executed by the board of trustees of the district and the adoption of an ordinance or resolution, as applicable, by the legislative body of the governmental unit approving the inclusion of the governmental unit into the district. If the tax levy imposed by the district pursuant to section 24-90-112 has not been previously approved by the registered electors of the governmental unit, the electors shall approve the levy before the governmental unit may be included in the district. Any such election shall be held in accordance with the requirements specified in section 20 of article X of the state constitution, articles 1 to 13 of title 1, C.R.S., and article 10 of title 31, C.R.S., as applicable, and the election shall be held on the date of the state biennial general election, the first Tuesday in November in odd-numbered years, or, if the governmental unit is a municipality, on the date of the regular election of the municipality.

(2) Upon the inclusion of a governmental unit into a library district in accordance with the requirements of subsection (1) of this section, the legislative body of the governmental unit and the board of trustees of the district shall enter into a written agreement within ninety days of the election that sets forth fully the rights, obligations, and responsibilities, financial and otherwise, of the parties to the agreement.

(3) In the case of a governmental unit that has a portion included within a library district and a portion that is not included within the district, the governmental unit may follow the procedures specified in subsections (1) and (2) of this section to bring about the inclusion of the entire governmental unit into the district; except that, in such circumstances, only the registered electors residing within the portion of the governmental unit that is not included within the district at the time of the commencement of the inclusion proceedings shall be allowed to vote on the question of approval of the district tax levy.

C.R.S. 24-90-106.3

#### IV. Municipal Libraries

Municipal libraries may be established by the municipality's legislative body on its own initiative by adopting a resolution or ordinance, or they may be established upon petition of a hundred registered electors residing within the proposed library's legal service area.<sup>21</sup>

If this is done through a resolution or ordinance, there must be a public hearing held by the municipality's legislative body following notice. The notice must specify the matters to be included in the resolution or ordinance and give a date for the hearing that isn't less than thirty or more than sixty days after the notice's first publication. The hearing must include a discussion of the library's purposes. The resolution or ordinance must describe the library's legal service area, identify any excluded areas, specify the mill levy and property tax dollars to be imposed (or other type and amount of funding), and state that electors must approve any amount of tax not previously established by resolution or ordinance or approved by electors. Once the resolution or ordinance is adopted, the legislative body must establish the library and provide for its financial support beginning on or before January 1st of the year following the resolution or ordinance's adoption, or, if a tax levy not previously established by resolution or ordinance or approved by electors is to provide financial support, following elector approval of that levy.

If this is done by petition, the petition must set forth a request for the library's establishment, the name of the governmental unit establishing the library, the library's proposed name, a general description of the library's legal service area so that property owners may determine if their property is within the area, and a specification of the mill levy to be imposed or other type and amount of funding – and that electors must approve any tax levy not previously established by resolution or ordinance or approved by voters. Petitions are addressed to the municipality's legislative body. Upon receiving the petition, the legislative body either establishes the library by resolution or ordinance, or submits the question to a vote of the registered electors residing in the proposed library's legal service area. The election is held in accordance with Title 31 (Government - Municipalities) and the Taxpayer's Bill of Rights within the Colorado Constitution. It is held on the date of the state biennial general election or on the first Tuesday in November in odd-numbered years, whichever is earliest except that the petition must be filed at least ninety days before the election. Before the election, the legislative body must conduct public hearings, which must include a discussion of the library's purposes. If a majority of the voters favor the library, the legislative body must establish the library and provide for its financial support on or before January 1 of the year following the election.

(1) A municipal or county library may be established for a governmental unit either by the legislative body of said governmental unit on its own initiative, by adoption of a resolution or ordinance to that effect, or upon petition of one hundred registered electors residing in the proposed library's legal service area. A joint library may be established by the legislative bodies of two or more governmental units, and a library district by the legislative bodies of one or more governmental units, each proceeding to adopt a resolution or an ordinance to that effect. A library district may also be formed by petition of one hundred registered electors residing within the proposed library district addressed to the boards of county commissioners in each county in the proposed library district.

(2) If establishment of a municipal, county, or joint library or a library district is to be by resolution or ordinance, the following procedures shall be followed:

(a) A public hearing following notice shall be held by any governmental unit forming the public library. Such notice shall set forth the matters to be included in the resolution or ordinance and shall fix a date for the hearing that shall be not less than thirty nor more than sixty days after the date of first publication of such notice.

(b) Such public hearings shall include discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(c) The resolution or ordinance shall describe the proposed library's legal service area, identifying any excluded areas, shall specify the mill levy and property tax dollars to be imposed or other type and amount of funding, and shall state that the electors of the governmental unit or library district must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the library can be established.

(d) Upon the adoption of the resolution or ordinance, the legislative body or bodies shall establish the public library and provide for its financial support beginning on or before January 1 of the year following the adoption of the resolution or ordinance by all those legislative bodies effecting the establishment or, if any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors is to provide the financial support, following elector approval of that levy.

.....

<sup>21</sup> Note that municipalities and counties follow the same procedures for establishing libraries.

(3) If establishment of a county or municipal library or a library district is by petition of registered electors, the following procedures shall be followed:

(a) The petition shall set forth:

(I) A request for the establishment of the library;

(II) The name or names of the governmental unit or units establishing the library;

(III) The name of the proposed library, and for a library district, the chosen name preceding the words "library district";

(IV) A general description of the legal service area of the proposed public library with such certainty as to enable a property owner to determine whether or not such property owner's property is within the proposed library's legal service area; and

(V) Specification of the mill levy to be imposed or other type and amount of funding and that the electors must approve any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors before the county or municipal library or library district can be established.

(b) Petitions shall be addressed to the legislative body of the county or municipality, or, in the case of a library district, to the boards of county commissioners of each county having territory within the legal service area of the proposed district.

.....

(d) Upon receipt of such petition, the legislative body or bodies shall either establish the library by resolution or ordinance, in accordance with subsection (2) of this section, or shall submit the question of the establishment of a public library to a vote of the registered electors residing in the proposed library's legal service area in accordance with the following provisions:

(I) In the case of a municipal library, such election shall be held in accordance with article 10 of title 31, C.R.S., and section 20 of article X of the state constitution, and shall be held on the date of the state biennial general election, the first Tuesday in November in odd-numbered years, or the municipal regular election, whichever is earliest; except that such petition shall be filed at least ninety days before such election.

....

(III) Public hearings shall be conducted by such legislative body or bodies prior to an election and shall include a discussion of the purposes of the library to be formed and, where more than one governmental unit is involved, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit.

(e) and (f) (Deleted by amendment, L. 97, p. 411, § 1, effective April 24, 1997.)

(g) If a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body of each establishing governmental unit shall forthwith establish such library and provide for its financial support beginning on or before January 1 of the year following the election.

C.R.S. 24-90-107

If a municipality is in the legal service area of an existing county library or library district, it may establish its own municipal library district only by choosing to do so by means of financial support that don't affect the financial support previously established for the county library or library district. However, the municipality and the county library or library district may, by mutual written agreement, permit a financing method for the municipal library that does affect the previously established county library or library district's financial support.

If the municipal library's establishment is to be funded by a tax levy not previously established by resolution or ordinance or approved by electors, electors must approve the levy before the municipality may establish the library.

If a municipality is in the legal service area of an existing county library or library district, public library service shall not be refused or discontinued other than as provided in this article. The municipality may establish its own municipal library only by choosing to do so by means of financial support that does not affect the financial support previously established for the county library or library district; except that the municipality and the county library or library district may, by mutual written agreement, permit a financing method for a municipal library that does affect the financial support previously established for the county library or library district. If establishment of the municipal library is to be funded by any amount of tax levy not previously established by resolution or ordinance nor previously approved by the electors of the municipality, the electors must approve that levy before the municipality can establish the library.

C.R.S. 24-90-106.5

## V. Regional Library Authorities

To support and provide public library service on a regional basis, particularly in regions of the state lacking sufficient library resources, any combination of 2+ governmental units acting through their governing bodies – regardless of if such units currently maintain public libraries – may, by contracting with or among each other, establish a separate governmental entity known as a regional library authority ("authority"). For this section, a governmental unit may

include a library district. The authority may be used by contracting members to acquire, construct, finance, operate, and maintain publically-supported library services on a regional basis within the authority's jurisdiction.

The authority may not be formed unless each contracting unit has passed a resolution or ordinance and has entered into the contract. Each contracting unit must hold at least one public hearing, which must be preceded by notice of its time – as fixed in the notice and not to be less than thirty or more than sixty days after the notice's first publication – and place. This notice must also specify the matters to be included in the resolution or ordinance. The hearing must address the authority's purposes and the rights, obligations, and responsibilities of each unit forming the authority.

The resolution or ordinance adopted by each unit must describe the authority's legal service area and proposed governance, and state that electors within each unit's territory must approve any sales or use tax (or both) or an ad valorem tax not previously approved by the electors before the authority may levy such taxes.

Once the authority is established, within ninety days of establishment the legislative bodies of each contracting unit must effectuate a contract, which must specify the authority's name, purpose, functions, boundaries (which may include less than any separate county's entire area but may not be less than any municipality or other governmental unit's entire area – and which may be modified after the authority's establishment as provided in the contract), governing body's establishment and expected revenue sources.

Any requirements that member units consent to levying taxes within their jurisdictions must be included in the contract. If the authority is to levy taxes, the contract must include the requirements that prior to and as conditions of levying such taxes, the authority's board must adopt a resolution determining that the taxes will fairly distribute the costs of the authority's activities among the benefited communities and won't impose an undue burden on any particular communities.

The authority has the power to levy a sales or use tax (or both) at a rate not to exceed 1% upon every transaction or other incident with respect to which a sales or use tax is levied by the state. This is in addition to any other sales or use tax imposed pursuant to law. The area where this tax is levied must not include less than any municipality's entire area if located within the area in which the tax will be levied. The area may also include portions of unincorporated areas located within a county. However, any such sales tax must not be levied on the sale of personal property delivered by a retailer or a retailer's agent, or delivered to a common carrier for delivery to a destination outside the authority's boundaries. It must also be levied on the sales of personal property on which a specific ownership tax has been paid or is payable when such sale meets the conditions that the purchaser doesn't reside within the authority's boundaries or the purchaser's principal place of business is outside the authority's boundaries, or that the personal property is registered or required to be registered outside the authority's boundaries under state law.

The authority also has the power to levy in its area an ad valorem tax, which is in addition to any other ad valorem tax imposed pursuant to law. The authority's board must certify to the board of county commissioners for each county within the authority – or having a portion of its territory within – the levy at the time and in the manner required by law for the levying of taxes. The boards of county commissioners will then levy the tax upon the valuation for assessment of all taxable property within their portions of the area within the authority's boundaries. It is the duty of each county's body with authority to levy taxes to levy these taxes, and it is the duty of all officials charged with the duty of collecting taxes to collect these taxes at the time and in the manner that other taxes are collected.

The regional library authority is a political subdivision and a public corporation of the state, separate from the contract's parties.



The authority may not establish or increase these authorized taxes though unless it is first submitted to a vote of the electors within the boundaries of the authority in which the tax is proposed to be collected.

The question must be submitted at a general election or any election to be held on the first Tuesday in November of an odd-numbered year, and the action may not take effect unless a majority of registered electors vote in favor. The election must be conducted in substantially the same manner as county elections, and the county clerk and recorder of each county in which the election is conducted must assist the authority with the election. The contracting units that formed the authority, in proportion to the percent of the population of the units within the authority's territory, must incur the election costs.

These units may still retain libraries and levy their own taxes for library purposes.

**(1)** (a) In order to support and provide for public library service on a regional basis, particularly in any region of the state lacking sufficient public library resources to adequately serve the needs of the public, any combination of two or more governmental units acting through their governing bodies, regardless of whether such unit currently maintains a public library, may, by contracting with or among each other, establish a separate governmental entity to be known as a regional library authority, referred to in this section as an "authority". Such authority may be used by such contracting member governmental units to effect the acquisition, construction, financing, operation, or maintenance of publicly-supported library services on a regional basis within the jurisdiction of the authority. For purposes of this section, a governmental unit may include a library district within the meaning of section 24-90-103 (6).

**(b)** No such authority shall be formed pursuant to this section unless each of the contracting member governmental units forming such authority has passed a resolution or ordinance in accordance with the requirements of paragraph (d) of this subsection (1) and has entered into a contract pursuant to section 29-1-203, C.R.S., for the creation, operation, and administration of such authority.

**(c)**

**(I)** In connection with the establishment of an authority, at least one public hearing shall be conducted by each of the contracting member governmental units that intend to enter into a contract for the purpose of forming the authority. Any such hearing shall be preceded by adequate and timely notice of the time and place of the hearing. The notice shall specify the matters to be included in the resolution or ordinance and shall fix a date for the hearing that shall be held not less than thirty nor more than sixty days after the date of first publication of such notice.

**(II)** Any public hearing conducted in accordance with the requirement of subparagraph (I) of this paragraph (c) shall address, without limitation, the purposes of the authority, and, where more than one governmental unit is involved in the formation of the authority, the powers, rights, obligations, and responsibilities, financial and otherwise, of each governmental unit that is forming the authority.

**(d)** The resolution or ordinance to be adopted by each of the contracting member governmental units forming the authority in accordance with the requirements of paragraph (b) of this subsection (1) shall:

**(I)** Describe the legal service area of the authority;

**(II)** Describe the proposed governance of the authority; and

**(III)** State that the registered electors residing within the territorial boundaries of such contracting member governmental units shall approve any amount of sales or use tax, or both, in accordance with the requirements of paragraph (f) of subsection (3) of this section or an ad valorem tax in accordance with the requirements of paragraph (h) of subsection (3) of this section not previously approved by the electors before the authority shall levy such taxes.

**(2)** Upon establishment of an authority satisfying the requirements of this section, a contract between the legislative bodies of the contracting member governmental units, shall be effected within ninety days. Any contract establishing such authority shall, without limitation, specify:

**(a)** The name and purpose of such authority and the functions or services to be provided by such authority;

**(b)** The boundaries of the authority, which boundaries may include less than the entire area of any separate county, but shall not be less than the entire area of any municipality and any other governmental unit forming the authority, and may be modified after the establishment of the authority as provided in the contract;

**(c)** The establishment and organization of a governing body of the authority, which shall be a board of directors, referred to in this section as the "board of the authority", in which all legislative power of the authority is vested, including:

**(I)** The number of directors, their manner of appointment, their terms of office, their compensation, if any, and the procedure for filling vacancies on the board of the authority;

**(II)** The officers of the authority, the manner of their selection, and their duties;

**(III)** The voting requirements for action by the board of the authority; except that, unless specifically provided otherwise, a majority of directors shall constitute a quorum, and a majority of the quorum shall be necessary for any action taken by the board of the authority; and

**(IV)** The duties of the board of the authority, which shall include the obligation to comply with the provisions of parts 1, 5, and 6 of article 1 of title 29, C.R.S.;

**(d)** Provisions for the disposition, division, or distribution of any property or assets of the authority;

**(e)** The term of the contract, which may be continued for a definite term or until rescinded or terminated, and the method, if any, by which it may be rescinded or terminated; except that such contract may not be rescinded or terminated so long as the authority has bonds, notes, or other obligations outstanding, unless provision for full payment of such obligations, by escrow or otherwise, has been made pursuant to the terms of such obligations; and

(f) The expected sources of revenue of the authority and any requirements that contracting member governmental units consent to the levying of any taxes within the jurisdiction of such member. If the authority levies any taxes, the contract shall further include requirements that:

(I) Prior to and as a condition of levying any such taxes or fees, the board of the authority shall adopt a resolution determining that the levying of the taxes or fees will fairly distribute the costs of the authority's activities among the persons or communities benefited thereby and will not impose an undue burden on any particular group of persons or communities;

(II) Each such tax shall conform with any requirements specified in subsection (3) of this section; and

(III) The authority shall designate a financial officer who shall coordinate with the department of revenue regarding the collection of a sales and use tax authorized pursuant to paragraph (f) of subsection (3) of this section. This coordination shall include but not be limited to the financial officer identifying those businesses eligible to collect the sales and use tax and any other administrative details identified by the department.

(3) The general powers of such authority shall include the following powers:

(a) To acquire, construct, finance, operate, or maintain public library services located within the territorial boundaries of the authority;

(b) To make and enter into contracts with any person, including, without limitation, contracts with state or federal agencies, private enterprises, and nonprofit organizations also involved in providing such public library services or the financing for the services, irrespective of whether the agencies are parties to the contract establishing the authority;

(c) To employ agents and employees;

(d) To cooperate with state and federal governments in all respects concerning the financing of such library services;

(e) To acquire, hold, lease, as lessor or lessee, sell, or otherwise dispose of any real or personal property, commodity, or service;

(f)

(I) Subject to the provisions of subsection (9) of this section, to levy, in all of the area described in subparagraph (II) of this paragraph (f) within the boundaries of the authority, a sales or use tax, or both, at a rate not to exceed one percent, upon every transaction or other incident with respect to which a sales or use tax is levied by the state pursuant to the provisions of article 26 of title 39, C.R.S. The tax imposed pursuant to this paragraph (f) is in addition to any other sales or use tax imposed pursuant to law. The executive director of the department of revenue shall collect, administer, and enforce the sales or use tax, to the extent feasible, in the manner provided in section 29-2-106, C.R.S. However, the executive director shall not begin the collection, administration, and enforcement of a sales and use tax until such time as the financial officer of the authority and the executive director have agreed on all necessary matters pursuant to subparagraph (III) of paragraph (f) of subsection (2) of this section. The executive director shall begin the collection, administration, and enforcement of a sales and use tax on a date mutually agreeable to the department of revenue and the authority.

(II) The area in which the sales or use tax authorized by this paragraph (f) is levied shall not include less than the entire area of any municipality located within the area in which the tax will be levied. The area may also include portions of unincorporated areas located within a county.

(III) The executive director of the department of revenue shall make monthly distributions of the tax collections to the authority, which shall apply the proceeds solely to the acquisition, construction, financing, operation, or maintenance of public library services within the jurisdiction of the authority.

(IV) The department of revenue shall retain an amount not to exceed the cost of the collection, administration, and enforcement and shall transmit the amount retained to the state treasurer, who shall credit the same amount to the regional library authority sales tax fund, which fund is hereby created in the state treasury. The amounts so retained are hereby appropriated annually from the fund to the department to the extent necessary for the department's collection, administration, and enforcement of the provisions of this section. Any moneys remaining in the fund attributable to taxes collected in the prior fiscal year shall be transmitted to the authority; except that prior to the transmission to the authority of such moneys, any moneys appropriated from the general fund to the department for the collection, administration, and enforcement of the tax for the prior fiscal year shall be repaid.

(g) Notwithstanding any other provision of law, any sales tax authorized pursuant to subparagraph (I) of paragraph (f) of this subsection (3) shall not be levied on:

(I) The sale of tangible personal property delivered by a retailer or a retailer's agent or delivered to a common carrier for delivery to a destination outside the boundaries of the authority; and

(II) The sale of tangible personal property on which a specific ownership tax has been paid or is payable when such sale meets the following conditions:

(A) The purchaser does not reside within the boundaries of the authority or the purchaser's principal place of business is outside the boundaries of the authority; and

(B) The personal property is registered or required to be registered outside the boundaries of the authority under the laws of this state.

(h) Subject to the provisions of subsection (9) of this section, to levy, in all of the area within the boundaries of the authority, an ad valorem tax in accordance with the requirements of this section. The tax imposed pursuant to this paragraph (h) shall be in addition to any other ad valorem tax imposed pursuant to law. In accordance with the schedule prescribed by section 39-5-128, C.R.S., the board of the authority shall certify to the board of county commissioners of each county within the authority, or having a portion of its territory within the district, the levy of ad valorem property taxes in order that, at the time and in the manner required by law for the levying of taxes, such board of county commissioners shall levy such tax upon the valuation for assessment of all taxable property within the designated portion of the area within the boundaries of the authority. It is the duty of the body having authority to levy taxes within each county to levy the taxes provided by this subsection (3). It is the duty of all officials charged with the duty of collecting taxes to collect the taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected and when collected to pay the same to the authority ordering the levy and collection. The payment of such collections shall be made monthly to the authority or paid into the depository thereof to the credit of the authority. All taxes levied under this paragraph

(h), together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same shall constitute, until paid, a perpetual lien on and against the property taxed, and the lien shall be on a parity with the tax lien of other general taxes.

(i) To incur debts, liabilities, or obligations;  
 (j) To sue and be sued in its own name;  
 (k) To have and use a corporate seal;  
 (l) To fix, maintain, and revise fees, rents, security deposits, and charges for functions, services, or facilities provided by the authority;

(m) To adopt, by resolution, rules respecting the exercise of its powers and the carrying out of its purposes;  
 (n) To exercise any other powers that are essential to the provision of functions, services, or facilities by the authority and that are specified in the contract; and

(o) To do and perform any acts and things authorized by this section under, through, or by means of an agent or by contracts with any person, firm, or corporation.

(4) The authority established by such contracting member governmental units shall be a political subdivision and a public corporation of the state, separate from the parties to the contract, and shall be a validly created and existing political subdivision and public corporation of the state, irrespective of whether a contracting member governmental unit withdraws, whether voluntarily, by operation of law, or otherwise, from the authority subsequent to its creation under circumstances not resulting in the rescission or termination of the contract establishing such authority pursuant to its terms. It shall have the duties, privileges, immunities, rights, liabilities, and disabilities of a public body politic and corporate. The authority may deposit and invest its moneys in the manner provided in section 43-4-616, C.R.S.

(5) The bonds, notes, and other obligations of such authority shall not be the debts, liabilities, or obligations of the contracting member governmental units.

(6) The contracting member governmental units may provide in the contract for payment to the authority of funds from proprietary revenues for services rendered or facilities provided by the authority, from proprietary revenues or other public funds as contributions to defray the cost of any purpose set forth in the contract, and from proprietary revenues or other public funds as advances for any purpose subject to repayment by the authority.

(7) The authority may issue revenue or general obligation bonds, as the term "bond" is defined in section 43-4-602 (3), C.R.S., and may pledge its revenues and revenue-raising powers for the payment of the bonds. The bonds shall be issued on the terms and subject to the conditions set forth in section 43-4-609, C.R.S.

(8) The income or other revenues of the authority, all properties at any time owned by an authority, any bonds issued by an authority, and the transfer of and the income from any bonds issued by the authority are exempt from all taxation and assessments in the state.

(9) (a) No action by an authority to establish or increase any tax authorized by this section shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the authority in which the tax is proposed to be collected.

(b) No action by an authority creating a multiple-fiscal year debt or other financial obligation that is subject to section 20 (4) (b) of article X of the state constitution shall take effect unless first submitted to a vote of the registered electors residing within the boundaries of the authority.

(c) The questions proposed to the registered electors under paragraphs (a) and (b) of this subsection (9) shall be submitted at a general election or any election to be held on the first Tuesday in November of an odd-numbered year. The action shall not take effect unless a majority of the registered electors voting thereon at the election vote in favor thereof. The election shall be conducted in substantially the same manner as county elections and the county clerk and recorder of each county in which the election is conducted shall assist the authority in conducting the election. The cost of the election shall be incurred by the contracting member governmental units that have formed the authority in proportion to the percentage of the population of the governmental units within the territorial boundaries of the authority. No moneys of the authority may be used to urge or oppose passage of an election required under this section.

(10) (a) For the purpose of determining any authority's fiscal year spending limit under section 20 (7) (b) of article X of the state constitution, the initial spending base of the authority shall be the amount of revenues collected by the authority from sources not excluded from fiscal year spending pursuant to section 20 (2) (e) of article X of the state constitution during the first full fiscal year for which the authority collected revenues.

(b) For purposes of this subsection (10), "fiscal year" means any year-long period used by an authority for fiscal accounting purposes.

(11) An authority established by contracting member governmental units shall, if the contract so provides, be the successor to any nonprofit corporation, agency, or other entity theretofore organized by the contracting member governmental units to provide the same function, service, or facility, and the authority shall be entitled to all the rights and privileges and shall assume all the obligations and liabilities of such other entity under existing contracts to which such other entity is a party.

(12) (a) The authority granted pursuant to this section shall in no manner limit the powers of any governmental unit to cooperate on an intergovernmental basis, to enter into any contract with another governmental entity, or to establish a separate legal entity pursuant to the provisions of section 29-1-203, C.R.S., or any other applicable law, or otherwise to carry out their individual powers under applicable statutory or charter provisions, nor shall such authority limit the powers reserved to cities and towns pursuant to the state constitution.

(b) Notwithstanding any other provision of law, any governmental unit that has entered into a contract for the purpose of forming an authority may form such authority in accordance with the requirements of this section without any effect on the ability of the unit to own its own property, maintain a separate governing body or board of trustees, levy its own taxes for library purposes, or retain its own identity.

(c) Notwithstanding any other provision of law, nothing in this section shall be construed to authorize any one or more library districts to:

(I) Form an authority without entering into a contract with one or more governmental units to form such authority in accordance with the requirements of this section; or



(II) Exercise any of the powers of said authority, including, without limitation, the power to levy a sales or use tax, in the absence of entering into a contract with one or more governmental units for the purpose of forming such authority in accordance with the requirements of this section.

C.R.S. 24-90-110.7

## Hawaii

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### Relevant Law

Libraries are found under Division 1 (Government) Title 18 (Education) Chapter 312.

### Types of Libraries

Hawaii has a state library system. The board of education manages libraries.

The board of education shall care for, manage, and control all property set apart, donated, loaned to, or in any manner acquired for the use of libraries; receive, care for, expend, and account for any money which may be received for the purpose of erecting buildings for libraries or for any other purposes of the libraries.

HRS § 312-1

People with a state income tax refund of \$2+ may designate \$2 of the refund to be paid over to the library special fund when submitting a state income tax return. If the return is a husband and wife's joint return, and they have a state income tax refund of \$4+, each spouse may designate that \$2 be deposited into the special fund. If no designation was made on the originally filed tax return, individuals may make a designation on an amended return filed within twenty months and ten days after the original return's due date for the taxable year. Once made, a designation, whether by original or amended return, may not be revoked.

(c) Notwithstanding any law to the contrary, any individual whose state income tax refund for any taxable year is \$2 or more may designate \$2 of the refund to be paid over to the libraries special fund established by section 312-3.6, when submitting a state income tax return to the department. In the case of a joint return of a husband and wife having a state income tax refund of \$4 or more, each spouse may designate that \$2 be deposited into the special fund. The director of taxation shall revise the individual state income tax form to allow the designation of contributions to the fund on the face of the tax return and immediately above the signature lines. If no designation was made on the original tax return when filed, a designation may be made by the individual on an amended return filed within twenty months and ten days after the due date for the original return for such taxable year. A designation once made, whether by an original or amended return, may not be revoked.

HRS § 235-102.5

## Idaho

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### Relevant Law

Within Title 33 (Education) of the General Laws, Chapter 26 covers public libraries and Chapter 27 covers public library districts.

### Types of Libraries

Idaho's statutes mention both city libraries, regional library systems and public library districts.

#### I. City Libraries

Every city's city council may establish a public library and for that purpose may annually levy or cause to be collected a tax up to but not exceeding .10% of market value for assessment purposes, or fund a library out of allocations from the city's general fund.

Every city also has the power to contract for library service from an existing library or become part of an existing library district.

The city council of every city shall have power to establish a public library, and for such purpose may annually levy and cause to be collected a tax up to but not exceeding one-tenth percent (.10%) of market value for assessment purposes or fund a library out of allocations from the city's general fund. All such moneys shall be kept by the city treasurer separate and apart from other moneys of the

city and be used exclusively for library purposes, provided that every city shall have power to contract for specified library service from an existing library, or become part of an existing library district, following the procedure outlined in section 33-2709, Idaho Code.

Idaho Code § 33-2603

## II. Regional Library Systems

Library boards may contract to form regional library systems in order to provide improved services in a multi-county region. The Idaho board of library commissioners will establish the boundaries for library regions.

It is the purpose of this act to provide a method by which the library boards which govern Idaho's libraries, now or hereafter established in accordance with the Idaho Code, may contract to form regional library systems, in order to provide improved library and information services for residents of a multi-county region. The boundaries for library regions in Idaho shall be established by the Idaho board of library commissioners.

Idaho Code § 33-2612

Any 2+ library boards may petition the board of library commissioners to establish a regional system. The petition must be prepared in cooperation with the state librarian on forms provide for the commission for libraries. It must include, among other things, a statement of purpose and an outline of the proposed system's program, a list of participating libraries (including each participant's current tax levy and budget, the members of each library board, and a letter or resolution from each board regarding participation), and a list of counties in region (including the number of people in taxing districts supporting existing libraries and the number of people outside such districts but within a county in the region – thus potentially eligible for the regional system's service). The board of library commissioners must consider any petition presented to it that follows these formalities. If the board approves the petition, it must adopt a resolution officially designating the particular regional library system, its territory, its headquarters, and the initial number of directors for the system board.

Any two (2) or more library boards may petition the board of library commissioners for the establishment of a regional system. Such petition shall be prepared in cooperation with the state librarian, on forms provided by the commission for libraries, and shall include but shall not be limited to the following information:

- (1) A statement of purpose and an outline of the proposed program of the regional system.
- (2) A list of the participating libraries, with a listing of the current tax levy and budget of each such participant; the names and addresses of the members of each library board, and a letter or resolution from each such board regarding participation in the regional system.
- (3) A list of the counties in the geographic region as a whole, the number of persons who are within taxing districts supporting existing libraries, and the number of persons outside such districts but within a county in the region, and thus potentially eligible for service from the regional system being established.
- (4) Proposed number of persons to be on the initial system board of directors.
- (5) Proposed headquarters for the regional system, accompanied by a copy of a resolution by the governing authority for that library approving its designation as headquarters and, if a member of the staff of the headquarters is to be the administrator of the system, including approval of such designation.

The board of library commissioners shall consider any petition presented to it as provided in this act, and if it approves such petition it shall adopt a resolution officially designating such particular regional library system, describing the territory thereof, and designating the headquarters and the initial number of directors for the system board.

Idaho Code § 33-2614

After the establishment of a regional system, the board of any library that isn't part of the system, and is within the library region's boundaries as established by the Idaho board of library commissioners, may petition the board of library commissioners for addition to the system. Petitions follow the procedures of initial petitions, except that the petitioning board must obtain prior approval in writing from the regional system board, which must be attached to the petition when it's submitted to the board of library commissioners.

- (1) After the establishment of a regional system as provided in this act, the board of any library which is not a part of the system, and which is within the boundaries of a library region as established by the Idaho board of library commissioners, may petition the board of library commissioners for addition to the regional system. Petitions for addition shall be prepared and processed as provided in this act for initial petitions, except that prior approval in writing shall be obtained by the petitioning board from the regional system board, and shall be attached to the petition when it is submitted to the board of library commissioners....

Idaho Code § 33-2618

### III. Public Library Districts

Public library districts may be established by a vote of electors of the proposed district. The district may include unincorporated or incorporated territory or both in 1+ counties, as determined by the board of county commissioners. The territory of the district must be continuous; an incorporated municipality's territory can't be divided. In the initial establishment, one may exclude a municipality already providing library services or a library district already providing service. After establishment, if any of the district's area is annexed to a municipality that maintains a tax-supported library, that area must cease to be part of the library district and the municipality must notify the board of county commissioners. Any proposed library district must have a population of over 1,500 and an annual budget not less than \$25,000 from ad valorem revenues. Any proposed districts not meeting the criteria may apply to the board of library commissioners for an exemption.

A library district may be established by vote of the qualified electors of the proposed district in an election called and held as provided by this chapter, with the following limitations:

- (1) The district may include incorporated or unincorporated territory or both in one (1) or more counties and may include any of the area thereof except as may be excluded by this section, and as finally fixed and determined by the board of county commissioners.
- (2) The territory of the district shall be continuous, and no territory of an incorporated municipality shall be divided.
- (3) In the initial establishment of a library district the following may be excluded:
  - (a) A municipality which is already providing library service as established according to section 33-2603, Idaho Code; or
  - (b) A library district which is already providing library service as established in accordance with the provisions of this chapter.
- (4) If, subsequent to the establishment of a library district, any area thereof is annexed to a municipality which maintains a tax-supported library, this area shall cease to be a part of the library district and the city council of the municipality shall so notify the board of county commissioners.
- (5) Any proposed library district shall have a population of more than one thousand five hundred (1,500) and an annual budget of not less than twenty-five thousand dollars (\$ 25,000) from ad valorem revenues. Any proposed library district not meeting the above criteria may apply to the board of library commissioners for an exemption.

Idaho Code § 33-2703

To establish a district, a petition (or petitions) signed by 5+ qualified electors residing in the proposed district, which names the proposed district and describes its boundaries with an included map prepared in a draftsmanlike manner, must be filed with the clerk or clerks of the board of county commissioners of the counties in which the proposed district is situated. The petition must be verified by at least one qualified elector. This verification states that the affiant knows that all of the parties who signed the petition are qualified of the proposed district and that their signatures were made in the affiant's presence. This verification may be made before any notary. Once the petition is presented to the board of county commissioners and filed in the board's clerk's office, the board must set a hearing time, which may not be less than three or more than six weeks from the date of the petition's presentation and filing. The board must publish notice of the hearing's time at least once a week for two weeks before the hearing time in a newspaper of general circulation within the county in which the proposed district is situated. This notice must state that a library district is proposed, give the proposed boundaries and name, and state that any elector within the boundaries may appear and be heard regarding the petition's form, its signatures genuineness, the proceeding's legality, and any other matters in regard to the district's creation. Concurrently with this notice, the board of county commissioners must notify in writing the governing body of any tax-supported library within the proposed district's boundaries. If any of these governing bodies decides that it isn't in library services' best interest to be included in the district, they must present a resulting stating this to the county commissioners not less than a week before the hearing date. No later than ten days after this hearing, the board of county commissioners must make an order, with or without modification, based on the hearing and its determination of if the proposed library district keeps with state public policy regarding library districts. The board must fix the district's boundaries and certify the name in the order granting the petition.

- (1) A petition or petitions, signed by fifty (50) or more qualified electors residing in the proposed library district, giving the name of the proposed district, describing the boundaries thereof including a map prepared in a draftsmanlike manner, and praying for the establishment of the territory therein described as a public library district, shall be filed with the clerk or clerks of the boards of county commissioners of the counties in which the proposed district is situated. The petition or petitions shall be verified by at least one (1) qualified elector, which verification shall state that the affiant knows that all of the parties whose names are signed to the petition are

qualified electors of the proposed district, and that their signatures to the petition were made in his presence. The verification may be made before any notary public.

(2) When the petition or petitions are presented to the board of county commissioners and filed in the office of the clerk of the board, the board shall set the time for a hearing, which time shall be not less than three (3) nor more than six (6) weeks from the date of the presentation and filing of the petition. Notice of the time of hearing shall be published by the board at least once a week for two (2) weeks prior to the time set for the hearing, in a newspaper of general circulation within the county in which the proposed district is situated.

(3) The notice shall state that a library district is proposed to be established, giving the proposed boundaries and name thereof, and that any resident elector within the proposed boundaries of the proposed district may appear and be heard in regard to:

- (a) The form of the petition;
- (b) The genuineness of the signatures;
- (c) The legality of the proceedings; and
- (d) Any other matters in regard to the creation of the library district.

(4) Concurrently with the notice of hearing, the board of county commissioners shall notify, in writing, the governing body of any tax supported library within the boundaries of the proposed library district. If any governing body decides that it is not in the best interest of library services to be included within the proposed library district, they shall present a resolution stating this to the county commissioners, not less than one (1) week prior to the date of hearing.

(5) No later than ten (10) days after the hearing, the board of county commissioners shall make an order thereon with or without modification, based upon the public hearing and their determination of whether the proposed library district would be in keeping with the declared public policy of the state of Idaho in regard to library districts as more particularly set forth in section 33-2701, Idaho Code, and, shall accordingly fix the boundaries and certify the name of the proposed district in the order granting the petition. The boundaries so fixed shall be the boundaries of the district after its establishment is completed as provided in this chapter.

Idaho Code § 33-2704

Once the county commissioners have granted the petition, the board's clerk must publish a notice of an election to determine if the district will be established. The election date must be the next uniform election date. If more than one petition is presented to the county commissioners calling for an election to create library districts, the first presented takes precedence. Notice of the election and its procedures follow Idaho's general election laws. Ballots must contain the library district's name and "yes" and "no," followed by boxes for voters to cross. If a majority votes for the library, the board of county commissioners must, within seven days after canvassing the returns, enter an order declaring the district established and designating its names and boundaries (including a map).

Upon the county commissioners having made the order referred to in subsection (5) of section 33-2704, Idaho Code, the clerk of the board of county commissioners shall cause to be published a notice of an election to be held for the purpose of determining whether or not the proposed library district shall be established under the provisions of this chapter. The date of this election shall be the next uniform election date as provided for in section 34-106, Idaho Code. Whenever more than one (1) petition is presented to the county commissioners calling for an election to create library districts, the first presented shall take precedence. Notice of the election shall be given, the election shall be conducted, and the returns thereof canvassed as provided for in chapter 14, title 34, Idaho Code, and under the general election laws of the state of Idaho. The ballot shall contain the words "(Name) Library District--Yes" and "(Name) Library District--No," each followed by a box wherein the voter may express his choice by marking a cross "X." The board or boards of election shall make returns and certify the results to the boards of county commissioners within three (3) days after the election, and the board of county commissioners shall, within seven (7) days after the election, canvass the returns. If a majority of all votes cast be in the affirmative, the board of county commissioners shall, within seven (7) days after the returns have been canvassed, enter an order declaring the library district established, designating its name and boundaries including a map prepared in a draftsmanlike manner. The board of county commissioners shall transmit a copy of the order to the county recorder, county assessor, and the state tax commission in a timely manner, but no later than December 15, in the calendar year in which the election was held. A copy of the order shall also be transmitted to the board of library commissioners.

Idaho Code § 33-2705

If the proposed district embraces more than one county, the petition and procedure for its establishment are conducted in each county as though that county were the only one affected. Each petition must designate the same home county for the proposed district. After the election, the results in each other county must be certified to the board of county commissioners of the home county, along with all ballots and tally sheets. This board must canvass all returns and certify the election results to the boards of county commissioners for any other counties affected. The proposal is appropriate only if a majority of all votes cast in each county are in favor. The home county board is the one to enter an order declaring the district created and designating its name and boundaries (including a map).

When the proposed library district embraces more than one (1) county, the petition and procedure for praying for the establishment of the district shall be carried forward in each county as though that county were the only county affected. Each petition shall designate the same home county for the proposed district.

The board of county commissioners of the home county shall advise with the board of county commissioners in any other county affected to the end that the election shall be held in each county on the same day. The board of county commissioners in each county shall proceed in the conduct of the election as though the election were being held only in that county as set forth in section 33-2705, Idaho Code. After the canvass of the returns, the results in each other county shall be certified to the board of county commissioners of the home county, together with all ballots and tally sheets. The board of county commissioners of the home county shall canvass all returns and certify the results of the election to the board of county commissioners of any other county affected. The proposal shall be deemed approved only if a majority of all votes cast in each county were cast in the affirmative. If this is the case, the board of county commissioners of the home county shall enter an order declaring the library district to be created, designating its name and boundaries, including a map prepared in a draftsmanlike manner. A certified copy of the order shall be transmitted by the board of county commissioners to the county recorder, the county assessor and the state tax commission in a timely manner, but no later than December 15, in the calendar year in which the election was held. A copy of this order shall also be transmitted to the board(s) of county commissioners of any other county affected, which shall enter the order in its minutes. A copy of this order shall also be transmitted to the board of library commissioners.

Idaho Code § 33-2706

If an area doesn't have a tax-supported library and is contiguous to an existing library district, it may become part of the district by petition and election. A copy of the petition must be transmitted to the district's board of trustees and to the board of county commissioners in each county affected. The district's board of trustees may approve or disapprove, and must give notice of its decision to the board of county commissioners in each affected counties. If the board approves, the board of county commissioners in the county where the petition arose must enter an order calling for an election. Notice of the election must be given, and the election must be conducted on the next uniform election date as provided in the Idaho Code. The proposal is approved if the majority of votes in the area seeking to join are affirmative. If the proposal is approved, the district's home county's board of county commissioners must enter an order amending the district's boundaries (including a map). A copy of the order must be transmitting to the district's board of trustees, the boards of county commissioners of each county in the district, and the board of library commissioners. The library's board of trustees must also transmit a certified copy of the order to the county recorder, the home county's county assessor, and the state tax commission by December 15 of the year the election was held.

(1) Any area which does not have a tax supported library and which is contiguous to an existing library district may become a part of the district by petition and election.

(2) A petition may arise as set forth in section 33-2704, Idaho Code, in the area seeking to become a part of the library district. A true copy of the petition shall be transmitted to the board of trustees of the district, and to the board of county commissioners in each county affected. The board of trustees of the library district may approve or disapprove the petition, and shall give notice of its decision to the board of county commissioners in each county affected.

(3) When the notice carries the approval of the board of trustees of the district, the board of county commissioners in the county in which the petition arose shall enter its order calling for an election on the question. The election shall be held in the area described in the petition. Notice of the election shall be given, the election shall be conducted on the next uniform election date as provided in section 34-106, Idaho Code, and the returns thereof canvassed as provided in section 33-2705, Idaho Code. The ballot shall bear the question: "Shall ... become a part of the ... (Name) Library District ... Yes" and "Shall ... become a part of the ... (Name) Library District ... No," each followed by a box in which the voter may express his choice by marking a cross "X." The proposal shall be deemed approved only if the majority of the votes cast in the area seeking to become a part thereof is in the affirmative.

(4) If the proposal has been approved by the majority herein required, the board of county commissioners of the home county of the district shall enter its order amending the boundaries of the district, including a map prepared in a draftsmanlike manner. A copy of this order shall be transmitted to the board of trustees of the library district, to each board of county commissioners of the county in which the district lies, and to the board of library commissioners.

(5) The board of trustees of the library shall transmit a certified copy of this order to the county recorder, the county assessor of the home county and to the state tax commission in a timely manner, but no later than December 15, in the calendar year in which the election was held.

(6) Addition of new territory to an existing library district shall not be considered an initial establishment. The existing board of trustees shall continue to serve for the terms for which elected. When a vacancy occurs appointment shall be made as provided in section 33-2716, Idaho Code.



## Idaho Code § 33-2707

2+ library districts that have 1+ common boundaries may consolidate if their boards of trustees, meeting together, determine that consolidation is in library service's best interest. The boards of trustees must jointly prepare a petition describing the existing districts' boundaries and names, and asking for reorganization of 1+ library districts to be known by a specified name with specified boundaries. The library boards' chairpersons must sign the petition upon their boards' majority approval. The petition must then be forwarded to the clerk of the board of county commissioners for all counties affected, who must verify the signatures and then file the petition. After completing a hearing and resolution, the board of county commissioners must issue an order granting the petition. In this order, the board of county commissioners in all counties affected must certify the district's name and new boundaries. A copy of this order must be transmitted to the involved districts' boards of trustees, and to the board of library commissioners. A description and map of the altered boundaries must be filed with the board(s) of county commissioners, the county recorder, the home county's county assessor, the board of library commissioners, and the state tax commission by December 15 of the year of consolidation.

When there are two (2) or more library districts, which have at least one (1) common boundary, the boards of trustees of the library districts, meeting together, may determine that it is in the best interest of library service that the districts be consolidated, as herein provided.

The boards of trustees shall jointly prepare a petition describing the boundaries of the existing library districts, the names of the existing library districts, and praying for the reorganization of the territory therein described as one (1) or more library districts to be known as the "... (Name) Library District" and with boundaries as set forth in the petition.

The petition shall be signed by the chairpersons of the library boards upon majority approval of the respective boards involved in the consolidation.

The petition shall be forwarded to the clerk of the board of county commissioners in all counties affected, who shall verify the signatures, and shall file the petition. Thereupon, the board of county commissioners in all counties affected shall proceed with the hearing and resolution as outlined in section 33-2704, Idaho Code. Upon completion of the hearing, the board of county commissioners shall issue an order granting the petition.

In the order granting the petition of consolidation, the board of county commissioners in all counties affected shall certify the new boundaries and the name of the district.

A copy of the order shall be transmitted to the board of trustees of the library districts involved, and to the board of library commissioners.

Other notices required by law shall be filed by the board of trustees of the district, including a legal description and map of altered boundaries prepared in a draftsmanlike manner to be filed with the board(s) of county commissioners, the county recorder, the county assessor of the home county, the board of library commissioners, and the state tax commission in a timely manner, but no later than December 15, of the year in which consolidation takes place.

The board of county commissioners of the home county of the consolidated public library district shall within ten (10) days take action to reaffirm members of the board of trustees, or to appoint members of the board, who shall be chosen from the members of the boards initiating the consolidation. These trustees shall serve until the next annual election of trustees or until their successors are elected and qualified as in section 33-2715, Idaho Code. The board of trustees shall take the oath of office as outlined in section 33-2715, Idaho Code.

## Idaho Code § 33-2711

Two library districts with a common boundary may adjust district boundaries if the districts' boards determine that the adjustment is in library service's best interest. The boards must jointly prepare a petition asking for reorganization that describes the existing and proposed districts' boundaries (including maps) and names the districts. The petition must be signed by the boards' chairpersons upon the boards' majority approval. This petition must then be forwarded to the clerk of the board(s) of county commissioners in all counties affected, who must verify the signatures and then file the commission. The boards of county commissioners must then have a hearing and resolution, as outline in the Idaho Code. Upon the completion of this hearing, the board of county commissioners must issue an order granting the petition.

When the boards of two (2) public library districts having a common boundary determine that it is in the best interest of public library service that an adjustment of library district boundaries be made, this adjustment may be made using the following procedure.

The board of trustees shall jointly prepare a petition describing the boundaries of both the existing and proposed public library district, including maps prepared in a draftsmanlike manner, and the names of the public library districts, praying for the reorganization of the territory therein described.

The petition shall be signed by the chairperson of the library boards upon majority approval of the respective boards involved in the boundary adjustment.

The petition shall be forwarded to the clerk of the board(s) of county commissioners in all counties affected, who shall verify the signatures, and shall file the petition. Thereupon, the boards of county commissioners in all counties affected shall proceed with the hearing and resolution as outlined in section 33-2711, Idaho Code. Upon the completion of the hearing, the board of county commissioners shall issue an order granting the petition.

Idaho Code § 33-2711A

The library district's board of trustees must determine and levy a tax upon each dollar of assessed valuation of property within the district for the ensuing fiscal year as shall be required to satisfy maturing bonds, bond interest and judgment obligations. The board of trustees may also levy a tax upon the district's taxable property for the district's maintenance and operation; this tax isn't to exceed .06% of market value for assessment purposes. The board of county commissioners of each county in which the district lies must certify these levies no later than the second Monday in September each year. If the board has incurred additional preliminary indebtedness, it may have the authority to levy and collect an additional tax not over .02% per annum on each dollar of market value for assessment purposes of all taxable property in the district. This additional levy may be imposed for three years.

(1) Any tax levied for library district purposes shall be a lien upon the property against which the tax is levied. The board of trustees shall determine and levy a tax upon each dollar of assessed valuation of property within the district for the ensuing fiscal year as shall be required to satisfy all maturing bond, bond interest, and judgment obligations. For the maintenance and operation of the library district, the board of trustees may also levy upon the taxable property within the district a tax not to exceed six hundredths percent (.06%) of market value for assessment purposes. These levies shall be certified to the board of county commissioners of each county in which the district may lie, not later than the second Monday in September of each year.

(2) In the first year after establishment, the board of a district may, for the purpose of organization and to finance general preliminary expenses of the district and before making a tax levy, incur an indebtedness not exceeding in the aggregate a sum equal to six hundredths percent (.06%) on each one dollar (\$ 1.00) of market value for assessment purposes of all taxable property within the district. To repay the organization indebtedness incurred, the board shall have authority to levy and collect an additional tax not to exceed two hundredths percent (.02%) per annum on each one dollar (\$ 1.00) of market value for assessment purposes of all taxable property within the district. This additional levy shall not be used for any purpose other than repayment of the organizational indebtedness and interest thereon. This additional levy may be imposed for three (3) years.....

Idaho Code § 33-2724

## Iowa

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### Relevant Law

Within Title IX (Local Government) Subtitle 1 (Counties) libraries are covered in Chapter 336. Provisions regarding local financial support are found within Title VII (Education and Cultural Affairs) Subtitle 1 (Elementary and Secondary Education) Chapter 256 (Department of Education) Subchapter III (Library Services).

### Types of Libraries

Iowa keeps things simple. Everything is a library district!

### I. Library Districts

1+ counties, cities, or a combination may establish and comprise library districts. Within the proposed district, electors numbering not less than 5% of those voting for president or governor in the last general election may petition the county board of supervisors or the city council for the district's establishment. The petition must clearly designate the area to be included in the district. The board of supervisors of each county and the city council of each city with area in the proposed district must submit the question to registered voters at the next general election. The petition must be filed not less than eighty-two days before the general election. The district is established if a majority favor the establishment. No city is included in the district unless a majority of its electors favor inclusion, and in such cases the established district's boundaries may vary from the proposed district's. After the district's establishment, other areas may be included subject to the approval of the library district's board of trustees and the passage of a referendum by electors of the area sought to be included.

1. A library district may be established composed of one or more counties, one or more cities, or any combination of cities and counties.
2.
  - a. Eligible electors residing within the proposed district in a number not less than five percent of those voting for president of the United States or governor, as the case may be, within the district at the last general election may petition the board of supervisors of the county, or the city council, for the establishment of the library district. The petition shall clearly designate the area to be included in the district, the total number of board members, and how representation on the board shall be divided among the jurisdictions.
  - b. The board of supervisors of each county and the city council of each city containing area within the proposed district shall submit the question to the registered voters within their respective counties and cities at the next general election. The petition shall be filed not less than eighty-two days before the election.
3.
  - a. A library district shall be established if a majority of the electors voting on the question and residing in the proposed library district favor its establishment.
  - b. The result of the election within cities maintaining a free public library shall be considered separately, and no city shall be included within the library district unless a majority of its electors voting on the question favor its inclusion. In such cases the boundaries of an established district may vary from those of the proposed district.
4. After the establishment of a library district, other areas may be included subject to the approval of the board of trustees of the library district and the passage of a referendum by the electors of the area sought to be included.

Iowa Code § 336.2

A school corporation, township or library district may contract for use of a city library. But, such contracts by a county supersede all contracts by townships or school corporations within the county outside of cities. For any township that has entered into such a contract, its board of trustees at the April meeting must levy a tax not exceeding 6 and  $\frac{3}{4}$  cents per thousand dollars of assessed valuation on all taxable property in the township to create a fund to fulfill its contract obligations.

Eligible electors of part of any county outside of cities numbering at least 25% of those in the area who voted for president or governor in the last general election may petition the board of supervisors to submit the question of requiring the board to provide library services for them and their area by such a contract. The board of supervisors must then submit the question to the county voters residing outside of cities at the next general election. The petition must be filed not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted. If a majority favors the question, the board of supervisors must contract with a library for service.

1. A school corporation, township, or library district may contract for the use by its residents of a city library. A contract by a county shall supersede all contracts by townships or school corporations within the county outside of cities.
2.
  - a. Contracts shall provide for the amount to be contributed. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the voters represented by either of the contracting parties, voting on the question to terminate which shall be submitted by the governing body upon a written petition of eligible electors in a number not less than five percent of those who voted in the area for president of the United States or governor at the last general election.
  - b. The question may be submitted at any election provided by law which covers the area of the unit seeking to terminate the contract. The petition shall be presented to the governing body not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted.
3. The board of trustees of any township which has entered into a contract shall at the April meeting levy a tax not exceeding six and three-fourths cents per thousand dollars of assessed valuation on all taxable property in the township to create a fund to fulfill its obligation under the contract.
4.
  - a. Eligible electors of that part of any county outside of cities in a number of not less than twenty-five percent of those in the area who voted for president of the United States or governor at the last general election may petition the board of supervisors to submit the question of requiring the board to provide library service for them and their area by contract as provided by this section.
  - b. The board of supervisors shall submit the question to the voters of the county residing outside of cities at the next general election. The petition shall be filed not less than ten days before the last day candidates may file nomination petitions for the election at which the question is to be submitted.
  - c. If a majority of those voting upon the question favors it, the board of supervisors shall contract with a library for library use or service for the benefit of the residents and area represented by it.

Iowa Code § 336.18



The board of library trustees may contract with any other free public library's board of trustees or with any other city, school corporation, institution of higher learning, township or county, or with any county library district's trustees, for use of the library by their residents.

1. Contracting. The board of library trustees may contract with any other board of trustees of a free public library or any other city, school corporation, 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. A contract entered into pursuant to subsection 1 may be terminated as follows:
  - a. By mutual consent of the contracting parties.
  - b. By a majority vote of the electors represented by either of the contracting parties. Upon a written petition of a number of eligible electors equaling five percent or more of the number of electors voting at the last general election within the jurisdiction of the contracting party, a termination proposition shall be submitted to the electors by the governing body of the contracting party. The petition shall be presented to the governing body not less than forty days prior to the next general election or special election held throughout the jurisdiction of the party seeking to terminate the contract. The proposition shall be submitted at the next general election or next special election held throughout the jurisdiction of the party seeking to terminate the contract.

Iowa Code § 336.19

Each city within its corporate boundaries and each county within its unincorporated area must levy a tax of at least 6 and <sup>3</sup>/<sub>4</sub> cents per thousand dollars of assessed value on the taxable property, or at least the monetary equivalent if all or a portion of the funds are obtained from a source other than taxes, for the purpose of providing financial support to the public library that provides services within the jurisdictions.

Commencing July 1, 1977, each city within its corporate boundaries and each county within the unincorporated area of the county shall levy a tax of at least six and three-fourths cents per thousand dollars of assessed value on the taxable property or at least the monetary equivalent thereof when all or a portion of the funds are obtained from a source other than taxation, for the purpose of providing financial support to the public library which provides library services within the respective jurisdictions.

Iowa Code § 256.69

However, per the Attorney General's opinion, outside of a contract, a county isn't required to allocate unincorporated county property tax revenues for library services to a municipal library outside the county that provides services to people within the unincorporated areas.

A county is not required, outside of a contract, to allocate unincorporated county property tax revenues for library services to a municipal library located outside the county which provides library services to individuals living in unincorporated areas.

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## Kansas

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### Relevant Law

Libraries are covered in Article 12 of Chapter 12 (Cities and Municipalities)

### Types of Libraries

There may be libraries of incorporated cities, counties or townships – all of which are defined as municipalities. Adjoining counties or townships may establish regional libraries. Cities of the third class may join with whole or portions of townships to create library districts. There are some particular provisions applying to libraries in cities between 120,000 and 150,000, as well as a specific provisions for bonds and taxes for the Topeka library. Two potential city-county libraries are defined by statute, the Topeka and Shawnee county public library and the Leavenworth city and Leavenworth county public library. A potential city-school library between the city of Independence and unified school district no. 446 is defined by statute.

## **I. City, County and Township Libraries (Municipalities)**

Municipalities may establish and maintain libraries. (As specified in the definitional section, “municipality” means a county, township, or incorporated city.)

A municipality may establish and maintain a library in the manner provided in this act. Any library heretofore established and being maintained by a municipality shall be maintained in accordance with the provisions of this act, but this section shall not be construed as repealing any law not expressly repealed by this act.

K.S.A. § 12-1219

Any municipality’s governing body may by resolution, and must upon presentation of a petition signed by 10% of the municipality’s qualified electors as determined by the total vote cast for Secretary of State at the last general election, cause to be submitted to the municipality’s voters at the first local or general election afterward or, if the petition requires, at a special election called for the purpose the question of a library’s establishment and maintenance by the municipality. If a majority are affirmative, the governing body must then establish the library and is authorized to and must annually levy a tax for library maintenance in such a sum as determined by the library board and for paying a portion of principal and interest on bonds by cities located in the county. This tax is levied and collected in the same manner as other municipality taxes, except that the amounts for bonds are to be kept separate. If the municipality’s territory includes another municipality then maintaining a library, the larger municipality’s proposition to establish a library may not be voted on by the included municipality’s residents and the levy to establish and maintain the library may not be assessed against their property unless the included municipality’s library board and governing body give notice in writing that they desire to participate and pay the tax for the library’s establishment and maintenance like the other parts of the larger municipality.

The governing body of any municipality may by resolution, and shall, upon presentation of a petition signed by ten percent (10%) of the qualified electors of such municipality determined upon the basis of the total vote cast for the secretary of state at the last preceding general election, cause to be submitted to the voters of such municipality at the first local or general election thereafter, or if the petition so requires, at a special election called for that purpose, the question of the establishment and maintenance of a library by such municipality. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the governing body shall forthwith establish such library and is hereby authorized to and shall annually levy a tax for the maintenance of such library in such sum as the library board shall determine within the limitations fixed by law and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

Such tax shall be levied and collected in like manner as other taxes of the municipality and, except for an amount to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county, shall be kept in a separate fund to be known as the library fund of such municipality. If the territory of the municipality includes another municipality which is then maintaining a library, the proposition to establish a library by the larger municipality shall not be voted upon by the residents of the included municipality, nor shall a levy to establish or maintain such library be assessed against property therein, unless the library board and governing body of the included municipality shall give notice in writing that they desire to participate in the library to be established and to pay the tax for the establishment and maintenance thereof as other parts of the municipality establishing such library.

K.S.A. § 12-1220

For any municipality not maintaining a library, the governing body may contract with any library to furnish service in the municipality. To pay the costs of this service, the governing body is authorized to levy a tax in the amount authorized to be levied by such a municipality for the library’s establishment and maintenance and, in the case of counties and cities, to pay a portion of principal and interest on bonds by cities located in the county.

The governing body of any municipality not maintaining a library may contract with any library for the furnishing of library service to such municipality, and to pay the costs of such library service the municipality is hereby authorized to levy a tax in the amount authorized to be levied by such municipality for the establishment and maintenance of a library and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

K.S.A. § 12-1230

## II. Regional Libraries

Any 2+ adjoining counties or 2+ adjoining townships may establish and maintain a regional library. By resolution the governing body may submit a proposition to establish and maintain a regional library to the electors of each county or township proposing to participate, and such a proposition must be submitted upon presentation of a petition signed by 10% of the county or township's qualified voters, as determined by the total vote cast for Secretary of State at the last general election. The proposition must be submitted at the first general election after the resolution's passage or petition's presentation, and if a majority of the vote in each county or township is affirmative, the counties or townships' governing bodies must then establish a regional library.

Any two (2) or more adjoining counties, or any two (2) or more adjoining townships, may establish and maintain a regional library as provided in this act. A proposition to establish and maintain a regional library may be submitted to the electors of each county or township proposing to participate therein, by resolution of the governing body thereof, and shall be submitted upon presentation of a petition signed by ten percent (10%) of the qualified electors of the county or township as determined upon the basis of the total vote cast for secretary of state at the last preceding general election. Such proposition shall be submitted at the first general election occurring after the passage of the resolution or the presentation of the petition, and if a majority of the votes cast in each county or township voting on the proposition shall be in the affirmative, the governing bodies of such counties or townships shall forthwith create a library board and proceed to establish a regional library. Any township library originally established under the authority of K.S.A. 80-804, which has been continuously maintained and operated and which is providing library services in the member townships on the effective date of this act shall be governed by and maintained in accordance with the provisions of K.S.A. 12-1231 to 12-1235, inclusive, and amendments thereto, as a regional library.

K.S.A. § 12-1231

Each county or township participating in a regional library is authorized to and must annually levy a tax for the library's maintenance in a sum the library board determines. The costs of maintaining a regional library must be allocated among the participating countries or townships in proportion to their populations.

(a) Each county or township participating in a regional library is authorized to, and shall annually levy a tax for the maintenance of the library in a sum the library board determines within the limitations fixed by law. Except as provided by subsection (b), the costs of maintaining a regional library, other than a library originally established under the authority of K.S.A. 80-804, shall be allocated among the participating counties or townships in the proportion of their respective populations. Tax levies for the maintenance of libraries originally established under the authority of K.S.A. 80-804 shall be made at a uniform rate in all townships participating in the maintenance of such libraries.

(b) The costs of maintaining the regional library established under the authority of K.S.A. 12-1220 by Pottawatomie and Wabaunsee counties shall be allocated as provided by this subsection. One-half the costs shall be allocated between such counties on the basis of their respective populations and 1/2 the costs shall be allocated between such counties on the basis of their respective assessed valuations.

K.S.A. § 12-1234

## III. Library Districts

Any 1+ cities of the third class may join with 1+ townships or 1+ portions of townships in 1+ counties to create a library district upon the presentation to the board of county commissioners, of the county in which the proposed district is located, of a petition that requests a district's establishment and sets forth its boundaries. The petition must be signed by at least 10% of the district's qualified electors who reside within the corporate limits of a city of the third class within the district. The board of county commissioners must determine the petition's sufficiency based on the total vote cast for secretary of state in the last general election within the city of the third class and within the boundaries of the proposed district of the township or portions of townships within the district's proposed boundaries. If a portion of a township is within the proposed boundaries, the total vote for secretary of state in the township must be used. If a city of the third class within the district's boundaries owns and operates a library at the time the petition is filed, a resolution adopted by this city's governing body must accompany the petition. This resolution must state that this city agrees, upon the proposed district's creation, to convey city library assets to the proposed district. After a petition's filing, the board of county commissioners of the county where the proposed district is located must, at its next regular meeting following the petition's filing, examine the petition to determine its sufficiency. If it finds the petition sufficient, it must submit to the proposed district's voters at a special election, called for voting on the question, the establishment and maintenance of a library by the proposed district. Notice of the election must be published in a newspaper with general circulation in the proposed district's boundaries in two

successive issues, and the election must be held within seven days after the notice's last publication. The board of county commissioners must sign the election notice. The county's county clerk must conduct and supervise the election as provided by the laws for general elections. The county clerk must determine the number of voting precincts needed within the proposed district – with at least one of the precincts being in the corporate limits of the third-class city in the proposed district – and must designate and appoint the election board(s) to serve at the precinct(s).

Any one or more cities of the third class is hereby authorized to join with any one or more townships or portions of one or more townships in one or more counties in the creation of a library district, upon the presentation to the board of county commissioners, of the county in which such proposed library district is located, of a petition setting forth the boundaries of the proposed library district and requesting the formation of such library district. Such petition shall be signed by not less than ten percent (10%) of the qualified electors of said proposed district who reside outside the limits of the incorporated city, and a like petition signed by not less than ten percent (10%) of the qualified electors who reside within the corporate limits of a city of the third class within said proposed district. The sufficiency of such petition to be determined by the board of county commissioners, determined upon the basis of the total vote cast for secretary of state in the last preceding general election within said city of the third class and within the boundaries of said proposed district of the township or portions of townships comprised within the proposed boundaries of said library district; and in the event a portion of any township is within such proposed boundaries, the total vote cast for secretary of state in said township shall be used. If the city of the third class within the boundaries of said library district owns and is operating a library at the time said petitions are filed, said petitions shall be accompanied by a copy of a resolution adopted by the governing body of said city of the third class within such district; such resolution shall state that said city of the third class agrees, upon the creation of the proposed library district, to convey, assign and transfer to said library district all books, equipment, moneys, endowment funds and all other assets of said city library, to and for the use of said proposed library district. The governing body of such city of the third class located within said library district is hereby authorized to adopt such a resolution, and upon the creation of said library district by the board of county commissioners the governing body of such city, in conformity with such resolution, is hereby authorized to make and execute the necessary assignments and conveyances to transfer to such library district all property and assets of said city library. The board of county commissioners of the county in which such proposed library district is located shall, at its next regular meeting following the filing of such petition, examine said petition and determine its sufficiency. If the board finds that said petition is regular and in due form, as herein provided, it shall cause to be submitted to the voters of such proposed district, at a special election called for the purpose of voting upon the question, the establishment and maintenance of a library by such proposed library district. A notice of such election shall be given by publication of such notice in a newspaper having general circulation within the boundaries of such proposed district. Said notice of election shall be published in two successive issues of such newspaper and such election shall be held within seven (7) days after the last publication of such notice. Such notice of election shall be signed by the board of county commissioners and such election shall be conducted by and under the supervision of the county clerk of said county in the manner provided by law for the conduct of general elections. The county clerk shall determine the number of voting precincts needed within such proposed district, at least one of which precincts shall be in the corporate limits of the third-class city in said proposed library district, and shall designate and appoint the election board, or boards, to serve at the voting precinct or precincts within such proposed library district.

K.S.A. § 12-1236

At its next meeting following the election, the board of county commissioners must canvass the election results. If a majority favors the library district, the board must establish it. The district, through its governing body, may and must annually levy a tax for the library's maintenance in such a sum as the library board determines, within the limits fixed by law.

The board of county commissioners shall, at its next meeting following the holding of such election, canvass the results of said election. If a majority of the votes cast at such election on such proposition shall be in the affirmative, the board of county commissioners shall forthwith establish such library district and such library district, through its governing body, is hereby authorized to and shall annually levy the tax for the maintenance of such library in such sum as the library board shall determine, within the limitations fixed by law.

K.S.A. § 12-1237

The library district's directors must levy annually a tax not exceeding 1.5 mills on each dollar assessed tangible valuation for the district's property for library maintenance and support. The library board must certify the levy by August 25 to the county clerk. The district's directors may, by adopting a resolution, increase the authorized mill levy in an amount not to exceed three mills on each dollar assessed tangible valuation of the district's property for library support, acquisition and maintenance. The resolution must be published once a week for two consecutive weeks in a newspaper of general circulation in the district. If, within thirty days of the resolution's last publication, at least 5% of the district's electors sign and file a petition in the county election officer's office requesting an election, no levy over 1.5 mills may be made unless the question is submitted to and approved by a majority vote. The election must be held in the manner provided under general bond law.

(a) Except as provided by subsection (b), the directors of the library district, as the governing body thereof and in the same manner as required by law applying to other taxing units, shall levy annually a tax not to exceed 1.5 mills on each dollar assessed tangible valuation for the property of the library district, for the maintenance and support of a free public library, to be levied and collected in like manner with other taxes. The library board shall certify the levy on or before August 25th of each year to the county clerk who is hereby authorized and required to place the same on the tax rolls of the county to be collected by the treasurer of the county and to be paid over by the county treasurer to the treasurer of the library district.

(b) The directors of the library district shall have the authority to increase the mill levy authorized by subsection (a) in an amount not to exceed 3 mills on each dollar assessed tangible valuation for the property of the library district for the acquisition, maintenance and support of a free public library by adoption of a resolution. Such resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the library district. If within 30 days after the last publication of the resolution, a petition signed by not less than 5% of the qualified electors in the library district is filed in the office of the county election officer requesting an election thereon, no levy in an amount exceeding 1.5 mills shall be made unless the question is submitted to and approved by a majority of the voters of the library district voting at an election. Such election shall be called and held in the manner provided under the general bond law. If the question is approved, the levy shall be certified and placed on the tax rolls in the same manner provided by subsection (a).

K.S.A. § 12-1247

#### **IV. Libraries in Cities between 120,000 and 150,000**

In cities between 120,000 and 150,000, free public libraries' boards of directors may submit the question of making an annual tax levy not to exceed one mil for a period not to exceed five years upon the taxable tangible property in the city to create a building fund used for library construction and furnishing. Electors vote at an election held in the manner provided under general bond law at the time fixed for holding the August primary election. A notice must state the levy amount and period. The levy must be approved by majority vote. This levy is in addition to all other tax levies authorized by law and is not subject to any such limitations found elsewhere.

In all cities having a population by the official state census of more than one hundred twenty thousand (120,000) and less than one hundred fifty thousand (150,000) in which a free public library has heretofore been established as provided by law, the board of directors of such free public library is hereby authorized and empowered to submit the question of making an annual tax levy of not to exceed one (1) mill for a period not to exceed five (5) years upon the taxable tangible property within such city for the purpose of creating a building fund to be used for the construction, reconstruction, additions to, furnishing and equipping of the building housing such free public library and of a building to house motor vehicles of such free public library and the architectural expense incidental thereto, to the electors of such city at an election called and held in the manner provided for the calling and holding of elections under the provisions of the general bond law, at the time fixed for the holding of the primary election in August. The amount of such levy and the period for which it will be made shall be stated in the notice and upon the ballot of such election. No tax levy shall be made under the provisions of this act without the question of the making of such levy having been submitted to and having received the approval of a majority of the electors of such city voting thereon at an election called and held for such purpose. All moneys derived from the tax levy authorized by this act shall be placed in a building fund to be used only for the purposes for which the tax levy was made. All tax levies authorized by this act shall be in addition to all other tax levies authorized by law and shall not be subject to any of the limitations prescribed by law, including K.S.A. 12-1215 and 12-1217 and any acts amendatory thereof or supplemental thereto.

K.S.A. § 12-1254

#### **V. Urban Areas**

In counties designated as urban areas, the board of county commissioners – at the county library board's request – may levy an annual tax not exceeding one mil on all taxable tangible property within the county to create a special fund for library buildings' construction and furnishing, and to pay the principal and interest on bonds issued by cities in the county under statute. Such taxes mustn't be assessed against property in a municipality where a municipal public library is established and maintained. Before levying these taxes, the board of county commissioners must adopt a resolution, which must be published. If at least 5% of electors petition opposing the levy, the levy mustn't be made unless a majority approves it at a special election. This levy is in addition to all other authorized levies.

The board of county commissioners of any county designated as an urban area under K.S.A. 19-2654, and amendments thereto, at the request of the county library board, may make an annual levy of not to exceed one mill upon all taxable tangible property within the county for the purpose of creating a special fund to be used for the acquisition of sites, and for the constructing, equipping, repairing, remodeling and furnishing of buildings for county library purposes and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county. In addition to the tax levy authorized herein, the board of county commissioners, at the request of the county library board, may issue bonds of such county in an aggregate amount not exceeding 2% of the assessed tangible valuation of such county, the proceeds of which shall be placed in such special fund and may be used for the purposes herein enumerated. No tax levied under the authority of this act, either for the creation of the special

fund or for the repayment of bonds issued hereunder, shall be assessed against property in any municipality in which a municipal library has been established and is being maintained.

Prior to the levying of a tax or the issuance of any bonds under the authority of this act, the board of county commissioners shall adopt a resolution authorizing and stating the purpose for the same. Such resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation within the county. If, within 60 days following the last publication of the resolution, a petition in opposition to the levy or the issuance of bonds, signed by not less than 5% of the qualified electors of the county, is filed with the county election officer, no such levy shall be made and no bonds shall be issued unless and until the same is approved by a majority of the qualified electors of the county voting thereon at a special election called and held for such purpose. Bonds issued under the authority of this act shall not be subject to or within any bonded debt limitation of the county prescribed by any other law of this state and shall not be considered or included in applying any other law limiting the bonded indebtedness of such county. Any such election shall be called, noticed and held in accordance with the provisions of K.S.A. 10-120, and amendments thereto. Any tax levy made under the authority of this act shall be in addition to all other tax levies authorized by law.

No qualified elector of any municipality in which a municipal library has been established and is being maintained shall be entitled to vote at any election called and held under the provisions of this act, nor shall any such person's signature be considered valid on any petition provided for herein.

K.S.A. § 12-1257

## VI. The Topeka Public Library

The Topeka public library's board of directors may levy a tax against all taxable, tangible property in the city of Topeka to pay the principal, redemption premium, and interest of any issued bonds.

The board of directors of the Topeka public library may issue general obligation bonds of the Topeka public library for the purpose of constructing, reconstructing, repairing, remodeling, furnishing and equipping any buildings or additions thereto, together with sites therefor, for library purposes. No bonds shall be issued until the question of their issuance and the amount of such issuance has been submitted to a vote of the qualified electors of the city of Topeka at any special, general or primary election, and a majority of the qualified electors voting thereon votes in favor thereof. The election shall be called and held and the bonds shall be issued, sold, delivered, registered and retired in the manner provided by the general bond law. Bonds issued pursuant to this section shall not be subject to or within any bonded debt limit of the city of Topeka. The board of directors of the Topeka public library shall have the power to levy a tax against all taxable, tangible property in the city of Topeka for the purpose of paying the principal of, redemption premium, if any, and interest on any bonds issued pursuant to this section.

K.S.A. § 12-1259

## VII. City-County Libraries

### *A. Topeka and Shawnee County Library District*

A potential Topeka-Shawnee city-county library district is defined by statute.

When used in this act and unless otherwise specifically provided therein:

- (a) "County" means Shawnee county;
- (b) "city" means the city of Topeka, Kansas;
- (c) "library district" means all territory located within Shawnee county except that territory located within Rossville township and Silver Lake township;
- (d) "board" means the library board of trustees appointed pursuant to the provisions of this act;
- (e) "library" means a library which serves the general public and is supported in whole or in part with tax money and shall be called the Topeka and Shawnee county public library;
- (f) "governing body" means the governing body of a city or the board of county commissioners of a county; and
- (g) "maintenance and support" means the general and usual cost and expense of operating a library.

K.S.A. § 12-1260

The Topeka public library's board of trustees may adopt a resolution proposing to create this Topeka and Shawnee county library district. This resolution must be filed with the county election officer, who must call an election to held as provide by general bond law. The library is established if favored by a majority

(a) The board of trustees of the Topeka public library may adopt a resolution proposing to create a library district. A copy of such resolution shall be filed with the county election officer who shall call and hold an election thereon. Such election shall be called and held in the manner provided by the general bond law.

(b) If a majority of the qualified electors of the proposed library district who reside within the corporate limits of the city and a majority of the qualified electors of the proposed library district who reside outside the corporate limits of the city voting on the proposition vote in favor thereof:

- (1) A library shall be established and maintained and a library board shall be appointed as provided in this act;

(2) all contracts entered into by the board of directors of the Topeka public library shall be binding on the library board appointed pursuant to this act;

(3) all outstanding bonds, debts and other obligations of the Topeka public library shall become an obligation of the Topeka and Shawnee county public library; and

(4) all rights, property and other assets of the Topeka public library shall be transferred to the Topeka and Shawnee county public library.

K.S.A. § 12-1261

The Topeka Shawnee county public library's board may, for the library's support and maintenance, levy a tax not to exceed five mills on all taxable tangible property in the district. If the board determines that a levy of no more than five mills is insufficient to support and maintain the library, the board must adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any year up to a total amount that mustn't exceed eight mills in any year. This resolution must be published weekly for two consecutive weeks in the county newspaper. The levy may be made unless at least 5% of the district's electors, requesting an election on the proposition to increase the levy, petition the county election officer within sixty days of the resolution's last publication, in which case no levy made be made without majority approval at an election held in the manner provided by general bond law. The board must certify the tax to the county clerk by August 25 each year. This levy mustn't be deemed a city or county levy, and is in addition to all other levies.

(a) The board shall prepare, publish and approve an annual budget for the maintenance and support of the library and may levy a tax not to exceed five mills on all taxable tangible property in the library district. At least 10 days prior to filing the adopted budget with the county clerk, the board shall submit the budget to the governing body of the city and county for review thereby.

(b) Whenever the board determines that the tax levy of five mills authorized by subsection (a) is insufficient to maintain and support the library, the board shall adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any one year up to a total amount which shall not exceed an amount equal to eight mills in any year.

(c) Any such resolution adopted under subsection (b) shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official county newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition, signed by at least 5% of the qualified electors of the library district, requesting an election upon the proposition to increase the tax levy in excess of the current tax levy is filed with the county election officer within 60 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the electors of the library district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law. Such taxes shall be levied and collected in like manner as other taxes, which levy the board shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the treasurer of such board.

(d) The levy authorized by this section shall not be deemed a levy of the city or county, and shall be in addition to all other levies authorized or limited by law.

K.S.A. § 12-1267

The governing board of any municipality not maintaining a library may contract with the Topeka Shawnee county library's board to furnish library service to the municipality. To pay library service's costs, the municipality may levy a tax like that authorized to be levied by municipalities for libraries' establishment and maintenance.

The governing body of any municipality not maintaining a library may contract with the board for the furnishing of library service to such municipality, and to pay the costs of such library service the municipality is hereby authorized to levy a tax in the amount authorized to be levied by such municipality for the establishment and maintenance of a library and, in the case of cities and counties, to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county.

K.S.A. § 12-1269

The Topeka Shawna county library board may levy a tax against all taxable tangible property in the district to pay the principal, redemption premium, and interests of any issued bonds.

The board may issue general obligation bonds of the library district for the purpose of constructing, reconstructing, repairing, remodeling, furnishing and equipping any buildings or additions thereto, together with sites therefor, for library purposes. No bonds shall be issued until the question of their issuance and the amount of such issuance has been submitted to a vote of the qualified electors of the library district at any special, general or primary election, and a majority of the qualified electors voting thereon votes in

favor thereof. The election shall be called and held and the bonds shall be issued, sold, delivered, registered and retired in the manner provided by the general bond law. Bonds issued pursuant to this section shall not be subject to or within any bonded debt limit of the city or county. The board shall have the power to levy a tax against all taxable tangible property in the library district for the purpose of paying the principal of, redemption premium, if any, and interest on any bonds issued pursuant to this section.

K.S.A. § 12-1270

### ***B. Leavenworth City and Leavenworth County Library***

The city-county library of the city of Leavenworth and Leavenworth county is defined by statute. A proposition to establish a library district in Leavenworth county may be submitted to the proposed district's electors. The board of a library district in Leavenworth county may levy a tax not exceeding 3 and  $\frac{3}{4}$  mills on all taxable tangible property in the district. If the board determines that a tax not over 3 and  $\frac{3}{4}$  mills is insufficient to maintain and support the library, the board must adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any year up to a total amount not exceeding eight mills a year. Such a resolution must be published weekly for two consecutive weeks in the official county newspaper. The levy may be made unless at least 5% of the district's electors, within sixty days of the resolution's last publication, petition the county election officer requesting an election on the proposition to increase the tax levy, in which case the increased levy may not be made without majority approval at an election held in the manner provided by the general bond law. The board must certify the taxes to the county clerk by August 25 each year. This levy mustn't be deemed a levy of the city or county, and is in addition to all other levies.

- (a) When used in this section:
  - (1) "County" means Leavenworth county;
  - (2) "city" means the city of Leavenworth, Kansas;
  - (3) "library district" means all territory located within Leavenworth county except that territory located within the corporate limits of the city of Tonganoxie and Linwood community library district No. 1 and Basehor community library district No. 2;
  - (4) "board" means the library board of trustees appointed pursuant to the provisions of this act;
  - (5) "library" means a library which serves the general public and is supported in whole or in part with tax money and shall be called the Leavenworth county library;
  - (6) "governing body" means the governing body of a city or the board of county commissioners of a county;
  - (7) "maintenance and support" means the general and usual cost and expense of operating a library.
- (b) The proposition to establish a library district in Leavenworth county may be submitted to the qualified electors of the proposed library district. The proposition shall be submitted in the same manner and subject to the conditions provided in K.S.A. 12-1261.
- (c) Except as provided by subsections (d) and (e), if the proposition to establish a library district is approved, the library district and board shall have the powers, duties and functions of a library district created pursuant to K.S.A. 12-1261.
- (d) The board of a library district created pursuant to this section shall not have the power to issue general obligation bonds as authorized by K.S.A. 12-1270.
- (e)
  - (1) The board of a library district created pursuant to this section shall prepare, publish and approve an annual budget for the maintenance and support of the library and may levy a tax not to exceed 3  $\frac{3}{4}$  mills on all taxable tangible property in the library district. At least 10 days prior to filing the adopted budget with the county clerk, the board shall submit the budget to the governing body for review thereby.
  - (2) Whenever the board determines that the tax levy of 3  $\frac{3}{4}$  mills authorized by paragraph (1) is insufficient to maintain and support the library, the board shall adopt a resolution declaring it necessary to increase the annual levy by an additional amount not to exceed  $\frac{1}{4}$  mill in any one year up to a total amount which shall not exceed an amount equal to eight mills in any year.
  - (3) Any such resolution adopted under paragraph (2) shall state the total amount of the tax to be levied for library purposes and shall be published once each week for two consecutive weeks in the official county newspaper. Whereupon such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition, signed by at least 5% of the qualified electors of the library district, requesting an election upon the proposition to increase the tax levy in excess of the current tax levy is filed with the county election officer within 60 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the electors of the library district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law. Such taxes shall be levied and collected in like manner as other taxes, which levy the board shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the treasurer of such board.
  - (4) The levy authorized by this section shall not be deemed a levy of the city or county, and shall be in addition to all other levies authorized or limited by law....

K.S.A. § 12-1276



## VII. City-School Libraries

A potential city-school library district of the city of Independence and unified school district no. 446 is defined by statute.

When used in this act and unless otherwise specifically provided therein:

- (a) "Board of education" means the board of education of unified school district no. 446;
- (b) "county" means Montgomery county;
- (c) "city" means the city of Independence, Kansas;
- (d) "library district" means all territory located within the boundaries of unified school district no. 446 and within Montgomery County, Kansas;
- (e) "board" means the library board of trustees appointed pursuant to the provisions of this act;
- (f) "library" means a library which serves the general public and is supported in whole or in part with tax money and shall be called the Independence area public library;
- (g) "governing body" means the governing body of the city of Independence, Kansas or the board of county commissioners of Montgomery county, Kansas; and
- (h) "maintenance and support" means the general and usual cost and expense of operating a library.

K.S.A. § 12-1281

The Independence public library's board of trustees may adopt a resolution proposing to create this city-school library district. The resolution must be filed with the county election officer, who must call an election to be held in the manner provided by general bond law. The district is established if a majority votes in favor.

- (a) The board of trustees of the Independence public library may adopt a resolution proposing to create a library district. A copy of such resolution shall be filed with the county election officer who shall call and hold an election thereon. Such election shall be called and held in the manner provided by the general bond law.
- (b) If a majority of the qualified electors of the proposed library district on the proposition vote in favor thereof:
  - (1) A library shall be established and maintained and a library board shall be appointed as provided in this act;
  - (2) all contracts entered into by the board of directors of the Independence public library shall be binding on the library board appointed pursuant to this act; and
  - (3) all outstanding bonds, debts and other obligations of the Independence public library shall become an obligation of the Independence area public library except that all bonds and debts relating to the ownership or improvement of the real property in which the Independence public library operates shall remain an obligation of the city of Independence, Kansas.

K.S.A. § 12-1282

The board of education must levy a tax at a rate of not to exceed 1.2 mills on all the taxable tangible property within the taxing district of the Independence city-school library. The board of education mustn't be required to levy a tax exceeding the maximum levy the board of education has set by current resolution. If the library board determines that the tax levied for the library, as established by the board of education, is insufficient to operate the library and desires to increase the mill levy, the library board may request that the board of education authorize an increase by adopting a resolution declaring it necessary to increase the levy. The board of education may authorize the increase by resolution, but the increase mustn't exceed .25 mill per year. The resolution must be published weekly for two consecutive weeks in the taxing district's official newspaper. The levy may be made unless at least 5% of the taxing district's voters, within thirty days<sup>22</sup> of the resolution's last publication, file a petition with the county election officer, in which case the levy must be submitted for approval by a majority of voters at an election held in the manner provided by general bond law. The library board bears the election cost. The library board must certify the levy by August 25 to the county clerk. This tax levy mustn't be considered the board of education, city, or county school district's levy, and is in addition to all other levies. The levy may be reduced by the majority of voters at an election called pursuant to a petition signed by at least 10% of the voters within the taxing district. Such a petition must state the desired reduction. Once any such tax levy (whether consistent, increased, or decreased) takes effect, within the library district's land, no levy may be collected to support a regional system of cooperating libraries.

- (a) The library board shall prepare an annual budget for the maintenance, support and operation of the library. Prior to the certification of its budget to the board of education, the library board shall meet for the purpose of answering and hearing objections of taxpayers relating to the proposed budget and for the purpose of considering amendments to such proposed budget. The library board

<sup>22</sup> Note that this requirement is shorter than the sixty-day requirement specified elsewhere (such as for city-county libraries).

shall give at least 10 days' notice of the time and place of the meeting by publication in a weekly or daily newspaper having a general circulation in the taxing district. Such notice shall include the proposed budget and shall set out all essential items in the budget except such groupings as designated by the director of accounts and reports on a special publication form prescribed by the director of accounts and reports and furnished with the regular budget form. The public hearing required to be held herein shall be held not less than 10 days prior to the date on which the library board is required to certify its budget to the board of education. After such hearing the budget shall be adopted or amended and adopted by the library board. In order to provide funds to carry out the provisions of this act, the library board shall annually, not later than August 1 of any year, certify its budget to the board of education which shall levy a tax at a rate of not to exceed 1.2 mills on all the taxable tangible property within the taxing district. Each year a copy of the budget adopted by the library board shall be filed with the clerk of the board of education. A copy of such budget also shall be filed with the county clerk of Montgomery County, Kansas. The board of education shall not be required to levy a tax in excess of the maximum tax levy set by the board of education by current resolution. Whenever the library board determines that the tax currently being levied for the library, as previously established by the board of education, is insufficient to operate the library and the library board desires to increase the mill levy above the current levy, the library board may request that the board of education authorize an increase by adopting a resolution declaring it necessary to increase the annual levy. The board of education may authorize the increase by resolution, but such increase shall not exceed .25 mill per year.

(b) Any resolution adopted under subsection (a) shall state the total amount of the tax to be levied for the library board and shall be published once each week for two consecutive weeks in the official newspaper of the taxing district. Whereupon, such annual levy in an amount not to exceed the amount stated in the resolution may be made for the ensuing budget year and each successive budget year unless a petition requesting an election upon the proposition to increase the tax levy in excess of the current tax levy, signed by at least 5% of the qualified voters of the taxing district, is filed with the county election officer within 30 days following the date of the last publication of the resolution. In the event a valid petition is filed, no such increased levy shall be made without such proposition having been submitted to and having been approved by a majority of the voters of the taxing district voting at an election called and held thereon. All such elections shall be called and held in the manner provided by the general bond law, and the cost of the election shall be borne by the library board. Such taxes shall be levied and collected in like manner as other taxes, which levy the board of education shall certify, on or before August 25 of each year, to the county clerk who is hereby authorized and required to place the same on the tax roll of the county to be collected by the county treasurer and paid over by the county treasurer to the treasurer of the library board.

(c) The tax levy provided in this section shall not be considered to be a levy of the board of education, the city or county school district under any of the statutes of this state, but shall be in addition to all other levies authorized or limited by law.

(d) At any time after the making of the first tax levy pursuant to this act, the amount of such tax levy may be reduced by a majority of the voters of the taxing district voting at an election called pursuant to a petition signed by at least 10% of the qualified voters residing in the taxing district and conducted in the same manner as that prescribed by subsection (b). If the petition submitted is for the purpose of reducing the mill levy, it shall state the mill levy reduction desired. Upon revocation, all property and money belonging to the library board shall become the property of the city of Independence, Kansas, and the library district shall be dissolved. ...

(f) Notwithstanding any other provision of law, upon the date the tax levy provided for in this act takes effect, no tax levy on land within the library district created by this act shall be imposed, required or collected to support a regional system of cooperating libraries.

K.S.A. § 12-1288

## Louisiana

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### Relevant Law

Libraries are found in Title 25 (Libraries, museums, and other scientific and cultural facilities). The most pertinent section is Chapter 3 (parish and municipal libraries).

### Types of Libraries

Parish and municipal libraries are grouped together as general libraries. The South St. Landry community library district is given special mention in Part 1-A.

### I. General Libraries

Except for the City of New Orleans and the Parish of Orleans<sup>23</sup>, any parish or municipal corporation's governing authority may of its own initiative establish and maintain a public library in the parish or municipality. If at least 25% of the property tax-paying residents in the parish or municipality petition the governing authority to establish a public library, the governing authority must establish and maintain such a library. 2+ parishes may also join in the establishment of a public library to be jointly supported and maintained in proportions determined by the parishes' police juries or other governing authority. A parish and 1+ municipal corporations may also jointly establish and a

<sup>23</sup> While these areas are excepted, they don't seem to be mentioned elsewhere.

maintain a public library, and a parish or municipality may also contract with another parish or municipality to furnish service as the governing authorities stipulate in a written contract pursuant to ordinances passed by them.

The governing authority of any parish or municipal corporation, the City of New Orleans and Parish of Orleans excepted, may of its own initiative create, establish, equip, maintain, operate and support a public library in such parish or municipality and shall create, establish, equip, maintain, operate and support such a public library when not less than twenty-five per cent of the duly qualified property taxpayers resident in such parish or municipality shall petition the governing authority thereof to establish such a public library for such parish or municipality. Provided that two or more parishes may join in the establishment of a public library to be supported and maintained by them jointly in the proportions as may be determined by the police juries of the respective parishes or other governing authority; and provided that a parish and one or more municipal corporations may jointly establish, maintain and operate a public library; and provided also one parish or municipality may contract with another parish or municipality to furnish library service upon such terms and conditions and for such considerations as the governing authorities concerned may stipulate and agree by written contract pursuant to ordinances duly passed by them.

La. R.S. § 25:211

Public libraries may be created by a regularly passed and adopted ordinance of a parish's police jury or other governing authority, or of a municipality's municipal council or other governing authority. Parish libraries must be established at the parish seat. Municipal libraries must be established within the creating municipality's corporate limits. However, either a parish or municipal library may establish and maintain branch libraries.

A public library under this Part shall be created by an ordinance regularly passed and adopted by the police jury of the parish, or other governing authority thereof, and the municipal council or other governing authority of such municipality. All parish libraries shall be established at the parish seat and the municipal libraries within the corporate limits of the municipality so creating and establishing them. Provided that branch libraries may be established and maintained by either a parish or municipal library as the public demands require.

La. R.S. § 25:212

Municipalities that already have a library may consolidate it with a parish head library (if located in the parish seat) or branch library (if located elsewhere) under terms and conditions agreed upon by the parish and municipality's governing authorities affected by ordinances evidencing the consolidation.

Municipalities already owning and maintaining public libraries may consolidate the same with the parish public library, either the head library, if located in the parish seat, or a branch library, if located elsewhere in the parish, upon such terms and conditions as may be agreed upon between the governing authorities of the parish and municipality affected by ordinances regularly and legally passed and adopted evidencing such a merger and consolidation; provided that in all cases where the municipality has bound or obligated itself to maintain and support the public library, in order to keep inviolate any trust, gift or bequest for such purposes, the parish into which such municipal library is merged shall assume and become responsible for the faithful performance of the obligation and the execution of the trust assumed by the municipality.

La. R.S. § 25:219

In order to erect buildings and provide furniture and equipment for a library, a parish or municipality's governing authority may levy a special tax.

**A.** For the purpose of acquiring sites or erecting buildings thereon or additions thereto, including furniture, fixtures, and equipment, for public libraries, the governing authority of the parish or municipality, as the case may be, may:

- (1) Anticipate the revenues of the parish or municipality and issue bonds or certificates based thereon, as provided by law;
- (2) Issue negotiable bonds and thereafter levy and collect taxes to pay and retire the same, if so authorized by the vote of the property taxpayers voting at an election to be called and held for that purpose in the manner provided by law; or
- (3) Levy a special tax as provided by Article VI, Section 32 of the Constitution of Louisiana and by law.

La. R.S. § 25:213<sup>24</sup>

The cited provision of the LA Constitution provides that political subdivisions may levy these special taxes when authorized by a majority of electors.

<sup>24</sup> The Louisiana statute has a tendency to have provisions addressing specific parish libraries. For example, see the full text of this section.

For the purpose of acquiring, constructing, improving, maintaining, or operating any work of public improvement, a political subdivision may levy special taxes when authorized by a majority of the electors in the political subdivision who vote thereon in an election held for that purpose.

La. Const. Art. VI, § 32

The governing authority of a parish or municipality establishing a library may on its own initiative submit to the property taxpayers a proposition to vote a special tax for library maintenance and support. It also must present such a proposition if requested by petition of at least 25% of the resident property taxpayers. Parishes or municipalities that receive service from another parish or municipality may contract and pay for such service either out of their general funds or out of special funds voted, levied, and collected for that purpose.

**A.** The governing authority of a parish or municipality establishing a library under the provisions of this Part may on its own initiative and shall, when requested by a petition of not less than twenty-five percent of the duly qualified property taxpayers resident, submit to the property taxpayers a proposition to vote a special tax, as provided by the constitution and laws of this state, for the maintenance and support of such public library and its branches. This tax, if voted, shall be levied and assessed annually as authorized by the voters and collected and used exclusively for the support and maintenance of the public library, except as provided in R.S. 25:213(B).

**B.** In all cases where a public library is jointly established and maintained, each parish and municipal corporation concerned shall contribute its pro rata or equitable share of the costs and expenses. Each such corporation shall be as nearly as possible equally represented on the board of control, and the presiding officer of each governing authority shall be an ex officio member of the board.

**C.** Parishes or municipalities receiving library service from another parish or municipality may contract and pay for the same either out of general funds or out of special funds voted, levied, and collected for that purpose. The parish or municipality receiving such funds for such service shall use and expend the funds for library purposes only.

La. R.S. § 25:217

The entire parish – including incorporated towns – must bear the entire costs of a parish library’s establishment and maintenance, and all taxes levied and assessed for this purpose – whether general or specific – must be borne proportionately by all of the property in the parish. This includes incorporated municipalities unless in the ordinance creating the parish library the municipality is expressly excluded due to its exemption from parochial taxation or because the municipality operates its own library. In such cases the municipality isn’t entitled to library services except upon certain agreed upon terms and conditions.

The costs of establishing and maintaining a parish public library shall be borne by the entire parish including the incorporated towns therein and all taxes levied and assessed, whether general or special, for the establishment, support and maintenance of such parish public library shall be borne proportionately by all of the property of the parish including that within incorporated municipalities, unless in the ordinance creating the parish public library the municipality is expressly excluded because of its exemption from parochial taxation or because such municipality owns, maintains and operates its own public library, and in such cases will not be entitled to library service, except upon such terms and conditions as may be agreed upon as provided in R.S. 25:211. Nor shall the residents or taxpayers of such excluded municipality be counted in making up the number of petitioners required in R.S. 25:211 and 25:217.

La. R.S. § 25:218

## II. South St. Landry Community Library District

The South St. Landry Community Library District is created by statute with specified boundaries.

The South St. Landry Community Library District is hereby created within the boundaries of St. Landry Parish Police Jury Election District Eight, including the municipalities of Sunset, Grand Coteau, and Cankton, and having the following specific boundaries: Beginning on the Southwest Common Border of St. Landry and Acadia Parishes at the junction of the parish boundary line and Highway 754; thence east on Highway 754 and following said highway in its eastern movement to the east section line of Section 25, T7S, R4E, and also a junction with Bayou Bourbeau; thence following flow of bayou in its northerly and northeastern directions to Ward 1, Ward 2 boundary line; thence east on said ward line and following said ward line in an easterly direction to junction with Bayou Bourbeau and thence following the Bayou Bourbeau and also the ward line to a point in the southeast corner of Section 144, T7S, R4E, at which point the ward line changes direction to south-southwest, following said line south-southwest to its termination at the southern boundary line of St. Landry Parish; thence following the common boundary of St. Landry and Lafayette Parishes in its southwesterly direction to its southwestern extremity; thence on its northerly direction on said common boundary of St. Landry and Acadia Parishes to the junction of Highway 754 and the point of beginning.

La. R.S. § 25:231

On its own initiative, the library board may submit to property taxpayers a proposition for a special tax. It must submit such a proposition if requested by petition of at least 25% of the resident property taxpayers.

**A.** The board may, on its own initiative, and shall, when requested by petition of not less than twenty-five percent of the duly qualified property taxpayers resident, submit to the property taxpayers a proposition for a special tax, as provided by the constitution and laws of this state, for the purposes of this Part. This tax, if approved, shall be levied and assessed annually as authorized by the voters and collected and used exclusively for the purposes of this Part.

**B.** St. Landry Parish and each municipality within the district shall contribute its pro rata or equitable share of the cost and expenses.

**C.** St. Landry Parish and each municipality within the district may use general funds or special funds voted, levied, and collected for the purpose of this Part to fund the district.

La. R.S. § 25:235

## Minnesota

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### Relevant Law

Chapter 134 of the Minnesota Statutes covers libraries.

### Types of Libraries

The definitions section specifies a variety of types of libraries. A regional public library system is a multicounty public library service agency. A multicounty, multitype library system is a cooperative network composed of any combination of public libraries, regional public library systems, public school libraries, public or private college or university libraries, and any libraries that share services and resources with a multicounty area. A regional public library district is a governmental unit that operates a multicounty public library service. There may also be basic city or county public libraries

### I. City and County Public Libraries

Any city or county's governing body may establish and maintain a public library. It may do this by ordinance or resolution. In any statutory city, and in any city of the second, third, or fourth class, and in any county, the governing body may annually levy a tax on all taxable property, except that counties can't tax property that's already taxed for library services.

The governing body of any city or county may establish and maintain public library service for the use of its inhabitants. By ordinance or resolution it may set apart for the benefit thereof any public property of the city or county. In any statutory city and in any city of the second, third, or fourth class, and in any county, the governing body may levy an annual tax on all taxable property therein except counties may not tax property which is already taxed for public library service. The proceeds of the tax shall be known as the library fund.

Minn. Stat. § 134.07

If the city or county's governing body hasn't established library services by resolution or ordinance, if eligible voters in the city or county, numbering at least 5% of those who voted at the last city or county general election, submit a petition, the governing body must submit the establishment question to voters at the next general election. If a majority is in favor, the governing body must establish a library – or otherwise provide for library service – and levy an annual tax for support.

**Subdivision 1. *Establishment.*** — If public library service is not established under section 134.07, the governing body of the city or county, upon the petition of eligible voters, as defined in section 201.014, subdivision 1, of the city or county, in a number not less than five percent of the number of persons who voted at the last general election in the city or county, shall submit the question of the establishment or provision of public library services to the voters at the next general election. If a majority of the votes cast on the question are in the affirmative, the governing body shall establish the library or shall provide public library service as authorized in section 134.12 or 134.20 and levy an annual tax for its support.

Minn. Stat. § 134.08

The library board of any city of the first class may enter into an arrangement with the authorities of the county where it is located, with the authorities of any adjoining county, or with the authorities of any statutory cities within the county by which the county or statutory city inhabitants secure the privilege of using the library board's library.

Any public library board in any city of the first class in this state, whether such board was created by and under the general laws or by special act of the legislature, may enter into arrangement with the authorities of the county within which it is located, or with the authorities of any adjoining county, or with the authorities of any statutory city within any such county, whereby the inhabitants of any such county or statutory city may secure the privileges of using the library and museums of any such library board and the authorities of any such county or statutory city are hereby authorized to defray the expenses any such arrangement may involve.

Minn. Stat. § 134.18

## II. Libraries Operated by a City and a School District

By ordinance or resolution, a city that has established a public library and a school district may jointly finance and operate a public library for the school students and public's use. If a county already taxes the city for public library service, the board of county commissioners must approve. If a regional public library system serves the city, the regional public library system's board must approve. The establishing ordinance or resolution must provide for joint financing by the school district and city. The library board may contract with the school board, the regional library board, or the city for various services.

**Subdivision 1. *Establishment.*** — A school district and a city that has established a public library under sections 134.07 and 134.08, by ordinance or resolution, may jointly finance and operate a public library for use by school students and the public. If the city is already taxed for public library service by a county, approval of the board of county commissioners is required. If the city is served by a regional public library system, approval of the regional public library system board is required. Public library service established under this section may be discontinued by action of the city council or the school board upon one year's notice to the other party.....

**Subd. 8. *Funding.*** — The ordinance or resolution establishing the library shall provide for joint financing of the library by the school district and the city. The city shall provide at least the minimum dollar amount established in section 134.34, subdivision 1. The school district shall provide money for staff and materials for the library at least in proportion to the use related to curriculum, as determined by the circulation statistics of the library.

**Subd. 9. *Contracts.*** — The library board may contract with the school board, the regional library board, or the city in which the library is situated to provide personnel, fiscal, or administrative services. The contract shall state the personnel, fiscal, and administrative services and payments to be provided by each party.

**Subd. 10. *Criteria.*** — Public library services established according to this section, including materials, programs, equipment, and other public library services, whether located in an elementary or secondary school building or elsewhere, shall be available for simultaneous use by students and residents of the area. If public library services are located in an elementary or secondary school building, a separate entrance, accessible from the outside of the school building, shall be provided for use by the residents. The library shall meet all requirements in statutes and rules applicable to public libraries and school media centers. A media supervisor licensed by the Board of Teaching may be the director of the library. The library shall be centrally located in the community and available for use by residents during all hours the school is in session, at least 15 additional hours each week during evenings, and on Saturdays. When school is not in session, the library may reduce its hours to maintain at least the average number of hours each week of other public libraries serving its population size. The library shall have telephone service that is separate from the telephone service for the school. Public parking, restrooms, drinking water, and other necessities shall be easily accessible to residents.

Minn. Stat. § 134.195

## III. Regional Public Library Systems

Two or more counties, or 2+ cities located in 2+ counties, may through their governing bodies establish a regional public library system, even if 1+ of the counties or cities already has a library with a library board. In a county or city that already has a library board, the board's approval is required. Cities that have public libraries may join a regional public library system by being parties to the agreement establishing the regional system through their library boards' and city councils' actions. Once a system is established, cities located in any of the contracting counties that are excluded from the county tax supporting the system may, upon their library boards' recommendations and their governing bodies' actions, be included in the county tax and become part of the system. Cities included in the county tax and with public libraries that are part of the regional system may, upon their city councils' actions, levy taxes for additional support for their local library services.

**Subdivision 1. *Establishment.*** — Two or more counties or two or more cities located in two or more counties may, through action by their governing bodies under section 471.59, establish and maintain a regional public library system, even though one or more of the counties or cities may already have a library with a library board. In a county or city already having a library board, the approval of the



library board shall also be required. Cities having public libraries may join in the regional public library system by being parties to the agreement which establishes the regional public library system through action of their library boards and their city councils, or as provided in subdivision 3.....

**Subd. 3. *City participation.*** — Where a regional public library system is established, a city located in any of the contracting counties which is excluded from the county tax supporting the regional public library system under the provisions of section 134.07, may, upon recommendation of its library board and upon action by its governing body, be included in the county tax and become an integral part of the regional public library system. Cities included in the county tax and with public libraries which are part of the regional public library system, whether or not governed by home rule charter provisions, upon action by their city council, may levy taxes for the additional support of their local library services. A local public library board or governing body may, at its option, continue to control the local library fund or pay all or part of it to the regional public library system fund, to be used to increase or improve public library services in the city.....

**Subd. 6. *Multicounty regional public library; ratification.*** — Any multicounty regional public library heretofore created, and the agreements creating them, are validated, ratified, and confirmed and the benefits of subdivisions 1 to 5 shall hereafter apply to them.

Minn. Stat. § 134.20

A regional public library system's board may adopt a written resolution to assume responsibility for allocating the system's levy authority throughout the region. If adopted, the board must furnish a list to the revenue and education commissioners by July 1 of the levy year that contains the names of each member city, county, and town participating in the system. A board that has resolved to allocate levy authority must allocate the amount, up to the total amount certified to the board by the revenue commissioner, and notify each member city, county, and town by August 15 of the levy year of their respective shares of the total library levy for the region. Each member city, county, and town located in the region must levy the amount negotiated and agreed upon by them and the board. By September 1 of the levy year, the board must certify the levy amount allocated to each member city, county, and town in the regional system to the revenue and education commissioners.

**Subdivision 1. *Authority.*** — A regional public library system board may adopt a written resolution to assume responsibility for the allocation of the regional library system levy authority throughout the region. If adopted, the board shall furnish a list to the commissioners of revenue and education by July 1 of the levy year, containing the name of each member city, town, and county that will be participating in that regional system.

**Subd. 2.** [Repealed, 1992 c 511 art 5 s 18]

**Subd. 3. *Allocation of authority.*** — A regional public library system board that has resolved to allocate library levy authority among its member cities, towns, and counties shall allocate the amount, up to the total amount certified to the board by the commissioner of revenue, and shall notify each member city, town, and county by August 15 of the levy year of its respective share of the total library levy for the region. Each member city, town, or county located in the region shall levy the amount negotiated and agreed upon by the board and each member city, town, or county. The board shall certify to the commissioners of revenue and education by September 1 of the levy year, the levy amount allocated to each member city, town, and county in the regional library system.

Minn. Stat. § 134.342

Every county must provide financial support for public library services at no less than the minimum amounts specified by statute and must participate in the regional public library system to which it is assigned by the commissioner of education.

To ensure the availability of public library service to all people, every county shall provide financial support for public library services at no less than minimum amounts as specified in section 134.34 [requirements to receive support aid] and shall participate in the regional public library system to which it is assigned by the commissioner of education under section 134.34, subdivision 3. Each county board of commissioners shall appoint at least one county resident to serve as a representative on the regional public library system board and may appoint more than one representative under terms and conditions of the regional public library system contract.

Minn. Stat. § 134.341

#### IV. Regional Library Districts

Regional public library districts may be established in the areas of the existing Great River Regional Library System and the East Central Regional Library System. Regional districts may be formed by the approval of a majority of the city councils and county commissioners boards of the cities and counties financing a regional public library system and representing a majority of the population served. A district may also be formed by a majority voting on the issue in the entire area to be served by the district in a referendum called after petitions for a referendum have been filed in each of the local governmental units. Eligible voters numbering at least 5% of those who voted in the last general election in each city and county party to the system contract or agreement must sign the petitions. Cities that aren't

participating in a regional public library system may still join the district by a majority vote of the city council or by a referendum and with the regional district's board's approval. The regional district's board may levy for library service. This levy must replace levies for operation of public library service by the cities and counties. The amount levied must be spread on the net tax capacity of all taxable property in the district at a uniform rate. The maximum amount that the board may levy is the greater of the statewide average local support per capita for public library service at the most recent reporting period available – as certified by the education commissioner – multiplied by the district's population according to the state demographer or Metropolitan Council's most recent estimate, or the total amount provided by participating counties and cities during the year preceding the first year of operation. For the first operating year, the board must levy an amount not less than the total dollar amount provided by participating cities and counties during the preceding year. A city or county served by a library district may also levy for construction and maintenance of library buildings. This is a special capital levy for improvements.

**Subdivision 1. *Establishment.*** — Regional public library districts may be established under this section in the areas of the existing Great River Regional Library System and the East Central Regional Library System. The geographic boundaries shall be those established by the commissioner of education under section 134.34, subdivision 3.

**Subd. 2. *Formation.*** — A regional public library district may be formed by:

(1) approval of a majority of the city councils and boards of county commissioners of the cities and counties that finance regional public library system services and represent a majority of the population to be served; or

(2) a majority of those voting on the issue in the entire area to be served by the district in a referendum called after petitions for the referendum have been filed in each of the local governmental units. Petitions must be signed by eligible voters in a number not less than five percent of the number of persons who voted in the last general election in each city and county that is a party to the system contract or agreement. A city that is not participating in a regional public library system may join the district by majority vote of the city council or by referendum under clause (2) and with the approval of the board of the regional public library district...

**Subd. 5. *General levy authority.*** — The board may levy for operation of public library service. This levy shall replace levies for operation of public library service by cities and counties authorized in section 134.07. The amount levied shall be spread on the net tax capacity of all taxable property in the district at a uniform tax rate.

(a) The maximum amount that may be levied by a board under this section is the greater of:

(1) the statewide average local support per capita for public library services for the most recent reporting period available, as certified by the commissioner of education, multiplied by the population of the district according to the most recent estimate of the state demographer or the Metropolitan Council; or

(2) the total amount provided by participating counties and cities under section 134.34, subdivision 4, during the year preceding the first year of operation.

(b) For its first year of operation, the board shall levy an amount not less than the total dollar amount provided by participating cities and counties during the preceding year under section 134.34, subdivision 4.....

**Subd. 7. *Library buildings.*** — In addition to the levy authorized in subdivision 5 and all other levies authorized for cities and counties, a city or county served by a library district may levy for the construction, acquisition, maintenance, and utilities costs of library buildings. The board of a district may issue bonds, with an election, according to chapter 475 or levy under this section a special capital levy for capital improvements for a library building. A district may purchase or lease a building to be used for library purposes from a city or county. ....

Minn. Stat. § 134.201

## V. Multidistrict, Multitype Library Systems

Upon the advice of the Advisory Council to the Office of Library Development and Services, the education commissioner may approve the establishment of multicounty, multitype library systems and the systems' geographic boundaries.

**Subdivision 1. *Establishment.*** — The commissioner of education, upon the advice of the Advisory Council to the Office of Library Development and Services, may approve the establishment of multicounty, multitype library systems and the geographic boundaries of those systems.

**Subd. 2. *Services.*** — Each multicounty, multitype library system is encouraged to develop services including, but not limited to the following: referral of users, intrasystem reciprocal borrowing, cooperative collection development, cooperative reference services, staff development, research and development, cooperative storage facilities, publicity and community relations.....

Minn. Stat. § 134.351

## Missouri



## Relevant Law

Libraries are mainly located within Chapter 182 of Title 11 (Education and Libraries).

## Types of Libraries

County library districts may be established by counties' governing bodies. Cities' governing bodies may establish city libraries. Municipal library districts are political subdivisions of the state and body corporates. Multiple county library districts may form consolidated public library districts. Electors in nine-director school districts may create urban public library districts.

## I. County Library Districts

If voters equaling 5% of the total vote cast for governor at the last election in any county, outside of the county's cities and towns that at the time of that election maintained free public and tax supported libraries, petition the county governing body in writing asking that a county library district, outside of these cities and towns' territory, be established and known as a certain name, ask that an annual tax be levied for the library and specify in the petition the rate of taxation, the governing body, if it finds the petition was signed by the requisite number of voters and verified, must enter a brief recital of the petition, including a description of the proposed district, and of its finding. The county governing body must then order that the petition's questions be submitted to the proposed district's voters. The county governing body's order and notice must specify the county's name and rate of taxation mentioned in the petition. If any city or town's boundaries aren't the same as the city or town's school district's boundaries, and this school district embraces territory outside the city or town's boundary limits but within the proposed district's boundaries, then all otherwise qualified voters residing in the school district, but outside the city or town's limits and within the proposed district's limits, must be eligible to vote on the proposition and they may cast a vote at a designated county polling place. Ballots must be certified to the county governing body.

If one seeks a proposed tax that is an increased tax for an already established library's maintenance over a lesser rate that has been voted on and adopted, then this fact must be recited in the petition and notice of the question's submission. If a majority of votes cast on the tax are in favor, the tax specified in the notice must be levied and collected in the same manner as other county library taxes.

1. Whenever voters equal to five percent of the total vote cast for governor at the last election in any county, outside of the territory of all cities and towns in the county which at the time of election as hereinafter provided maintain and control free public and tax supported libraries pursuant to other provisions of this chapter, except as provided in section 182.030, shall petition the county governing body in writing, asking that a county library district of the county, outside of the territory of all the aforesaid cities and towns, be established and be known as "..... County library district", and asking that an annual tax be levied for the purpose herein specified, and specifying in their petition a rate of taxation, then the county governing body, if it finds the petition was signed by the requisite number of voters and verified in accordance with the provisions of section 126.040, pertaining to initiative petitions, shall enter of record a brief recital of the petition, including a description of the proposed county library district, and of its finding; and shall order that the questions of the petition be submitted to the voters of the proposed county library district. The order of the county governing body and the notice shall specify the name of the county and the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be established a ..... County library district? Shall there be a tax of ..... on each one hundred (insert amount) dollars assessed valuation for a county library?

3. In case the boundary limits of any city or town hereinabove mentioned are not the same as the boundary limits of the school district of the city or town, and the school district embraces territory outside the boundary limits of the city or town and within the boundary limits of the proposed county library district, then all voters, otherwise qualified and residing in the school district, but outside the limits of the city or town and within the limits of the proposed county library district, shall be eligible to vote on the proposition, and may cast a vote thereon at the designated polling place within the county. The ballots shall be certified to county governing body as provided in section 179.020.

4. In case the proposed tax is sought as an increased tax for the maintenance of a library already established hereunder, over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the submission of the question.

5. The question shall be submitted in substantially the following form:

Shall there be a tax increase of ..... over the (insert amount) present ..... tax for the county library?

6. If a majority of all the votes cast on the question are for the tax as submitted, the tax specified in the notice shall be levied and collected in the same manner as other county library taxes as provided in section 182.020, and shall be known as and become a part of the "County Library Fund" to be administered as provided in section 182.020.

Any county's county commission may also establish a library district by its order without voters' petition or submission as long as the district doesn't include any part of a regional library system. In establishing such a district, the county commission must proposed an annual tax rate. This proposal must be submitted to a vote in the same manner as if the district were formed by a vote.

If a county's library district isn't operating a library within the county, the county commission may divide the county library district into subdistricts. If subdistricts are established, the county commission must propose an annual tax rate, and the proposal must be submitted to a vote of the people residing in the subdistrict. If a majority favors the tax, it must be levied in the same manner as other county library taxes are levied and collected.

A county subdistrict's boundaries may be expanded. If at least 10% of voters in an area adjacent to an existing subdistrict desire to be annexed into the subdistrict, these voters must file a petition with county's governing body requesting, subject to the existing county library board's official approval, the subdistrict's expansion. The petition must contain each petitioner's name and residence, and a specific description of the proposed subdistrict's boundaries (including a map). Once the petition has been filed, subject to the existing county library board's official approval, the county governing body may, by resolution, approve the subdistrict's expansion. Any resolution to expand the subdistrict adopted by the governing body must contain a description of the subdistrict's proposed boundaries, the time and place of hearing to consider expansion, and the tax rate to be imposed in the area of expansion and voted on with the proposed subdistrict (if any). After the hearing, if the existing library's board approves the expansion, and if the county's governing body determine expansion is in the subdistrict's best interests, then the governing body may, by ordinance or order, provide for the subdistrict's expansion and impose the existing subdistrict tax rate within the expansion area. This order or ordinance can't become effective unless the county governing body submits a proposal to authorize the county governing body to expand the subdistrict's boundaries and, if necessary, to impose the existing subdistrict tax rate within the expansion area to the voters residing within the proposed subdistrict at state general, primary, or special election. If a majority of votes cast by those residing in the existing subdistrict and a majority of votes cast by those residing in the area proposed to be annexed are in favor of expansion, then the subdistrict's expansion and the tax's imposition within the expansion area must become effective on the first day of the second calendar quarter immediately following the vote.

1. In addition to the provisions of section 182.010, the county commission of any county of the state may establish by its order a county library district without a petition or submission to the voters as provided in section 182.010, provided such district conforms otherwise to the provisions of that section and does not include any part of a regional library system established pursuant to other provisions of this chapter. In the event a district is so established, the county commission shall propose an annual rate of taxation within the limitations prescribed by section 182.010, which proposal shall be submitted to a vote of the people in the same manner as though the district were formed under the provisions of that section.

2. Where the county library district of any county is not operating a library within such county, the county commission may divide the county library district into subdistricts. In the event the subdistricts are established, the county commission shall propose an annual rate of taxation, which proposal shall be submitted to a vote of the people residing in the subdistrict in the same manner as provided for in section 182.010. If a majority of the votes cast on the question are for the tax as submitted, the tax shall be levied and collected on property within the subdistrict in the same manner as other county library taxes are levied and collected pursuant to section 182.020. Such funds shall be used to provide library services in the subdistrict of the county library district.....

4.

(1) The boundaries of any subdistrict established under this section in any county may be expanded as provided in this subsection. Whenever not less than ten percent of registered voters residing in an area in such county adjacent to an existing subdistrict desire to be annexed into the subdistrict, such registered voters shall file a petition with the governing body of the county requesting, subject to the official approval of the existing county library board, the expansion of the subdistrict. The petition shall contain the following information:

- (a) The name and residence of each petitioner; and
- (b) A specific description of the proposed subdistrict boundaries, including a map illustrating the boundaries.

(2) Upon the filing of a petition under this subsection, subject to the official approval of the existing county library board, the governing body of the county may, by resolution, approve the expansion of the subdistrict. Any resolution to expand such subdistrict adopted by the governing body of the county shall contain the following information:

- (a) A description of the proposed boundaries of the subdistrict;
- (b) The time and place of a hearing to be held to consider expansion of the subdistrict; and
- (c) The rate of tax to be imposed in the area of expansion and voted on within the proposed subdistrict, if any.

Following the hearing required in this subsection, if the existing library board approves the expansion, and if the governing body of the county determines that expansion is in the best interest of the current subdistrict, then the governing body may, by order or ordinance, provide for the expansion of the subdistrict and for any imposition of the existing subdistrict tax rate within the area of expansion. The order or ordinance shall not become effective unless the governing body of the county submits to the voters residing within the proposed subdistrict, at a state general, primary, or special election, a proposal to authorize the governing body of the county to expand the boundaries of the subdistrict and, if necessary, to impose the existing subdistrict tax rate within the area of expansion. If a majority of the votes cast on the question by the qualified voters voting thereon and residing in the existing subdistrict and a majority of the votes cast on the question by the qualified voters voting thereon and residing in the area proposed to be annexed into the subdistrict are in favor of the question, then the expansion of the subdistrict and the imposition of the tax within the area of expansion shall become effective on the first day of the second calendar quarter immediately following the vote. If a majority of the votes cast on the question by the qualified voters voting thereon in either the existing subdistrict or in the area proposed to be annexed into the subdistrict are opposed to the question, then the expansion of the subdistrict and the imposition of the tax shall not become effective unless and until the question is resubmitted under this subsection to the qualified voters and such question is approved by the required majorities of the qualified voters voting on the question under this subsection.

§ 182.015 R.S.Mo.

The county library district tax may be reconsidered whenever the district's voters determine so by a majority vote on the question after petition, order and notice of the election and its purpose have been filed. At least five years must elapse after a district's establishment and the levying of a tax before a question to reconsider the tax may be submitted.

Whenever the county's library board of trustees finds it appropriate, it may order an election on the question of increasing the tax. Notice must be published, and the notice and order must each recite the amount of the proposed increase. If a majority favor the increase, then the increased tax must be levied and collected in the same manner as that of the tax at the prior rate.

3. The tax may be reconsidered whenever the voters of any county library district shall so determine by a majority vote on such questions after petition, order, and notice of the election and of the purpose thereof, first having been made, filed, and given, as in the case of establishing such county library district. At least five years must elapse after the county library district has been established and a tax therefor has been levied before a question to reconsider the tax may be submitted under this subsection.

4. Whenever the county library board of trustees finds it appropriate, it may order an election on the question of increasing the tax established pursuant to subsection 2 of section 182.010 or increased pursuant to subsection 5 of section 182.010. Notice of the election shall be published in the same manner as is notice of an election to establish a county library district under section 182.010. The notice and order shall each recite the amount of the proposed increase. The question shall be submitted in substantially the following form:

"Shall the ..... per hundred dollars assessed valuation tax for the county library be increased to ..... per hundred dollars assessed valuation?"

If a majority of votes cast on the question are in favor of the increase, then the increased tax shall be levied and collected in the same manner as the tax was at its previous lower rate.....

§ 182.020 R.S.Mo.

In any county library district that has decided or will later decide to establish and maintain a free county library, whenever the county library board of trustees by written resolution deems it necessary that free county library buildings be erected in the county and voters equaling 5% of the total vote cast for governor at the last election of the county district petition the county governing body in writing asking that an annual tax be levied at and as an increased tax rate for library building and specify in the petition the annual tax rate – not to be levied for more than ten years – on all taxable property in the county library district, then county governing body, if it finds the petition signed by the requisite number of voters, must enter a brief recital of the petition and of its finding, and must order that the petition's question be submitted to the district's voters at an election. The order and notice must specify the tax rate in the petition. If a majority favors the tax, the tax in the notice must be levied and collected like other taxes in the county library district. This tax is in addition to the tax levied for a county library's establishment and maintenance.

1. Whenever, in any county library district which has decided or shall hereafter decide to establish and maintain a free county library under the provisions of sections 182.010 to 182.120, the county library board of trustees, by written resolution entered of record, deems it necessary that free county library buildings be erected in the county and voters equal to five percent of the total vote cast for governor at the last election of any county library district shall petition the county governing body in writing asking that an annual tax be levied at and as an increased rate of taxation for the library buildings and specify in their petition a rate of taxation annually, and not to be levied for more than ten years, on all taxable property in such county library district, then the county governing body, if it finds

the petition was signed by the requisite number of voters, shall enter of record a brief recital of the petition, and of its finding, and shall order that the question of the petition be submitted to the voters of the county library district at an election. The order and the notice shall specify the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be a tax of ..... on each one hundred (insert amount) dollars assessed valuation f ..... or the erection of a free county library building?

3. If the majority of the voters of the county library district voting on the question vote in favor of the tax, the tax specified in the notice shall be levied and collected in like manner with other taxes of the county library district, and shall be known as the "County Library Building Fund", and shall be subject to the exclusive control of the county library board of trustees.....The tax hereby provided for the erection of free county library buildings in such county shall be in addition to the tax levied for the establishment and maintenance of such county library.

§ 182.100 R.S.Mo.

A county library district's county library board may also issue bonds. Before issuing such bonds, the board must provide for the collection of an annual tax on all taxable, tangible property in the district sufficient to pay principal and interest.

1. The county library board in any county library district may provide for the purchase of ground and for the erection of public library buildings, and for the improvement of existing buildings, and may provide for the payment of the same by the issue of bonds or otherwise, subject to the conditions and limitations set forth in this section.

.....

3. Before incurring any indebtedness as authorized in this section, the county library board shall provide for the collection of an annual tax on all taxable, tangible property in the county library district sufficient to pay the interest and principal of the indebtedness as they shall fall due and to retire the same within twenty years from the date contracted.

4. If, upon the returns from the election, which shall be certified to the county commission, it appears that the question to incur or increase such indebtedness has been assented to by the constitutionally required percentage of the voters voting on the question, the county commission shall enter of record a brief recital of the returns and shall declare that the county library board may issue bonds of the county library district in a total amount not in excess of that authorized by the voters....

§ 182.105 R.S.Mo.

If voters in an existing municipal district within a proposed or existing county library district's boundaries equaling 5% of the vote cast for governor at the last election petition the county commission in writing to be included in the proposed or existing district, subject to the existing county library board's official approval, the municipal library district's voters must be permitted to vote on the question of establishing or joining the county district and on the proposition for a tax levy for establishing and maintaining a county free library. If a majority favors the question, the municipal library district must become part of the county district beginning the next fiscal year, and the property within the municipal district must be liable to taxes levied for free county library purposes.

Whenever voters equal to five percent of the total vote cast for governor at the last election in an existing municipal library district within the geographical boundaries of a proposed or existing county library district shall petition in writing the county commission to be included in the proposed or existing county library district, subject to the official approval of the existing county library board, the voters of the municipal library district shall be permitted to vote on the question for establishing or joining the county library district, and on the proposition for a tax levy for establishing and maintaining a free county library. If the question carries by a majority vote, the municipal library district shall become a part of the county library district at the beginning of the next fiscal year and the property within the municipal library district shall be liable to taxes levied for free county library purposes. If a majority of voters in the existing municipal library district oppose the county library district, the existing municipal library district shall continue.

§ 182.030 R.S.Mo.

After a free county library district's establishment, the legislative body of any incorporated city, town, or village in the county that was excluded from the county district due to maintenance of a tax supported municipal library may, after the free county library district's trustees approve the proposed change, become part of the free county library district by notifying the county commission that the municipality desires to join at the beginning of the next fiscal year. The municipality must then be liable for taxes levied for free county library purposes at the same rate as is levied for the free county library district in the county.

After the establishment of a free county library district the legislative body of any incorporated city, town or village in the county which was excluded from the county library district because of the maintenance of a tax supported municipal library established and maintained pursuant to other provisions of this chapter, after approval of the proposed change by the trustees of the free county library

district, may become a part of the free county library district by notifying the county commission that the municipality desires to become a part of the free county library district at the beginning of the next fiscal year; and thereafter the municipality shall be liable for taxes levied for free county library purposes at the same rate as is levied for the free county library district in the county.

§ 182.040 R.S.Mo.

In counties of the first class with a charter form of government, if any property located within the county library district's geographical boundaries is included within the geographical boundaries of an urban public library district supported at least in part by taxation, the property included in the urban public library district's geographic boundaries must be excluded from the county library district. The excluded property must only be subject to taxation for the urban public library district's library purposes, and must no longer be subject to taxation for county library district purposes.

If, in any county of the first class having a charter form of government, any property located within the geographical boundaries of a county library district is now, or hereafter, included within the geographical boundaries of an urban public library district supported at least in part by taxation, the property now, or hereafter, included within the geographical boundaries of the urban public library district shall be excluded from the county library district, and the excluded property shall only be subject to taxation for library purposes by the urban public library district and shall no longer be subject to taxation for county library district purposes

§ 182.130 R.S.Mo.

## II. City Libraries

If voters equaling 5% of the total vote cast for governor at the last election in any city petition the mayor, common council, or other proper governing body in writing asking that an annual tax be levied for free public library in the city's establishment and maintenance and specify in the petition a tax rate on all taxable property in the city, the governing body must direct that the question be submitted to the city's voters at an election. The governing body's order and the notice must specify the city's name and the tax rate. If a majority favor the tax, the governing body must enter a brief recital of the returns and that a public library has been established. The tax specified in the notice must be levied and collected from year to year in the same manner as the city's other general taxes.

If the proposed tax is an increased tax for an already established free public library's maintenance over a lesser tax rate that was voted and adopted, then the petition and election notice must recite this fact, or, whenever the city's library board of trustees finds it appropriate, it may order an election on increasing the tax. Notice of the election must be published, and the notice and order must recite the proposed increase amount. If a majority favors the tax, the tax specified in the notice must be levied and collected like the city's other general taxes. This tax may be reconsidered whenever the city's voters determine so by a majority at an election.

Any city may establish and maintain a free public library if the city is located within the boundaries of a county library district that has been established but hasn't levied and collected a library tax within a year of the county district's establishment.

1. Whenever voters equal to five percent of the total vote cast for governor at the last election in any city petition the mayor, common council or other proper governing body in writing asking that an annual tax be levied for the establishment and maintenance of a free public library in the city, and specify in their petition a rate of taxation on all the taxable property in the city, the governing body shall direct that the question be submitted to the voters of the city at an election. The order of the governing body and the notice shall specify the name of the city and the rate of taxation mentioned in the petition.

2. The question shall be submitted in substantially the following form:

Shall there be a tax of ..... (insert amount) on each one hundred dollars assessed valuation for a public library?

3. If, from returns of the election, the majority of all the votes cast on the question are in favor of the tax, the governing body shall enter of record a brief recital of the returns and that there has been established a public library and thereafter the free public library shall be established, and shall be a body corporate, and known as such.

4. The tax specified in the notice, subject to the provisions of this section, shall be levied and collected, from year to year, in like manner with other general taxes of the city....

5. In case the proposed tax is sought as an increased tax for the maintenance of a free public library already established over a lesser tax rate theretofore voted and adopted, then such fact shall be recited in the petition and the notice of the election or whenever the city library board of trustees finds it appropriate it may order an election on the question of increasing the tax established pursuant to this section. Notice of the election shall be published in the same manner as is notice of an election to establish a city library district under this section. The notice and order shall each recite the amount of the proposed increase.

6. The question shall be submitted in substantially the following form:



- Shall there be a tax increase of ..... (insert amount) over the present ..... tax for the public library?
7. If a majority of all the votes cast on the question is for the tax submitted, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and shall be known as and become a part of the "City Library Fund" and be administered as provided in section 182.200.
  8. The tax may be reconsidered whenever the voters of the city determine by a majority vote given at an election.
  9. Notwithstanding any other provisions of this chapter to the contrary, any city may establish, operate and maintain a free public library in accordance with the provisions of this section if the city is located within the boundaries of a county library district that has been established, but has not levied and collected a library tax pursuant to section 182.020 within a year of when the county library district was first established.
  10. The authority granted by this section shall be in addition to those powers granted in section 94.400.

§ 182.140 R.S.Mo.

For cities of 600,000+, if 100 city voters, or a free public library's library board, petition in writing the major and council, or the mayor and board of alderman, asking that an annual tax be levied for a free public library establishment and maintenance, or for an established public library's maintenance or extension, and specify in the petition a tax rate on all taxable property in the city, the mayor and council, or the mayor and board of aldermen, must then submit the question at an election.

If the proposed tax is an increased tax for an already established library's maintenance or extension over a lesser rate that was voted and adopted, this fact must be recited in the petition and election notice. If a majority favors the tax, then the tax specified in the notice must be levied and collected like the city's other general taxes.

Voters may decrease the tax rate. The rate may be increased – but may not exceed any rate or limit provided by law – upon petition, order of the mayor and common council, or the mayor and board of alderman, notice of election and purpose, and a majority vote in favor of the increase.

These tax rates may be levied in excess of the tax rates authorized by law for general municipal purposes, or for county purposes of the city of St. Louis.

1. In cities of six hundred thousand inhabitants or over when one hundred voters of the city, or the library board of any free public library heretofore established in the city, petition in writing the mayor and council, or the mayor and board of aldermen, of the city asking that an annual tax be levied for the establishment, maintenance, rehabilitation or extension of a free public library, or for the maintenance, rehabilitation or extension of a free public library theretofore established in the city, and specify in their petition a rate of taxation on all taxable property in the city, the mayor and council, or mayor and board of aldermen, shall submit the question at an election.
2. The question shall be submitted in substantially the following form:  
Shall there be a tax of ..... on each one hundred (insert amount) dollars valuation for a public library?
3. In case the proposed tax is sought as an increased tax for the maintenance, rehabilitation or extension of a library already established, over a lesser tax rate theretofore voted and adopted, then the fact shall be recited in the petition and the notice for the election.
4. The question shall be submitted in substantially the following form:  
Shall there be tax increase of ..... over the (insert amount) present ..... tax per hundred dollars assessed valuation for the free public library?
5. If a majority of all the votes cast on the question is for the tax submitted, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and the proceeds of such tax shall be known as and become a part of the "City Library Fund", to be administered as provided in section 182.440.
6. The tax shall cease or the tax rate thereof be decreased whenever the voters of the city determine by a majority vote on the question. The tax rate may be increased to but not to exceed the rate or limit as may be hereafter provided by law upon like petition, order of mayor and common council or board of aldermen, notice of election and the purpose thereof, and majority vote in favor of such increase as provided by this section to be made, given, filed and held as in the case of establishing the public library. Nothing contained in this section or done pursuant to its provisions shall be construed to waive or satisfy the duty of the general assembly under section 10 of article IX of the constitution of this state to grant aid to any free public library supported by the city, in such manner and in such amounts as may be provided by law. Any tax rate authorized hereunder may be levied in excess of the rates of taxation authorized by law for general municipal purposes, or for county purposes of the city of St. Louis, pursuant to section 11 of article X of the constitution of this state.

§ 182.150 R.S.Mo.

For cities of 10,000+, in cities that have decided to establish and maintain a free public library, whenever voters equaling 5% of the total vote cast for governor in the last city election petition the proper authorities in writing

asking that an annual tax be levied as an increased tax rate for free public library building in the city's erection and maintenance and specify in the petition the annual tax rate – which may not be levied for more than 10 years – on all taxable property in the city, and the city's free public library's board of trustees deems it necessary that library buildings be erected and maintained and expresses this opinion by resolution, then the question must be submitted to election. The governing body's order and the notice must specify the city's name and the tax rate mentioned in the petition. If a majority favors the increased tax, the tax specified in the notice must be levied and collected like the city's other general taxes.

Whenever in any city which has decided or shall hereafter decide to establish and maintain a free public library under the provisions of sections 182.140 to 182.301, voters equal to five percent of the total vote cast for governor at the last election in the city in writing petition the proper authorities, asking that an annual tax be levied as an increased rate of taxation for the erection and maintenance of free public library buildings in the city, and specify in their petition an annual rate of taxation, which shall not to be levied for more than ten years on all taxable property in the city, and the board of trustees of the free public library of the city deems it necessary that the library buildings be erected and properly maintained and refurbished, and so express its opinion by resolution, then the question shall be submitted at an election. The order of the governing body and the notice shall specify the name of the city and the rate of taxation mentioned in the petition. If a majority of the voters voting on the question vote in favor of the increased tax, the tax specified in the notice shall be levied and collected in like manner with other general taxes of the city, and shall be known as the "Library Building, Maintenance and Refurbishing Fund."....

§ 182.260 R.S.Mo.

### III. Municipal Library Districts

All of the area included within a city's geographic boundaries, including any area or territory that becomes part of a city via annexation pending on October 13, 1965, that maintains a free public library supported, at least in part, by taxation, is a municipal library district. These districts are political subdivisions of the state and body corporates. This territory within municipal library districts is excluded from existing county library districts' boundaries. All the taxable property in the municipal district must only be subject to taxation by the municipal district, and must not be subject to taxation by the county district. However, after October 13, 1965, any annexation by a city that has a municipal district within its boundaries mustn't extend the municipal district's boundaries; the annexed areas must remain in the county district, and the taxable property in the areas must only be subject to taxation by the county library, not by the municipal district, except that in counties without county libraries annexation may extend existing municipal library districts' boundaries.

As of October 13, 1965, and any other provisions of law to the contrary notwithstanding, all of the area or territory included within the geographical boundaries of a city, including any area or territory which becomes a part of any city pursuant to any annexation pending on October 13, 1965, which maintains a free public library supported at least in part by taxation, shall be a "municipal library district" and shall have as its purpose the furnishing of free public library services to residents of the district, and the district shall be known as "The city of ..... Municipal Library District", and each such district shall be a political subdivision of the state of Missouri and a body corporate with all the powers and rights of like or similar corporations, and as of the effective date of sections 182.130 and 182.480 to 182.510, all of the area or territory which is hereby included within a municipal library district shall be excluded from the boundaries of any existing county library district, and all of the taxable property located in the municipal library district shall only be subject to taxation by the municipal library district and shall hereafter not be subject to taxation by the county library district; provided, however, that after October 13, 1965, any annexation by a city having within its boundaries a municipal library district shall not extend the boundaries of the municipal library district, and any annexed areas shall remain in the county library district, and the taxable property in any such annexed areas shall only be subject to taxation by the county library district and shall not be subject to taxation by the municipal library district; except, that in any county not having a county library any such annexation shall likewise extend the boundaries of any existing municipal library district.

§ 182.480 R.S.Mo.

Property excluded from a county library district is still subject to the levy of taxes for payment of county library's bond debt outstanding at the time of exclusion. If any buildings and improvements are erected on the excluded property, they must not be subject to the county library district's tax levy. In lieu of continuing taxation of the real property excluded from the county district, the governing body of the city where the excluded property is located may pay the county library district a sum equaling the portion of the county library district's total bond debt that the excluded property's assessed valuation bears to the county district's total assessed value prior to exclusion. After that payment, the excluded property must no longer be subject to any county library district tax levy.

All real property excluded from a county library district as provided in sections 182.130 and 182.480 shall thereafter be subject to the

levy of taxes for the payment of any bonded indebtedness of the county library district outstanding at the time of exclusion and for no other purpose; provided, however, that any buildings and improvements thereafter erected or constructed on the excluded real property, and all machinery and equipment thereafter installed or placed therein or thereon, and all tangible, personal property thereafter located therein or thereon shall not be subject to the levy of any taxes of the county library district. In lieu of the continuing taxation of the real property excluded from the county library district, the governing body of the city in which the excluded property is situated may pay to the county library district a sum equal to that portion of the total bonded indebtedness of the county library district that the assessed valuation of the excluded property bears to the total assessed value of the county library district prior to the exclusion, after which payment the excluded property shall no longer be subject to any levy of taxes by the county library district. The funds paid to the county library district shall be used for retiring the bonds of the county library district.

§ 182.500 R.S.Mo.

#### IV. Consolidated Public Library Districts

If 2+ county library districts have the same tax rate on the assessed valuation of taxable property within the districts, they may join in creating a consolidated public library district, which must have the same tax rate as those districts forming the consolidated district.

Two or more county library districts having the same rate of taxation on assessed valuation of taxable property within each district may join in creating a consolidated public library district, which shall have the same rate of taxation as districts forming the consolidated public library district, shall have the powers and authority as set out in sections 182.610 to 182.670, may perform any common function or service, including the purchase of land, and the purchase, construction and maintenance of buildings and any other property and may join in the common employment of any consolidated public library district officer, librarian or employee.

§ 182.610 R.S.Mo.

The governing boards of 2+ county public library districts may create a consolidated public library district by resolution. After the districts have resolved to form a consolidated district, they must apply to the county commissioners or the county chief executive officers of the county districts served by the consolidating districts. Upon the appropriate county commissions or county executive officers' approval, a notice that the consolidated district has been created, containing the districts' names, the creating governing boards' members, the names of the consolidated district's trustees, the consolidated district's name, the area to be served, the creation date, and the principal business office's location, must be published in newspapers of general circulation in the county districts to be served by the consolidated district. Notice must also be filed with the MO state library commission.

If 5% of the voters of each of any 2+ county library districts sign a petition and file it with their appropriate county commissions or county executive officers requesting submission of the consolidation question, the county commissioners or county executive officers must submit the question to voters at an election. The total vote for governor at the last general election for governor before the petition's filing must be used to determine the needed number of voter signatures. If a majority of the voters vote in favor in each of the counties separately, it is adopted; it fails if it fails to receive a majority in any county. Each county's board of election commissioners must canvass the results and notify each of the county commissions' presiding commissioner or county executive officer of the results within twenty days of receiving the certified abstracts.

1. A consolidated public library district may be created by resolution, duly acted upon, by the governing boards of two or more county public library districts. After the districts have each resolved to form a consolidated public library district, they shall apply to the county commissions or county chief executive officers of the county districts served by the districts being consolidated. Upon approval of the consolidation by the appropriate county commissions or county executive officers, legal notice that the consolidated public library district has been created, and containing the names of the districts and members of the governing boards creating it, the names of the trustees of the consolidated public library district, the name of the consolidated public library district, the area to be served, the date of its creation and the location of its principal business office shall be published in newspapers of general circulation in the county districts to be served by the consolidated public library district. Notice shall also be filed with the Missouri state library commission.

2. Whenever five percent of the voters of each of any two or more county library districts sign a petition, and file it with their appropriate county commissions or county executive officers requesting submission of the question of permitting the county library districts to create a consolidated public library district under section 182.610, the county commissions or county executive officers shall submit the question to the voters at an election. The total vote for governor at the last general election before the filing of the petition whereat a governor was elected shall be used to determine the number of voters necessary to sign the petition.

3. The question shall be submitted in substantially the following form:

Shall the ..... county public library district and the ..... county public library district be consolidated and the ..... public library district be created?

4. If a majority of the voters voting on the question vote for the question in each of the counties taken separately, it shall be deemed to have been adopted, but if it fails to receive a majority in any one or more of the counties, it shall be deemed to have failed. The board



of election commissioners of each county shall canvass the certified abstracts and notify the presiding commissioner or county executive officer of each of the county commissions of the results within twenty days of receipt of the certified abstracts.....

§ 182.620 R.S.Mo.

Consolidated public library districts may levy a tax at a rate not less than twenty cents on the 100 dollars of assessed valuation of all taxable property in the districts to be served by the consolidated district. However, any increase in the tax rate must, on resolution adopted by the consolidated district's board of trustees, be submitted to the county commission or county executive officers of the counties included within the district to be submitted to the counties' voters for approval. After receipt of the resolution, the county commissions or county executive officers must order that the proposed tax rate increase be submitted to the consolidated district's voters at an election. The commission's order and the notice must specify the county's name and the tax rate mentioned in the petition. If a majority favor the increase, the increased tax specified in the notice must be levied and collected like other county taxes.

If a consolidated district's board of trustees by written resolution deems it necessary that free library buildings be erected in the district, it must notify the county commission or chief executive in writing asking that an annual tax be levied at an as an increased tax rate for the buildings. In its resolution, it must specify an additional annual tax rate – not to be levied for more than ten years – on all taxable property in the consolidated district. The county commission or county executive officer must then enter a brief recital of the resolution and order the question be submitted to the consolidated district's voters. The commission or county executive officer's order and notice must specify the tax rate in the resolution. If a majority favors the tax, the tax specified in the notice must be levied and collected like the county's other taxes. This tax is in addition to the tax levied for the consolidated district's establishment and maintenance.

1. Whenever a consolidated public library district has been created it may levy a tax at a rate of not less than twenty cents on the one hundred dollars of assessed valuation of all taxable property in the districts to be served by the consolidated public library district; except that, any increase in the rate of taxation to be assessed shall, on resolution adopted by the board of trustees of the consolidated public library district, be submitted to the county commission or county executive officers of the counties included within the district, to be submitted to the voters of the respective counties for approval.

2. The county commissions or county executive officers, after receipt of the resolution pursuant to the provisions of this section, shall order that the proposed increase in the rate of taxation be submitted to the voters of the consolidated public library district at an election. The order of the commission and the notice shall specify the name of the county and the rate of taxation mentioned in the petition.

3. The question shall be submitted in substantially the following form:

Shall there be a ... cent tax increase over the .... cent tax per hundred dollars assessed valuation for the .....consolidated public library district?

4. If a majority of all the votes cast on the question shall be for the tax increase as submitted, the increased tax specified in the notice shall be levied and collected in like manner with other county taxes and shall be paid and forwarded to the treasurer of the board of trustees of the consolidated public library district by the county collector.

5. If a majority of the votes cast on the question shall be against the tax rate as submitted, then the tax rate shall remain at the previously existing levy.

6. Whenever in any consolidated public library district which has decided to establish and maintain a free library in any district served under the provisions of sections 182.610 to 182.670, the consolidated public library district board of trustees, by written resolution entered of record, deems it necessary that free library buildings be erected in the district, it shall notify the county commission or chief executive in writing asking that an annual tax be levied at and as an increased rate of taxation for the library buildings and specify in its resolution an additional rate of taxation of ..... cents on the hundred dollars annually, and not to be levied for more than ten years on all taxable property in such consolidated public library district, then the county commission or county executive officer shall enter of record a brief recital of the resolution and shall order that the question be submitted to the voters of the consolidated public library district. The order of the commission or county executive officer and notice shall specify the rate of taxation mentioned in the resolution.

7. The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax for erection of library buildings?

8. If the majority of the voters of the county library district voting on the question vote in favor of the tax, the tax specified in the notice shall be levied and collected in like manner with other taxes of the county, and delivered to the treasurer of the board of trustees of the consolidated public library district, and shall be subject to the exclusive control of the consolidated public library district board of trustees, and the fund shall be disbursed by the consolidated public library district treasurer only upon proper instrument of payment of the board, and be used for expenses incident to the erection and furnishing of the library buildings. The levy herein providing for the erection of library buildings shall be in addition to the tax levied for the establishment and maintenance of the consolidated public library district.

§ 182.650 R.S.Mo.

## V. Urban Public Library Districts

Urban public library districts may be created by a majority vote of the residents of the nine-director school district voting at an election. The decision to place the issue of creating a new urban public library district on the ballot must be made by a majority vote of the urban school district's nine-member board of directors. Upon the district's creation, it must be designated as the successor to any public library system operated within its boundaries prior to the election date. The district must be entitled to levy a property tax, and effective the first calendar year after the election creating the district, the nine-director urban school district serving the same boundaries must no longer be authorized to levy a tax for public library purposes. While the boundaries of a new urban public library district must coincide with those of the respective nine-director urban school district, any alteration of a nine-director urban school district's boundaries must not affect the urban public library district's boundaries.

Urban public library districts may be created, upon the favorable vote of a majority of the residents of the nine director school district voting at an election held on any permissible election date. The decision as to whether the issue of creation of a new urban public library district will be placed on the ballot must be made by a majority vote of the nine member board of directors of the urban school district. The boundaries of any new urban public library district shall coincide with the respective nine director urban school district. Upon creation of any such district, the new district shall be designated as successor to any public library system operated within such boundaries immediately preceding the date of the election, and shall be entitled to levy a property tax at the same rate as had been authorized pursuant to section 137.030 for operation of the public library by the nine director urban school district immediately prior to creation of the new urban public library district. Effective the first calendar year after the election resulting in creation of the urban public library district, the nine director urban school district serving the same boundaries shall no longer be authorized to levy a tax for public library purposes. The alteration of the boundaries of a nine director urban school district shall not affect the boundaries of any urban public library district created pursuant to sections 182.701 to 182.723.

§ 182.703 R.S.Mo.

Increased levies must, on resolution adopted by the urban district's board of trustees, be submitted to the urban district's voters for approval. If a majority approves the increase, the increased tax specified in the notice must be levied and collected like other county taxes.

If an urban district's board of trustees by written resolution deems it necessary that free library buildings be erected in the district, it must notify the appropriate election authorities that the question should be submitted to the district's voters. The resolution and notice must specify the needed tax rate. If a majority favors the tax, the tax specified in the notice must be levied and collected like other district taxes. That levy is in addition to the tax levied for an urban district's establishment and maintenance.

1. Whenever an urban public library district is created pursuant to section 182.703, the vote for creation of the urban public library district shall provide that any levy for library purposes established pursuant to section 137.030 shall be transferred to the urban public library district and such urban public library district shall be authorized to levy a tax at this established levy rate. Any increase above this levy rate shall, on resolution adopted by the board of trustees of the urban public library district, be submitted to the voters of the urban public library district for approval, in accordance with the provisions of section 137.030.

2. If a majority of all the votes cast on the question shall be for the tax increase as submitted, the increased tax specified in the notice shall be levied and collected in like manner with other county taxes and shall be paid and forwarded to the treasurer of the board of trustees of an urban public library district by the county collector.

3. If a majority of the votes cast on the question shall be against the tax rate as submitted, then the tax rate shall remain at the previously existing levy.

4. Whenever in any urban public library district which has decided to establish and maintain a free library in any district served under the provisions of sections 182.701 to 182.723, the urban public library district board of trustees, by written resolution entered of record, deems it necessary that free library buildings be erected in the district it shall notify the appropriate election authorities that the question should be submitted to the voters of the urban public library district. The resolution and the notice shall specify the rate of taxation necessary.

5. The question shall be submitted in substantially the following form:

Shall there be a ..... cent tax for erection of library buildings?

6. If the majority of the voters of the urban public library district voting on the question vote in favor of the tax, the tax specified in the notice shall be levied and collected in like manner with other taxes of the district, and delivered to the treasurer of the board of trustees of the urban public library district, and shall be subject to the exclusive control of the urban public library district board of trustees and the fund shall be disbursed by the urban public library district treasurer only upon proper instrument of payment of the board of trustees, and be used for expenses incident to the erection and furnishing of the library buildings. The levy herein providing for the erection of library buildings shall be in addition to the tax levied for the establishment and maintenance of the urban public library district.

§ 182.715 R.S.Mo.

# Montana

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## Relevant Law

Libraries are found under Chapter 1 of Title 22 (Libraries, Arts, and Antiquities).

## Types of Libraries

Cities or counties' governing bodies may establish free public libraries. Counties may create public library districts.

### I. Free Public Libraries

A city or county's governing body may pass and enter upon its minutes a resolution to establish and maintain a free public library.

A public library may be established by a petition that's signed by not less than 10% of the resident taxpayers whose names appear upon the city or county's last-completed assessment roll and filed with the governing body requesting a library's establishment. The city or county's governing body must set a time for a meeting at which the body may establish a public library by resolution. The body must give notice of the contemplated action in a newspaper of general circulation for two consecutive weeks giving the date and place of the meeting at which the contemplated action is proposed to be taken.

If a petition signed by not less than 5% of a city or county's taxpayers is filed with the governing body and requests an election, the governing body must submit the question of a library's establishment to a vote at the next general election. If this petition is submitted to a city, it must be signed by the city's resident taxpayers. If the petition is submitted to a county's county commissioners asking for a county library's establishment, the petition must be signed by the county's resident taxpayers residing outside the corporate limits of an incorporated located in the county that may already have established a free public library for the city. If the petition specifically asks that a special election be called, and is signed by 35% of the resident freeholders affected by the petition, then the governing body must, upon the petition's receipt, immediately set a date for a special election, which must be held in conjunction with a regular or primary election. At the election, if a majority favor establishment, the governing body must then immediately take the necessary steps to establish a library or contract with any city or county for library service to be rendered to that city or county's inhabitants.

A public library may be established in any county or city in any of the following ways:

- (1) The governing body of any county or city desiring to establish and maintain a public library may pass and enter upon its minutes a resolution to the effect that a free public library is established under the provision of Montana laws relating to public libraries.
- (2) A public library may be established by a petition that is signed by not less than 10% of the resident taxpayers whose names appear upon the last-completed assessment roll of the city or county and that is filed with the governing body requesting the establishment of a public library. The governing body of a city or county shall set a time of meeting at which it may by resolution establish a public library. The governing body shall give notice of the contemplated action in a newspaper of general circulation for 2 consecutive weeks giving the date and place of the meeting at which the contemplated action is proposed to be taken.
- (3)
  - (a) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote of the qualified electors at the next general election the question of whether a free public library is to be established.
  - (b) If a petition is submitted for a city, the petition must be signed by resident taxpayers of the city.
  - (c) If a petition is submitted to the county commissioners of a county asking for the establishment of a county library, the petition must be signed by resident taxpayers of the county who reside outside the corporate limits of an incorporated city that is located in the county and that may already have established a free public library for the city.
  - (d) If the petition specifically asks that a special election be called and the petition is signed by 35% of the resident freeholders affected by the petition, then the governing body shall, upon receipt of the petition, immediately set a date for a special election. The special election must be held in conjunction with a regular or primary election.
  - (e) If at the election a majority of the electors voting on the question vote in favor of the establishment of a library, the governing body shall immediately take the necessary steps to establish and maintain the library or to contract with any city or county for library service to be rendered to the inhabitants of the city or county.

After the establishment of a county free library, the governing body of any city that has an existing tax-supported public library may notify the board of county commissioners that the city doesn't desire to join the county library system. Such notification exempts property in the city from tax liability for county library purposes.

After the establishment of a county free library as provided in this part, the governing body of any city which has an existing tax-supported public library may notify the board of county commissioners that such city does not desire to be a part of the county library system. Such notification shall exempt the property in such city from liability for taxes for county library purposes.

22-1-313, MCA

Instead of establishing a separate county free library, the board of county commissioners may contract with the board of library trustees or other authority in charge of any incorporated city's free public library, and such free public libraries' boards of trustees or other authorities in charge are authorized to make these contracts. This contract may provide that the incorporated city's free public library will assume county free library functions within the county with which the contract is made. The board of county commissioners may agree to pay out of the county free library fund into the incorporated city's library fund.

(1) Instead of establishing a separate county free library, the board of county commissioners may enter into a contract with the board of library trustees or other authority in charge of the free public library of any incorporated city, and the board of library trustees or other authority in charge of such free public library is hereby authorized to make such a contract.

(2) Such contract may provide that the free public library of such incorporated city shall assume the functions of a county free library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free library fund into the library fund of such incorporated city such sum as may be agreed upon.

(3) Either party to such contract may terminate the same by giving 6 months' notice of intention to do so.

22-1-315, MCA

A county and any city(s) within the county, by their respective governing bodies' actions, may join in establishing and maintain a joint city-county library. Expenses of a joint library must be apportioned by contract. The governing body of any city or county that enters the contract may levy a special tax for the joint library's establishment and operation.

(1) A county and any city or cities within the county, by action of their respective governing bodies, may join in establishing and maintaining a joint city-county library under the terms of a contract agreed upon by all parties.

(2) The expenses of a joint city-county library must be apportioned between or among the county and cities on the basis agreed upon in the contract.

(3) Subject to 15-10-420, the governing body of any city or county entering into a contract may levy a special tax as provided in 22-1-304 for the establishment and operation of a joint city-county library.

(4) The treasurer of the county or of a participating city within the county, as provided in the contract, has custody of the funds of the joint city-county library, and the other treasurers of the county or cities joining in the contract shall transfer quarterly to the designated treasurer all money collected for the joint city-county library.

(5) The contract must provide for the disposition of property upon dissolution of the joint city-county library.

22-1-316, MCA

A city or county that has established a public library may, at the same time and in the same manner as other taxes are levied, levy a tax in the amount needed to maintain adequate library service.

The city or county's governing body may by resolution submit the question of a tax levy to a vote. The resolution must be adopted at least eighty-five days before the election at which the question will be voted on, and the election mustn't be held less than eighty-five days after the resolution is adopted.

If at least 5% of the city or county's resident taxpayers sign and file a petition requesting an election for imposing a mill levy, the governing body must submit the mill levy to a vote at an election. The petition must be delivered to the governing body at least eighty-five days before the election at which the question will be voted on.

(1) Subject to 15-10-420, the governing body of a city or county that has established a public library may levy in the same manner and at the same time as other taxes are levied a tax in the amount necessary to maintain adequate public library service.

(2)

(a) The governing body of a city or county may by resolution submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in 15-10-425. The resolution must be adopted at least 85 days prior to the election at which the question will be voted on, and, pursuant to the deadline in [section 4], the election may not be held less than 85 days after the resolution is adopted.

(b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the governing body shall submit to a vote of the qualified electors at an election conducted as provided in 15-10-425 the question of imposing the mill levy. The petition must be delivered to the governing body at least 85 days prior to the election at which the question will be voted on....

22-1-304, MCA

## II. Public Library Districts

Public library districts may contain a county's entire territory, part of a county's territory, or territory in more than one county. They may include incorporated municipalities within a county. However, the included territory must contain a taxable value of at least \$5 million.

... (2) A public library district may contain the entire territory of a county, the territory of part of a county, or territory in more than one county. A public library district may include incorporated municipalities within a county.

(3) The territory included in a public library district must contain a taxable value of at least \$ 5 million.

22-1-701, MCA

Proceedings to create or enlarge a public library district, or convert a public library into a public library district, may be initiated by a petition signed by at least 15% of the electors residing within the proposed district or the area to be added to an existing district, or by a resolution of intent calling for the district's creation adopted by the county governing body.

The petition must contain the proposed district's boundaries, a map showing the boundaries, the proposed maximum property tax mill levy that could be levied on property owners within the district for its operation, and the proposed number of members on the board of trustees (five or seven). If the proposed district's included territory lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies, and each petition must be signed by at least 15% of the qualified electors of the territory within the county proposed for inclusion in the district. Upon receiving the petition, the county clerk must examine the petition and within fifteen days either reject it if it's insufficient or certify that it's sufficient and present it to the county governing body at its next meeting. The petition's text must be published in each county in which the proposed district's territory lies. At a hearing on the proposed district, the county governing body must hear testimony of all interested persons on if the district should be created, about the proposed boundaries, property tax mill levy, and number of members of the board of trustees, and on any other matters relating to the petition. After the hearing, if the county governing body determine that the proposed district should be created, by resolution it must set the proposed district's boundaries, maximum mill levy, and number of members on the board of trustees, and call for an election on creating the district. The election may be held in conjunction with a regular or primary election or conducted by mail ballot.

(1) Proceedings for the creation or enlargement of a public library district or the conversion of a public library to a public library district may be initiated by:

(a) a petition signed by not less than 15% of the qualified electors who reside within the proposed district or the area to be added to an existing district; or

(b) a resolution of intent adopted by the county governing body, calling for the creation of a district.

(2) The petition must contain:

(a) the boundaries of the proposed public library district;

(b) a map showing the boundaries;

(c) subject to 15-10-420, the proposed maximum property tax mill levy that could be levied on property owners within the district for the operation of the district; and

(d) the proposed number of members on the board of trustees. The number of members must be five or seven.

(3) When the territory to be included in the proposed public library district lies in more than one county, a petition must be presented to the governing body of each county in which the territory lies. Each petition must be signed by not less than 15% of the qualified electors of the territory within the county proposed for inclusion in the district.



- (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the petition and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or certify that the petition is sufficient and present it to the county governing body at its next meeting.
- (5) The text of the petition must be published as provided in 7-1-2121 in each county in which territory of the proposed public library district lies.
- (6) At a hearing on the proposed public library district, the county governing body shall hear testimony:
  - (a) of all interested persons on whether a district should be created;
  - (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the board of trustees; and
  - (c) on any other matter relating to the petition.
- (7) After the hearing, if the county governing body determines that the proposed public library district should be created, it shall by resolution:
  - (a) set the boundaries of the proposed district;
  - (b) set the maximum mill levy for the proposed district;
  - (c) set the number of members to be on the board of trustees; and
  - (d) call for an election on the question of whether to create the district. The election may be:
    - (i) held in conjunction with a regular or primary election; or
    - (ii) conducted by mail ballot in accordance with the provisions of Title 13, chapter 19.

22-1-702, MCA

If a majority in the territory of each county included in the proposed public library district approves formation, each county's governing body must, within ten days of receiving the result's official canvass, certify the district's formation.

- (1) If a majority of the votes cast at the election in the territory of each county included in the proposed public library district approve the formation of the district, the governing body of each county shall, within 10 days of the receipt of the official canvass of the result, certify that the district is formed.

22-1-704, MCA

If all or part of the territory served by an existing public library is included within a public library district's boundaries, the governing body of each county within the included territory must notify the establishing city or county's governing body that the territory is included in the district. If the governing body determines that the territory the public library served should be included in the district, it must adopt a resolution, following a public hearing. If it determines that the territory served by the library shouldn't be included, it must adopt a resolution, and the district's boundaries must be adjusted to exclude the territory served by the public library.

An existing public library district's territory may be consolidated into a contiguous district's territory upon each district's board of trustees, following a public hearing, adopting a resolution.

- (1)
  - (a) If all or part of the territory served by an existing public library, as defined in 22-1-326, is included within the boundaries of a public library district, the governing body of each county with territory included in the district shall notify the governing body of the city or county that established the public library that the territory served by the library is included in the district boundaries. The governing body of the city or county that established the public library shall hold a public hearing on the question of whether the territory served by the library should be included in the district. If the governing body determines that the territory served by the public library should be consolidated into the district, it shall adopt a resolution, following the public hearing, to that effect. If the governing body of the city or county that established the public library determines that the territory served by the library should not be included in the district, it shall adopt a resolution to that effect and the boundaries of the district must be adjusted to exclude the territory served by the public library. ....
  - (2) The territory of an existing public library district may be consolidated into a contiguous district upon the adoption of a resolution, following a public hearing, by the board of trustees of each district. The governing board of the county containing the largest percentage of territory in the district shall appoint the board of trustees for the consolidated district. The appointed trustees shall serve until their successors are elected, in accordance with the provisions of 22-1-706.

22-1-705, MCA

The county governing body must annually, at the time of levying county taxes, fix and levy a tax on all taxable property within the public library district sufficient to raise the budget amount certified by the board of trustees and approved by the electors. The tax mustn't exceed the maximum amount approved by the electorate.

- (1) The board of trustees shall annually prepare a budget for the ensuing fiscal year and present the budget to the governing body of each county with territory in the public library district at the regular budget meetings as prescribed in Title 7, chapter 6, part 40, and certify the amount of money necessary for the operation of the district for the ensuing fiscal year.
- (2) Subject to 15-10-420, the county governing body shall, annually at the time of levying county taxes, fix and levy a tax on all taxable property within the public library district sufficient to raise the amount certified by the board of trustees and approved by the electors. The tax levied may not in any year exceed the maximum amount approved by the electorate pursuant to 22-1-703 or 22-1-709.

22-1-708, MCA

The maximum property tax mill levy authorized for the public library district's operation may be changed by an election. A vote on raising or lowering the maximum levy may be initiated by a petition signed by at least 15% of the district's electorate or a resolution of the board of trustees. A petition must set forth the proposed new maximum mill levy for the district's operation. On receipt of the petition, certified by the county clerk as sufficient, or on receipt of a resolution adopted by the board of trustees, the county governing body must submit a ballot question on changing the levy to the electorate.

- (1) The maximum property tax mill levy authorized for the operation of a public library district may be changed by an election on the question of changing the maximum mill levy.
- (2) A vote on the question of raising or lowering the maximum property tax mill levy in the public library district may be initiated by:
  - (a) a petition signed by not less than 15% of the electorate of the district; or
  - (b) a resolution of the board of trustees.
- (3) The petition must set forth the proposed new maximum mill levy for the operation of the district.
- (4) On receipt of a petition for a change in the maximum mill levy, certified by the county clerk as sufficient under this section, or on receipt of a resolution for a change adopted by the board of trustees, the county governing body shall submit to the electorate of the public library district, at an election held in accordance with [sections 1 through 5] , a ballot question on changing the maximum mill levy. The question must be submitted to the electors of the district in substantially the following form:[] FOR changing the authorized maximum property tax mill levy for the operation of the public library district from to [] AGAINST changing the authorized maximum property tax mill levy for the operation of the public library district.

22-1-709, MCA

## Nebraska

### Relevant Law

Libraries are covered in Chapter 51 (Libraries and Museums) Article 2. A provision regarding taxation for libraries in cities of the first or second class is in Chapter 19 (Cities and Villages; Laws Applicable to More than One and Less than All Classes) under Article 13 (Funds (Applicable to Cities of the First or Second Class and Villages) ). In Chapter 16 (Cities of the First Class), libraries are among the Article 2 general powers, and are also among the Article 2 general powers for cities of the primary class (Chapter 15). In Chapter 14 (Cities of the Metropolitan Class), libraries are in the Article 1 general powers.

### Types of Libraries

Cities, incorporated villages, and counties may establish public libraries. Within the statutes, there is special mention of cities of the first class, primary cities, and metropolitan class cities.

### I. Libraries of Cities, Counties, and Incorporated Villages

Cities' city councils, incorporated villages' boards of trustees, counties' county boards, and any township's electors at their annual town meeting may establish a public library. A council or board, or electors, may contract to use an already established public library and may levy a tax of not more than ten and 5/10 cents on each 100 dollars upon the taxable value of all the taxable property in the city, village, county, or township annually to be collected like other city, village, county, or township taxes, except that if any county discontinues township organization, it must levy and collect a tax of not more than ten and 5/10 cents on each 100 dollars for such public library.

Before establishing a county library, the county board must submit the question to a county's voters at a general election that includes only incorporated and unincorporated areas without a public library. A majority vote authorizes

the library's establishment and the tax's levying. Within a county, cities, villages or townships with public libraries may merge with an established county library by majority vote.

When a county board levies a tax for a county library or for contracting to use an already established public library, it must omit all property within the limits of any city, village, or township in the county that already maintains a public tax-supported library unless the city, village, or township has voted to merge.

The city council of any city, the board of trustees of any incorporated village, the county board of any county, and the electors of any township at their annual town meeting shall have the power to establish a public library free of charge for the use of the inhabitants of such city, village, county, or township.

Any such council, board, or electors may also contract for the use of a public library already established and may levy a tax of not more than ten and five-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in such city, village, county, or township annually to be levied and collected in like manner as other taxes in such city, village, county, or township, except that when any county discontinues township organization, the county shall levy and collect a tax of not more than ten and five-tenths cents on each one hundred dollars for such public library. The levy shall be subject to sections 77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund.

Before establishing a county library, the county board shall submit the question to the voters of the county at a general election pursuant to section 32-559, including only incorporated and unincorporated areas which do not have a public library, and a majority of the voters voting on the question of whether to establish a county library shall authorize the establishment of such county library and the levying of the tax. A city, village, or township within the county that has a public library may merge with the county library, if established, upon a majority vote pursuant to section 51-201.04. When such questions are submitted and carried, the county board shall include the county library in its next succeeding estimate and levy. Such submission shall not be required when the board levies a tax for the purpose of contracting for use of a library already established. When the county board makes a levy for a county library or for the purpose of contracting for use of a public library already established, the county board shall omit from the levy of the library tax all property within the limits of any city, village, or township in such county which already maintains a library by public tax unless the voters of the city, village, or township have voted to merge with the county library.

The method of merger of libraries provided in this section and sections 51-201.03 to 51-201.07 shall not be construed as the exclusive way to merge libraries or library facilities. Nothing in such sections shall prohibit a county, city, village, or township from entering into an agreement pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act relating to library services.

R.R.S. Neb. § 51-201

For a county's incorporated and unincorporated areas that don't have a public library, voters may file an initiative petition with the county board requesting a county library's establishment. The petition must be filed by July 31 before a statewide general election. Signatures gathered before the last statewide election mustn't be counted. The county board must submit the petitions to the election commissioner or county clerk for signature verification. The required number of signatures is 5% of registered voters at the last statewide general election in the county's incorporated and unincorporated areas lacking a public library. Within thirty days of receiving the petitions from the county board, the election commissioner or county clerk must notify the county board if the required number of signatures was gathered. If the petitions are in the proper form and signed by the necessary number of voters, the county board must notify each incorporated area within the county's governing body and library board within ten days after the determination and publish in a newspaper of general circulation in the county that the voters of the county's unincorporated area and incorporated areas without a public library will be asked to vote on the library at the next statewide general election.

(1) The registered voters of the incorporated and unincorporated areas of a county which do not have a public library may file an initiative petition with the county board requesting the establishment of a county library. The petition shall be filed by July 31 prior to a statewide general election. Signatures gathered before the last statewide general election shall not be counted. An initiative petition shall conform to the requirements of section 32-628. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The county board shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be five percent of the voters registered at the last statewide general election in the incorporated and unincorporated areas of the county which do not have a public library. The election commissioner or county clerk shall notify the county board within thirty days after receiving the petitions from the county board whether the required number of signatures has been gathered.

(2) If the county board determines that the petitions are in proper form and signed by the necessary number of registered voters, the county board shall notify the governing body and library board of each incorporated area within the county within ten days after such determination and shall publish in a newspaper of general circulation in the county that the registered voters of the unincorporated area of the county and of the incorporated areas which do not have a public library will be asked to vote on the issue at the next statewide general election and shall submit the question of whether to establish a county library to the voters as required in section 51-201.



R.R.S. Neb. § 51-201.03

The county board must deliver notice and publication before June 1 before the election.

If a city council, village board, or township board of a city, village, or township with a public library and the library board – if one exists – of the city, village, or township both adopt a resolution indicating they desire to merge the city, village, or township library with the county library (if established) and notify the county board by filing the resolutions with the county clerk by August 25, the county board must submit the merger question to the city, village, or township's voters at the same time as the election. The registered voters of a city, village, or township that has a public library may also file an initiative petition with the county board to require the merger issue to be on the city, village, or township's ballot. The petition must be filed by July 31 before the statewide general election at which the issue would be on the ballot. Signatures gathered before the last statewide general election mustn't be counted. The county board must submit the petitions to the election commissioner or county clerk for signature verification. The required number of signatures is 10% of the voters registered in the city, village, or township at the last statewide general election. Within thirty days of receiving the petitions from the county board, the election commissioner or clerk must notify the board whether the required number of signatures was gathered. If the petitions are in the proper form and signed by the needed number of voters, the board must submit the merger question to the voters.

(1) At the time the county board decides to hold an election pursuant to section 51-201 on the question of establishing a public library, the county board shall notify the governing body and library board of each incorporated area within the county and shall publish in a newspaper of general circulation in the county that the registered voters of the unincorporated area of the county and of the incorporated areas which do not have a public library will be asked to vote on the issue at the next statewide general election. The notice shall be delivered and publication shall occur prior to June 1 before the election.

(2) If a city council, village board, or township board of a city, village, or township that has a public library and the library board, if one exists, of the city, village, or township both adopt a resolution indicating that they desire to merge the city, village, or township library with the county library if established and notify the county board by filing the resolutions with the county clerk by August 25, the county board shall submit the question of merger to the voters of the city, village, or township at the same time as the election pursuant to section 51-201.

(3) The registered voters of a city, village, or township that has a public library may file an initiative petition with the county board to require the issue of merger to be on the ballot in the city, village, or township. The petition shall be filed by July 31 prior to the statewide general election at which the issue would be on the ballot. Signatures gathered before the last statewide general election shall not be counted. An initiative petition shall conform to the requirements of section 32-628. Petition signers and petition circulators shall conform to the requirements of sections 32-629 and 32-630. The county board shall submit the petitions to the election commissioner or county clerk for signature verification pursuant to section 32-631. The required number of signatures shall be ten percent of the voters registered in the city, village, or township at the last statewide general election. The election commissioner or county clerk shall notify the county board within thirty days after receiving the petitions from the county board whether the required number of signatures has been gathered. If the county board determines that the petitions are in proper form and signed by the necessary number of registered voters, the county board shall submit the question of whether to merge with the county library, if established, to the voters at the same time as the election pursuant to section 51-201.

R.R.S. Neb. § 51-201.04

Once a county library has been established, if a city council, village board, or township board of a city, village, or township that has a public library within the county and the library board – if one exists – of the city, village, or township both adopt a resolution indicating that the city, village, or township wishes to merge with the county library, they must then notify the county board by filing the resolutions with the county clerk. After notification, the city, village, or township library must be a part of the county library and the property within the city, village, or township must be liable to taxes for county library purposes. Before adopting the resolution, at least once a week for two successive weeks, the city council, village board, or township board and the library board must publish notice of the proposed resolution and the date and place of the meeting at which the resolution is proposed to be adopted in a newspaper designated by the council or board and published in or of general circulation in the city, village, or township.

In a county that has an established county library, if a city council, village board, or township board of a city, village, or township that has a public library and the library board, if one exists, of the city, village, or township both adopt a resolution indicating that such city, village, or township library desires to merge with the established county library, they shall notify the county board by filing the resolutions with the county clerk. After such notification, the city, village, or township library shall be a part of the county library as

provided in section 51-201.06 and its residents shall be entitled to the benefits of the county library, and the property within such city, village, or township library shall be liable to taxes levied for county library purposes. At least once a week for two successive weeks prior to adopting such resolution, the city council, village board, or township board and library board shall publish notice of such proposed resolution and the date and the place of the meeting at which such resolution is proposed to be adopted, in a newspaper designated by the council or board and published in or of general circulation in such city, village, or township.

R.R.S. Neb. § 51-201.05

The local governing body of any city of the first or second class or any village may levy a tax not exceeding 10 and 5/10 cents on each one hundred dollars in any one year upon the taxable value of all the taxable property within the municipality for a term not to exceed ten years, in addition to the tax amount annually levied for the municipality's adopted budget statement's purposes, to establish a sinking fund for library construction and improvement.

The local governing body of any city of the first or second class or any village, subject to all the limitations set forth in sections 19-1301 to 19-1304, shall have the power to levy a tax of not to exceed ten and five-tenths cents on each one hundred dollars in any one year upon the taxable value of all the taxable property within such municipality for a term of not to exceed ten years, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of such municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, original equipment, or repair, not including maintenance, of any one or more of the following public improvements, including acquisition of any land incident to the making thereof: Municipal library; municipal auditorium or community house for social or recreational purposes; city or village hall; municipal public library, auditorium, or community house in a single building; municipal swimming pool and appurtenances thereto; municipal jail; municipal building to house equipment or personnel of a fire department, together with firefighting equipment or apparatus; municipal park; municipal cemetery; municipal medical clinic building, together with furnishings and equipment; or municipal hospital. No such city or village shall be authorized to levy the tax or to establish the sinking fund as provided in this section if, having bonded indebtedness, such city or village has been in default in the payment of interest thereon or principal thereof for a period of ten years prior to the date of the passage of the resolution providing for the submission of the proposition for establishment of the sinking fund as required in section 19-1303.

R.R.S. Neb. § 19-1302

## II. Cities of the First Class

For any city of the first class, city's mayor and council may establish libraries.

The mayor and council of any city of the first class may establish and maintain public libraries, reading rooms, art galleries, and museums and provide the necessary grounds or buildings therefor...

R.R.S. Neb. § 16-251

## III. Primary Cities

Primary cities may establish public libraries.

A primary city may establish, maintain, and operate public library facilities, purchase books, papers, maps and manuscripts therefor, receive donations and bequests of money or property for the same in trust or otherwise, and pass necessary bylaws and regulations for the protection and government of the same.

R.R.S. Neb. § 15-230

## IV. Metropolitan Class Cities

Metropolitan class cities may establish libraries by ordinance.

In addition to the powers granted in section 14-101, cities of the metropolitan class shall have power by ordinance:... (27) To establish and maintain public libraries, reading rooms, art galleries, and museums and to provide the necessary grounds or buildings therefor; to purchase books, papers, maps, manuscripts, works of art, and objects of natural or of scientific curiosity, and instruction therefor; to receive donations and bequests of money or property for the same in trust or otherwise and to pass necessary bylaws and regulations for the protection and government of the same;...

R.R.S. Neb. § 14-102

# Nevada

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## Relevant Authority

Public libraries comprise Chapter 379 of Title 33 (Libraries; Museums; Historic Preservation.).

## Types of Libraries

Counties' boards of commissioners may establish county libraries. Counties may also create county library districts. Consolidated library districts may be created in counties of 700,000+ by a county library district's trustees and the governing body of a city within the county. Libraries established in unincorporated towns before July 1, 1967 may be maintained as town libraries. Libraries established in cities may be maintained as city libraries. Any 2+ political subdivisions may join in establishing and maintaining a regional library through their governing bodies' written joint agreement. Two or more libraries' governing bodies may agree to form a regional network of libraries.

## I. County Libraries

A county's board of commissioners may set aside money to establish and maintain a public library.

1. The board of county commissioners of each county may set apart a sum of money to be used in the establishment and maintenance of a public library in the county. Each year thereafter the board of county commissioners may set apart an amount of money for the purpose of operating and maintaining the library.
2. The fund so created is the county library fund.

Nev. Rev. Stat. Ann. § 379.010

If a new county library is provided for in a county of 45,000+, the trustees of any previously established district library may transfer materials in their possession to the new library upon the demand of the new library's trustees.

1. Whenever a new county library is provided for in any county whose population is 45,000 or more, the trustees of any district library in the county previously established may transfer all books, funds, equipment or other property in the possession of such trustees to the new library upon the demand of the trustees of the new library. ....

Nev. Rev. Stat. Ann. § 379.050

## II. County Library Districts

If petitions praying for a county library district's formation and a public library's establishment and setting forth the proposed district's boundaries are certified by any judicial district's district judge as signed by 10% of the taxpayers or by taxpayers representing 10% of the proposed district's taxable property (as shown by the county's last preceding assessment roll) and presented to board of county commissioners of the county where the proposed district's territory is situated, accompanied by an affidavit of 1+ signers that the signatures are genuine, the board of county commissioners must then take action at its next regular meeting after the petitions are presented. The board must pass a resolution that a district with defined boundaries is to be establish and have notice published in a newspaper of general circulation within the district once a week for two weeks. The board must also allow thirty days after the notice's publication during which all the district's taxpayers may file protests with the county clerk. If the protests are less than 10% of the taxpayers voting in the last general election, the board must order the district's creation and public library's establishment, and levy taxes for the library's maintenance and support. If the protests are more than 10% of the taxpayers voting in the last general election, the board may proceed no further without submitting the question to voters at a primary or general election. At such an election, if the majority of votes are in favor of the district, the board must within ten days of the election order the district's creation and a public library's establishment. Once the district is created and a public library established, the board must, at the next time for levying taxes and each year after, in the manner other taxes are levied, levy a tax on all taxable property in the county library district for the library fund.

1. Whenever in any county a petition or petitions praying for the formation of a county library district and the establishment of a public library therein setting forth the boundaries of the proposed library district, certified by the district judge of any judicial district as being signed by 10 percent of the taxpayers or by taxpayers representing 10 percent of the taxable property in the proposed county library district, as shown by the last preceding assessment roll of the county, is presented to the board of county commissioners of the county in which the territory of the proposed county library district is situated, accompanied by an affidavit or affidavits of one or more of the signers thereof that the signatures thereto are genuine, the board of county commissioners shall, at its next regular meeting after the petition or petitions are so presented:

(a) Pass a resolution to the effect that a county library district with properly defined boundaries is to be established and cause to be published a notice thereof in a newspaper of general circulation within the district once a week for a period of 2 weeks; and

(b) Allow 30 days after the first publication of the notice during which all taxpayers of the district in which the district library is to be situated have the right to file protests with the county clerk.

2. If the aggregate of protests is less than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall order the creation of the county library district and the establishment of a public library therein and levy taxes in support and continued maintenance of the library in accordance with subsection 5.

3. If the aggregate of protests is more than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall proceed no further with reference to the establishment of a county library district without submitting the question to the voters at a primary or general election.

4. If the majority of votes cast at the election is against the establishment of the county library district, the question is lost and the board of county commissioners shall proceed no further. If the majority of votes is in favor of the county library district, the board of county commissioners shall, within 10 days after the election, order the creation of the county library district and establishment of a public library therein.

5. Upon the creation of a county library district and establishment of a public library therein, the board of county commissioners shall, at the next time for levying taxes and in each year thereafter, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the county library district to create and maintain a fund known as the library fund.

6. All money received by the county treasurer pursuant to subsection 5 and NRS 379.026 may be transferred to a separate account established and administered by the trustees of a district library in accordance with the provisions of NRS 354.603.

Nev. Rev. Stat. Ann. § 379.021

In a county of 45,000+, if there are 2+ county library districts, the districts may merge into one district upon the approval of the merging districts' library trustees. If there is a city or town library adjacent to a county library district, the city or town library may merge with the county library district upon the approval of the merging library and district's trustees or consolidate with the county library district.

... 2. Whenever there are two or more county library districts in any county whose population is 45,000 or more, the districts may merge into one county library district upon approval of the library trustees of the merging districts.

3. Whenever there is a city or a town library located adjacent to a county library district, the city or town library may:

(a) Merge with the county library district upon approval of the trustees of the merging library and district; or

(b) Subject to the limitations in NRS 379.0221, consolidate with the county library district.

4. All expenses incurred in making a transfer or merger must be paid out of the general fund of the new library.

Nev. Rev. Stat. Ann. § 379.050

### III. Consolidated Library Districts

In any county of 700,000+, a county library district's trustees and the governing body of a city within that county may, to establish and maintain a public library, consolidate the city into the county library district.

The trustees of a county library district in any county whose population is 700,000 or more and the governing body of any city within that county may, to establish and maintain a public library, consolidate the city into the county library district.

Nev. Rev. Stat. Ann. § 379.0221

Once a consolidated library district is established, the board of county commissioners must, at the next time for levying taxes and each year after, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the consolidated district for the fund for the consolidated library.

1. Upon the establishment of a consolidated library district, the board of county commissioners shall, at the next time for levying taxes and in each year thereafter, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the consolidated library district for the purpose of creating and maintaining a fund known as the fund for the consolidated library.

2. All money received by the county treasurer pursuant to subsection 1 and NRS 379.026 may be transferred to a separate account established and administered by the trustees of a consolidated library district in accordance with the provisions of NRS 354.603.

Nev. Rev. Stat. Ann. § 379.0227

#### IV. Town Libraries

Libraries established in unincorporated towns before July 1, 1967 may be maintained. In the county where the library exists, the board of county commissioners must annually, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the unincorporated town for the town library fund.

1. Any free public library existing on July 1, 1967, which was established in an unincorporated town pursuant to the provisions of chapter 90, Statutes of Nevada 1895, or of NRS 379.070 to 379.120, inclusive, may be maintained pursuant to NRS 379.005 to 379.040, inclusive.
2. So long as such library is so maintained, the board of county commissioners of the county in which such library exists shall each year, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in such unincorporated town for the purpose of maintaining a fund to be known as the town library fund.

Nev. Rev. Stat. Ann. § 379.023

#### V. City Libraries

Libraries established in cities may be maintained as city libraries.

Any free public library which has been established in a city pursuant to chapter 90, Statutes of Nevada 1895, or any other law prior to July 1, 1967, or which is established after July 1, 1967, may be maintained and shall be governed by the provisions of NRS 379.070 to 379.120, inclusive.

Nev. Rev. Stat. Ann. § 379.070

#### VI. Regional Libraries

Any 2+ political subdivisions may join in establishing and maintaining a regional library through their governing bodies' written joint agreement.

1. Any two or more political subdivisions may join in establishing and maintaining a regional library through a written joint agreement of their governing bodies.
2. The agreement shall provide for the fair apportionment of expenses and that the treasurer or other fiscal officer of one of the participating political subdivisions shall be selected as treasurer of the regional library and shall have custody of the funds of the regional library.

Nev. Rev. Stat. Ann. § 379.143

#### VII. Regional Network of Libraries

Two or more libraries' governing bodies may agree to form a regional network of libraries.

1. The governing bodies of two or more libraries may enter into an agreement to form a regional network of libraries for the purpose of facilitating regional cooperation, improved communications and sharing of resources. The purposes of the regional network may be furthered by such activities as:
  - (a) Developing and operating interlibrary systems to improve access to dispersed library and information services.
  - (b) Applying new technologies for improved efficiency in the use and availability of resources.
  - (c) Improving access to advanced research which will help increase productivity and solve emerging problems of common concern.
2. An agreement to form a regional network of libraries is subject to the provisions of the Interlocal Cooperation Act.

Nev. Rev. Stat. Ann. § 379.1475

## New Mexico

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#### Relevant Authority

Chapter 18 (Libraries, Museums and Cultural Properties) doesn't actually have much about public libraries. Libraries are better found in Chapter 3 (Municipalities) or 4 (Counties). There is little information about on library funding. Libraries seem to be funded by municipalities and counties out of their gross receipts or property tax revenue (see The University of New Mexico's study on options for funding local libraries, <http://www.nmstatelibrary.org/docs/funding/towardsustainablefundingforlibraryoperations.pdf>.)

## Types of Libraries

There are municipal and county libraries.

### I. Municipal Libraries

Municipalities may establish and maintain libraries. A municipality may contract with other entities for the furnishing of library services. To establish a county or regional library, a municipality may convey its library facilities to the county as party of a contract for furnishing library services to the municipality's inhabitants by the county or regional library.

**A.** A municipality may establish and maintain a free public library under proper regulation and may receive, hold and dispose of a gift, donation, devise or bequest that is made to the municipality for the purpose of establishing, increasing or improving the library. The governing body may apply the use, profit, proceeds, interests and rents accruing from such property in any manner that will best improve the library and its use.

**B.** After a public library is established, the secretary of state shall furnish to the public library a copy of any work subsequently published under his authority.

**C.** A municipality establishing a public library may enter into contracts and joint powers agreements with other municipalities, counties, local school boards, post-secondary educational institutions and the library division of the office of cultural affairs [cultural affairs department] for the furnishing of library services. In the interest of establishing a county or regional library, a municipality may convey its library facilities to the county as part of a contract for furnishing library services to the inhabitants of the municipality by the county or regional library.

N.M. Stat. Ann. § 3-18-14

### II. County Libraries

Counties may establish and maintain libraries. Counties may also contract with other entities for the furnishing of regional library services.

**A.** A county may establish and maintain a free public library under proper regulation and may receive, hold and dispose of a gift, donation, devise or bequest that is made to the county for the purpose of establishing, increasing or improving the library. The governing body may apply the use, profit, proceeds, interest and rents accruing from such property in any manner that will best improve the library and its use.

**B.** A county establishing a public library may enter into contracts and joint powers agreements with other counties, municipalities, local school boards, post-secondary educational institutions and the library division of the office of cultural affairs [cultural affairs department] for the furnishing of regional library services.

N.M. Stat. Ann. § 4-36-2

## North Dakota

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### Relevant Law

Under Title 40 (Municipal Government), Chapter 40-38 covers public libraries. County libraries seem to be covered there rather than in Title 11 (Counties). Regional library cooperatives are found elsewhere under Title 54 (State Government) Chapter 54-24.3.

## Types of Libraries

City and county libraries seem to be grouped together within municipal government. There may also be regional library cooperatives.

### I. City and County Libraries

Upon petition of at least 51% of a city or county's electors, as determined by the total votes at the last general election, or upon a majority vote on the question, a city or county's governing body must establish and maintain public library service by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with 1+ cities or counties, or by participation in an approved state plan for rendering public library service. The question must be submitted to the electors upon the governing body's resolution or upon the petition of at least 25% of the city or county's qualified electors that voted in the last general election filed with the governing body not less than ninety days before the next regular election.



The governing body of any city or county upon petition of not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election or upon a majority vote of the qualified electors thereof voting on the question shall establish and maintain public library service within its geographic limits by means of a public library and reading room or other public library service, either singly or in cooperation with the state library, or with one or more cities or counties, or by participation in an approved state plan for rendering public library service under the Library Services and Construction Act [20 U.S.C. 351-358], and acts amendatory thereof. Such question shall be submitted to the qualified electors upon resolution of the governing body or upon the petition of not less than twenty-five percent of that number of qualified electors of the city or county that voted at the last general election, filed with the governing body not less than ninety days before the next regular election. Library service may be discontinued within any city or county by any of the methods by which library services may be established, except that once established, such service shall not be discontinued until after it has been in operation for at least five years from the date of establishment.

N.D. Cent. Code, § 40-38-01

To establish and maintain library service, a municipality or county's governing body may establish a library fund. The funds must consist of annually levying and collecting, as other taxes are collected, a municipal or county tax not exceeding statutory limitations. The library's governing body may annually request a tax not exceeding statutory limitations from the city or county's governing body. A city or county's governing body may levy this tax. If a county levies for county library service and a city levies for public service, the county tax levy within that city must be reduced so that the total levy in the city doesn't exceed four mills. If a city is totally exempted from county library service levy, the exempted city's electors mustn't be entitled to vote on county library service. Upon the governing body's motion or upon petition of at least 25% of the qualified electors in any city, school district, township, or county's last general election, filed not less than sixty days before the next election, the governing body must submit the question of if the governing body shall increase the mill levy a specified amount for public library service above the statutory mill levy limitation at the next election. The governing body may call a special election at any time to vote on the question, and the election must be called, conducted, and certified as other elections are in that political subdivision. If 60% of voters approve the increase, the governing body must increase the levy in the amount approved.

1. For the purpose of establishing and maintaining public library service, the governing body of a municipality or county authorizing the same shall establish a library fund. The library fund shall consist of annually levying and causing to be collected as other taxes are collected a municipal or county tax not exceeding the limitations in subsection 6 of section 57-15-06.7 and subsection 4 of section 57-15-10 and any other moneys received for library purposes from federal, state, county, municipal, or private sources. In the year for which the levy is sought, a library board seeking approval of a property tax levy under this chapter must file with the auditor of each participating municipality or county, at a time and in a format prescribed by the auditors, a financial report for the preceding calendar year showing the ending balances of each fund held for the library board during that year.
2. The city auditor or county treasurer shall establish and maintain the fund to account for library revenues and shall make payments from the fund for invoices that have been submitted and approved by the governing body of the library. In the case of a contract with another library for service delivery, the city auditor or county treasurer shall promptly transmit all funds received to the established library fund of the agency delivering service. On request of the city auditor or county treasurer and during an audit, the governing board of the library shall supply its records. The records must be provided on a timely basis. The fund may not revert to the governing body of the city or county at the end of any fiscal year. The fund must be used exclusively for the establishment and maintenance of public library service.
3. The governing board of the library may request annually from the governing body of a city or county a tax not exceeding the limitation in subsection 15 of section 57-15-06.7 and subsection 5 of section 57-15-10. Such tax may be levied by the governing body of a city or county.
4. If a county levies for county library service and a city levies a tax for public library service under this section, the county tax levy within that city must be reduced so the total levy in that city does not exceed four mills. If the city has been totally exempted from county library service levy under this section, the phrase "not less than fifty-one percent of the qualified electors of the city or county as determined by the total number of votes cast at the last general election" as stated in section 40-38-01 shall mean fifty-one percent of the total number of votes cast at the last general election in the county less the total number of votes cast at the last general election in the city. If an election on the question is held, the qualified electors of any city so exempted from the county library tax shall not be entitled to vote on the establishment or discontinuance of the county library service.
5. Upon motion of the governing body or upon petition of not less than twenty-five percent of the qualified electors in the last general election of any city, school district, township, or county, filed not less than sixty days before the next election, the governing body shall submit to the qualified electors at the next election the question of whether the governing body shall increase the mill levy a specified amount for public library service above the mill levy limitation set out in this section. The governing body may call a special election at any time for the purpose of voting on the question, and the election shall be called, conducted, and certified as are other elections in that political subdivision. Upon approval by sixty percent of the qualified electors voting in the election, the governing body shall increase the levy for public library service in the amount approved by the qualified electors.

N.D. Cent. Code, § 40-38-02

The governing bodies of any city, county, or both may enter into a written agreement to establish and maintain joint library services with 1+ cities, counties, or both. Taxes within the service area covered under the written agreement and outside the city limits may be levied like a county library fund levy, and taxes within the service area within city limits may be levied like a city library fund levy. After July 1, 1981, joint library services mustn't be permitted unless approved by the electors of each individual city or county considering the question.

1. Upon compliance with section 40-38-01 for the establishment of public library services, public library services may be jointly provided through a written agreement between the governing bodies of any city or county or both to establish and maintain joint library services with one or more cities or counties or both.

2. A party shall be bound to an agreement entered into under subsection 1 for an initial five-year term and subsequent five-year terms unless it provides other parties to the agreement with notice of intent to withdraw from the agreement at least two years before the proposed date of withdrawal.

5. A joint library fund shall be established for the public library services covered by the agreement. Each city or county represented in the agreement shall provide its pro rata share of funds for the services, as specified in the agreement, from the funds received under section 40-38-02. Taxes within the service area covered by the written agreement under subsection 1 which is outside city limits may be levied within the limitations and according to the procedures provided by law for a county library fund levy and taxes within the service area that is within city limits may be levied within the limitations and according to the procedures provided by law for a city library fund levy. ...

9. Agreements for public library services between cities or counties or both may be provided under this section or other provisions of this chapter and may not be provided under chapter 54-40 or other provisions of law.

10. After July 1, 1981, the establishment of joint library services pursuant to this section shall not be permitted unless approved by the electors of each individual city or county considering the question.

N.D. Cent. Code, § 40-38-11

## II. Regional Library Cooperatives

The ND library coordinating council may contract to establish regional library cooperatives.

In the administration of this chapter, the North Dakota library coordinating council may:

1. Adopt rules for the conduct of business.
2. Provide guidance for the development, implementation, and improvement of regional library cooperatives.
3. Enter contracts necessary for establishing and governing regional library cooperatives.
4. Use the staff of the state library in consultation with the state librarian.
5. Adopt a compensation plan for staff as necessary for establishing and governing regional library cooperatives.
6. Set the terms and conditions of statewide service contracts with libraries.
7. Determine necessary or desirable regional or statewide library programs or services.
8. Propose standards for service.
9. Set reimbursement formulas among regional library cooperatives for reciprocal borrowing and other cooperative plans and set statewide policies for reimbursement formulas for reciprocal borrowing.
10. Conduct periodic performance reviews of all categories of coordinating council grant-funded projects and make service revisions.

N.D. Cent. Code, § 54-24.3-03

## Oklahoma

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### Relevant Law

Title 65 (Public Libraries) covers libraries, though Chapters 3 (County Libraries) and 4 (City and Town Libraries) have been repealed. The Oklahoma Constitution Article X mentions taxation for libraries.

### Types of Libraries

There are particular provisions for libraries in different statutes, including under the Oklahoma Constitution, the City-County Library Act (Title 65 Chapter 6), and the Metropolitan Library Act (Title 65 Chapter 9). These



provisions will be covered first. In addition, counties, cities and towns may operate multicounty systems. Counties, cities, and towns may also create and maintain rural single county library systems.

### **I. Libraries under the Oklahoma Constitution**

To provide funds to establish or maintain public libraries or library services, special annual recurring ad valorem tax must be levied when a majority vote of the county, voting on the question at an election called for that purpose by the Board of County Commissioners, either by its own initiative or upon a petition initiated by at least 10% of the county's qualified electors based on the total number of votes cast at the last general election for the county office receiving the highest number of votes at such an election, approve the levy. In counties of less than 150,000, according to the most recent Federal Decennial Census, the special annual recurring ad valorem tax levy mustn't be less than one mill or more than four mills on the dollar of the assessed valuation of all taxable property in the county. The special levy is in addition to all other levies. This provision doesn't prohibit other levies for public libraries and library services.

To provide funds for the purpose of establishing and maintaining or aiding in establishing and maintaining public libraries and library services, a special annual recurring ad valorem tax shall be levied when such levy is approved by a majority vote of the qualified electors of the county voting on the question at an election called for that purpose by the Board of County Commissioners, either upon its own initiative or upon petition initiated by not less than ten percent (10%) of the qualified electors of the county based on the total number of votes cast at the last general election for the county office receiving the highest number of votes at such an election.

Except as provided in this section, in a county having less than one hundred fifty thousand (150,000) population, according to the most recent Federal Decennial Census, the special annual recurring ad valorem tax levy shall be not less than one (1) mill nor more than four (4) mills on the dollar of the assessed valuation of all taxable property in the county. In a county having more than one hundred fifty thousand (150,000) population or in a multicounty library system with a county having more than one hundred fifty thousand (150,000) population, according to the most recent Federal Decennial Census, the special annual recurring ad valorem tax levy for each such county shall be not less than one (1) mill nor more than six (6) mills on the dollar of the assessed valuation of all taxable property in the county.

This special levy shall be in addition to all other levies and when authorized shall be made each fiscal year thereafter until such authority shall be cancelled by a majority vote of the qualified electors of the county voting on the question at an election called for that purpose by the Board of County Commissioners upon petition initiated by not less than twenty percent (20%) of the qualified electors of the county based on the total number of votes cast at the last general election for the county office receiving the highest number of votes at such an election.

The proceeds of such levy shall be used by the county for creation, development, operation and maintenance of such public libraries and library services as are authorized by the Legislature. Nothing herein shall prohibit other levies for public libraries and library services or the use of other public funds for such purposes. All expenditures of the proceeds of such levies shall be made in accordance with laws heretofore or hereafter enacted concerning such libraries and library services. The provisions hereof shall be self-executing.

Okl. Const. Art. X, § 10A

### **II. Libraries under the City-County Library Act**

Under the City-County Library Act, a county's board of county commissioners may contract with a city's governing body to establish a city-county library system.

Any county of the state is hereby authorized to avail itself of the provisions of this act and to combine its funds with the funds of a city to be expended for the purposes herein set forth. The board of county commissioners of any such county in this state is hereby authorized to contract with the governing body of a city, as herein provided, for the establishment of a city-county library system.

65 Okl. St. § 153

The Act creates in counties availing themselves of its provisions a city-county library commission.

The purpose of this act is to foster and promote the establishment, maintenance and operation of city-county library systems in order to give all of the citizens of the counties affected hereby equal access to comprehensive library collections. It is the policy of the state to encourage the formation of such cooperative library systems to the end of avoiding unnecessary duplication in the maintenance and operation of public libraries and to stimulate the use of books and other library materials.

In order to make adequate library services available to the residents of the more densely populated counties of this state, to provide for the most efficient development of library facilities within such counties and to provide for each of such counties a city-county library system, there is hereby created in each of such counties which avails itself of the provisions of this act a city-county library commission, with the powers and duties set out in this act.

65 Okl. St. § 152

Such commissions have the power to establish city-county library systems.

Every city-county library commission created by this act shall have all the powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including in addition to others herein granted, the following powers:

- (a) To establish a city-county library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.
- (b) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.
- (c) To erect, maintain, and operate public library buildings at one or more places in the county.
- (d) To accept transfer of any existing public library or libraries by lease or other conveyance.
- (e) To acquire by purchase or otherwise books and other personal property customarily used in the operation of public libraries, including necessary motor vehicles.
- (f) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the commission finds that said property is not needed for library purposes.
- (g) To accept, hold, and convey legal title to interests in real property in the name "City-County Library Commission of County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the commission by the chairman and shall be attested by the secretary, only after authorization by resolution of the governing body of the city and the board of county commissioners.
- (h) To accept, or in its discretion to decline donations tendered to the city-county library system.
- (i) To administer the expenditure of any funds which may become available for library purposes pursuant to the provisions of Section 10A, Article X of the Constitution of the State of Oklahoma.
- (j) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

65 Okl. St. § 158

City-county library commissions in counties of less than 200,000 have additional limitations. The exercise of the commissions' powers is subject to the board of county commissioners and city's approval.

In exercising its powers and fulfilling its duties, a commission for a city-county library in a county having a population of less than two hundred thousand (200,000) shall be subject to the following limitations in addition to other limitations specifically provided by statute:

1. The commission's exercise of the powers granted pursuant to Section 158 of this title shall be subject to approval by the governing body of the city and the board of county commissioners;
2. The commission shall submit its fee schedules, contracts, expenses and annual budget for approval of the governing body of the city and the board of county commissioners;
3. The commission may contract for, receive, utilize and disburse any grants or other financial assistance from the United States or from any other source only in such manner as may be agreed upon by the governing body of the city and the board of county commissioners;
4. Vouchers to pay claims authorized by the commission may be issued only after the claims have been approved by the governing body of the city and the board of county commissioners; and
5. The commission may execute deeds or other conveyances of interests in real property only after authorization by resolutions of the governing body of the city and the board of county commissioners.

65 Okl. St. § 158.1

In any county, any other city or town's governing body may contract with the city-county library commission, subject to approval of the board of county commissioners and city's governing body, to bring the other city or town into the city-county library system upon mutually agreed upon terms.

The governing body of any other city or town in any county is authorized to contract with the city-county library commission, subject to the approval of the governing body of the city and the board of county commissioners, to bring such other city or town into the city-county library system, upon such terms as may be mutually agreed upon, and for that purpose may lease to the city-county library commission any library facilities or property which such other city or town may own, may include in its annual budget appropriations for participation in the city-county library system, and shall pay over to the city-county library system funds so appropriated.

65 Okl. St. § 159

### III. Library under the Metropolitan Library Act

The Metropolitan Library Act creates in counties that avail themselves of its provisions a metropolitan library commission.

The purpose of this act is to foster and promote the establishment, maintenance and operation of city-county library systems in order to give all of the citizens of the counties affected hereby equal access to comprehensive library collections. It is the policy of the state to

encourage the formation of such cooperative library systems to the end of avoiding unnecessary duplication in the maintenance and operation of public libraries and to stimulate the use of books and other library materials.

In order to make adequate library services available to the residents of the more densely populated counties of this state, to provide for the most efficient development of library facilities within such counties and to provide for each of such counties a city-county library system, there is hereby created in each of such counties which avails itself of the provisions of this act a metropolitan library commission, with the powers and duties set out in this act.

65 Okl. St. § 553

These metropolitan library commissions have the power to operate and maintain city-county library systems.

Every metropolitan library commission created by this act shall have all powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others herein granted, the following powers:

(a) To operate and maintain a city-county library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(b) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(c) To erect, maintain, and operate public library buildings at one or more places in the county.

(d) To accept transfer of any existing public library or libraries by lease or other conveyance.

(e) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles.

(f) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the commission finds that said property is not needed for library purposes.

(g) To accept, hold, and convey legal title to interests in real property in the name "Metropolitan Library Commission of County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the commission by the chairman and shall be attested by the secretary.

(h) To accept, or in its discretion to decline, donations tendered to the city-county library system.

(i) To administer the expenditure of any funds which may become available for library purposes pursuant to the provisions of Article X, Section 10A of the Constitution of the State of Oklahoma.

(j) To borrow on the credit of the commission for a period of time not to exceed one (1) year.

(k) To do all other things necessary or desirable to carry out the purposes and provisions of this act.

65 Okl. St. § 558

The Act applies to joint city-county public libraries in counties with 100,000+ residents according to the latest Federal Decennial Census. Counties of more than 100,000 that have a metropolitan library system may elect to come under the Act upon the city-county library commission's majority vote.

This act shall apply to any joint city-county public libraries established and maintained under the provisions of Article X, Section 10A of the Oklahoma Constitution in any county having a population of one hundred thousand (100,000) or more according to the latest Federal Decennial Census, provided, that in counties with more than one hundred thousand (100,000) population, and having a metropolitan library system, such library may elect to come under the provisions of this act upon a majority vote of the city-county library commission.

65 Okl. St. § 552

In any county, any other city or town's governing body may contract with the metropolitan library commission to bring such other city or town into the city county library system under mutually agreed upon terms.

The governing body of any other city or town in any county is authorized to contract with the metropolitan library commission, to bring such other city or town into the city-county library system, upon such terms as may be mutually agreed upon, and for that purpose may lease to the metropolitan library commission any library facilities or property which such other city or town may own, may include in its annual budget appropriations for participation in the city-county library system, and shall pay over to the city-county system funds so appropriated.

65 Okl. St. § 559

#### IV. Multicounty Systems

Counties, cities and towns may join in creating and operating public libraries to service multicounty systems. These systems' creation and organization, and the district to be served, are subject to the Oklahoma Department of Libraries Board's approval. After establishment, the systems must be subject to accreditation by the Oklahoma Department of Libraries board. Parts of an adjacent county may be added to or included in multicounty systems if

the system board, petitioning parties and Oklahoma Department of Libraries Board agree on the addition. Special levies of taxes are authorized for library systems' support.

When any multicounty system is established under provisions of this act, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment. Existing public libraries not incorporated into the system shall have the same relationship to the system as similar public libraries outside the district have to the local system and to other systems.

Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public libraries to serve multicounty systems, and to appropriate and allocate funds for the support of such systems. Such systems shall provide equitable library services to all persons in the district.

To insure the effective development of library service in all rural and urban areas, the creation and organization of library systems and the district to be served shall be subject to approval by the Oklahoma Department of Libraries Board in accordance with the provisions of Article X, Section 10A of the Oklahoma Constitution. After establishment, library systems shall be subject to accreditation by the Oklahoma Department of Libraries Board.

Parts of an adjacent county may be added to or included in multicounty systems if these additions are determined by agreement of the system board, the petitioning parties, and the Oklahoma Department of Libraries Board to be the most feasible way to provide public library services to such part of a county.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under this and other Oklahoma Statutes as amended and the Oklahoma Constitution as amended are hereby authorized to be levied for support of library systems.

When any multicounty system is established under provisions of this act, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment. Existing public libraries not incorporated into the system shall have the same relationship to the system as similar public libraries outside the district have to the local system and to other systems.

65 Okl. St. § 4-101

A multicounty library system may be created by resolution or ordinance approved by the board of county commissioners, or by the governing bodies of all cities and towns of 200,000+ within the proposed district, or by the county seat town if no city or town within a county has a population of 200,000+, subject to the Oklahoma Department of Libraries Board's approval. A library system may be created upon the concerned county, city, and town governing bodies' initiative, or upon presentation of petitions, signed by at least 10% of the electors of each county voting in the last general election, to the board of county commissioners of each county. Upon receiving the petitions, the boards of each county must call for a countywide vote.

A library system may be created by resolution or ordinance approved by the boards of county commissioners or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the latest U.S. Census within the proposed district, or by the county seat town if no city or town within a county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. Such resolution and ordinances shall specify the type of system to be created, the district to be served, organization of the governing board of the system, proposed financing including agreement to call for a vote of the people as necessary for special tax levies, and shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

A library system may be created upon initiative of the county, city and town governing bodies concerned, or upon presentation of petitions to the board of county commissioners of each county signed by not less than ten (10%) percent of the qualified electors of each county voting in the latest preceding general election. Upon receipt of such petitions, the board of county commissioners of each county shall forthwith call for a countywide vote on the proposed library system.

When approval of the proposed system is granted by the Oklahoma Department of Libraries Board, the county, city and town governing bodies shall proceed with appointment of the system board and financing.

After appointment of the governing board of the library system, it may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and/or may request a grant of funds for interim services before collection of special tax levies by the people of the district.

The boards of county commissioners and the governing bodies of cities and towns involved in creation of a library system, and the governing board of the library system, are authorized to enter into contracts and agreements by and between such governing bodies and with other such library systems, special and school and college libraries, and the Oklahoma Department of Libraries in affecting the purposes of this article and other articles of this Code.

After a system has been created, another county or counties may be added to the system by action of the governing bodies of the applicant counties and cities as provided in the procedure for establishment.

Any library system created under the provisions of this Code may be terminated, or a part thereof may withdraw and resulting special tax levies shall be discontinued only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty (20%) percent of the qualified electors voting in the latest preceding general election of the county or counties wishing to terminate or withdraw.

This provision for termination of all or a part of a library system shall not prohibit the reorganization of any system, or the transfer of part of a system to another system or the merging of systems, by act of the county, city and town governing bodies with approval of

the Oklahoma Department of Libraries Board, provided that such changes do not result in termination of library service in any other area for which such service has been approved.

65 Okl. St. § 4-102

Multicounty library systems may receive funds through special library tax levies. The governing boards of cities, towns, counties, and library systems established by popular vote may submit special taxes to a vote for levying in and by the cities, towns, counties, and library system districts. The Oklahoma Department of Libraries Board must approve any library system's initial financing.

Library systems are hereby authorized and empowered to receive and allocate funds for establishment, development and maintenance of library facilities and services through special library tax levies as hereinafter provided and other funds, including appropriations from city, town and county general funds, state and federal grants-in-aid, and other public and private funds. All such funds received and appropriated may be used for library services throughout the library district.

(a) The governing boards of cities, towns, counties, and library systems established by vote of the people, as authorized, may submit to a vote of the people special tax levies of any tax or taxes which are or may be authorized for levying in and by cities, towns, counties and library system districts.

(b) The initial financing of any library system established under this act shall be approved by the Oklahoma Department of Libraries Board.

65 Okl. St. § 4-107

## V. Rural Single County Library Systems

Counties, cities and towns may create and maintain rural single county library systems. After establishment, a rural single county library system must be accredited by the Oklahoma Department of Libraries Board. Counties, cities and towns may make special levies of taxes for rural single county library systems' support. Existing public libraries in the county may be incorporated into the system under a unified administration by act of local governing bodies or a vote.

Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public libraries to serve rural single county library systems, and to appropriate and allocate funds for the support of such systems. The systems shall provide equitable library services to all persons in the county.

After establishment a rural single county library system must be accredited by the Oklahoma Department of Libraries Board.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under Oklahoma Statutes and the Oklahoma Constitution are hereby authorized to be levied for support of rural single county library systems.

When any rural single county library system is established, existing public libraries in the county may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment of the rural single county library systems. Existing public libraries in the county that are not incorporated into the system shall have the same relationship to the system as similar public libraries outside the county have to the local system and to other systems.

65 Okl. St. § 4-201

A rural single county library system may be created by resolution or ordinance approved by the board of county commissioners, or by the governing bodies of cities or towns of 2,000+, or by the county seat town if not city or town within the county has a population of 2000+, subject to the Oklahoma Department of Libraries Board's approval. A rural single county library system may be proposed upon an ordinance of the city and town governing bodies, or upon presentation of petitions signed by at least 10% of the electors of each county voting in the last general election, to the board of county commissioners of the county requesting a vote on library funding. The board of county commissioners must then call a countywide vote. Upon the levy's approval in a vote, the board must submit application to the Oklahoma Department of Libraries Board for approval of the system. The application must specify the type of system, the county served, the system's governing board's organization (listing board members and their terms), and the financing arrangement (including the record of the vote for special tax levies). A rural single county system may be joined with another county or counties to form a multicounty library system upon the board of county commissioners' action.

A rural single county library system may be created by resolution or ordinance approved by the board of county commissioners or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the most recent federal decennial census within the proposed district, or by the county seat town if no city or town within the county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. The resolution and ordinances shall specify the type of



system to be created, the county to be serviced, organization of the governing board of the system, and proposed financing including agreement to call for a vote of the people as necessary for special tax levies. The resolution shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

Upon approval of the proposed system by the Oklahoma Department of Libraries Board, the county, city and town governing bodies may proceed with appointment of the system board and financing.

The system board may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and may request a grant of funds for interim services before collection of special tax levies by the people of the district.

A rural single county library system may be proposed upon resolution or ordinance of the city and town governing bodies as provided in this section or upon presentation of petitions to the board of county commissioners of the county signed by not less than ten percent (10%) of the qualified electors of each county voting in the last general election requesting a vote on library funding. Upon receipt of such petitions, the board of county commissioners shall call a countywide vote on the proposed system funding. Upon approval of the proposed ad valorem levy in a countywide vote, the board of county commissioners shall submit application for approval of the system to the Oklahoma Department of Libraries Board. The application shall specify the type of system to be created, the county to be served, organization of the governing board of the system including a list of board members and their terms, and the financing arrangement including the record of the vote of the people for special tax levies.

The board of county commissioners and the governing boards of cities and towns involved in creating the system and the governing board of the library system are authorized to enter into contracts and agreements with each other, other library systems, special libraries, school and college libraries, district boards of education, and the Oklahoma Department of Libraries as necessary to effect the purposes of this act.

A rural single county system may be joined with another county or counties to form a multicounty library system upon action of the board of county commissioners. A multicounty system formed between a county having a rural single county system and other counties may be formed only upon compliance with the procedures for establishment of a multicounty library system set forth in the Oklahoma Statutes.

A rural single county library system created under the provisions of this act may be terminated only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty percent (20%) of the qualified electors voting in the last preceding general election in the county.

65 Okl. St. § 4-202

## Oregon

### Relevant Law

Within Title 30 (Education and Culture), Chapter 357 covers libraries.

### Types of Libraries

There are public libraries that may be established by any local governmental unit. Counties' governing bodies may also form multicounty districts.

### I. Public Libraries

Any local government unit may establish and maintain a public library. Units may also contract with established public libraries, or with private societies or corporations that own and operate secular or nonsectarian libraries, to provide a local governmental units' residents with free use of that library under agreed upon terms and conditions. Local government units may annually levy and collect, as other general taxes are collected, a tax upon the taxable property in the unit to provide a library fund to maintain a library. Units may also levy and collect, as other taxes are collected, a special tax upon the taxable property in the unit to provide a building fund used to purchase real property and erect and equip library buildings. Also, units may levy or impose other taxes as authorized by city or home rule county charter.

Any local government unit may:

- (1) Establish, equip and maintain a public library.
- (2) Contract with an established public library or with a private society or corporation owning and controlling a secular or nonsectarian library for the purpose of providing free use of the library for the residents of the local government unit, under such terms and conditions as may be agreed upon.
- (3) Contract with one or more units of local government or library boards pursuant to ORS 190.003 to 190.620 to provide jointly a public library or public library service or share in the use of facilities, under such terms and conditions as may be agreed upon.
- (4) Enter into an interstate library agreement pursuant to Article VI of the Interstate Library Compact (ORS 357.340).
- (5) Contract with the State Library Board for assistance in establishing, improving or extending public library service.
- (6) Levy annually and cause to be collected, as other general taxes are collected, a tax upon the taxable property in the local government unit to provide a library fund to be used exclusively to maintain such library.

(7) Levy and cause to be collected, as other taxes are collected, a special tax upon the taxable property in the local government unit, or contract bonded indebtedness under the provisions of ORS chapter 287A to provide a public library building fund to be used exclusively for the purchase of real property for public library purposes and for the erection and equipping of public library buildings including branch library buildings.

(8) Levy or impose such other taxes as may be authorized to the unit by city charter or the charter of a home rule county.

ORS § 357.410

A local government unit may establish a library in three ways. First, the governing body may pass and enter upon its minutes a resolution or ordinance establishing the library. Second, when a petition requesting an election on the question of a library is filed, the body must make and enter an order for an election requesting voter approval of the library. Third, upon its own motion, the body may make and enter an order for an election requesting the electors' approval of library. Requirements for initiative petitions and elections are specified by statute.

(1) A public library may be established by a local government unit by any of the following ways:

(a) The governing body may pass and enter upon its minutes a resolution or ordinance to the effect that a public library is established under the provisions of ORS 357.400 to 357.621.

(b) When a petition requesting an election on the question of establishing and supporting a public library is filed as provided in this section, the governing body shall make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(c) Upon its own motion, the governing body may make and enter an order for an election requesting approval by the electors of the establishment and support of a public library.

(2) Except as provided in subsection (3) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:

(a) In the case of a county, in ORS 250.165 to 250.235.

(b) In the case of a city, in ORS 250.265 to 250.346.

(c) In the case of any other local government unit, in ORS 255.135 to 255.205.

(3) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.

(4) Elections held under this section shall be held on a date specified in ORS 255.345.

ORS § 357.417

A governing body's order that establishes a library or orders an election requesting approval of establishment must state the manner in which the local government unit proposes to finance the library, included the estimated amount of annual tax levy needed to provide for the library. The order must state if the governing body has determined that financing may only be had through a local option tax submitted to electors. Statutory provisions govern the notice, time and manner of that election.

If a governing body acts under ORS 357.417 (1)(a) or (c), its order shall state the manner in which the local government unit proposes to finance the library, including the estimated amount of any annual tax levy necessary to provide for the library. If the governing body determines that financing may be had only through a local option tax to be submitted to the electors pursuant to ORS 357.525, the order shall so state. The notice, time and manner of election shall be governed by the applicable provisions of ORS chapters 250 and 255.

ORS § 357.430

Local governments acting under any of the three methods of establishment must in writing notify the State Library of their plans for establishing a library. The State Library must respond within thirty days in writing, commenting on the establishment plan and its relationship to long-range plans for library services' statewide development and coordination. The State Library's advice or comment isn't binding upon the local unit, and if no advice or comment is received within thirty days of the request, the local unit may act without further delay.

Any local government unit acting under ORS 357.417 shall notify in writing the State Library of its plan for establishing a public library. The State Library shall respond in writing within 30 days, commenting on the plan for establishing the library and on its relationship to the long-range plans for the statewide development and coordination of library services. The State Library's advice or comment is not binding upon the local government unit, and if no such advice or comment is received within 30 days of the request, the local government unit may act without further delay.

ORS § 357.435

If financing the library with a local option tax, such tax must be submitted at an election. A local government unit's governing body may order the election on its own resolution or order the election when a petition is filed. The resolution or petition calling the election must state the purpose for which the funds are to be expended, the period during which the proposed tax is to be levied, and the amount to be levied each year – which must be uniform through the levy period. Requirements for the petition's preparation, circulation, and filing are specified by statute.

- (1) A local option tax for any of the purposes stated in ORS 357.410, 357.417 or 357.490 shall be submitted at an election as provided in this section. The governing body of the local government unit:
  - (a) May order the election on its own resolution; or
  - (b) Shall order the election when a petition is filed as provided in this section.
- (2) The resolution or the petition calling the election under this section shall state the purpose for which the funds are to be expended, the period during which the proposed taxes are to be levied and the amount to be levied each year, which amount shall be uniform throughout the period of levy.
- (3) Except as provided in subsections (4) and (5) of this section, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition:
  - (a) In the case of a county, in ORS 250.165 to 250.235.
  - (b) In the case of a city, in ORS 250.265 to 250.346.
  - (c) In the case of any other local government unit, in ORS 255.135 to 255.205.
- (4) If ORS 250.265 to 250.346 apply to a city, then notwithstanding ORS 250.325, the city governing body shall submit the local option tax question to the electors without first considering its adoption or rejection.
- (5) If ORS 250.155 makes ORS 250.165 to 250.235 inapplicable to a county or if ORS 250.255 makes ORS 250.265 to 250.346 inapplicable to a city, the requirements for preparing, circulating and filing a petition under this section shall be as provided for an initiative petition under the county or city charter or an ordinance adopted under the county or city charter.
- (6) The notice, time and manner of election shall be governed by the applicable provisions of ORS chapter 250 and:
  - (a) In the case of a county or city, ORS chapters 246 to 260.
  - (b) In the case of any other local government unit, ORS chapter 255.
- (7) Upon approval by a majority of the electors voting at the election, the taxing unit shall levy each year during the approved period the amount so approved. The tax proceeds shall be handled as provided by ORS 357.410 or 357.430, or as otherwise provided by law.

ORS § 357.525

## II. Multicounty Districts

2+ counties' governing bodies may initiative formation of a multicounty district, to be located entirely within those counties. There must be hearings and an election on the proposal.

- (1) In addition to other methods for formation of a district authorized under ORS chapter 198 and ORS 357.216 to 357.286, the governing body in each of two or more counties may initiate the formation of a multicounty district, to be located entirely within those counties, by an order setting forth:
  - (a) The intention of the county governing body to initiate the formation of a district and citing the principal Act.
  - (b) The name and boundaries of the proposed district.
  - (c) The date, time and place of a public hearing on the proposal.
- (2) The orders issued under subsection (1) of this section must be substantially similar, set forth the same name and boundaries for the proposed district and be issued within a 90-day period.
- (3) Each county governing body issuing an order under this section shall hold a public hearing on the proposal.
- (4) After the public hearings held by each county governing body, further hearings and the election on the proposal, and election of board members, shall be conducted as provided by ORS 198.800 to 198.825 except that:
  - (a) Hearings shall be conducted by the governing body of the principal county involved in the proposed formation; and
  - (b) Notwithstanding ORS 198.810 (3), the governing body of the principal county shall provide by order for the holding of an election to submit to the electors registered within the proposed district the question of forming the district.
- (5) As used in this section, "principal county" has the meaning given that term in ORS 198.705.

ORS § 357.223

Each year the district board must determine and fix the amount to be levied and raised by tax for the district's purposes. This total amount mustn't exceed  $\frac{1}{4}$  of 1% (.0025) of the real market value of all taxable property within the district computed in accordance with statute.

Each year the district board shall determine and fix the amount of money to be levied and raised by taxation, for the purposes of the district. The total amount in dollars and cents shall not exceed one-fourth of one percent (0.0025) of the real market value of all taxable property within the district computed in accordance with ORS 308.207.

ORS § 357.266



## South Dakota

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### Relevant Law

Title 14 covers libraries. There is a specific taxation provision for county libraries under Title 7 (Counties) Chapter 7-25 (Public Improvements).

### Types of Libraries

Any governing body may form a library. There are some special rules for counties.

#### I. Generally

Any governing body may provide for a library by establishing one, contracting with an established library for extension of services to the contracting unit's citizens, or joining with 1+ governing bodies to establish a joint public library.

Any governing body may provide public library services by either:

- (1) Establishing a public library;
- (2) Contracting with an established public library for extension of its services and loan of its materials to the citizens of the contracting local governmental unit; or
- (3) Joining with one or more governing bodies under the provisions of chapter 1-24 to establish a joint public library.

S.D. Codified Laws § 14-2-29

The governing body may provide for library service under any of these three options by passing a resolution or ordinance.

Any governing body may provide for public library services under one of the options offered in § 14-2-29 by passing and entering upon its minutes a resolution or ordinance to that effect.

S.D. Codified Laws § 14-2-30

If a majority of its voters at any general election affirmatively answer the question of library services, a governing body must provide for services under one of the three options.

A governing body shall provide for library services under one of the options offered in § 14-2-29 if a majority of its voters at any general election affirmatively answer the question: "Shall the (local governmental unit) provide public library services?"

S.D. Codified Laws § 14-2-31

A governing body must enter an order for the question of library services to be placed on the ballot at the next general election upon receiving a petition signed by registered voters equaling at least 5% of the total votes cast within the local governmental unit's boundaries for all candidates for governor at the last certified gubernatorial election. The body may also enter an order on its own motion.

A governing body shall enter an order for the question as set forth in § 14-2-31 to be placed on the ballot at the next general election upon receipt of a petition signed by a number of registered voters equal to not less than five percent of the total number of votes cast within the boundaries of the local governmental unit for all candidates for Governor at the last certified gubernatorial election or may enter such order upon its own motion.

S.D. Codified Laws § 14-2-32

#### II. Specific Provisions for Counties

If the local governmental unit petitioned is a county and that county contains in its geographical boundaries 1+ municipalities that provide and support public library services, then the petition must be signed only by those living outside of such municipality or municipalities' boundaries, and the election must be held only outside of such municipality or municipalities' boundaries. However, a municipality may be included in the election by a resolution of its governing body, and if a majority of both county and municipal voters, voting separately, vote to provide county

library services, then the municipal library services must cease and the county governmental unit must then provide library services to the municipality.

When a county is the local governmental unit petitioned under the provision of § 14-2-32 and that county contains within its geographical boundaries one or more municipalities which provide and support public library services, then the petition shall be signed only by those people living outside of, and the election mandated in § 14-2-31 shall be held only outside of, the boundaries of such municipality or municipalities; provided, however, that by a resolution of the governing body of a municipality, such municipality may be included in the election and if a majority of both county and municipal voters, voting separately, vote to provide county library services then such municipal public library services shall cease and henceforth be provided the municipality by the county governmental unit.

S.D. Codified Laws § 14-2-33

The board of county commissioners may levy a tax not exceeding ninety cents per thousand collars of taxable valuation to be used to construct, improve or maintain a public library. This tax is in addition to the statutory requirement that the total annual county tax levy for all purposes may not exceed twelve dollars per thousand dollars of taxable valuation.

The board of county commissioners may levy a tax not to exceed ninety cents per thousand dollars of taxable valuation to be used or paid into a fund for the purpose of acquiring a site, constructing, renovating, improving, remodeling, altering, adding to, repairing, erecting or maintaining a courthouse, office, jail building, county exhibition buildings, 4-H and extension buildings, grandstands and bleachers, highway maintenance buildings or public library. The county may cooperate in a joint undertaking for any of the foregoing purposes with any other county, municipality or school district. The levy authorized by this section is in addition to the levy authorized in § 10-12-21 [specifies that the total annual county tax levy for all purposes may not exceed twelve dollars per thousand dollars of taxable valuation]. The proceeds of the levy authorized by this section may be pledged by the county to payments under an agreement entered into pursuant to § 7-25-19 without regard to the limitations of § 7-25-3.

S.D. Codified Laws § 7-25-1

## Texas

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### Relevant Law

Within the Local Government Code, under Title 10 (Parks and Other Recreational and Cultural Resources) Subtitle B (County Parks and Other Recreational and Cultural Resources), county libraries appear in Chapter 323. Municipal libraries appear in Subtitle A (Municipal Parks and Other Recreational and Cultural Resources) Chapter 315 (Miscellaneous Provisions Relating to Municipal Parks and Other Recreational and Cultural Resources). Multi-jurisdictional library districts are in Chapter 336 of Subtitle C (Parks and Other Recreational and Cultural Resources Provisions Applying to More Than One Type of Local Government).

### Types of Libraries

Counties may establish free county libraries. Type A general municipalities may establish free libraries in the municipalities. Multi-jurisdictional library districts are special districts and political subdivisions.

### I. County Libraries

A county's commissioners court may, on its own motion, and must, on petition by a majority of the voters of the county's affected part, establish, maintain, and operate a free county library for county's area located outside municipalities maintaining free public libraries. The county library must be located at the county seat in the courthouse unless a more suitable location is available.

(a) The commissioners court of a county may, on its own motion, and shall, on petition by a majority of the voters of the affected part of the county, establish, maintain, and operate a free county library for the area of the county located outside the municipalities that maintain free public libraries.

(b) The county library shall be located at the county seat in the courthouse unless a more suitable location is available.

Tex. Local Gov't Code § 323.001

The commissioners court may annually set aside from the county's general fund or permanent improvement fund an amount to be used to maintain, make permanent improvement, or acquire land for the county library. This amount may not exceed twelve cents on the \$100 valuation of all property located in the county outside municipalities that support a free public library and don't participate in the county system, and located within municipalities that support a free public library and have elected to become part of the county system.

The commissioners court annually may set aside from the general fund or the permanent improvement fund of the county an amount to be used to maintain or to make a permanent improvement or acquire land for the county library. The amount may not exceed 12 cents on the \$100 valuation of all property:

- (1) located in the county outside the municipalities that are supporting a free public library and that are not participating in the county library system; and
- (2) located within the municipalities that are supporting a free public library and that have elected to become a part of the county library system.

Tex. Local Gov't Code § 323.002

The governing body of a municipality maintaining a free public library may notify the commissioners court that the municipality desires to become part of the county library system. After this notice, the municipality is considered part of the system and its residents are entitled to the library's benefits. The commissioners court of a county that has established a library may contract with the governing body of a municipality maintaining a free public library to extend county library privileges to the municipality's residents as the parties agree.

(a) If a county library is established, the governing body of a municipality that maintains a free public library may notify the commissioners court that the municipality desires to become a part of the county library system. After the notice is given, the municipality is considered to be a part of the system, and the residents of the municipality are entitled to the benefits of the library. Property in the municipality shall be included in determining the amount to be set aside in the county free library fund for county library purposes.

(b) The commissioners court of a county that has established a county library may contract with the governing body of a municipality that maintains a free public library to extend county library privileges to the municipality's residents to the extent and for consideration as the parties may agree. The consideration paid by the municipality shall be deposited in the county free library fund. On the making of the contract, the library privileges are extended to the residents of the municipality.

(c) After a municipality has been a part of the county library system for two years, the governing body of the municipality may withdraw from the system by giving notice of its intention to do so to the commissioners court. The notice must be given at least six months before the withdrawal. On withdrawal, the municipality is no longer entitled to participate in the benefits of the system, and the property located in the municipality may not be included in computing the amount to be set aside for county library purposes. Before the governing body may give the notice of withdrawal to the commissioners court or before the governing body may retract the notice of withdrawal after it has been given to the commissioners court, the governing body must publish another notice once a week for six consecutive weeks in a county newspaper circulated throughout the municipality and designated by the governing body. The published notice must state the nature of the proposed action and the date and location of the meeting at which the proposed action is to be taken.

Tex. Local Gov't Code § 323.008

The commissioners court of a county that has established a county library may contract with another county's commissioners court to extend library privileges to the other county's residents as the parties agree.

(a) The commissioners court of a county that has established a county library may contract with the commissioners court of another county to extend county library privileges to the residents of the other county to the extent and for the consideration as the parties may agree. The consideration received from the other county shall be deposited in the county free library fund. On the making of the contract, the library privileges are extended to the residents of the other county.

(b) The other county may provide for a county free library fund in the same manner in which a county that establishes a county library may provide for the fund. The purpose of the fund is to carry out a contract made by the other county under Subsection (a).

(c) If the other county makes a contract under Subsection (a), it is not prohibited from establishing its own county library under this subchapter, and if it does so, it may terminate the contract on mutually agreeable terms or may continue under the contract until expiration of its term.

Tex. Local Gov't Code § 323.009

A county's commissioners court may establish, in cooperation with other counties, a joint free county library for the cooperating counties' benefit. Two or more adjacent counties' commissioners courts may also jointly establish and maintain a free library; such a library is treated under the statutory provisions for single county libraries.

- (a) The commissioners court of a county may establish in cooperation with other counties a joint free county library for the benefit of the cooperating counties.
- (b) The commissioners courts of two or more adjacent counties may jointly establish and maintain a free library under the terms and provisions established by this subchapter for the establishment and maintenance of a free county library. In doing so, the commissioners courts of the participating counties shall operate jointly in the same manner as the commissioners court of a single county. The participating counties have the same powers and are subject to the same liabilities under this subchapter as a single county.
- (c) If a county withdraws from the joint county library, it is entitled to a division of property according to terms agreed on at the time the library was established.

Tex. Local Gov't Code § 323.010

Instead of establishing a county library, a county's commissioners court may contract with an established library for library privileges. The contract must provide that the established library assume the functions of a county library within the county, including municipalities in the county.

- (a) Instead of establishing a county library, the commissioners court of a county may contract for library privileges from an established library.
- (b) The contract must provide that the established library assume the functions of a county library within the county, including municipalities in the county. The commissioners court may contract to pay annually to the established library out of the general fund of the county an amount on which the parties may agree.
- (c) Either party to the contract may terminate it by giving to the other party six months' notice of its intention to do so. Property acquired under the contract is subject to division on termination of the contract on terms specified in the contract.

Tex. Local Gov't Code § 323.011

The commissioners court of a county that has established a county library may contract with a privately owned library serving an area of the county the county library doesn't adequately serve to provide county library service to the area. The contract may require that the privately owned library submit to any reasonable regulation imposed on governmental libraries.

The commissioners court of a county that has established a county library may contract with a privately owned library that serves an area of the county not adequately served by the county library to provide county library service to that area. The contract may require that the privately owned library submit to any reasonable regulation that is imposed on governmental libraries.

Tex. Local Gov't Code § 323.012

## II. Municipal Libraries

A Type A general-law municipality may establish a free library in the municipality.

A Type A general-law municipality may establish a free library in the municipality, adopt rules for the proper management of the library, and appropriate municipal revenues for the library's management or improvement.

Tex. Local Gov't Code § 315.005

## III. Multi-Jurisdictional Library Districts

Multi-jurisdictional library districts are special districts and political subdivisions.

A district created under this chapter is a special district and a political subdivision of this state.

Tex. Local Gov't Code § 336.002

Multi-jurisdictional districts must establish and maintain 1+ public libraries. These libraries must be accredited by and meet the basic public library services standards established by the Texas State Library and Archives Commission.

- (a) A district created under this chapter shall establish, equip, support, operate, and maintain one or more public libraries for the dissemination of educational programs and general information relating to the arts, sciences, literature, and other subject areas of interest to the public.
- (b) Each public library created under this chapter must be accredited by and meet the standards for basic public library services established by the Texas State Library and Archives Commission.
- (c) A library created under this chapter must be open to all members of the public under identical conditions.

Tex. Local Gov't Code § 336.003

A lead government entity that, by resolution, proposes the creation of a district for specific counties and municipalities that by resolution agrees to have their territory in the district may establish a multi-jurisdictional library district. A county or municipality's governing body may adopt such a resolution on its own motion.

- (a) A district may be created by a lead governmental entity that, by resolution, proposes the creation of a district for specific counties and municipalities that by resolution agree to have their territory in the district.
- (b) The governing body of a county or municipality may adopt a resolution under Subsection (a) on its own motion.
- (c) As soon as feasible and prudent, the lead governmental entity shall provide over 50 percent of the initial assets to the district.

Tex. Local Gov't Code § 336.021

The lead government entity's resolution must describe the initial district territory, which must include all territory of each municipality or county agreeing to have its territory in the district. But, if the proposed district's boundaries include any territory that's part of a municipality operating a municipal public library, the municipality's governing body must by resolution consent to allow the municipal territory's inclusion in the proposed district. This only applies if the municipal library is financed and operated by the municipality, accredited for state library system membership, and open and free of charge to all of the public under identical conditions. The county may also exclude any of its incorporated area where the local sales and use tax exceeds 1.5%. The district may include incorporated or unincorporated territory, and may include any territory in 1+ counties that agree by resolution to have their territory in the district.

- (a) The lead governmental entity shall describe the initial district territory in the resolution creating the district under Section 336.021. The initial district territory must include all territory of each municipality or county that agrees to have its territory in the district under Section 336.021, except as provided by Subsections (c) and (d).
- (b) The district may include incorporated or unincorporated territory and may include any territory in one or more counties that agree by resolution to have the counties' territory in the district under Section 336.021.
- (c) If the boundaries of the proposed district include any territory that is part of a municipality that operates a municipal public library, the governing body of that municipality must consent by resolution to allow the inclusion of that municipal territory in the proposed district. This subsection applies only to a municipality whose municipal public library is:
  - (1) financed and operated by that municipality;
  - (2) accredited for membership in the state library system; and
  - (3) open and free of charge to all members of the public under identical conditions.
- (d) Except as provided by this subsection and Subsection (c), the district includes all incorporated and unincorporated areas of a county that agrees by resolution to have its territory in the district under Section 336.021. In its resolution, the county may exclude any incorporated area of the county where the local sales and use tax exceeds one and one-half percent.

Tex. Local Gov't Code § 336.022

A multi-jurisdictional library district may call an election to approve a sales tax and/or ad valorem tax on property in the district. Both taxes may be approved at the same election. Before a district calls such an election, by resolution the lead governmental entity must set the election's date and the type and rate of each tax appearing on the ballot proposition.

- (a) A district may call an election to approve one or both of the following:
  - (1) a sales tax; or
  - (2) an ad valorem tax on property in the district.
- (b) A sales tax and an ad valorem tax may be approved at the same election.
- (c) Before a district may call the first election under this section, the lead governmental entity by resolution must set:
  - (1) the date of the election; and
  - (2) the type and rate of each tax that will appear on the ballot proposition under Section 336.027.

Tex. Local Gov't Code § 336.023

The multi-jurisdictional library district's board may have the taxable property in its district assessed or its taxes collected, wholly or partly, by the tax assessors or tax collectors of any county, municipality, taxing district, or other governmental entity in which all or part of the district is located.

(a) A district may impose an ad valorem tax.

(b) If the district imposes an ad valorem tax, the board shall have the taxable property in its district assessed for ad valorem taxation and the ad valorem taxes in the district collected, in accordance with any one of the methods set forth in this section, and any method adopted remains in effect until changed by the board.

(c) The board may have the taxable property in its district assessed or its taxes collected, wholly or partly, by the tax assessors or tax collectors of any county, municipality, taxing district, or other governmental entity in which all or any part of the district is located. The tax assessors or tax collectors of a governmental entity, on the request of the board, shall assess and collect the taxes of the district in the manner prescribed in the Property Tax Code. Tax assessors and tax collectors shall receive compensation in an amount agreed on between the appropriate parties, but not to exceed two percent of the ad valorem taxes assessed.

Tex. Local Gov't Code § 336.251

The board by order may decrease or abolish the ad valorem tax rate, or it may call an election to increase, decrease, or abolish the ad valorem tax rate. The increase, decrease, or abolition is effective if approved by a majority.

(a) The board by order may decrease or abolish the ad valorem tax rate or may call an election to increase, decrease, or abolish the ad valorem tax rate. In an election under this subsection and except as provided by Subsection (b), the board shall use the procedures for a tax election under Subchapter B.

(b) At the election, the ballot shall be printed to permit voting for or against the proposition: "The increase (decrease) in the ad valorem tax rate of (name of district) to a rate up to (rate of tax) cents per \$100 valuation of taxable property to be used for district purposes" or "The abolition of the district ad valorem tax." The increase or decrease in the tax rate, or the abolition of the tax, is effective if it is approved by a majority of the votes cast.

Tex. Local Gov't Code § 336.254

The permissible rates for a sales and use tax are  $1/8$  of 1%,  $1/4$  of 1%,  $3/8$  of 1%, and  $1/2$  of 1%.

The permissible rates for a sales and use tax imposed under this chapter are one-eighth of one percent, one-fourth of one percent, three-eighths of one percent, and one-half of one percent.

Tex. Local Gov't Code § 336.253

## Utah

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### Relevant Law

Chapter 7 (Library Development) of Title 9 (Heritage, Arts, Libraries, and Cultural Development) covers libraries. Note that while statute authorizes both cities' governing bodies and counties' legislative bodies to establish and maintain public libraries, it does not provide any specific procedures for doing so.

### Types of Libraries

Utah's statutes mention both city and county libraries.

#### I. City Libraries

Cities' governing bodies may establish and maintain public libraries. For this purpose, a city may annually levy a tax not to exceed .001 of taxable value of taxable property in the city. The tax is in addition to all taxes levied by cities and isn't limited by the levy limitation imposed on cities by law. If bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient to pay the bonds and any interest may be levied. These taxes must be levied and collected in the same manner as the city's other general taxes.

(1) A city governing body may establish and maintain a public library.

(2) For this purpose, cities may levy annually a tax not to exceed .001 of taxable value of taxable property in the city. The tax is in addition to all taxes levied by cities and is not limited by the levy limitation imposed on cities by law. However, if bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient for the payment of the bonds and any interest may be levied.

(3) The taxes described in Subsection (2) shall:

(a) be levied and collected in the same manner as other general taxes of the city; and

(b) constitute a fund to be known as the city library fund.



- (4) The city library fund shall receive a portion of:
- (a) the uniform fee imposed by Section 59-2-404 in accordance with the procedures established in Section 59-2-404;
  - (b) the statewide uniform fee imposed by Section 59-2-405 in accordance with the procedures established in Section 59-2-405;
  - (c) the statewide uniform fee imposed by Section 59-2-405.1 in accordance with the procedures established in Section 59-2-405.1;
  - (d) the uniform statewide fee imposed by Section 59-2-405.2 in accordance with the procedures established in Section 59-2-405.2; and
  - (e) the uniform statewide fee imposed by Section 59-2-405.3 in accordance with the procedures established in Section 59-2-405.3.

Utah Code Ann. § 9-7-401

## II. County Libraries

Counties' legislative bodies may establish and maintain public libraries. For this purpose, counties may annually levy a tax not to exceed .001 of taxable value of taxable property in the county, outside of cities that maintain their own libraries. The tax is in addition to all taxes levied by counties and isn't limited by the levy limitation imposed on counties by law. If bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient to pay the bond and any interest may be levied. The taxes must be levied and collected in the same manner as the county's other general taxes.

- (1) A county legislative body may establish and maintain a public library.
- (2) For this purpose, counties may levy annually a tax not to exceed .001 of taxable value of taxable property in the county, outside of cities which maintain their own city libraries as authorized by Part 4, City Libraries. The tax is in addition to all taxes levied by counties and is not limited by the levy limitation imposed on counties by law. However, if bonds are issued for purchasing a site, or constructing or furnishing a building, then taxes sufficient for the payment of the bonds and any interest may be levied.
- (3) The taxes shall be levied and collected in the same manner as other general taxes of the county and shall constitute a fund to be known as the county library fund.

Utah Code Ann. § 9-7-501

# Washington

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## Relevant Law

Libraries are in Title 27 (Libraries, Museums, and Historical Activities).

## Types of Libraries

The definitions section mentions a variety of kinds of libraries. An intercounty rural library district is a municipal corporation organized to provide library service for areas outside of incorporated cities and towns within 2+ counties. An island library district is a municipal corporation organized to provide library service for all areas outside of incorporated cities and towns on a single island only, and not all of the area of the county, in counties comprised entirely of islands and having a population of less than 25,000 at the time the island library district was created. A regional library is a free public library maintained by 2+ counties or other governmental units. A rural county library district is a library serving all the area of a county not included within the area of incorporated cities and towns. A rural partial-county library district is a municipal corporation organized to provide library service for a portion of a county's unincorporated area; any city or town located in the same county as a rural partial-county library district may annex to the district if the city or town has a population of 100,000 or less at the time of annexation.

## I. Generally

Any governmental unit has the power to establish and maintain library, either by itself or in cooperation with 1+ other governmental units.

Any governmental unit has power to establish and maintain a library, either by itself or in cooperation with one or more other governmental units.

Rev. Code Wash. (ARCW) § 27.12.025



Any city, county, or town may establish a library either by its legislative body's own initiative or, upon the petition of 100 taxpayers of the governmental unit, the legislative body must submit to a vote at the next municipal or special election (in the case of a city or town) or the next general election or special election (in the case of a county) the question of establishing a library, and if a majority favor the library, the legislative body must then establish one.

A library may be established in any county, city, or town either (1) by its legislative body of its own initiative; or (2) upon the petition of one hundred taxpayers of such a governmental unit, the legislative body shall submit to a vote of the qualified electors thereof, at the next municipal or special election held therein (in the case of a city or town) or the next general election or special election held therein (in the case of a county), the question whether a library shall be established; and if a majority of the electors voting on the question vote in favor of the establishment of a library, the legislative body shall forthwith establish one.

Rev. Code Wash. (ARCW) § 27.12.030

Instead of establishing or maintaining an independent library, the legislative body of any governmental unit authorized to maintain a library may contract for library service from an existing library, whose board of trustees has the power to contract to render service with the consent of its governmental unit's legislative body. The contract must require the existing library to perform all library functions within the governmental unit wanting service. A legislative body may also contract for service from a library not owned by a public corporation but maintained for free public use. Such a library must be subject to the inspection by the state librarian, who must certify the library as maintaining a proper standard.

Instead of establishing or maintaining an independent library, the legislative body of any governmental unit authorized to maintain a library shall have power to contract to receive library service from an existing library, the board of trustees of which shall have reciprocal power to contract to render the service with the consent of the legislative body of its governmental unit. Such a contract shall require that the existing library perform all the functions of a library within the governmental unit wanting service. In like manner a legislative body may contract for library service from a library not owned by a public corporation but maintained for free public use: PROVIDED, That such a library be subject to inspection by the state librarian and be certified by him or her as maintaining a proper standard. Any school district may contract for school library service from any existing library, such service to be paid for from funds available to the school district for library purposes.

Rev. Code Wash. (ARCW) § 27.12.180

## II. Rural County Library Districts

To establish a rural county library district, at least 10% of the county's registered voters who voted in the last general election, outside of incorporated cities and towns' area, must sign and file petitions with the county legislative authority. For all districts created after July 26, 2009, the petition may include a proposed initial maximum levy rate, which mustn't exceed a statutory rate limit. After determining that the petitions were signed by the needed amount of voters, the county legislative authority must place the proposition for a rural county library district's establishment on the ballot for a vote of the county's people, outside incorporated cities and towns, at the next general or special election. If the petition to create the rural county library district included a proposed initial maximum levy rate, the rural county library district establishment ballot proposition must include the initial maximum levy rate specified in the petition. If a majority favor establishment, the county legislative authority must then declare the district established.

The procedure for the establishment of a rural county library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the county who voted in the last general election, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the county legislative authority. For all districts created after July 26, 2009, the petition may include a proposed initial maximum levy rate. This initial maximum levy rate must not exceed the rate limit set forth in RCW 27.12.050(1).

(2) The county legislative authority, after having determined that the petitions were signed by the requisite number of registered voters, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. If the petition to create the rural county library district included a proposed initial maximum levy rate, the ballot proposition for the establishment of the rural county library district must include the initial maximum levy rate specified in the petition. This ballot must be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the county legislative authority shall forthwith declare it established.

Rev. Code Wash. (ARCW) § 27.12.040

Rural county library districts are public corporations; they have the same powers as those vested in municipal corporations for taxation purposes.

A rural county library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

Rev. Code Wash. (ARCW) § 27.12.060

After the county commissioners board has declared a rural county library district established, it must provide funds for the district's library service's establishment and maintenance by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service, as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as authorized pursuant to statute. The levies are part of the general tax roll and must be collected as part of the general taxes against the property in the district. The initial levy rate may not exceed the rate limit specified by statute or, if applicable the initial maximum levy rate contained in the ballot proposition approved by voters in creating the district. In subsequent years, the levy rate may be increased.

(1) After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

(2) The initial levy rate may not exceed the rate limit in subsection (1) of this section or, if applicable, the initial maximum levy rate contained in the ballot proposition approved by the voters to create the district. In subsequent years, the levy rate may be increased as authorized under chapter 84.55 RCW.

Rev. Code Wash. (ARCW) § 27.12.050

The county treasurer of the county where the rural county library district is created collects the levied taxes.

The county treasurer of the county in which any rural county library district or rural partial-county library district is created shall receive and disburse all district revenues and collect all taxes levied under this chapter.

Rev. Code Wash. (ARCW) § 27.12.070

A rural county library district may levy annual taxes exceeding normal legal limitations to pay principal and interest on any issued bonds.

... [T]he district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050 or 27.12.150 or any other statute pertaining to such library districts.

Rev. Code Wash. (ARCW) § 27.12.222

### III. Regional Libraries

Two or more counties, or other governmental units, by their legislative bodies' action, may join in establishing and maintaining a regional library under a contract.

Two or more counties, or other governmental units, by action of their legislative bodies, may join in establishing and maintaining a regional library under the terms of a contract to which all will agree. The expenses of the regional library shall be apportioned between or among the contracting parties concerned on such basis as shall be agreed upon in the contract. The treasurer of one of the governmental units, as shall be provided in the contract, shall have the custody of the funds of the regional library; and the treasurers of the other governmental units concerned shall transfer quarterly to him or her all moneys collected for free public library purposes in their respective governmental units. If the legislative body of any governmental unit decides to withdraw from a regional library contract, the governmental unit withdrawing shall be entitled to a division of the property on the basis of its contributions.

Rev. Code Wash. (ARCW) § 27.12.080

#### IV. Intercounty Rural Library Districts

Intercounty rural library districts may be provided to provide throughout several counties free public library service similar to that provided within a single county by a rural county library district.

Intercounty rural library districts may be established to provide throughout several counties free public library service similar to that provided within a single county by a rural county library district.

Rev. Code Wash. (ARCW) § 27.12.090

By a joint action, 2+ counties may establish an intercounty rural library district through either of two methods.

Two or more counties' boards of county commissioners must adopt identical resolutions proposing such a district's formation to include all of the areas outside incorporated cities or towns in such counties designated in the resolutions. In lieu of these resolutions, a petition signed by 10% of the registered voters residing outside of a county's incorporated cities or towns must be filed with the county auditor, and this petition has the same effect as a resolution. Upon request of the state library commission, the attorney general must prepare the proposition for the formation of the district as state on the petition. The action to initiate a district's formation must become ineffective in any county if each other county included in the proposal doesn't complete corresponding action within a year. Each county's county auditor must check the validity of the petition's signatures and certify their sufficiency to the board of county commissioners. If the petition is sufficient, the board of county commissioners must pass a resolution calling an electing to submit the question to the voters and set an election date. Once this action has been taken in each of the involved counties, each board of county commissioners must notify the board of county commissioners of the county with the largest population according to the last federal census, which must then give proper notice to each county auditor. At the next general or special election held in the counties, there must be submitted to the voters in the areas outside incorporated cities and towns a question as to the district's establishment. The county auditor must give notice of the election and must instruct split precincts' election boards. The county canvassing boards in each county included within the intercounty district must canvass the votes and certify the results to the county auditor, and the result must then be certified by each county auditor to the county auditor of the county with the largest population according to the last federal census. If a majority of electors in each of the affected counties favors the district, it must then become established, and the board of county commissioners of the county with the largest population according to the last federal census must declare the district established. If 2+ affected counties are in an existing intercounty rural district, then the electors in areas outside those counties' incorporated cities and towns must vote as a unit, and electors in areas outside incorporate cities and towns in each of the other affected cities and towns in each of the other affected counties must vote as a separate unit. If a majority of the electors in the existing district and a majority of voters in any of the other affected counties vote in favor of an expanded intercounty rural library district, it must then be established.

Two or more counties' county commissioners, meeting in joint session attended by a majority of each county's county commissioners, may, by majority vote of those present, order an intercounty district's establishment to include all the area outside of incorporated cities and towns in as many of the counties represented at such a joint meeting as determined by the meeting's resolution. If 2+ counties are in an existing intercounty district, then a majority vote of all the commissioners present from those counties voting as a unit, and a majority vote of the commissioners present from any other county, will cause the joint session to order to district's establishment. But, no county will be included in the district if a majority of its county commissioners vote against inclusion.

An intercounty rural library district shall be established by joint action of two or more counties proceeding by either of the following alternative methods:

(1) The boards of county commissioners of any two or more counties shall adopt identical resolutions proposing the formation of such a district to include all of the areas outside of incorporated cities or towns in such counties as may be designated in such resolutions. In lieu of such resolutions a petition of like purport signed by ten percent of the registered voters residing outside of incorporated cities or towns of a county, may be filed with the county auditor thereof, and shall have the same effect as a resolution. The proposition for the formation of the district as stated on the petition shall be prepared by the attorney general upon request of the state library commission. Action to initiate the formation of such a district shall become ineffective in any county if corresponding

action is not completed within one year thereafter by each other county included in such proposal. The county auditor in each county shall check the validity of the signatures on the petition and shall certify to the board of county commissioners the sufficiency of the signatures. If each petition contains the signatures of ten percent of the registered voters residing outside the incorporated cities and towns of the county, each board of county commissioners shall pass a resolution calling an election for the purpose of submitting the question to the voters and setting the date of said election. When such action has been taken in each of the counties involved, notification shall be made by each board of county commissioners to the board of county commissioners of the county having the largest population according to the last federal census, who shall give proper notification to each county auditor. At the next general or special election held in the respective counties there shall be submitted to the voters in the areas outside of incorporated cities and towns a question as to whether an intercounty rural library district shall be established as outlined in the resolutions or petitions. Notice of said election shall be given by the county auditor. The county auditor shall instruct the election boards in split precincts. The respective county canvassing boards in each county to be included within the intercounty rural library district shall canvass the votes and certify the results to the county auditor pursuant to chapter 29A.60 RCW; the result shall then be certified by each county auditor to the county auditor of the county having the largest population according to the last federal census. If a majority of the electors voting on the proposition in each of the counties affected shall vote in favor of such district it shall thereby become established, and the board of county commissioners of the county having the largest population according to the last federal census shall declare the intercounty rural library district established. If two or more of the counties affected are in an existing intercounty rural library district, then the electors in areas outside incorporated cities and towns in those counties shall vote as a unit and the electors in areas outside incorporated cities and towns in each of the other affected counties shall vote as separate units. If a majority of the electors voting on the proposition in the existing district and a majority of the voters in any of the other affected counties shall vote in favor of an expanded intercounty rural library district it shall thereby become established.

(2) The county commissioners of two or more counties meeting in joint session attended by a majority of the county commissioners of each county may, by majority vote of those present, order the establishment of an intercounty rural library district to include all of the area outside of incorporated cities and towns in as many of the counties represented at such joint meeting as shall be determined by resolution of such joint meeting. If two or more counties are in an existing intercounty rural library district, then a majority vote of all of the commissioners present from those counties voting as a unit, and a majority vote of the commissioners present from any other county shall cause the joint session to order the establishment of an expanded intercounty rural library district. No county, however, shall be included in such district if a majority of its county commissioners vote against its inclusion in such district.

Rev. Code Wash. (ARCW) § 27.12.100

Existing rural county library districts may be expanded into an intercounty rural library district, or an established intercounty rural library district may be expanded to include additional counties by joint action of all counties included in the proposed expanded district.

An existing rural county library district may be expanded into an intercounty rural library district or an established intercounty rural library district may be expanded to include additional counties by joint action of all counties included in the proposed expanded district taken in the same manner as prescribed for the initiation of an intercounty rural library district.

Rev. Code Wash. (ARCW) § 27.12.110

The counties' boards of county commissioners must provide funds for the district's library service's establishment and maintenance by an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy in the several counties must be at a uniform rate and must be based on a budget compiled by the intercounty district's board of trustees, which must determine the uniform rate necessary and certify its determination to the boards of county commissioners. Any excess levies authorized pursuant to statute must also be at a uniform rate, which must be determined by the district's board of trustees and certified to the boards of county commissioners.

Funds for the establishment and maintenance of the library service of the district shall be provided by the boards of county commissioners of the respective counties by means of an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy in the several counties shall be at a uniform rate and shall be based on a budget to be compiled by the board of trustees of the intercounty rural library district who shall determine the uniform tax rate necessary and certify their determination to the respective boards of county commissioners.

Excess levies authorized pursuant to RCW 27.12.222 and 84.52.052 or 84.52.056 shall be at a uniform rate which uniform rate shall be determined by the board of trustees of the intercounty rural library district and certified to the respective boards of county commissioners.

Rev. Code Wash. (ARCW) § 27.12.150

An intercounty rural library district may levy annual taxes exceeding normal legal limitations to pay principal and interest on any issued bonds.

... [T]he district may levy annual taxes in excess of normal legal limitations to pay the principal and interest upon such bonds as they shall become due. The excess levies mentioned in this section or in RCW 84.52.052 or 84.52.056 may be made notwithstanding anything contained in RCW 27.12.050 or 27.12.150 or any other statute pertaining to such library districts.

Rev. Code Wash. (ARCW) § 27.12.222

## V. Island Library Districts

To establish an island library district petitions signed by at least 10% of the island's registered voters, outside of incorporated cities and towns, asking that the question of the district's establishment be submitted to a vote, must be filled with the board of county commissioners. After determining the petitions were signed by the required number of petitioners, the board of county commissioners must place the establishment proposition on the ballot for a vote of the island's people, outside incorporated cities and towns, at the next general or special election. If a majority favors establishment, the board of county commissioners must then declare it established.

The procedure for the establishment of an island library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the island, outside of the area of incorporated cities and towns, asking that the question, "Shall an island library district be established?" be submitted to a vote of the people of the island, shall be filed with the board of county commissioners.

(2) The board of county commissioners, after having determined that the petitions were signed by the requisite number of qualified petitioners, shall place the proposition for the establishment of an island library district on the ballot for the vote of the people of the island, outside incorporated cities and towns, at the next succeeding general or special election.

(3) If a majority of those voting on the proposition vote in favor of the establishment of the island library district, the board of county commissioners shall forthwith declare it established.

Rev. Code Wash. (ARCW) § 27.12.400

If there's an existing library district serving all of the county's area not included within incorporated cities and towns' area, an island district may not be established.

An island library district may not be established if there is in existence a library district serving all of the area of the county not included within the area of incorporated cities and towns.

Rev. Code Wash. (ARCW) § 27.12.410

The board of county commissioners must provide funds for the district's library service's establishment and maintenance by an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy must be based on a budget compiled by the island district's board of trustees, which must determine the necessary tax rate and certify the determination to the board of county commissioners. Any excess levies authorized by statute must be at a rate determined by the island district's board of trustees and certified to the board of county commissioners.

... Funds for the establishment and maintenance of the library service of the district shall be provided by the board of county commissioners by means of an annual tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year. The tax levy shall be based on a budget to be compiled by the board of trustees of the island library district who shall determine the tax rate necessary and certify their determination to the board of county commissioners.

Excess levies authorized pursuant to RCW 27.12.222, 84.52.052, or 84.52.056 shall be at a rate determined by the board of trustees of the island library district and certified to the board of county commissioners.

Rev. Code Wash. (ARCW) § 27.12.420

## VI. Rural Partial-County Library Districts

If a rural county library district, intercounty rural library district, or island library district hasn't been created in a county, a rural partial-county library district may be created in a portion of the county's unincorporated area. This is initiated by the filing of petitions with the county auditor proposing the district's creation and signed by at least 10% of the registered voters residing in the area proposed for inclusion in the partial-county district. The county auditor must review the petitions and certify the signatures' sufficiency or insufficiency to the county legislative authority. If the petitions are certified as having sufficient signatures, the county legislative authority must hold a public hearing on the proposed partial-county district, may adjust the proposed district's boundaries, and may cause a ballot



proposition's submission to the proposed district's voters authorizing creation if the legislative authority finds the district's creation in the public interest. If additional territory is to be added to the proposed district by the county legislative authority's action, a subsequent public hearing must be held. If the ballot proposition is approved by a simple majority, the partial-county district must then be created. Rural partial-county library districts are mostly subject to those provisions applicable to rural county library districts and have the same powers and duties, such as the authority to impose property taxes and annex a city or town with a population of less than 100,000 at the time of annexation that's located in the same county as the partial-county district. Adjacent unincorporated territory in the county may be annexed to a rural partial-county library district in the same manner territory is annexed to a water-sewer district, except annexation isn't subject to potential boundary review board review. At the time of creation, if the rural partial-county district has an assessed valuation of less than 50 million, it may only provide library services by contracting in an interlocal agreement with an adjacent library district, or adjacent county or town maintaining a library.

A rural partial-county library district may be created in a portion of the unincorporated area of a county as provided in this section if a rural county library district, intercounty rural library district, or island library district has not been created in the county.

The procedure to create a rural partial-county library district is initiated by the filing of petitions with the county auditor proposing the creation of the district that have been signed by at least ten percent of the registered voters residing in the area proposed to be included in the rural partial-county library district. The county auditor shall review the petitions and certify the sufficiency or insufficiency of the signatures to the county legislative authority.

If the petitions are certified as having sufficient valid signatures, the county legislative authority shall hold a public hearing on the proposed rural partial-county library district, may adjust the boundaries of the proposed district, and may cause a ballot proposition to be submitted to the voters of the proposed rural partial-county library district authorizing its creation if the county legislative authority finds that the creation of the rural partial-county library district is in the public interest. A subsequent public hearing shall be held if additional territory is added to the proposed rural partial-county library district by action of the county legislative authority.

The rural partial-county library district shall be created if the ballot proposition authorizing the creation of the district is approved by a simple majority vote of the voters voting on the proposition. Immediately after creation of the rural partial-county library district the county legislative authority shall appoint a board of library trustees for the district as provided under RCW 27.12.190.

Except as provided in this section, a rural partial-county library district is subject to all the provisions of law applicable to a rural county library district and shall have all the powers, duties, and authorities of a rural county library district, including, but not limited to, the authority to impose property taxes, incur debt, and annex a city or town with a population of less than one hundred thousand at the time of the annexation that is located in the same county as the rural partial-county library district.

Adjacent unincorporated territory in the county may be annexed to a rural partial-county library district in the same manner as territory is annexed to a water-sewer district, except that an annexation is not subject to potential review by a boundary review board.

If, at the time of creation, a rural partial-county library district has an assessed valuation of less than fifty million dollars, it may provide library services only by contracting for the services through an interlocal agreement with an adjacent library district, or an adjacent city or town that maintains its own library. If the assessed valuation of the rural partial-county library district subsequently reaches fifty million dollars as a result of annexation or appreciation, the fifty million dollar limitation shall not apply.

If a ballot proposition is approved creating a rural county library district in the county, every rural partial-county library district in that county shall be dissolved and its assets and liabilities transferred to the rural county library district. Where a rural partial-county library district has annexed a city or town, the voters of the city or town shall be allowed to vote on the proposed creation of a rural county library district and, if created, the rural county library district shall include each city and town that was annexed to the rural partial-county library district.

Nothing in this section authorizes the consolidation of a rural partial-county library district with any rural county library district; island library district; city, county, or regional library; intercounty library district; or other rural partial-county library district, unless, in addition to any other requirements imposed by statute, the boards of all library districts involved approve the consolidation.

Rev. Code Wash. (ARCW) § 27.12.470

## Wyoming

### Relevant Authority

Libraries make up Chapter 7 of Title 18 (Counties). A maximum taxation amount for county libraries is provided in Chapter 13 (Ad Valorem Taxation) under Title 39 (Taxation and Revenue).<sup>25</sup>

### Types of Libraries

Statute describes both county, and city and town libraries.

<sup>25</sup> There does not appear to be a corresponding provision for cities and towns.

## I. County Libraries

When a board of county commissioners receives sufficient guarantees, whether in the form of conveyances or bonds of citizens, associations or corporations, that a suitable place for a public library's operation and use will be permanently furnished, it must annually provide, through property tax or otherwise, for a public library's establishment and maintenance at the county's county seat.

When the board of county commissioners has received sufficient guarantees whether in the forms of conveyances or bonds of citizens, associations or corporations that a suitable place will be permanently furnished for the operation and use of a public library, it shall annually provide through property tax or otherwise for the establishment and maintenance of a public library at the county seat of the county. Whenever suitable library quarters are acquired, the county library board of directors may expend the revenue budgeted for the maintenance and operation of the county library and the county library system.

Wyo. Stat. § 18-7-101

The county library tax must be levied and collected like other county taxes.

The county library tax shall be levied and collected as other county taxes and the money collected shall be set apart as the county library fund. Nothing herein shall be construed to authorize any levy in excess of those authorized by law.

Wyo. Stat. § 18-7-102

Ad valorem taxation for a county library is required by statute to not exceed twelve 12 mills when combined with a variety of other taxes.

(a) Authorized mill levies. There shall be annually levied and assessed upon the taxable value of property within Wyoming the following state taxes when applicable:

(i) Not to exceed twelve (12) mills as determined by the board of county commissioners which shall include mill levies, if any, for the following purposes:

- (A) The number of mills to be dedicated to the operation of a county hospital;
- (B) The number of mills to be dedicated to the operators of a county library;
- (C) The number of mills to be dedicated to the operation of a county fair;
- (D) The number of mills to be dedicated to the operation of a county museum;
- (E) The number of mills to be dedicated to the support of public assistance and social services;
- (F) The number of mills to be dedicated to the operation of an airport;
- (G) The number of mills to be dedicated for civil defense;
- (H) The number of mills to be dedicated for a county building fund as provided by W.S. 18-4-201;
- (J) The number of mills to be dedicated to road and bridge purposes;
- (K) The number of mills to be dedicated for recreation purposes as provided by W.S. 18-9-201;
- (M) The number of mills to be dedicated for public health purposes as provided by W.S. 35-1-304. ...

Wyo. Stat. § 39-13-104

## II. City and Town Libraries

Cities and towns' governing bodies may establish and maintain public libraries.

(a) The governing bodies of all cities and towns may: ....

(xxxii) Establish, maintain and in a manner the governing body determines provide for the housing of public libraries and reading rooms and in connection therewith or separately public museums and:

- (A) Purchase books and other appropriate material;
- (B) Purchase and receive as gifts or on loan any books, pictures, articles or artifacts relating to the history, resources and development of the United States and its parts and lands;
- (C) Place a museum temporarily in charge of donors; and
- (D) Receive donations and bequests for the museum, in trust or otherwise, and make contracts and regulations for the care, protection and government thereof. ....

Wyo. Stat. § 15-1-103



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## **Volume 3: Call for Submissions**

### **Proposal Deadline: March 1, 2017**

We seek submissions from both researchers and practitioners, that fall into one of three submission categories:

- Opinions/First Drafts – Editorial in nature; the first draft of an idea or argument.
- White Papers – Longer form discussions that may include research.
- Peer Reviewed – Long form articles that include original research and arguments, and are submitted for review by our Editorial Board and/or external reviewers.

## **Submission Guidelines**

### **Who Can Write for The Political Librarian?**

We want to bring in a variety of perspectives to the journal and do not limit our contributors to just those working in the field of library and information science. We seek submissions from researchers, practitioners, community members, or others dedicated to furthering the discussion, promoting research, and helping to re-envision tax policy and public policy on the extremely local level.

### **Submission Categories:**

- Opinions/First Draft – Editorial in nature; the first draft of an idea or argument (1000-2000 words).
- White Papers – Longer form discussions that may include research (2000-5000 words).
- Peer Reviewed – Long form articles that include original research and arguments, and are submitted for peer-review by our Editorial Board and invited reviewers. (2000-12,000 words).

### **Article Proposals:**

If you want to propose an article for The Political Librarian, please submit the following:

- 1.Article abstract: a paragraph of no more than 250 words. Be sure to include what category of article that you're writing.
- 2.Attach resume/CV or a link to an online version.
- 3.Writing sample: this can be a fully completed article, blog post, essay, etc. Our goal is to see your style and ability not judge where the writing comes from.

### **Completed Works:**

Completed submissions should include:

- 1.Article abstract: a paragraph of no more than 250 words. Be sure to include what category of article that you're writing.
- 2.Attach resume/CV or a link to an online version.
- 3.Full text of the submission.

### **Submission Format**

Accepted submission formats are Word documents (doc, docx), rich text or text files (rtf, txt). Please do not send PDFs of article submissions. This hinders the editorial process, and you will have to resubmit.

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## Style Guide

The Political Librarian is dedicated to publishing professional and well-composed articles. Guidelines for The Political Librarian:

- Be professional: While we encourage our writers to reflect their own writing style and voice in their pieces, we also require that articles are professional in nature and tone. We are creating a new kind of journal and bringing new kinds of discussions to the forefront, and we want our articles to reflect well on that mission.
- Be Inclusive: The world is a dynamic and varied place and we at the Political Librarian believe in creating and inclusive environment for writers and readers. Your language should reflect this dedication to inclusivity.
- Be Critical: The Political Librarian wishes to foster debates and critical discussions. That said we want to foster well-reasoned and supported arguments. Your piece should stand up to critical examination by our editors and readers.
- Be Clear: Be sure your topic is relevant and well thought out. Use examples and/or evidence to support your claim along. Use clear and concise language that is professional but not so full of jargon that it is not accessible.
- Cite Your Sources: If you are citing the work of others you must cite them. All articles should include a works cited list formatted using guidelines. In-text citations need not follow APA to the letter, but they should be consistent throughout the piece, hyperlinks are encouraged. If you are using a direction quotation you must list the author's name in addition to any other relevant links or source titles that are appropriate to the piece.

## Formatting/Punctuation/Grammar

- Double-spaced lines.
- 12pt standard font (Times, Times New Roman, Calibri, etc).
- Single space between sentences.
- Use the Oxford comma.
- Spell out acronyms the first time they are used.
- Submission formats: doc, docx, rtf, txt. Please do not send PDFs of article proposals/submissions.
- Use proper punctuation and grammar.
- Pay attention to subject/verb agreement and tense.

Those interested in submitting an article should contact the editors:

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