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Chapter XI - Libraries

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter XI - Libraries

Governmental Library Commission

Private Acts of 2008 Chapter 63

SECTION 1. Chapter 224 of the Private Acts of 1965, and any other acts amendatory thereto, is repealed.

SECTION 2. There is hereby established a commission to be known as the Bradley County Governmental Library Commission (Library Commission). The Library Commission shall be composed of one (1) member nominated by the bar association of Bradley County; one (1) member nominated by the public library board of the public library of Bradley County; and one (1) member nominated by the Mayor of Bradley County. Such members shall be subject to the approval of the Bradley County Commission. A chairman of the Library Commission shall be elected annually by the members of the Library Commission. Each member shall serve for a period of two (2) years. In the event of a vacancy on the Library Commission, such vacancy shall be filled for the balance of the term in the same manner as the original appointment. The members of the Library Commission shall serve without compensation.

SECTION 3. The purpose of the Library Commission shall be to maintain and operate a county governmental library. The existing County Governmental Library, if any, shall be subject to the direction, power and authority of the Library Commission established hereby. The Library Commission shall have the full power and authority to acquire by purchase, gift, rent, lease, loan or otherwise, law books, codes, treatises or other works of law, government, medicine, literature, or otherwise that the Library Commission deems necessary or beneficial to the courts; state, county and municipal officials; members of the bar; and members of the public, for research or use in preparation for trial or decisions of any matters that come or may come before the courts of Bradley County or the state and for the use of public officials or the public on questions of law or government. The Library Commission is also authorized to acquire in like manner furniture, fixtures, bookcases, supplies, computers, services and all things necessary to establish, maintain, and operate the County Governmental Library. The Library Commission may employ and discharge librarians, clerks and other assistants and fix salaries of such employees. The Library Commission is authorized to make and adopt reasonable rules governing the use of the County Governmental Library. The County Governmental Library shall be located at such facilities and quarters as are determined by the Library Commission to be in the best interest of all persons for whom the benefit of such library is established. All books, assets, furniture, equipment or rights purchased or acquired pursuant to this Act shall become and are the property of Bradley County.

SECTION 4. For the purpose of financing the County Governmental Library, there shall be taxed as cost on each civil, criminal, quasi-civil, quasi-criminal, or any other action at law or suit in equity of any nature, hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise in any court including the circuit, criminal, chancery, domestic relations, or general sessions courts of Bradley County, the sum of one dollar (\$1.00). The cost assessed pursuant to this section shall be designated the County Governmental Library Tax and shall be collected by the clerks of such courts after the payment of state litigation tax accrued thereon but before applying any of the amount collected as costs to any other fund or item of cost; provided that those costs paid by the counties or the state of Tennessee upon the return of nulla bonas are hereby expressly exempt for purposes of this Act. The clerks of the respective courts shall pay to the County Trustee as provided by law all amounts collected as County Governmental Library Tax in the preceding calendar month. The sums paid to the County Trustee shall be designated as the County Governmental Library Fund and used only for the purposes set out in this Act. The Bradley County Commission shall have the authority to increase the amount taxed as costs herein up to the sum of five dollars (\$5.00) per case as the County Commission deems necessary to fulfill the purposes of the County Governmental Library.

On approval of a majority of the Library Commission, the chairman of the Library Commission shall submit to the County Mayor for payment such expenditures as are approved by the Library Commission within the Library Commission's budget indicating on such submission the fund against which such expenditure shall be drawn. The County Trustee is hereby authorized and directed to make payment out of such fund upon the warrants so issued by the County Mayor upon presentation by the chairman of the Library Commission and submitted in compliance with the provisions of this Act. In all cases the Library Commission is limited to the expenditures of anticipated revenues for the fiscal year.

SECTION 5. The Library Commission shall have the power and authority to make charges for the use, damage or destruction of books or other property. Any income from such charges shall be paid by the

Library Commission into the office of the County Trustee in a like manner and at all times as monies collected hereunder shall be paid by the clerks of the various courts to the County Trustee.

SECTION 6. The Library Commission shall keep written minutes of the Library Commission's meetings, at which meetings a majority of all members of the Library Commission then serving shall constitute a quorum for the transaction of business. The Library Commission shall keep with reasonable accuracy a record of monies received and disbursed; purchases; losses or destruction of books or other property; and a property inventory. An annual report of all the above shall be made annually to the Bradley County Commission at the County Commission's May term.

SECTION 7. All laws, or parts of law, in conflict with the provisions of this Act are hereby repealed.

SECTION 8. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body of Bradley County and certified to the secretary of state.

SECTION 9. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 8.

Passed: January 24, 2008.

Public Library

Private Acts of 1917 Chapter 651

SECTION 1. That the County Courts of the State of Tennessee, in counties of the State having a population of 16,336 and not more than 16,350 according to the Federal Census of 1910, or any subsequent Federal Census, shall have the power and right to establish and maintain free public library or libraries and levy and cause to be collected as other general taxes, a library tax not to exceed ten cents on the hundred dollars of the assessed value of the taxable property of such county or counties.

The taxes so collected shall constitute the library fund and shall be kept separate from all other funds, and to be used exclusively upon such library or libraries. Said taxes shall be collected by the County Trustee of said county or counties.

SECTION 2. For the government of such library there shall be a board of six trustees appointed or elected by the County Court of said county or counties, chosen from the citizens at large with reference to their fitness and qualification, and the term of said trustees shall be for six years, or until their successors shall be appointed or elected and qualified; provided, that upon their first appointment or election under this Act, two members shall be appointed or elected for two years, two for four years, and two for six years, and at all subsequent appointments or elections under this Act, made every two years, two members shall be appointed or elected for six years.

All vacancies shall be immediately reported by the trustees to the County Court, and be filled by appointment or election in like manner, and for an unexpired term, for the residue of the term only. The County Court may remove any member of said trustees for incapacity, unfitness, misconduct, or for neglect of duty.

SECTION 3. That immediately after appointment or election said Board of Trustees shall organize by electing one of its members as president and one as secretary-treasurer, and such other officers as it deems necessary.

The secretary-treasurer, before entering upon his duties, shall give bond to the County Court in amount fixed by said Board of Trustees, conditioned for the faithful performance of his official duties.

The Board of Trustees shall adopt rules and by-laws and regulations for its own guidance for the government of the library as may be expedient and conformable to law. It shall have exclusive control of all moneys collected for or placed to the credit of the library fund, and of the supervision, care and custody of the rooms or buildings constructed, leased or set apart for library purposes.

But all money received for such library fund shall be paid into the County Treasury, to be credited to the library fund, be kept separate from other moneys, and be paid out to the secretary-treasurer upon the authenticated requisition of the Board of Trustees through its proper officers. With the consent of the County Court it may lease and occupy, or purchase, or erect upon ground secured through gift, or purchase an appropriate building:

Provided, that of the income for any one year not more than half of the income may be employed for the

purpose of making such lease or purchase or for erecting such building.

If may appoint a librarian, assistants, and other employees, and prescribe rules for their conduct, and fix their compensation, and shall also have power to remove such appointees.

It may also extend the privilege and use of such library to non-residents upon such terms and conditions as it may prescribe.

SECTION 4. That all property given, granted, conveyed, donated, devised or bequeathed to, or otherwise acquired by any county for a library shall vest in and be held in the name of such county and any conveyance, grant, donation, devise, bequest or gift made to or in the name of any public library board shall be deemed to have been made directly to such county.

SECTION 5. That with the consent of the County Court, expressed by an order or resolution, and within the limitation of this Act as to the rate of taxation, the library board may accept any gift, grant, devise, bequest made or offered by any person or persons or corporation, for library purposes, and may carry out the conditions of such donations. And the county in all such cases is authorized and empowered to acquire a site, levy a tax, and pledge itself by order or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

SECTION 6. That every library established under the provisions of this Act shall be forever free to the use of the inhabitants of the county, subject to such reasonable regulations as the Board of Trustees may adopt.

SECTION 7. That on or before the thirty-first day of December of each year the said Board of Trustees shall make a report to the County Court, stating the condition of their trust, the various sums of money received from the library fund and all other sources, and how much money has been expended, the number of books and periodicals on hand, the number added during the year, the number lost or missing, the number of books loaned out and the general character of such books, the number of registered users of said library, with such other statistics, information and suggestions as it may deem of general interest.

SECTION 8. That the County Court shall have power to pass orders, resolutions imposing suitable penalties for the punishment of persons committing injury upon such library, grounds, or other property thereof, or for the failure to return any book, map, magazine, pamphlet or manuscript belonging to such library.

SECTION 9. That if there exist in the county, a secular or non-secular library owned and controlled by a society, person, or corporation, the County Court of said county, when deemed best for the interest of the county, may levy and collect the tax herein provided for, and, in lieu of supporting and maintaining a public library, enter into contract with such society, person or corporation for the purpose of providing the inhabitants of such county with free use and benefit of such library upon such terms and conditions as may be agreed upon between the County Court and the society, person or corporation; provided always, that all moneys paid to such society, person or corporation under said contract shall be expended solely for the maintenance of such library, and for no other purpose.

SECTION 10. That nothing in this Act shall be construed to abolish or in any way abridge any power or duty conferred upon any public library established by any city, town, school or person by charter, or any special act of any kind.

SECTION 11. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 31, 1917.

Libraries - Historical Notes

The following act has no current effect but is included here for reference purposes since it once applied to the Bradley County Governmental Library Commission. Also referenced below is an act which repeals prior law.

1. Private Acts of 1965, Chapter 224, was repealed by Private Acts of 2008, Chapter 63.

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