

TITLE 33
EDUCATION

CHAPTER 26
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.

[33-2601, added 1993, ch. 186, sec. 2, p. 468.]

33-2602. DEFINITIONS. Unless a different meaning plainly is required in this chapter:

- (1) "Nonpartisan" means not controlled or influenced by any single political party.
- (2) "Board" means the group of trustees who manage the library.
- (3) "Mayor" means the elected chief municipal officer of a city.
- (4) "City manager" means a person appointed as chief municipal administrator by a city council.
- (5) "City council" means the legislative body of a city.

[33-2602, added 1993, ch. 186, sec. 3, p. 468.]

33-2603. CITIES MAY ESTABLISH TAX SUPPORTED LIBRARIES. The city council of every city shall have power to establish a public library, and for such purpose may annually levy and cause to be collected a tax up to but not exceeding one-tenth percent (.10%) of market value for assessment purposes or fund a library out of allocations from the city's general fund. All such moneys shall be kept by the city treasurer separate and apart from other moneys of the city and be used exclusively for library purposes, provided that every city shall have power to contract for specified library service from an existing library, or become part of an existing library district, following the procedure outlined in section [33-2709](#), Idaho Code.

[33-2603, added 1993, ch. 186, sec. 4, p. 468.]

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 af-

filiation. 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.

[33-2604, added 1993, ch. 186, sec. 5, p. 469.]

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.

[33-2605, added 1993, ch. 186, sec. 6, p. 469.]

33-2606. BOARD OF TRUSTEES -- MEETINGS. The board of trustees shall meet at least once in each quarter unless required by city ordinance to meet more frequently. One (1) of the meetings shall be designated as the annual meeting. The purposes of the annual meeting are to elect the officers of the board, to establish a regular meeting date, and to review, amend, repeal or adopt bylaws, policies and procedures. Special meetings may be held from time to time as the board may determine, but written notice thereof shall be given to the members at least two (2) days prior to the day of the meeting. A quorum shall consist of three (3) voting members, but a smaller number may adjourn. All library board meetings are to be held pursuant to the open meeting law, [chapter 2, title 74](#), Idaho Code.

[33-2606, added 1993, ch. 186, sec. 7, p. 470; am. 2014, ch. 68, sec. 1, p. 175; am. 2015, ch. 141, sec. 67, p. 427.]

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.

[33-2607, added 1993, ch. 186, sec. 8, p. 470.]

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.

[33-2608, added 1993, ch. 186, sec. 9, p. 471.]

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.

[33-2609, added 1993, ch. 186, sec. 10, p. 471.]

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.

[33-2610, added 1993, ch. 186, sec. 11, p. 471.]

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.

[33-2611, added 1993, ch. 186, sec. 12, p. 472; am. 2006, ch. 235, sec. 9, p. 704.]

33-2612. REGIONAL LIBRARY SYSTEMS -- PURPOSE -- BOUNDARIES. It is the purpose of this act to provide a method by which the library boards which govern Idaho's libraries, now or hereafter established in accordance with the Idaho Code, may contract to form regional library systems, in order to provide improved library and information services for residents of a multi-county region. The boundaries for library regions in Idaho shall be established by the Idaho board of library commissioners.

[(33-2612) 1974, ch. 74, sec. 1, p. 1156; am. & redesisg. 1993, ch. 186, sec. 13, p. 472; am. 2006, ch. 235, sec. 10, p. 705.]

33-2613. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) "Library board" means the five (5) citizens appointed, or elected, to govern a public library, a school community library, or a library district, in accordance with chapters 26 and 27, [title 33](#), Idaho Code.

(2) "Participating board" or "participating library" means a board or library or district which is cooperating and participating in a regional library system.

(3) "Region" means that geographic area, with boundaries established by the board of library commissioners, wherein library units are encouraged to work together.

(4) "Regional system" means two (2) or more library boards formally contracting a system approved by the board of library commissioners, officially designated as a regional library system under this act, and therein working together in specific efforts to extend and improve library services to their resident constituents.

(5) "System board" means the governing board comprised of representatives of library boards in a regional system, and which is authorized to direct and plan library service for a regional system to the extent and in the manner provided by this act.

[(33-2613) 1974, ch. 74, sec. 2, p. 1156; am. & redesisg. 1993, ch. 186, sec. 14, p. 472; am. 2006, ch. 235, sec. 11, p. 705.]

33-2614. PETITION FOR ESTABLISHMENT. Any two (2) or more library boards may petition the board of library commissioners for the establishment of a

regional system. Such petition shall be prepared in cooperation with the state librarian, on forms provided by the commission for libraries, and shall include but shall not be limited to the following information:

(1) A statement of purpose and an outline of the proposed program of the regional system.

(2) A list of the participating libraries, with a listing of the current tax levy and budget of each such participant; the names and addresses of the members of each library board, and a letter or resolution from each such board regarding participation in the regional system.

(3) A list of the counties in the geographic region as a whole, the number of persons who are within taxing districts supporting existing libraries, and the number of persons outside such districts but within a county in the region, and thus potentially eligible for service from the regional system being established.

(4) Proposed number of persons to be on the initial system board of directors.

(5) Proposed headquarters for the regional system, accompanied by a copy of a resolution by the governing authority for that library approving its designation as headquarters and, if a member of the staff of the headquarters is to be the administrator of the system, including approval of such designation.

The board of library commissioners shall consider any petition presented to it as provided in this act, and if it approves such petition it shall adopt a resolution officially designating such particular regional library system, describing the territory thereof, and designating the headquarters and the initial number of directors for the system board.

[(33-2614) 1974, ch. 74, sec. 3, p. 1156; am. & redesig. 1993, ch. 186, sec. 15, p. 473; am. 2006, ch. 235, sec. 12, p. 705.]

33-2615. SYSTEM BOARD OF DIRECTORS. Each regional system shall be governed by a board of directors, to be selected by and from the governing boards of the participating libraries.

Initially, as the system is formed, each participating library shall be entitled to one (1) representative on the system board, and those libraries legally serving a population base of more than ten thousand (10,000) shall also be entitled to a second representative.

Within two (2) weeks after receiving notice of approval of a petition for establishment, as provided for under this act, the board of each participating library shall select its representative or representatives, and certify the names and addresses of such representatives to the state librarian.

As additional libraries, now or hereafter established, petition to join the system, the board shall not exceed twenty-five (25) in number. When the board members total twenty-five (25), or earlier with the unanimous agreement of the participating boards, the system board shall develop a plan for equitable rotation of trustees, while retaining representation from a library in each county. The designated headquarters for the system shall always have representation on the board.

At their first meeting the members of the system board shall divide themselves by lot into terms of one (1) to five (5) years. Thereafter, all vacancies shall be filled in the same manner as the original appointments, and appointments to complete an unexpired term shall be for the residue of the term only.

No member of any system board shall serve on the system board for more than five (5) consecutive years, and in no event shall service on the system board exceed the term of office of the incumbent on the governing board of the participating library which he represents.

The system board shall annually elect from its membership a chairman and such other officers as it may deem necessary to conduct the affairs of the system.

Members of the system board may receive from the regional system their actual and necessary expenses while engaged in business of said system.

[(33-2615) 1974, ch. 74, sec. 4, p. 1156; am. & redesisg. 1993, ch. 186, sec. 16, p. 473.]

33-2616. POWERS AND DUTIES OF THE SYSTEM BOARD. The system board shall serve as a liaison agency between the participating libraries and their governing bodies and library boards. The system board shall make such bylaws, rules and regulations as may be necessary for its own government and that of the regional system, none of which shall deprive any participating library board of any of its powers or property.

The system board shall have the following powers and responsibilities, all of which relate to the functioning of the regional system and the management and control of its funds and property;

(1) To develop a long-range plan of service for the regional system, and annually to submit to the board of library commissioners any changes in said long-range plan, and a detailed plan of proposed system development and service for the following year.

(2) To provide improved library service for residents of the regional system, in cooperation with participating libraries, and to this end to purchase books and other library materials, supplies and equipment, for the system services, and to employ such personnel as the system board finds necessary.

(3) To set the administrator's hours and rate of compensation for regional system duties, and to delegate such administrative powers as the board deems in the best interest of the system.

(4) To enter into contracts to receive service from or to give service to other libraries, or agencies, within the state or interstate, and to file copies of such contracts with the board of library commissioners.

(5) To be a public corporation, as is provided for library districts, and to contract in the name of the "Board of directors of the regional library system, Idaho" and in that name to sue and be sued and to take any action authorized by law.

(6) To acquire by purchase, lease, or otherwise, and to own and hold real and personal property and to construct buildings for the use of the regional system, and to sell, exchange or otherwise dispose of property real or personal when no longer required by the system, and to insure the real and personal property of the system.

(7) To have control of the expenditure of all funds of the regional system, to accept by gift or donation any funds and real or personal property under such terms as may be a condition of the gift.

(8) To exercise such other powers, not inconsistent with law, necessary for the effective use and management of the regional system.

[(33-2616) 1974, ch. 74, sec. 5, p. 1156; am. & redesisg. 1993, ch. 186, sec. 17, p. 474; am. 2006, ch. 235, sec. 13, p. 706.]

33-2617. FINANCE OF REGIONAL SYSTEMS -- BUDGETS -- PARTICIPATING AND NONPARTICIPATING UNITS. Each regional system may be financed by any combination of available funds, federal, state, local, public and/or private. Counties, cities and library districts are hereby authorized and empowered to join in the creation, development, operation and maintenance of regional systems, and to appropriate and allocate funds for the support of such systems. All funds collected or contributed for the support of each regional system shall be controlled and administered under the direction of the system board, following procedures outlined in the library district statutes, and as directed by the board of library commissioners.

(1) Participating Units. Participating boards shall continue to control the funds appropriated or contributed for the support of the participating libraries, but may expend all or any part thereof for library services to be furnished by the regional system. Each participating board shall prepare its own annual budget as required by the Idaho Code, and said budget may include anticipated revenues or expenditures for regional system services. Tax levies made pursuant to each such budget shall be certified as provided by law.

(2) System Budget. Each system board shall prepare a preliminary budget for the system for the coming year, and shall by the last day of April forward said budget to the boards of participating libraries. This budget shall be published, and a hearing held thereon before the last day of May.

(3) Nonparticipating Areas. The system board shall also prepare a list of those areas within each county of the library region wherein public libraries, library districts, school-community libraries, or association libraries are not maintained as authorized in the Idaho Code. Such lists shall be forwarded to the board of library commissioners and to the board of county commissioners of each affected county. The system board shall include in its preliminary budget an estimate of the kinds of services which the system could provide to those areas without established libraries, and the cost of such services, and shall forward this to the appropriate boards of county commissioners.

[(33-2617) 1974, ch. 74, sec. 6, p. 1156; am. 1982, ch. 82, sec. 1, p. 150; am. & redesig. 1993, ch. 186, sec. 18, p. 475; am. 2006, ch. 235, sec. 14, p. 707.]

33-2618. ADDITION TO OR WITHDRAWAL FROM A REGIONAL SYSTEM. (1) After the establishment of a regional system as provided in this act, the board of any library which is not a part of the system, and which is within the boundaries of a library region as established by the Idaho board of library commissioners, may petition the board of library commissioners for addition to the regional system.

Petitions for addition shall be prepared and processed as provided in this act for initial petitions, except that prior approval in writing shall be obtained by the petitioning board from the regional system board, and shall be attached to the petition when it is submitted to the board of library commissioners.

(2) After the establishment of a regional system as provided in this act, a participating library board may petition the board of library commissioners for withdrawal from the system. A petition for withdrawal must be received by the board of library commissioners at least sixty (60) days before the end of the fiscal year of the system.

All assets of a participating library remain the property of that library, and if a unit withdraws from a system the disposal of the joint assets of the system shall be determined by the board of library commissioners, who shall give consideration to such items as the amount of funds raised from each unit of the system, and the ability of the units to make further use of such property or equipment for library purposes.

[(33-2618) 1974, ch. 74, sec. 7, p. 1156; am. & redesig. 1993, ch. 186, sec. 19, p. 475; am. 2006, ch. 235, sec. 15, p. 707.]

33-2619. ADMINISTRATION OF ACT BY BOARD OF LIBRARY COMMISSIONERS. The Idaho board of library commissioners shall administer the provisions of this act, and shall adopt such rules as are necessary for approval of regional system petitions, review and amendment of regional system plans and contracts, and such other matters as the board of library commissioners may deem advisable.

[(33-2619) 1974, ch. 74, sec. 8, p. 1156; am. & redesig. 1993, ch. 186, sec. 20, p. 476; am. 2006, ch. 235, sec. 16, p. 708.]

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.

[(33-2620) 1991, ch. 265, sec. 1, p. 654; am. & redesig. 1993, ch. 186, sec. 21, p. 476.]