

ORDINANCE NO. 12537

AN ORDINANCE TO REPEAL CHATTANOOGA CITY CODE, PART II, CHAPTER 22, LIBRARIES, IN ITS ENTIRETY, AND TO REPLACE IT WITH A NEW CHAPTER 22.

---

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that Chattanooga City Code, Part II, Chapter 22, Libraries, be and the same is hereby amended by repealing the existing chapter and substituting in lieu thereof the following:

**Sec. 22-1. Recreated; management.**

There is hereby recreated and reestablished an independent free library to be known and designated as the Chattanooga Public Library, which shall be managed and governed by a board of directors of seven (7) members (hereinafter known as "Library Board"). Not more than five (5) of such members shall be of the same sex. Not more than one (1) city official shall serve on the Library Board. The Library Board shall be vested with such powers and have such duties as set forth in this chapter.

**Sec. 22-2. Compensation of board; appointment; terms.**

The members of the reestablished Library Board shall serve without salary, three (3) for one (1) year, two (2) for two years, and two (2) for three (3) years, and their successors for terms of three (3) years. The members of the Library Board shall be nominated by the mayor and confirmed by a majority of the members of the City Council. At the expiration of a Library Board member's term, the member shall hold over until the City Council confirms the mayor's nomination for that position.

**Sec. 22-3. Library board; powers; annual reports.**

The members of the Library Board shall initially organize by electing officers and adopting bylaws and regulations consistent with this chapter. The Library Board shall have the power to direct the affairs of the library, including appointment of a librarian, who shall direct the internal affairs of the library, and such assistants or employees as may be necessary. The Library Board may make and enforce rules and regulations and establish branches at its discretion, subject to available funding. It may expend funds for the special training and formal education of library personnel; provided, that such personnel shall agree to work in the library for at least two (2) years after completion of such training and

education. The Library Board may receive donations, devises and bequests to be used by it directly for library purposes. It may hold and convey realty and personal property and negotiate leases for and on behalf of such library. The Library Board shall furnish to the state library agency such statistics and information as may be required. The Board should endeavor to comply with all state requirements to qualify for available funds.

The Library Board shall furnish to the City Council each fiscal year, an annual financial report setting forth its current year actual and upcoming year capital and operations requirements during the City's annual budgeting process. The Board shall be required to operate within the operating budget approved by the City Council without utilizing reserve funds unless that use is approved by the City Council.

**Sec. 22-4. Tax funds; holding and disbursements; account audits.**

A separate fund shall be established to account for all financial transactions, regardless of funding source, whether raised by bonds, donations, bequests, or City general fund. All funds shall be reported in accordance with generally accepted accounting principles and the terms of respective funding source. Such funds may be disbursed in accordance with policies of the Library Board, the City of Chattanooga Purchasing Policy, and Tennessee State requirements. All library accounts of every character shall be audited annually as part of the City's annual audit.

**Sec. 22-5. Use of library.**

The Chattanooga Public Library shall be free to the inhabitants of the city; however, the Library Board may, in its discretion, extend the privileges and facilities of the library to persons residing outside the city upon such terms as it may deem proper.

**Sec. 22-6. Rules governing loss, injury to books.**

The Library Board shall have the power to make and enforce rules providing penalties for loss of or injury to library property. Nothing in this chapter shall be construed to prohibit the Library Board from charging library users a reasonable fine for late-returned library materials and charging for special services including, but not limited to, the loan of equipment and the use of photocopiers.

**Sec. 22-7. Free public library fund created; duties of city finance officer.**

- (a) There is hereby created and reestablished a special fund known as the "Chattanooga Public Library Fund" to be maintained by the city finance officer as a special and separate fund, and which shall be kept separate and

apart from all other funds. Charitable contributions, funds from other governmental entities, tax funds, whether raised by bonds or taxation, governmental grants, or otherwise shall be deposited to such special fund for the use and benefit of the Chattanooga Public Library to be hereafter established, created, constructed, maintained and supported pursuant to Tennessee Code Annotated, section 10-3-101 et seq. The city finance officer is authorized to direct the investment of such funds in the same manner as surplus funds of the city are now being invested.

- (b) The city finance officer is authorized to sell stock that is contributed for a free public library and deposit the proceeds therefrom to the Chattanooga Public Library Fund established herein.
- (c) The proceeds from the sale of surplus books by the library may be credited to such special fund in the discretion of the Library Board.

**Sec. 22-8. Borrowing for buildings and equipment.**

The City Council has the power to borrow money for the purchase of realty and the erection or purchase of suitable buildings for the library and its branches, and for the equipment of the library. The title to such property may be vested in trust in the Library Board and its successors, which shall be responsible for disbursing bond proceeds as provided herein in section 22-4 and in the Tennessee Code Annotated, section 10-3-106.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.


PASSED on Second and Final Reading.

\_\_\_\_\_ August 16 \_\_\_\_\_, 2011.

  
\_\_\_\_\_  
CHAIRPERSON

APPROVED:  DISAPPROVED:

DATE: 8/19 \_\_\_\_\_, 2011

  
\_\_\_\_\_  
MAYOR

MJF/DM/mms