

**Ames Public Library**  
**Section: History, Authority, Mission**  
**Subject: Authority**

**Board**  
**Approved: 6/97**  
**Reviewed: 9/08, 4/16**  
**Revised: 10/10, 6/12**

## **Municipal Code of Ames**

The following is [Chapter 15](#) of the *Municipal Code of Ames*, granting the Board of Trustees the authority to operate the Ames Public Library:

### **CHAPTER 15: LIBRARIES**

#### **15.1 COMPOSITION OF BOARD OF TRUSTEES.**

The board of trustees of the Ames public library consists of nine (9) members.  
(Ord. No. 784, Sec. 1; Code 1956, Sec. 17-1) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.3] (Ord. No. 4024, 3-2-10)

#### **15.2 APPOINTMENT, TERM OF TRUSTEES.**

Members of the board of trustees of the public library shall be appointed by the mayor, by and with the approval of the city council, and the term of office for each trustee shall be for a three (3) year period. Terms begin on April 1 of the year of appointment. No member shall serve more than two full consecutive terms.

(Ord. No. 784, Sec. 2; Code 1956, Sec. 17-2) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.3, 378.4] (Ord. No. 4024, 3-2-1) (Ord. No. 4109, 4-24-12)

#### **15.3 QUALIFICATIONS OF TRUSTEES.**

All members of the board of trustees shall be bona fide citizens and residents of the city and over the age of eighteen (18) years.

(Ord. No. 784, Sec. 3; Code 1956, Sec. 17-3; Ord No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.5, Ch. 140, Sec. 41-1st 65GA]

#### **15.4 COMPENSATION OF TRUSTEES.**

Members of the board of trustees shall receive no compensation for their services.

(Ord. No. 784, Sec. 6; Code 1956, Sec. 17-6) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.8]

#### **15.5 GROUNDS FOR REMOVAL OF TRUSTEE.**

The removal of any trustee permanently from the city, or absence from three (3) consecutive regular meetings of the board, except in case of sickness or temporary absence from the city, without due explanation of the absence shall render the office as trustee vacant.

(Ord. No. 784, Sec. 5; Code 1956, Sec. 17-5) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.7] (Ord. No. 3974, 11-25-08)

#### **15.6 VACANCIES ON THE BOARD OF TRUSTEES.**

Vacancies on the board shall be filled by appointment by the mayor, by and with the approval of the

city council. Such appointees shall fill out the unexpired term for which the appointment is made. (Ord. No. 784, Sec. 4; Code 1956, Sec. 17-4) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.6]

### **15.7 POWERS, DUTIES OF TRUSTEES.**

The board of the library trustees has and exercises the following powers:

- (1) To meet and organize by the election of one of their number as president of the board, and by the election of a secretary and such other officers as the board may deem necessary.
- (2) To have charge, control and supervision of the public library, its appurtenances and fixtures, and rooms containing the same, directing and controlling all the affairs of such library.
- (3) 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 such librarian shall be fixed for the term of employment by a majority of the members of the board voting in favor thereof.
- (4) To remove such librarian by a vote of two-thirds (2/3) of such board for misdemeanor, incompetency, or inattention to the duties of such employment and to provide procedures for the librarian to remove assistants or employees for the same reasons.  
(Ord. No. 4047, 9/28/10)
- (5) To select or authorize the librarian to select and make purchases of library materials for the collection, furniture, fixtures, stationery, and supplies for such library.
- (6) To authorize the use of such libraries by nonresidents of the city and to fix charges therefor.
- (7) To make, adopt, amend, modify, or repeal bylaws, rules and regulations, not inconsistent with law, for the care, use, government, and management of the library and business of the board, and fixing and enforcing penalties for the violation thereof.
- (8) To have exclusive control of the expenditures of all portions of the municipal enterprise fund of the city allocated for library purposes by the council, and of the expenditure of all moneys available by gift or otherwise for the erection of library buildings, and of all other moneys, including fines and rentals collected under the rules of the board of trustees.
- (9) To accept gifts of real property, personal property, or mixed property, and devises and bequests, including trust funds; to take the title of said property in the name of said library; to execute deeds and bills of sale for the conveyance of said property; and to expend the funds received by them from such gifts for the improvement of said library.  
(Ord. No. 784, Sections 7--7.9; Code 1956, Sections 17-7--17-7.9) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.10] (Ord. No. 4024, 3-2-10)

### **15.8 TRUSTEES TO KEEP RECORDS OF PROCEEDINGS.**

The board of trustees shall keep a record of its proceedings.  
(Ord. No. 784, Sec. 8; Code 1956, Section 17-8) [State Law Ref. Iowa Code chapter 28A]

### **15.9 TRUSTEES TO PROPOSE BUDGET.**

The board of trustees shall, in accord with such schedule and procedure as may be announced by

the director of finance, file with the director of finance a proposed budget of its funds for the following year.

*(Ord. No. 784, Sec. 10; Code 1956, Sec. 17-10; Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.1, 392.5; Code 1973, Sec. 378.10 (8)]*

#### **15.10 ANNUAL REPORT OF TRUSTEES.**

The board of trustees shall, immediately after the close of each municipal fiscal year, make to the council a report containing a statement of the condition of the library, the number of books added thereto, the number circulated, the number not returned or lost, the amount of fines collected, and the amount of money expended in the maintenance thereof during such year, together with such information as required by the council.

*(Ord. No. 784, Sec. 11; Code 1956, Sec. 17-11; Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.18]*

#### **15.11 LIBRARY FUNDS; EXPENDITURES.**

All moneys allocated by the council for the maintenance of the library shall be deposited in the treasury of the city to the credit of the library fund, and shall be kept by the treasurer separate and apart from all other moneys, and shall be paid out upon the order of the board of trustees, signed by its president and secretary.

*(Ord. No. 784, Sec. 9; Code 1956, Sec. 17-9; Ord. no. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1975, Sec. 378.17]*

#### **15.12 LIBRARY REGULATIONS; PENALTY.**

It is unlawful for any person, to take from any public school, or library, within the city, any book, pamphlet, periodical, paper or other property, except in accordance with the rules of such library; or to take or borrow from such library any book, pamphlet, periodical, paper or other property and neglect or refuse to return the same within one week after receiving notice to do so; or to willfully cut, mutilate, mark, tear, write upon, deface, or otherwise destroy or injure any book, pamphlet, periodical, map, document, picture, or other property of such library; or who violates any other rule of the such library, or to violate any rule of the said library or to disturb the peace and quiet thereof by disorderly conduct.

*(Ord. No. 812, Sec. 76; Code 1956, Sec. 76-76; Ord. No 3003, Sec 12, 2-23-88)*

#### **15.13 POWER TO CONTRACT: METHOD OF USE.**

Contracts may be made between the board of trustees of the Ames library and other boards of trustees of free public libraries, and any city, town, school corporation, township or county or with the trustees of any county library district for its use by their respective residents.

Such use shall be accomplished by one or more of the following methods in whole or in part:

- (1) By lending the books and other library materials of the Ames Public Library to such residents on the same terms and conditions as to the residents of the City of Ames.
- (2) By the establishment of depositories of books and other library materials of the Ames Public Library to be loaned to such residents at stated times and places.
- (3) By the transportation of books and other library materials of the Ames Public Library by mobile or other conveyance for lending the same to such residents at stated times and places.
- (4) By the establishment of branch libraries for lending books and other library materials to such residents.

(Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.11; Sec. 378.12] (Ord. No. 3975, 11-25-08)

#### **15.14 RATE OF TAX.**

Such contracts shall provide for the rate of tax to be levied during the period thereof. They may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of electors, represented by either of the contracting parties, voting on a proposition to terminate which shall be submitted by the governing body upon a written petition of electors in a number not less than five (5) per cent of those who voted in the area for governor at the last general election.

The proposition may be submitted at any election provided by law which covers the area of that seeking to terminate the contract. The petition shall be presented to the governing body not less than forty days before the election at which the question is to be submitted.

(Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.13] (Ord. No. 4024, 3-2-10)

#### **15.15 UNITING WITH HISTORICAL ASSOCIATIONS.**

Whenever a local county historical association shall be formed in Story County, the trustees of the Ames Public Library are hereby authorized to unite with such historical association and to set apart the necessary room and to care for such articles as may come into possession of said association; the library trustees are also authorized to purchase necessary receptacles and materials for the preservation and protection of such articles as are in their judgment of historical and educational nature and pay for the same out of the library fund.

(Ord. No. 2496, Sec. 2, 1-21-75) [State Law Ref. Iowa Code Sec. 392.5; Code 1973, Sec. 378.16] (Ord. No. 4024, 3-2-10)

### **State Code of Iowa**

#### **a. Authority for Chapter 15**

- *Article III, Section 38A of the Constitution of the State of Iowa* states that “municipal corporations are granted home rule power and authority, not inconsistent with the laws of the general assembly, to determine their local affairs and government.”
- *Section 392.5 of the State Code of Iowa* states: “A city library board of trustees functioning on the effective date of the city code shall continue to function in the same manner until altered or discontinued as provided in this section. In order for the board to function in the same manner, the council shall retain all applicable ordinances, and shall adopt as ordinances all applicable state statutes repealed by 64GA, Chapter 1088.”
- *Section 392.5 of the State Code of Iowa* states that “A proposal to alter the composition, manner of selection, or charge of a library board or to replace it with an alternate form of administrative agency, is subject to the approval of the voters of the city. . . . If a majority of those voting approves the proposal, the city may proceed as proposed. If a majority of those voting does not approve the proposal, the same or similar proposal may not be submitted to the voters of the city for at least four years from the date of the election at which the proposal was defeated.