

**TITLE IV - EDUCATION AND CULTURE****CHAPTER 1  
LIBRARY**

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

**410.2 PUBLIC LIBRARY.** The public library for the city shall be known as the Estherville Public Library. It shall be referred to in this chapter as the library.

**410.3 LIBRARY TRUSTEES.** The Board of Trustees of the library, hereinafter referred to as the board, consists of nine resident members. All members are to be appointed by the mayor with the approval of the council.

(Code of Iowa, 2015, Sec. 392.5)

**410.4 QUALIFICATIONS OF TRUSTEES.** All members of the board shall be bona fide citizens and residents of the city and shall be over the age of eighteen (18) years.

(Code of Iowa, 2015, Sec. 392.5)

**410.5 ORGANIZATION OF THE BOARD.** The organization of the board shall be as follows:

1. Term of Office. All appointments to the board shall be for six (6) years, except to fill vacancies. Each term shall commence on July first. Appointments shall be made every two (2) years of one-third (1/3) the total number or as near as possible, to stagger the terms.
2. Vacancies. The position of any trustee shall be vacant if he moves permanently from the city, or if he is absent from six (6) consecutive regular meetings of the board, except in the case of sickness or temporary absence from the city. Vacancies in the board shall be filled by the appointment of the mayor, with approval of the council, and the new trustee shall fill out the unexpired term for which the appointment is made.
3. Compensation. Trustees shall receive no compensation for their services.

**410.6 POWERS AND DUTIES.** The board shall have and exercise the following powers and duties:

1. Officers. To meet and elect from its members a president, a secretary, and such other officers as it deems necessary. The city clerk shall serve as board treasurer, but shall not be a member of the board.
2. Physical Plant. To have charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms containing the same.
3. Charge of Affairs. To direct and control all affairs of the library.
4. Hiring of Personnel. To employ a librarian, and authorize the librarian to employ such assistants and employees as may be necessary for the proper management of the library, and fix their compensation; provided, however, that prior to such employment, the compensation of the librarian, assistants, and employees shall have been fixed and approved by a majority of the members of the board voting in favor thereof. Any personnel matters shall be undertaken in compliance with any labor contract negotiated by the city.
5. Removal of Personnel. To remove the librarian, by a two-thirds (2/3) vote of the board, and provide procedures for the removal of the assistants or employees for misdemeanor, incompetency or inattention to duty.
6. Purchases. To select, or authorize the librarian to select, and make purchases of books, pamphlets, magazines, periodicals, papers, maps, journals, other library materials, furniture, fixtures, stationery, and supplies for the library within budgetary limits set by the board and the City Council.
7. Use by Nonresidents. To authorize the use of the library by nonresidents of the city and to fix charges therefor.

8. Rules and Regulations. To make and adopt, amend, modify, or repeal rules and regulations, not inconsistent with this code, labor contracts and the law, for the care, use, government, and management of the library and the business of the board, fixing and enforcing penalties for violations.

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

10. Gifts. To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title to said property in the name of the library; to execute deeds and bill of sale for the conveyance of said property; and to expend the funds received by them from such gifts, for the improvement of the library.

(Code of Iowa, 2015, Sec. 392.5)

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

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

**410.7 CONTRACTING WITH OTHER LIBRARIES.** The board shall have power to contract with other libraries in accordance with the following:

1. Contracting. The board may contract with any other boards of trustees of free public libraries, any other city, school corporation, private or semiprivate organization, institution of higher learning, township, or county, or with the trustees of any county library district for the use of the library by their respective residents.

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

**410.8 NONRESIDENT USE.** The board may authorize the use of the library by persons not residents of the city in any one or more of the following ways:

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

**410.9 EXPENDITURES.** All money appropriated by the council for the operation and maintenance of the library shall be set aside in an account for the library. Expenditures shall be paid for only on orders of the board, signed by its president and the head librarian. The check writing officer is the clerk.

(Code of Iowa, 2015, Sec. 384.20)

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

**410.11 INJURY TO BOOKS OR PROPERTY.** A person commits a simple misdemeanor if the person willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any newspaper, periodical, book, map, pamphlet, chart, picture, or other property belonging to the library or reading room.

(Code of Iowa, 2015, Sec. 716.1)