

**TITLE 2**  
**BOARDS AND COMMISSIONS**

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**Title 2 – Boards and Commissions**  
**Chapter 5 – Library Board of Trustees**

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**2-5-1 Creation.** There is hereby created and organized a Library Board of Trustees, to be appointed as hereinafter provided, with the duties and responsibilities as set forth in this Chapter. Further, it is the purpose of this Chapter to retain all applicable Ordinances and to adopt as Ordinances all applicable State statutes to assure the continued functioning of the Board of Library Trustees in the Musser Public Library pursuant to Section 196, Chapter 1088 of the Laws of the 64th G.A. Second Session.

*(Code of Iowa, Section 392.5)*

**2-5-2 Appointment.** The Board of Library Trustees shall consist of nine (9) members to be appointed by the Mayor, with the approval of the Council.

**2-5-3 Terms.** The terms of office of such members shall be appointed for a term of six (6) years and appointments made every two (2) years of one-third (1/3) the total number, as near as possible, to stagger the terms. Each term shall commence on the first day of July. All members of the Board of Library Trustees shall remain on the Board until their successors are appointed. No individual is to serve more than two (2) full consecutive terms on the Board.

**2-5-4 Removal - Vacancies.** The Council may, at any time, remove any member of the Board of Library Trustees after showing due cause, and the Mayor, with the consent of the Council, shall fill the vacancies occurring on the Board by removal or otherwise. A trustee absent for three (3) consecutive regular meetings of the Board, except in a case of sickness or temporary absence from the City, shall render the office of such absent trustee vacant.

**2-5-5 Residence Requirements.** Eight (8) of the members of the Board shall be residents of the City of Muscatine and shall not be less than eighteen (18) years of age. The Board shall consist of one (1) County resident who is not a resident of the City of Muscatine, and who shall be appointed by the Mayor with the approval of the Muscatine County Board of Supervisors.

## **2-5-6 Powers and Duties.**

The Board shall have and exercise the following powers:

- A. 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.
- B. To have charge, control, and supervision of the Public Library, its appurtenances and fixtures, and rooms containing the same, and directing and controlling all the affairs of such Library.
- C. To employ a Library Director for the proper management of said Library and to fix his or her compensation; but, prior to such employment, the compensation of such Library Director shall be fixed in accordance with the Pay Plan of the City.
- D. To remove such Library Director by a vote of two-thirds (2/3) of such Board for conviction of a criminal act, incompetency, or inattention to the duties of such employment.
- E. To select or oversee a designee to select or purchase books, pamphlets, magazines, periodicals, papers, maps, journals, furniture, fixtures, stationery, supplies for such Library, and such other Library materials deemed appropriate.
- F. To authorize the use of such Library by non-residents of the City and to fix charges therefore.
- G. To make, adopt, amend, modify, or repeal by-laws, rules, and regulations, not inconsistent with law, for the care, use, government, and management of such Library and the business of said Board, fixing and enforcing penalties for the violation thereof.
- H. To authorize the expenditures of all monies allocated for Library purposes by the Council; and of the expenditure of all monies available by gift or otherwise for the erection of Library buildings.
- I. To accept gifts of real property, personal property, or mixed property and devises and bequests, including trust funds; to take title to 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.
- J. All budget and accounting procedures, personnel policies, purchasing procedures, and public improvement procedures established by the City Council shall be adhered to by the Board.
- K. Said Board shall keep a record of its proceedings.

**2-5-7 Power to Contract with Others for the Use of the Library.** Contracts may be made between the Board and other boards of trustees of free public libraries; any city, school corporation, township, or county; or with the trustees of any county library district for use of the Musser Public Library by their respective residents. Such use shall be accomplished by one or more of the following methods, in whole or in part:

- A. By lending the books of the Library to such residents on the same terms and conditions as to residents of the City.
- B. By the establishment of depositories of books of the Library to be loaned to such residents at stated times and places.
- C. By the transportation of books of the Library by mobile or other conveyance for lending the same to such residents at stated times and places.
- D. By the establishment of branch libraries for lending books to such residents.

*(Code of Iowa, Section 392.5 & Chapter 28E)*

**2-5-8 Termination of Contracts.** The contracts authorized in this Chapter may, by mutual consent of the contracting parties, be terminated at any time. They may also be terminated by a majority of the 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 percent (5%) 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 (40) days before the election at which the question is to be submitted.

**2-5-9 Library Account.** All money appropriated by the Council from the General Fund 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 Secretary, or their designated representatives. The warrant writing officer is the City Clerk.

*(Code of Iowa, Section 384.20)*

**2-5-10 Report.** The Board of Trustees shall, 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 and other Library material 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 further information as required by the Council.

**2-5-11 Injury to Books or Property.** It is unlawful for any person to intentionally damage, deface, alter, or destroy any property, belonging to the Library

*(Code of Iowa, Section 716.1)*

**2-5-12 Theft.** It is unlawful for any person to take possession or control of any library property with the intent to deprive the Library thereof.

*(Code of Iowa, Section 714.1)*

**2-5-13 Notice; Failure to Return; Detention.**

A. Notice. There shall be notices posted in clear public view stating the following:

1. Failure to Return. Failure to return library materials for two months or more after the date the person agreed to return the Library materials, or failure to return Library equipment for one month or more after the date the person agreed to return the library equipment, is evidence of intent to deprive the owner, provided a reasonable attempt, including any mailing by restricted certified mail of notice that such material or equipment is overdue and criminal actions will be taken, has been made to reclaim the materials or equipment.

*(Code of Iowa Section 714.5)*

2. Detention and Search. Persons concealing library materials may be detained and searched by a peace officer or Library employee.

*(Code of Iowa, Section 808.12)*

**2-5-14 Violation.** All persons who violate this Chapter shall be deemed guilty of a misdemeanor and subject to a penalty as set out in Section 1-2-14 of this Code of Ordinances.