

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 206
HOUSE BILL 206

AN ACT TO AUTHORIZE THE COUNTY OF WAKE TO ESTABLISH AND OPERATE A COUNTY LIBRARY AND TO AUTHORIZE THE ESTABLISHMENT OF LIBRARY BRANCHES WITHIN INCORPORATED CITIES OF WAKE COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Wake County is hereby authorized to establish and support a public library system which shall be known as the "Wake County Library System" and shall be forever free to the inhabitants of the county. The library system shall consist of a main library and one or more branches to be maintained in a building or buildings which may be made available for such purposes by one or more of the municipalities located in the County of Wake. This Act shall be deemed to provide an additional and alternate method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to the powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either general, special or local.

Sec. 2. The County Commissioners of Wake County are authorized to levy upon all property taxable by the county a special library tax of not more than seven cents (7¢) on each one hundred dollars (\$100.00) in value of real and personal property, for the purpose of supporting the Wake County Library System, provided a majority of the qualified voters of the county voting at said election approve the levy of such tax, either at a general election or at a special election called by the board of commissioners for such purpose. If a special election is called, it shall be called and held and notice thereof given and the result determined, as provided in the County Finance Act for elections on bond orders.

Sec. 3. The City of Raleigh is authorized to establish a main library building within its corporate limits to be used by the commission in connection with the county library system established by the county. The City of Raleigh and other municipalities of Wake County are authorized to establish branch library buildings within their corporate limits to be used by the commission for library purposes. Said municipalities are authorized to issue bonds or notes for the purpose of purchasing land and constructing buildings thereon or purchasing existing buildings and the land on which said buildings are situated and equipping any of said buildings for any of the purposes set out above and to that end may submit to the electors of the municipality, under the provisions of the Municipal Finance Act, the question of issuing bonds and notes for

those purposes. Said municipalities may also lease land and buildings and equip the same for library use, and shall place the same at the disposal of the commission. The exterior of the buildings so provided by municipalities for the use of the commission shall be maintained by the municipality and used by the commission rent free, but the county shall have the obligation of maintaining the grounds, the interior of the buildings and the equipment in good repair and making such replacements to such equipment and interior as might be required to keep the same in good condition. Any municipality participating in the county library system by providing buildings and equipment for the use of the commission may withdraw from participation by giving one year's written notice to the commission of its intention so to do, and upon such withdrawal may take possession of the buildings and equipment furnished by it for the commission's use and make such disposition or use thereof as the law permits, but the equipment and furniture furnished by the county shall remain county property. Upon withdrawal, the commissioner or commissioners appointed to the Library Commission by the municipality withdrawing shall automatically cease to be a member or members of the Library Commission and in such event support from county funds shall cease.

Sec. 4. If the county library system shall be established by the county, as herein provided, the same shall be governed by a board of commissioners to be composed of five persons to be named by the Board of County Commissioners of Wake County, five persons to be named by the governing body of the City of Raleigh, if the City of Raleigh should participate in the county-wide library system by providing a central or branch library building or buildings, and one person by the governing body of each of the other municipalities in Wake County which shall participate in the library system by providing a branch library building or buildings to be used in connection therewith. Of the library commissioners first appointed by Wake County and the City of Raleigh, two shall be appointed for a period of two years; two for a period of four years; and one for a period of six years. Thereafter, their terms shall be for a period of six years. Library commissioners appointed by other municipalities of the county shall be appointed for a period of six years. The library commissioners so appointed shall continue to serve until their successors are appointed and qualified.

Vacancies occurring on the board shall be filled for the unexpired term by the appointment of the governing body of the appointing unit. Any member may be removed by the governing body appointing him for incapacity, unfitness, misconduct or neglect of duty. Members of the Library Commission shall serve without compensation.

Sec. 5. The Library Commission shall organize immediately after appointment and shall elect one of its members as chairman, one as secretary, and one as treasurer, and such other officers as it may deem necessary.

The Library Commission shall have the power:

(1) To adopt such bylaws, rules and regulations for its own guidance and for the government of the library as may be necessary and in conformity with law.

(2) To supervise and care for the rooms or buildings constructed, leased or set apart for library purposes.

(3) To appoint a chief librarian and, upon recommendation of such librarian, assistant librarians and other employees, and to remove such librarians or

employees; provided, that no vacancies existing or occurring in the position of chief librarian in such libraries shall be filled by the appointment or designation of any person who is not certified by the North Carolina Library Certification Board under the provisions of G. S. 125-9 or G. S. 125-10.

(4) To recommend the compensation of the chief librarian and in consultation with such librarian to recommend the compensation of the assistant librarians and all employees of the library and to prescribe rules for their conduct.

(5) To prepare the annual budget for the library for submission to the governing body of Wake County.

The Library Commission shall make an annual report to the governing body of the county covering the work of the library during the fiscal year.

Sec. 6. If a Library Commission is established by Wake County, the county is authorized to appropriate from the proceeds of special tax funds the cost and expense of operation, providing funds for the purchase of books, the payment of salaries, making repairs and replacements to equipment, grounds, and the interior of the buildings used by the Library Commission, and to pay all other expenses incident and necessary to the operation of a modern and efficient library system.

Sec. 7. The treasurer of the Library Commission, before entering upon his duties, shall give bond to the county in an amount fixed by the governing body of the county, conditioned upon the faithful discharge of his official duties. All moneys received for such library shall be paid into the county treasury, shall be earmarked for the use of the library, and shall be paid out on warrants signed by the county treasurer and countersigned by the county accountant: Provided, the countersigning officer shall countersign such warrants only when they are within the funds earmarked for the library and within the amount of appropriations duly made by the governing body of the county.

Sec. 8. Any municipality in Wake County may accept any gift, grant, devise or bequest made or offered by any person for library purposes and may carry out the reasonable conditions of such donations consistent with the purposes of this Act.

Sec. 9. Title to all property given, granted or conveyed, donated, devised or bequeathed to, or otherwise acquired by any municipality for a library shall vest in and be held in the name of such municipality, and any conveyance, grant, donation, devise, bequest or gift to or in the name of the Wake County Library Commission shall be deemed to have been made directly to the Library Commission unless specifically otherwise provided.

Sec. 10. The use of every library established under this Article shall be forever free to the inhabitants of the county, subject to such reasonable rules and regulations as may be adopted by the Wake County Library Commission and approved by the governing body of the county.

Sec. 11. The Library Commission shall have the power to impose penalties for any damage to or failure to return any book, plate, picture, engraving, map, magazine, pamphlet, newspaper, manuscript, film, recording, audio visual equipment, or other specimen, work of literature, or object of art or of curiosity belonging to such library.

Sec. 12. Whoever wilfully or intentionally fails to return to a public library any book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, film, recording, or audio visual equipment belonging to such public library within 15 days after the librarian has mailed or delivered in person notice in writing that the time for which such book, plate, picture, engraving, map, newspaper, magazine, pamphlet, manuscript, film, recording or audio visual equipment may be kept under library regulations has expired, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than fifty dollars (\$50.00) or imprisonment for not more than 30 days: Provided, that the notice required by this Section shall bear upon its face a copy of this Section.

Sec. 13. If for any reason Wake County shall not establish a county library system pursuant to the authority herein contained, or if any municipality shall withdraw from participation in the county-wide library system, any of the municipalities of Wake County may exercise any the General Statutes of North Carolina and the proceeds from any bonds which may be authorized pursuant to this Act by any of the municipalities of Wake County may be used for the purchase of lands and the construction of buildings or for the purchase of buildings already constructed to establish a library system for the use of the residents of the municipality authorized to issue said bonds. Such municipality may create a board of trustees consisting of not more than 12 members.

Sec. 14. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 15. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of April, 1961.