

## CHAPTER 5: BOARDS, COMMISSIONS, AND DEPARTMENTS

## ARTICLE 14 - LIBRARY BOARD

- 14.01 PUBLIC LIBRARY. The free public library established for the City of Newell is to be known as the Newell Public Library.
- 14.02 BOARD OF LIBRARY TRUSTEES. The Board of Library Trustees is established and shall consist of seven members to be appointed by the mayor and approved by the council.  
(Code of Iowa, Sec. 392.5)
- 14.03 QUALIFICATIONS. All board members shall be bona fide citizens, over the age of eighteen (18), and residents of the local area. The local area being defined as a radius six miles from the Newell City Hall. There will be seven board members, which consist of five or six members who are residents of the City of Newell, and one or two members from the local area.
- 14.04 TERMS. The seven board members shall hold office for six years, from the first day of following the establishment of the board. At the board's first meeting, members shall cast lots for the respective terms, reporting the result to the council. All subsequent terms and appointments thereto shall be for six years each, except to fill vacancies.
- 14.05 VACANCIES. A board position shall become vacant if the trustee moves permanently from the city, or is absent from four (4) consecutive regular board meetings, except in the case of illness or temporary excused absence from the city. Vacancies shall be filled by appointment of the mayor with council approval, and the new trustee shall fill the unexpired term for which the appointment was made.
- 14.06 POWERS AND DUTIES. The board shall have the following powers and duties:
1. OFFICERS. Meet and elect a Chairperson, Vice-Chairperson, Secretary and Treasurer from its members.
  2. RESPONSIBLE FOR LIBRARY. Take charge, control, and supervision of the public library, its appurtenances, fixtures, and rooms for library purposes.
  3. DIRECT AFFAIRS. Direct and control library affairs.
  4. LIBRARIAN. Employ a librarian and fix the librarian's compensation.
  5. OTHER EMPLOYEES. Authorize the librarian to employ assistants and other employees necessary to operate the library properly.

6. REMOVAL. Remove the librarian, assistants, or employees by a two-thirds vote of the board.
  7. SELECT LIBRARY MATERIALS. Select, or authorize the librarian to select, and make purchases of all library materials and supplies, within budgetary units set by the board.
  8. NONRESIDENT USE. Authorize the use of the library by nonresidents of the city and to fix charges thereof.
  9. FUNDS. Have exclusive control of all expenditures for library purposes including all monies available by gift or otherwise within council appropriations for library services.
  10. GIFTS. Accept and control the expenditure of all gifts, devises, and bequests to the library, and require the council to appropriate such monies to the library.  
(Code of Iowa, Sec. 392.5)
  11. RULES AND REGULATIONS. Make and adopt, amend, modify, or repeal rules and regulations for the care, use, and management of the library, and prescribe penalties for rule violations.
  12. RECORD. Keep a record of its proceedings.
  13. HISTORICAL ASSOCIATIONS. May make agreements with local county historical associations when applicable, to set apart room for and care for articles of historical or educational interest in the possession of the association, and purchase with library funds such materials necessary to preserve and protect such articles.
- 14.07 POWER TO CONTRACT. The board may contract with any other board of trustees of a free public library and any school, corporation, city, and county. If there is a county library district, the city may contract with it for the use of the library by city residents. Such contract may be terminated at any time by mutual consent of the contracting parties, or by a majority vote of the electors represented by either contracting party.
- 14.08 NONRESIDENT USE OF THE LIBRARY. The board may authorize the use of the library by nonresidents by:
1. TERMS OF LOAN. Lending library materials to nonresidents on the same terms as to residents of the city, or upon payment of a special nonresident fee.
  2. DEPOSITORIES. Establishing depositories of library materials to be loaned to nonresidents.
  3. BOOKMOBILES. Establishing bookmobiles or a traveling library.

4. **BRANCH LIBRARIES.** Establishing branch libraries.
- 14.09 **LIBRARY ACCOUNT.** The council shall appropriate in the general fund a library account to be used for the operation and maintenance of the library. Expenditures shall be paid only on board orders, signed by the president and secretary. The warrant-writing officer is the library treasurer.
- 14.10 **ANNUAL REPORT.** The board shall submit an annual comprehensive report to the council after the close of the municipal fiscal year.
- 14.11 **OPEN MEETINGS.** All meetings of the library board shall comply with the regulations stated in Chapter 21 of the Code of Iowa.
- 14.12 **LIBRARY MATERIALS.** Library materials include books, plates, pictures, photographs, engravings, paintings, drawings, maps, newspapers, magazines, pamphlets, broadsides, manuscripts, documents, letters, public records, microforms, sound recordings, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts, and written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of any of the following:
- a. A public library.
  - b. A library of an educational, historical, or eleemosynary institution, organization, or society.
  - c. A museum.
  - d. A repository of public records.
- (Iowa Code, Sec. 702.22(1))
- 14.13 **LIBRARY EQUIPMENT.** Library equipment includes audio, visual, or audiovisual machines, machinery or equipment belonging to, on loan to or otherwise in the custody of one of the institutions or agencies listed in section 14.12 of this Article.
- (Iowa Code, Sec. 702.22(2))
- 14.14 **INJURY TO BOOKS OR PROPERTY.** It shall be unlawful for a person to willfully, maliciously or wantonly tear, deface, mutilate, injure or destroy, in whole or in part, any library materials (i.e. newspaper, periodical, book, map, pamphlet, chart, picture or other property belonging to the library or reading room), or equipment.

14.15 THEFT OF LIBRARY MATERIALS. The fact that a person has concealed library materials or equipment as defined in sections 14.12 and 14.13 of this Chapter, or unpurchased property of a store or other mercantile establishment, either on the premises or outside the premises, is material evidence of intent to deprive the owner, and the finding of library materials or unpurchased property concealed upon the person or among the belongings of the person, is material evidence of intent to deprive and, if person conceals or causes to be concealed library materials or unpurchased property, upon the person or among the belongings of another, the finding of the same is also material evidence of intent to deprive on the part of the person concealing the library materials or goods.

14.16 DETENTION AND SEARCH.

1. Persons concealing property as set forth in section 14.15 may be detained and searched by a peace officer, person employed in a facility containing library materials, merchant, or merchant's employee, provided that the detention is for a reasonable length of time and that the search is conducted in a reasonable manner by a person of the same sex and according to subsection 2 of this section.
2. No search of the person under this section shall be conducted by any person other than someone acting under the direction of a peace officer except where permission of the one to be searched has first been obtained.
3. The detention or search under this section by a peace officer, person employed in a facility containing library materials, merchant or merchant's employee does not render the person liable, in a criminal or civil action, for false arrest or false imprisonment provided the person conducting the search or detention had reasonable grounds to believe the person detained or searched had concealed or was attempting to conceal property set forth in section 14.15.