

The Public Library and the City It Serves

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*In Idaho, the city library is a department of the city, although with one essential difference:
The library has its own independent, nonpartisan governing board.*

*This session will review the roles and responsibilities of the library board and director and how they
interact with the city's elected and appointed officials.*

*We'll also look at recent legislation affecting city libraries, answer your questions about library
governance, and discuss the library-city relationship.*

“Public library service” is defined in Idaho Code section 33-2702(6):

"Public library service" means the provision of planned collections of materials and information services provided by a library established under the provisions of chapter 26 or 27, title 33, Idaho Code, and paid for primarily through tax support provided under these statutes. These services shall be provided at a facility, accessible to the public at regularly scheduled hours and set aside for this purpose. The services shall be governed by a citizen board appointed or elected for this purpose and shall be administered and operated by paid staff who have received appropriate training in library skills and management. The services shall meet standards established by the board of library commissioners.



- City library law is found mainly in chapter 26, title 33, Idaho Code.
- I.C. §§ 33-2702(6) and 33-2741 apply to city libraries as well.

Working as a board of five, the responsibilities of library trustees can be divided into four general categories:

- Governance
- Finance
- Human Resources
- Service & Community Relations

Governance includes ensuring that the board and library's organization are in compliance with chapter 26 or 27, title 33, Idaho Code; and ensuring the board's legal and ethical integrity in compliance with the provisions of title 74, Idaho Code, Transparent and Ethical Government:

- Title 74, Chapter 1: Public Records Act
- Title 74, Chapter 2: Open Meetings Law
- Title 74, Chapter 4: Ethics in Government
- Title 74, Chapter 5: Prohibitions Against Contracts with Officers

Although the ICfL's area field consultants are available to answer questions about the provisions of Idaho Code, we do not provide legal advice. Specific legal questions should be addressed to the city attorney or to the Idaho Counties Risk Management Program (ICRMP). ICRMP provides excellent training opportunities for library trustees.

Trustees' **finance** responsibilities include budgeting:

- to carry out the library's strategic plan;
- to support open hours, staffing, and programming;



- to support the library’s collection development plan;
- and to protect assets and provide financial oversight as part of the board’s legal responsibilities.

Trustees’ **HR** responsibilities include:

- Hiring, supervising, evaluating, and supporting the library director; and
- budgeting for continuing education opportunities, for the library’s staff as well as for its trustees.

Trustees’ **Service and Community Relations** responsibilities include:

- Ensuring effective strategic planning;
- Engaging the community;
- And using their voices as committed and informed champions ...
- for the mission of the library ...
- and the greater good of all public libraries.

33-2601. Policy. It is hereby declared to be the policy of the state of Idaho, as a part of the provisions for public education, to promote the establishment and development of free library service for all the people in Idaho. It is the purpose of this act to assure an informed electorate by enabling the provision of free local library service, in the present and in the future, to children in their formative years and to adults for their continuing education. To carry out the purpose of this act, an independent, nonpartisan board shall govern the library.

Every library established in this chapter shall be forever free for the use of the residents of the city, always subject to such reasonable rules and regulations as the library board may find necessary to adopt.

Who are the library's trustees?

33-2604. **Board of trustees – Appointment – Term of office – Compensation.** For the government of such library there shall be a board of five (5) **library trustees appointed by the mayor and council** pursuant to section 50-210, Idaho Code, **from among city residents**. If the city government is organized pursuant to sections 50-801 through 50-813, Idaho Code, the city manager and the council shall appoint the board of trustees.

Appointment to the board shall be made solely upon consideration of the ability of such appointees to serve the interests of the people, without regard to sex, age, race, nationality, religion, disability or political affiliation. **A member of the city council shall not be one (1) of the five (5) appointed trustees of the library board, but each year the council shall appoint one (1) of its members to be a liaison to the board, without voting rights.**

The initial appointment of trustees shall be for terms of one (1), two (2), three (3), four (4) and five (5) years respectively. Subsequent appointments shall be made for five (5) years from the date of appointment, and until their successors are appointed.

Members of the board shall serve without salary but may receive their actual and necessary budgeted expenses while engaged in authorized business of the library.

Effective July 1, 2021

A member of the city council, **a mayor, or an appointed officer of the city** shall not be one (1) of the five (5) appointed trustees but each year the council shall appoint one (1) of its members to be a liaison to the board, without voting rights. The initial appointment of trustees shall be for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively. Subsequent appointments shall be made for five (5) years from the date of appointment and until their successors are appointed.

33-2605. **Board of trustees – Vacancies – Removal.** The board shall report all vacancies to the council within five (5) working days. All such appointments shall be made in the same manner as appointments are originally made. Appointments to complete an unexpired term shall be for the remainder of the term only.

Any trustee may be removed by the city council by the unanimous vote of all of its members.

Please Note that I.C. § 33-2605 differs from I.C. § 50-210:

33-2605. Any trustee may be removed by the city council by the unanimous vote of all of its members.

33-2607. **Powers and duties of trustees.** In addition to the powers elsewhere contained in this chapter and notwithstanding the provisions of title 50, Idaho Code, the board of trustees of each city library shall have the following powers and duties:

- (1) To establish bylaws for its own governance;
- (2) To establish policies and rules of use for the governance of the library or libraries under its control; to exclude from the use of the library any and all persons who violate such rules;
- (3) To establish, locate, maintain and have custody of libraries to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for library service;
- (4) With the approval of the city:
 - (a) To acquire real property by purchase, gift, devise, lease or otherwise;
 - (b) To own and hold real and personal property and to construct buildings for the use and purposes of the library;
 - (c) To sell, exchange or otherwise dispose of real or personal property when no longer required by the library; and
 - (d) To insure the real and personal property of the library;
- (5) To prepare and adopt a budget for review and approval by the city council;

- (6) To control the expenditures of money budgeted for the library;
- (7) To accept or decline gifts of money or personal property, in accordance with library policy, and under such terms as may be a condition of the gift;
- (8) To hire, supervise and evaluate the library director;
- (9) To establish policies for the purchase and distribution of library materials;
- (10) To attend all meetings of the board of trustees;
- (11) To maintain legal records of all board business;
- (12) To exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the library.

33-2608. **Library director – Duties – Other employees.** The board of trustees of each city library shall appoint the library director, who shall serve at the pleasure of the board. The library director shall advise the board, implement policy set by the board, supervise all library staff and shall acquire library materials, equipment and supplies. The library director shall attend all board meetings but shall not vote.

With the recommendation of the library director, the board shall hire other employees as may be necessary for the operation of the library in accordance with city policies and procedures. These employees shall be employees of the city and subject to the city’s personnel policies and classifications unless otherwise provided by city ordinance.

Effective July 1, 2021

With the recommendation of the library director, the board shall budget to hire other employees as may be necessary for the operation of the library in accordance with city policies and procedures. The library director shall hire or oversee the hiring of all other employees based on the policies, procedures, and job descriptions of the city. These employees shall be employees of the city and subject to the city’s personnel policies and classifications unless otherwise provided by city ordinance.

33-2609. **Annual appropriations – Control of expenditures.** The board shall prepare and adopt an annual budget, stating anticipated revenues and expenditures, indicating what support and maintenance of the library will be required for review and approval by the city council for the ensuing year.

All funds for the library shall be in the custody of the city treasurer unless otherwise provided by city ordinance, and shall be used only for library purposes. The board shall have control of library expenditures. Money shall be paid for library purposes, only upon properly authenticated vouchers of the board of trustees. The board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated for library purposes. The board may hold a separate checking account to be used to pay petty expenses of the library. This account shall be audited along with other library funds.

33-2610. **Donations.** Donations or gifts for the benefit of the library shall be budgeted along with other library accounts and shall be used only for library purposes. Money or other funds which are donated or given to the library may be expended by the board of trustees only in accordance with the city budget process.

33-2611. **Reports of trustees.** The board of trustees shall annually, not later than the first day of January, file with the board of library commissioners a report of the operations of the library for the fiscal year just ended. The report shall be of such form and contain such information as the board of library commissioners may require, but in all cases must include a complete accounting of all financial transactions for the fiscal year being reported. The board shall also report to the city council and mayor as required in section 50-210, Idaho Code.

50-210. **Boards – Commissions.** The mayor and council shall have authority to appoint such boards, commissions and committees as may be deemed necessary or expedient to assist the mayor and council in better carrying out the responsibilities of their offices. The responsibilities, duties and authority granted permanent boards or commissions, shall be enumerated by ordinance. All appointments to permanent boards, commissions or committees shall be made by the mayor with the advice and approval of the council, and members of permanent boards, commissions or committees may in like manner be removed. Members of all such boards, commissions or committees shall serve without compensation, but actual and necessary expenses may be allowed by ordinance in the case of permanent boards, commissions or committees, or with prior approval of the mayor and city council for all other boards, commissions or committees. Unless otherwise specifically provided, each such board, commission or committee shall provide its own manner of organizing, but shall maintain such records and make such reports as the mayor and city council may require or request.

33-2620. **Failure to return borrowed material.** Any person who borrows from a publicly funded lending facility any book, newspaper, magazine, manuscript, pamphlet, publication, microform, recording, film, artifact, specimen, device, exhibit or other article belonging to, or in the care of, the facility, under any agreement to return the same within a specified time, and thereafter fails to return the book, newspaper, magazine, manuscript, pamphlet, publication, microform, recording, film, artifact, specimen, device, exhibit or other article, shall be given written notice, which shall bear upon its face a copy of this statute, mailed by a registered or certified letter with return receipt, or delivered in person to such person at his last known address, to return the borrowed article within fifteen (15) days; and in the event that the person shall thereafter wilfully and knowingly fail to return the borrowed article within thirty (30) days, or shall fail to reimburse the facility for the value of the borrowed article plus overdue fines and costs incurred, the person shall be guilty of a petit theft and punishable as provided in chapter 24, title 18, Idaho Code. For purposes of this section, a "publicly funded lending facility" includes any library, gallery, museum, collection or exhibit supported by public funds.

18-2408. **Punishment for theft.** (1) Grand theft committed in a manner prescribed in subsection (1)(a) of section 18-2407, Idaho Code, is a felony punishable by fine not exceeding ten thousand dollars (\$10,000) or imprisonment in the state prison for not less than one (1) year nor more than twenty (20) years, or by both such fine and imprisonment.

(2) (a) Grand theft committed in a manner prescribed in subsection (1)(b)1., 2., 3., 4., 5., 6., 8., 9. or 10. of section 18-2407, Idaho Code, or a felony committed in a manner prescribed in section 18-2415, Idaho Code, is a felony punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both such fine and imprisonment.

(b) Grand theft committed in a manner prescribed in subsection (1)(b)7. of section 18-2407, Idaho Code, is a felony punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), and the minimum fine shall not be suspended or withheld, or by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years, or by both such fine and imprisonment. In addition, the court shall assess civil damages as provided in section 25-1910, Idaho Code.

(3) Petit theft is a misdemeanor punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the county jail not exceeding one (1) year or by both.

Libraries would prefer just to get their stuff back. The goal is not to punish or to fine, but to make library materials available to all borrowers.

Once in a great while, libraries need some help in recovering their property. Library property is public property and, on the rare occasions when the city library requests the aid of the city police to recover materials that a borrower has failed to return, the library would very much appreciate a positive and cooperative response from the police department.

The mayor and council of each Idaho city that operates a public library could help the library and local law enforcement maintain a cordial working relationship by making the police department aware that willfully and knowingly failing to return library materials is petit theft according to the terms of I.C. § 33-2620.

Please feel free to contact your ICfL area field consultant with questions or concerns. We are a resource for the city as well as for the library.

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Trustee Roles and Responsibilities

Working as a board of five, the responsibilities of trustees can be divided into four general categories:

1. Governance

- a. Ensuring that the board and library's organization follow chapter 26 or 27, title 33, Idaho Code;
- b. Building a competent board by
 - i. Recruiting board members who can help move the organization forward by utilizing their knowledge, skills, and abilities (KSAs);
 - ii. Providing a planned orientation for new board members;
 - iii. Ensuring that the board is representative of the community's current demographic;
 - iv. Utilizing the services of your ICfL Area Field Consultant;
- c. Determining library policy, including
 - i. Policies to guide the staff in making decisions and exercising initiative while ensuring the rights, responsibilities, and equitable treatment of library users;
 - ii. Bylaws for the board's governance;
 - iii. Personnel policies—A district library needs its own personnel policies concerning recruiting, hiring, evaluation, benefits, grievances, and termination. A city library will generally follow the city's human resources (HR) policies and procedures;
- d. Ensuring the board's legal and ethical integrity in compliance with the provisions of title 74, Idaho Code: Transparent and Ethical Government
 - i. Chapter 1, title 74—[Public Records Act](#)
 - ii. Chapter 2, title 74—[Open Meetings Law](#)

- iii. Chapter 3, title 74—[reserved]
- iv. Chapter 4, title 74—[Ethics in Government](#)
- v. Chapter 5, title 74—[Prohibitions Against Contracts With Officers](#)
- vi. Chapter 6, title 74—[Public Integrity in Elections Act](#)
- e. Monitoring and strengthening the library’s programs and services, both outputs and outcomes to ensure continuous oversight and improvement;
- f. Holding effective and efficient board meetings in compliance with [Idaho’s Open Meetings Law](#), chapter 2, title 74, Idaho Code;

2. Finance

- a. Budgeting to carry out the library’s strategic plan;
- b. Budgeting to support open hours, staffing, and programming;
- c. Budgeting to support the library’s collection development and management plan;
- d. Protecting assets and providing financial oversight as part of the board’s legal responsibilities;

3. Personnel / Human Resources

- a. Hiring, supervising, evaluating, and supporting the library director;
- b. Budgeting for continuing education opportunities, both for the library’s staff and for the library’s trustees;

4. Service and Community Relations

- a. Ensuring effective strategic planning;
- b. Engaging the community;
- c. Using their own voices as committed and informed champions for the mission of the library and the greater good of all public libraries.

To fulfill their governance role as library board members, it is critical that trustees be aware of their full powers and duties as defined in Idaho Code. The powers and duties of the trustees of a city

library are discussed primarily in [chapter 26](#), title 33, Idaho Code. Idaho Code sections [33-2702\(6\)](#) and [33-2741](#) also apply to city libraries.