

Part 4 City Libraries

9-7-401 Tax for establishment and maintenance of public library -- City library fund.

- (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.

Amended by Chapter 217, 2005 General Session

Amended by Chapter 244, 2005 General Session

9-7-402 Library board of directors -- Expenses.

- (1) When the city governing body decides to establish and maintain a city public library under the provisions of this part, it shall appoint a library board of directors of not less than five members and not more than nine members, chosen from the citizens of the city and based upon their fitness for the office.
- (2) Only one member of the city governing body may be, at any one time, a member of the board.
- (3) Each director shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library funds.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-403 Library board terms -- Officers -- Removal -- Vacancies.

- (1) Each director shall be appointed for a three-year term, or until the successor to that director is appointed. Initially, appointments shall be made for one-, two-, and three-year terms. Annually thereafter, the city governing body shall, before the first day of July of each year, appoint for a three-year term directors to take the place of the retiring directors.
- (2) Directors shall serve not more than two consecutive full terms.
- (3) The directors shall annually select a chairman and other officers.
- (4) The city governing body may remove any director for misconduct or neglect of duty.

- (5) Vacancies in the board of directors shall be filled for the unexpired term in the same manner as original appointments.

Amended by Chapter 10, 1997 General Session

9-7-404 Board powers and duties -- Library fund deposits and disbursements.

- (1) The library board of directors may, with the approval of the city governing body:
 - (a) have control of the expenditure of the library fund, of construction, lease, or sale of library buildings and land, and of the operation and care of the library; and
 - (b) purchase, lease, or sell land, and purchase, lease, erect, or sell buildings for the benefit of the library.
- (2) The board shall:
 - (a) maintain and care for the library;
 - (b) establish policies for its operation; and
 - (c) in general, carry out the spirit and intent of the provisions of this part.
- (3) All tax money received for the library shall be deposited in the city treasury to the credit of the library fund, and may not be used for any purpose except that of the city library. These funds shall be drawn upon by the authorized officers of the city upon presentation of the properly authenticated vouchers of the library board. All money collected by the library shall be deposited to the credit of the library fund.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-405 Rules -- Use of library.

- (1) The library board of directors shall make, amend, and repeal rules, not inconsistent with law, for the governing of the library.
- (2) Each library established under this part shall be free to the use of the inhabitants of the city where located, subject to the rules adopted by the board. The board may exclude from the use of the library any person who willfully violates these rules. The board may extend the privileges and use of the library to persons residing outside of the city upon terms and conditions it may prescribe by rule.

Amended by Chapter 48, 2005 General Session

9-7-406 Reports to governing body and State Library Board.

The library board of directors shall:

- (1) make an annual report to the city governing body on the condition and operation of the library, including a financial statement; and
- (2) provide for the keeping of records required by the State Library Board in its request for an annual report from the public libraries, and submit that annual report to the State Library Board.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-407 Librarian and other personnel.

- (1) The library board of directors shall appoint a competent person as librarian to have immediate charge of the library with those duties and compensation for services that it determines. The librarian shall act as the executive officer for the library board.
- (2) The board shall appoint, upon the recommendation of the librarian, other personnel as needed.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-408 Donations of money or property.

Any person desiring to make donations of money, personal property, or real estate for the benefit of any library shall have the right to vest the title to the money, personal property, or real estate in the board of directors. The donation shall be held and controlled by the board, when accepted, according to the terms of the deed, gift, devise, or bequest of the property, and the board shall be held and considered to be trustees of the property.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-409 Entities may cooperate, merge, or consolidate in providing library services.

Boards of directors of city libraries, boards of directors of county libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions may cooperate, merge, or consolidate in providing library services.

Renumbered and Amended by Chapter 241, 1992 General Session

9-7-410 Consolidation with county library.

- (1) If a city library consolidates with a county library, the city library board of directors shall convey all assets and, except as provided in Subsection (2), trust funds to the county library board of directors, and the city library shall cease operation.
- (2) If a conveyance of trust funds under Subsection (1) would constitute a violation of the trust agreement governing the trust funds, conveyance of those funds is not required, and those funds may continue to be used in accordance with the trust agreement for any library facility specified in the trust agreement, even after the facility becomes a county library facility because of consolidation.

Amended by Chapter 46, 2005 General Session