

2-5-71

Birmingham City Code

2-52

**ARTICLE E****Birmingham Library Board**

Cross Reference: Library purchases and contracts, sec. 3-3-14.

**Sec. 2-5-71 Controlled by library board.**

The management and control of the Birmingham Public Library, its several branches and all other library interests of the city shall be vested in the Birmingham Library Board. (Code 1964, Sec. 30-1)

**Sec. 2-5-72 Members of library board; term; election; vacancies.**

The library board shall consist of ten (10) members, to be appointed by the city council. The term of office of each of the members of such board appointed by the city council shall be five (5) years. In addition to the members of such board appointed by the city council, the duly elected president of the Friends of Birmingham Public-Jefferson County Free Library, Inc., or any successor to such organization, shall at all times be a member of such board by virtue of his office. At the last regular meeting of the city council in each calendar year, successors shall be elected to the members of the library board appointed by the city council whose terms of office expire at the end of such year, such members to serve for five (5) years or until their successors are elected and qualified, and to enter upon their duties at the first meeting of such board in January following. In the event of the death or resignation of any member of the library board appointed by the city council prior to the expiration of his term of service, or other vacancy among the members of such board appointed by the city council, the city council shall proceed forthwith to elect a member of the board, who, in the event of his election to fill a vacancy created by death or resignation, shall serve out such unexpired term, and shall enter upon his duties at the next regular monthly meeting of the board. (Code 1964, Sec. 30-2, as amended by Ord. No. 79-7, 1/23/79; Ord. No. 82-21, 2/16/82)

**Sec. 2-5-73 Powers and duties of library board.**

(a) The library board shall have power to manage and control the Birmingham Public Library and all other library property owned by or under the control of the city; to acquire for the city, by purchase or gift, land, money, securities, books or other property for library uses and purposes; to transfer in the name of the city any books or other personal property, or any lease upon land which it may have negotiated; to provide for the erection or rental of library buildings, branches, stations, reading rooms and reference rooms and to maintain the same; to provide and maintain galleries, lecture halls,

museums and book distribution agencies and instrumentalities; to annually elect from its members a president and vice president; to provide rules and regulations for its own governance, the governance of its officials and employees and the governance of the libraries, branches, stations, reading rooms, museums and lecture halls under its control; to appoint a library director, librarians, library assistants, employees, servants and agents in such number as may be necessary for the proper administration of the library

system of the city.

(b) In the exercise of its powers the library board shall have no power or authority to bind or obligate the city beyond the amount appropriated by the council for library purposes. (Code 1964, Sec. 30-3)

#### **Sec. 2-5-74 Compensation of members.**

The members of the library board shall receive no compensation whatever for their services, but in the event it is found necessary for the better performance of their duties for any member or committee of members to make any trips for inspection of library systems or buildings or for the purchase of books, actual traveling and living expenses on these trips shall be paid; provided, that full and detailed vouchers of these expenses shall be filed and preserved. (Code 1964, Sec. 30-4)

#### **Sec. 2-5-75 Powers and duties of library director.**

The chief executive officer of the library board and of the library system shall be a director, to be chosen by the board, who shall serve during the pleasure of the board, which shall fix his compensation. The director shall be ex officio secretary of the board, and shall carefully preserve its proceedings and be responsible for the custody and safekeeping of all of its archives, records and papers. He shall take an oath of office similar to that of the board members, to be entered at length upon the minutes of the meeting following entrance upon his term of service, and the original shall be preserved in the permanent records of the board. He shall execute a bond in some responsible guaranty company for the faithful performance of his duties and the careful preservation of the records and property which may come into his possession, which shall be payable to the city in a sum to be fixed by the library board, not less than \$3,000, the bond to be entered at length upon the proceedings of the board and the original to be filed with the city clerk. The director shall devote his full time to the work of his office, and in the performance of his duties he shall act under the direction of the board, but they may confer upon him the power of appointment or the recommendation for appointment of all librarians, library officials, assistants, employees or servants, as well as those other powers and authority as may be deemed proper. He shall make an annual report to the board, covering every detail and phase of the work of the library system of the city, which report, together with the report of transmittal from the board to the council, shall be printed in pamphlet form for free distribution. He shall prepare, edit and publish these bulletins, book lists, catalogues or other publications as may be directed by the board, which he may consider desirable in connection with or for the development of the library work of the city, the cost of all such printing to be met from the appropriations for the maintenance of the board. (Code 1964, Sec. 30-5)

**Sec. 2-5-76 Budget; appropriation for maintenance.**

The library board shall adopt a detailed budget of estimated expenditures for the coming year, which shall be transmitted in a formal communication to the director of finance on forms prescribed by the director of finance who shall submit the library budget to the mayor. The council shall set aside and appropriate, for the use of the board for the maintenance of the library system of the city, either all or any part of the estimated budget as may be available or deemed proper by the council. The amount of the appropriation made from time to time by the council for the support and maintenance of the library system shall be held by the director of finance as a special fund for library purposes, and it shall be paid out by him on requisitions or warrants drawn by the director of the library board and countersigned by the president, or the vice president when acting in his place. No requisition or warrant shall be drawn unless in pursuance of a resolution of the library board, entered upon its minutes. All fiscal records, accounting and purchasing and financial reporting of the library board shall conform with the fiscal procedures of the city.

**Sec. 2-5-77 Returning borrowed books, etc.**

(a) It shall be unlawful for any person who has been issued a membership card by the Birmingham Public Library, after receiving written notice as herein provided, to fail or refuse to return or cause to be returned any book, periodical, recording or other material borrowed or withdrawn from the Birmingham Public Library or any branch or bookmobile thereof on that card to the Birmingham Public Library, together with all overdue assessments or late charges, in compliance with the rules of the library with respect thereto.

(b) The failure of any person borrowing or withdrawing any book, periodical, recording or other material from the Birmingham Public Library or any branch or bookmobile thereof on any membership card issued by the Birmingham Public Library to return the same within the time required by the rules of the Birmingham Public Library shall be prima facie evidence of intent not to return that material to the Birmingham Public Library by the holder of the membership card to which the material is charged.

(c) Any person who is shown to be the holder of a membership card upon the records of the Birmingham Public Library shall be chargeable with all loans or withdrawals made upon that membership card, unless that person shall have, prior to that loan or withdrawal, surrendered his card to the Birmingham Public Library or given written notification to the Birmingham Public Library of the loss or theft of the same.

(d) Before any holder of a membership card of the Birmingham Public Library shall be charged with any violation of this section, that holder shall first be given not less than 10 days' written notice that borrowed or withdrawn library material is overdue. This notice shall be conclusively presumed to have been given when the notice is deposited with the United States Postal Service and addressed to the holder at the address shown upon the membership

records of the Birmingham Public Library.

(e) Any person violating any provision of this section shall, upon conviction, be punished by a fine not in excess of \$100. (Code 1964, Sec. 30-7)

**Secs. 2-5-78 through 2-5-80 reserved.**