

**NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION**

**CHAPTER 874
SENATE BILL 419**

**AN ACT TO AUTHORIZE THE COUNTY OF RANDOLPH TO ESTABLISH AND
OPERATE A COUNTY LIBRARY SYSTEM AND TO AUTHORIZE THE
PARTICIPATION IN THIS SYSTEM OF MUNICIPAL OR OTHER PUBLIC
LIBRARIES IN RANDOLPH COUNTY.**

The General Assembly of North Carolina do enact:

Section 1. Randolph County is hereby authorized to establish and support a public library system which shall be known as the "Randolph Public Library". The library system shall consist of a main library and one or more municipal libraries 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 Randolph. 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 Randolph County shall levy upon all property taxable by the county and cause to be collected as other general taxes are collected a special library tax of not more than ten cents (10¢) on each one hundred dollars (\$100.00) in value of real and personal property, for the purpose of supporting the Randolph Public 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 laws governing such elections.

Sec. 3. The City of Asheboro is authorized to establish a main library building within its corporate limits to be used by Randolph County Commissioners in connection with the county library system established by the county. The municipalities of Randolph County are authorized to construct, buy, rent, lease or otherwise acquire library buildings within their corporate limits to be used by the county for library purposes.

Municipalities in Randolph County 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 county.

The buildings so provided by municipalities for the use of the county rent free shall be maintained by the municipality and shall be equipped for library purposes. Said equipment shall be kept in good repair and replaced as required.

Any municipality participating in the county library system by providing buildings and equipment for the use of the county may withdraw from participation by giving one year's written notice to the county commissioners of its intention so to do, and upon such withdrawal may take possession of the buildings and equipment furnished by it for the county's use and make such disposition or use thereof as the law permits. In such event, support from county funds shall cease.

Sec. 4. If a county library system shall be established by the county, as herein provided, the county commissioners shall appropriate from the proceeds of special tax funds if approved by vote of the people the cost and expense of operation, providing funds for the purchase of books, the payment of salaries, purchase of bookmobiles, provision of bookmobile service, purchase of delivery vehicles, and to pay all other expenses incident and necessary to the operation of a modern efficient library system.

The library system shall be governed by a Board of Library Trustees to be composed of six persons appointed by the board of county commissioners, chosen from the citizens at large with reference to their fitness for such office. Terms of members shall be six years, and until their successors are appointed and qualified. All vacancies shall be immediately reported by the trustees to the county commissioners which shall fill each vacancy for the unexpired term. The commissioners may remove any trustee for incapacity, unfitness, misconduct, or for neglect of duty. Members of the Board of Trustees shall serve without compensation. Present members of the Board of Trustees shall continue until their terms expire.

Sec. 5. The Board of Library Trustees 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 Board 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) With the consent of the county commissioners, to enter into agreements with the municipalities or nonprofit corporations and other established organizations in unincorporated areas in the county covering the provisions of buildings in said municipalities or unincorporated areas 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 said library 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. 125-27, or G. S. 125-28;

(4) To fix the compensation of the chief librarian, and in consultation with such librarian, to fix 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 the county;

(6) To extend the privileges and use of such library to nonresidents of the county upon such terms and conditions as it may prescribe.

The Board of Trustees shall make an annual report to the governing body of the county and of all municipalities participating in the Randolph Public Library system.

Sec. 6. Each municipality shall appoint a Library Committee to be composed of six persons chosen from the citizens at large with respect to their fitness for such office. Terms of the members shall be six years, and until their successors are appointed and qualified. For the initial term, two members shall be appointed for two years, two members for four years, and two members for six years, and until their successors are appointed and qualified. All vacancies shall be immediately reported by the Committee to the governing body which shall fill each vacancy for the unexpired term. The governing body may remove any member for incapacity, unfitness, misconduct or neglect of duty. Members of the Committee shall serve without compensation.

Sec. 7. The Library Committee shall organize immediately after appointment by the governing body of the municipality 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 Committee shall have the power:

(1) To adopt such bylaws, rules and regulations for its own guidance as may be necessary and in conformity with law and in conformity with the Randolph Public Library bylaws;

(2) With consent of the governing body of the municipality to lease and occupy, and to erect upon lands acquired by gift, devise or purchase, an appropriate building or buildings for library purposes;

(3) To supervise and care for the rooms or buildings constructed, leased or set apart for library purposes; such supervision to cover building and equipment and repairs to same; grounds and upkeep of same; insurance;

(4) To plan for library services supplementary to those provided through the Randolph Public Library system and to secure funds for these services through budget requests to the governing body of the municipality or through gifts; such funds may be used for supplementing salaries, books and other library materials, new services, and for any other items or operations which improve the value of the library and its services to the people of the municipality;

(5) To prepare the annual budget for library building maintenance and local supplementary services for submission to the governing body of the municipality.

The Library Committee shall report to the governing body on all funds received and disbursed by it.

Sec. 8. How library funds shall be paid out. The treasurer of the Randolph Public Library Board of Trustees, before entering upon his duties, shall give bond to the

county in an amount fixed by the governing body, conditioned upon the faithful discharge of his official duties. All monies received for the 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 treasurer and countersigned by the county accountant; provided, the countersigning officer shall countersign such warrants when they are within the funds earmarked for the library and within the amount of appropriations duly made by the governing body.

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

Sec. 9. Title to property. 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 any Library Committee shall be deemed to have been made directly to the municipality in which the property is located.

Books, equipment and other items previously belonging to or acquired hereafter by the municipal libraries shall remain the property of said municipalities.

Books and other materials, supplies and equipment previously belonging to the Randolph Public Library or acquired hereafter by said library shall be the property of Randolph County.

Sec. 10. Library free. The use of every library established under this Act shall be forever free to the inhabitants of the county and of the municipalities participating in the county-wide system, subject to such reasonable rules and regulations as may be adopted by the Board of Trustees and approved by the governing body of the county.

Sec. 11. Nonprofit corporations and other established organizations in unincorporated communities in Randolph County may contract with the Randolph Public Library for library services provided their charters or organization authorize them to qualify in the same manner as that set forth in Section 3 for the provision of buildings for library purposes and provided they can meet other requirements specified by the Library Board of Trustees.

Sec. 12. If for any reason Randolph 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, that municipality or Randolph County may exercise any rights and privileges conferred upon them by Article 8 of Chapter 160 of 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 Randolph 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 for the use of the residents of the municipality authorized to issue said bonds.

Sec. 13. Ordinances for protection of library. The governing body of the county shall have power to pass ordinances imposing penalties for any damage to or failure to return any books, plate, picture, engraving, map, magazine, pamphlet, newspaper, manuscript, film, recording, audio visual equipment, or other specimen, work or literature, or object of art or curiosity belonging to the Randolph Public Library.

The governing body of each municipality in Randolph County shall have power to pass ordinances imposing penalties for any damage to or failure to return any books, 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 the municipal library of said municipalities.

Sec. 14. Detention of library property after notice. Whoever willfully 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 fifteen 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 thirty days: Provided, that the notice required by this Section shall bear upon its face a copy of this Section.

Sec. 15. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 16. 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 16th day of June, 1961.