

Title 65

Public Libraries

2015

§65-1-101. Short title.

This act shall be known as the Oklahoma Library Code.
Added by Laws 1967, c. 45, § 1-101, emerg. eff. April 6, 1967.

§65-1-102. Policy.

It shall be the policy of the State of Oklahoma to promote, support, and implement the development and maintenance of adequate public and special library facilities and services throughout the state in whatever forms and by whatever means may be most beneficial and feasible. Adequate library services are deemed to be necessary to the cultural, educational and economic development of the State of Oklahoma and to the health, safety and welfare of its people, and to be the responsibility of government at all levels.

Added by Laws 1967, c. 45, § 1-102, emerg. eff. April 6, 1967.

§65-1-103. Purpose.

It is the purpose of the Oklahoma Library Code to accomplish this policy by providing for:

(a) Creation of the Oklahoma Department of Libraries to discharge the responsibility and exercise the authority of the State of Oklahoma for adequate library facilities and services in and for state government and throughout the state.

(b) Establishment, development and operation of libraries and library systems throughout the state with the goal of providing adequate library services to all the people of the state.

(c) Financial support for libraries with guidelines for maximum economy and effectiveness in use of all funds.

(d) Cooperation with other state agencies, federal agencies and private organizations in effecting the purposes of this Code.

Added by Laws 1967, c. 45, § 1-103, emerg. eff. April 6, 1967.

§65-1-104. Definitions.

When used in this Code unless the context otherwise requires:

(a) The term "library system" shall mean a unified public library organization under single direction in an area of not less than one county.

(b) The term "public library" shall mean a library or library system that is freely open to all persons under identical conditions, and which is supported in whole or in part by public funds.

(c) The term "metropolitan library" shall mean a library system which is the public library for a county in which is located a city of at least two hundred fifty thousand (250,000) population.

(d) The term "multicounty library" shall mean a library system which is the public library for a library district composed of two or more counties.

(e) The term "special library" shall mean any library, whether open to the general public or not, that is supported in whole or in part by public funds and which comes within one or more of the following categories:

(1) All libraries which are operated within or as an integral part of a publicly supported institution.

(2) All libraries that cater to a special clientele.

(3) All libraries that are concerned primarily with materials on a special subject.

Provided, however, that this definition shall not be construed to include libraries operated as a part of any university, college, school, museum, the Oklahoma Historical Society and county law libraries.

(f) The word "library" shall mean the contents as well as the building, equipment and facilities of the institution.

(g) The word "Department" shall mean the Oklahoma Department of Libraries, which shall be the official library and archival agency of the state.

(h) The word "Board" shall mean the Oklahoma Department of Libraries Board.

(i) The word "standards" shall mean the criteria pertaining to the scope and quality of library facilities, levels of financial support, adequacy and qualifications of personnel, organization and resources for service, areas of service and population to be served, and other factors deemed necessary to insure proper, economical and effective use of funds and resources in providing library facilities and services.

(j) The term "accreditation of libraries" shall mean the evaluation and rating of public libraries and library systems.

(k) The word "Director" shall mean the Director of the Department who shall be the State Librarian and the State Archivist.

(l) The term "county library" means a public library established, supported, and maintained by county taxation.

(m) The term "municipal library" means a public library established, supported, and maintained through taxation by a city or town whose library board of trustees is appointed pursuant to municipal authority.

(n) The term "city-county library" means a library system which consists of a public library for a county in which the population is at least 100,000.

(o) The term "rural single county library" means a library system which consists of a public library for a county in which the population is less than one hundred thousand (100,000) and which is supported by ad valorem taxation designated for the support of the county library system.

Added by Laws 1967, c. 45, § 1-104, emerg. eff. April 6, 1967.
Amended by Laws 1992, c. 322, § 1, eff. July 1, 1992; Laws 1995, c. 165, § 1, emerg. eff. May 2, 1995.

§65-1-105. Disclosure of records.

A. Any library which is in whole or in part supported by public funds including but not limited to public, academic, school or special libraries, and having records indicating which of its documents or other materials, regardless of format, have been loaned to or used by an identifiable individual or group shall not disclose such records to any person except to:

1. Persons acting within the scope of their duties in the administration of the library;
2. Persons authorized to inspect such records, in writing, by the individual or group; or
3. By order of a court of law.

B. The requirements of this section shall not prohibit middle and elementary school libraries from maintaining a system of records that identifies the individual or group to whom library materials have been loaned even if such system permits a determination, independent of any disclosure of such information by the library, that documents or materials have been loaned to an individual or group.

C. All registration information of minors collected by any library which is supported in whole or in part by public funds including but not limited to public, academic, school or special libraries shall not be disclosed to any person except:

1. Persons acting only within the legitimate scope of their duties in the administration of the library;
2. Persons authorized to inspect such records, in writing, by the individual; or

3. By order of a court of law.

For purposes of this section, "registration information" includes any information required of a minor in order to become eligible to borrow books, utilize library services, and other materials.

D. Any suspicious requests for records of minors that may be indicative of criminal intent shall be reported immediately to appropriate law enforcement authorities.

Added by Laws 1985, c. 81, § 1, eff. Nov. 1, 1985. Amended by Laws 1986, c. 98, § 1, eff. Nov. 1, 1986; Laws 2013, c. 26, § 1, emerg. eff. April 12, 2013.

§65-4-101. Authority for establishment.

Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public libraries to serve multicounty systems, and to appropriate and allocate funds for the support of such systems. Such systems shall provide equitable library services to all persons in the district.

To insure the effective development of library service in all rural and urban areas, the creation and organization of library systems and the district to be served shall be subject to approval by the Oklahoma Department of Libraries Board in accordance with the provisions of Article X, Section 10A of the Oklahoma Constitution. After establishment, library systems shall be subject to accreditation by the Oklahoma Department of Libraries Board.

Parts of an adjacent county may be added to or included in multicounty systems if these additions are determined by agreement of the system board, the petitioning parties, and the Oklahoma Department of Libraries Board to be the most feasible way to provide public library services to such part of a county.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under this and other Oklahoma Statutes as amended and the Oklahoma Constitution as amended are hereby authorized to be levied for support of library systems.

When any multicounty system is established under provisions of this act, existing public libraries in the district may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment. Existing public libraries not incorporated into the system shall have the same relationship to the system as similar public libraries outside the district have to the local system and to other systems.

Added by Laws 1967, c. 45, § 4-101, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 7, eff. July 1, 1992.

§65-4-102. Procedure for establishment and termination.

A library system may be created by resolution or ordinance approved by the boards of county commissioners or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the latest U.S. Census within the proposed district, or by the county seat town if no city or town within a county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. Such resolution and ordinances shall specify the type of system to be created, the district to be served, organization of the governing board of the system, proposed financing including agreement to call for a vote of the people as necessary for special tax levies, and shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

A library system may be created upon initiative of the county, city and town governing bodies concerned, or upon presentation of petitions to the board of county commissioners of each county signed by not less than ten (10%) percent of of the qualified electors of each county voting in the latest preceding general election. Upon receipt of such petitions, the board of county commissioners of each county shall forthwith call for a countywide vote on the proposed library system.

When approval of the proposed system is granted by the Oklahoma Department of Libraries Board, the county, city and town governing bodies shall proceed with appointment of the system board and financing.

After appointment of the governing board of the library system, it may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and/or may request a grant of funds for interim services before collection of special tax levies by the people of the district.

The boards of county commissioners and the governing bodies of cities and towns involved in creation of a library system, and the governing board of the library system, are authorized to enter into contracts and agreements by and between such governing bodies and with other such library systems, special and school and college libraries, and the Oklahoma Department of Libraries in affecting the purposes of this article and other articles of this Code.

After a system has been created, another county or counties may be added to the system by action of the governing bodies of the applicant counties and cities as provided in the procedure for establishment.

Any library system created under the provisions of this Code may be terminated, or a part thereof may withdraw and resulting

special tax levies shall be discontinued only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty (20%) percent of the qualified electors voting in the latest preceding general election of the county or counties wishing to terminate or withdraw.

This provision for termination of all or a part of a library system shall not prohibit the reorganization of any system, or the transfer of part of a system to another system or the merging of systems, by act of the county, city and town governing bodies with approval of the Oklahoma Department of Libraries Board, provided that such changes do not result in termination of library service in any other area for which such service has been approved.

Added by Laws 1967, c. 45, § 4-102, emerg. eff. April 6, 1967.
Amended by Laws 1992, c. 322, § 8, eff. July 1, 1992.

§65-4-103. Governing boards - Membership - Tenure - Qualifications - Compensation.

A. The Board of Trustees of a library system containing two or more counties, herein defined as a multicounty library system, shall consist of at least five (5) members. There shall be at least one member from each county appointed by the board of county commissioners. Additional members shall be appointed for each city within the system with a public library located in the city, with these appointments to be made by the governing body of the city. Should the board serving a multicounty unit result in fewer than five members, additional board members shall be appointed on a proportional basis agreed upon by the county governments involved.

B. Any member serving on a system board as of the effective date of this act shall continue to serve until the end of the current term for which they were appointed. Thereafter, appointments shall be made as provided for in subsection A of this section.

C. Initial appointments shall be distributed among one-, two- and three-year terms, with one-third (1/3) of the appointments to be made for one (1) year, one-third (1/3) to be made for two (2) years and one-third (1/3) for three (3) years. Subsequent appointments shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the system board, which appointment shall be for the remainder of the unexpired term of the member where death, resignation or removal has created the vacancy. A partial term of not more than eighteen (18) months served immediately prior to a full three-year term shall not be counted as a full term. No person shall serve more than two full successive terms. Provided that a person who previously served for two (2)

successive terms or less may be reappointed if two (2) years has expired since the person's last service on the board. All tenure of initial and future appointees shall expire on June 30 of the designated year. A member of a system board once qualified can thereafter be removed by the appointive authority during his term of office only for misconduct or neglect of duty.

D. Appointments to the system board shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of public libraries and an active interest in the attainment of these comprehensive goals. Appointive members shall be qualified electors and bona fide residents of the counties from which they are appointed. No member of the system board shall in any way be connected with the business of publishing or selling books, periodicals or other forms of library materials nor with the business of manufacturing or selling library supplies or equipment.

E. All system board members shall serve thereon without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act. Individual memberships for systems board members in state, regional, and national library associations and expenses incurred in attending conferences of these associations, board meetings and other library and library-related meetings may be paid from library funds upon proper authorization of the board.

Added by Laws 1967, c. 45, § 4-103, emerg. eff. April 6, 1967. Amended by Laws 1976, c. 45, § 1, emerg. eff. April 9, 1976; Laws 1992, c. 322, § 9, eff. July 1, 1992; Laws 1996, c. 20, § 1, emerg. eff. April 3, 1996; Laws 2013, c. 140, § 1, emerg. eff. April 24, 2013.

§65-4-104. System board of trustees - Officers - Meetings - Quorum.

The system board shall elect a chairman, vice-chairman, and treasurer from the appointed members. The term of the officers shall be one (1) year.

The system board shall meet as often as is required to transact necessary business and all meetings shall be open to the public in compliance with the Oklahoma Open Meetings Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record.

A majority of the board membership shall constitute a quorum.

Added by Laws 1967, c. 45, § 4-104, emerg. eff. April 6, 1967. Amended by Laws 1992, c. 322, § 10, eff. July 1, 1992.

§65-4-105. System board of trustees - Powers and duties.

(a) Every system board created by this Code shall have all powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including, in addition to others granted in this article, the following powers:

(1) To operate and maintain a library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(2) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(3) To erect, maintain, and operate public library buildings at one or more places.

(4) To accept transfer of any existing public library or libraries by lease or other conveyance.

(5) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles.

(6) To sell and dispose of personal property acquired by purchase or any other means when by proper resolution the board finds that said property is not needed for library purposes.

(7) To acquire, accept, hold, and convey legal title to interest in real property in the name of the system board. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the system board by the chairman and shall be attested by the secretary upon proper resolution of the Board.

(8) To accept or decline donations tendered to the library system.

(9) To administer the expenditure of any funds which may become available for library purposes.

(10) To establish a schedule of fees to cover various services rendered and also to contract with other persons, including legal counsel and independent certified public or certified municipal accounting service, within the limits of its appropriations, and to incur necessary expenses. This subsection shall not be construed to preclude the use of the appropriate district attorney or assistant district attorney for legal counsel and the State Auditor and Inspector for auditing services.

(11) To apply, contract for, receive and take advantage of any or all allocations of funds which may be available to the system board for library or library related purposes and services under the laws and regulations of the United States, the State of Oklahoma, or any other state, or any organization, agency, instrumentality or subdivision of these entities or undertake or contract for joint activities or programs with the

United States, the State of Oklahoma or any other state, and any organization, agency, instrumentality, or subdivision of these entities pertaining to library or library related purposes or services; and to prepare and submit plans, specifications, reports or applications, to execute any agreements, to employ, fix duties and compensation of personnel, and to administer and direct any programs, plans or projects in connection with any of the foregoing.

(12) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

(13) To borrow monies on the credit of the Board of Trustees for a term not to exceed one (1) year.

(14) To do all other things necessary or desirable to carry out the purposes and provisions of this Code.

(b) It shall be the duty of the system board to prepare an annual budget which shall be filed on or before June 1 with the boards of county commissioners and the county excise boards, the State Auditor and Inspector, the Oklahoma Department of Libraries, State Board of Equalization, and with cities and towns which participate in financial support of the system. The system board shall also submit an annual audit of its income and expenditures within ninety (90) days following the close of the fiscal year to the boards of county commissioners, the State Auditor and Inspector, the Oklahoma Department of Libraries and with cities and towns which participate in financial support of the system.

(c) In the case of withdrawal of a county or abolishing of a library system, disposal of the assets, including capital equipment and other property of the library district, shall be made in the most equitable manner possible as determined by the Oklahoma Department of Libraries Board, who shall give consideration to such items as the original source of the property, the amount of funds raised from each county of the system, and the ability of the counties to make further use of such property or equipment for library purposes.

(d) Funds levied and collected pursuant to Article 10, Section 10-A of the Oklahoma Constitution shall be controlled and administered under the direction of the system board.

(e) Other funds contributed from federal, state, county and city governments, and from any other source shall be deposited in the independent library account following such procedures as

may be agreed upon by the contributing agency, the system board, and the Oklahoma Department of Libraries Board.

(f) Vouchers shall be drawn by such officers or employees as prescribed by the system board. Each designated officer or employee shall give a faithful performance bond approved by the system board in a sum determined by the board and sufficient in amount to equal the estimated largest sum of money which will be disbursed at any one time. Premiums for such bond may be paid from funds of the library system.

Added by Laws 1967, c. 45, § 4-105, emerg. eff. April 6, 1967.
Amended by Laws 1979, c. 30, § 113, emerg. eff. April 6, 1979;
Laws 1992, c. 322, § 11, eff. July 1, 1992; Laws 1994, c. 362, § 1, eff. July 1, 1994.

§65-4-106. Personnel.

(a) The system board shall appoint a librarian of the library system on the basis of merit and experience. Such librarian shall be a graduate of a library school accredited by the American Library Association. The librarian shall be the administrative, executive and supervisory officer of the library and secretary to the system board. The librarian shall serve at the discretion of the system board.

(b) The librarian may appoint and remove staff members and other employees.

(c) The system board may establish or participate in employee retirement and health insurance programs either for the exclusive benefit of its staff or jointly and, in conjunction with city, county, state, or other retirement systems, may expend upon authorization of the board funds allocated by the board for such purposes.

Added by Laws 1967, c. 45, § 4-106, emerg. eff. April 6, 1967.
Amended by Laws 1992, c. 322, § 12, eff. July 1, 1992.

§65-4-107. Financing.

Library systems are hereby authorized and empowered to receive and allocate funds for establishment, development and maintenance of library facilities and services through special library tax levies as hereinafter provided and other funds, including appropriations from city, town and county general funds, state and federal grants-in-aid, and other public and private funds. All such funds received and appropriated may be used for library services throughout the library district.

(a) The governing boards of cities, towns, counties, and library systems established by vote of the people, as authorized, may submit to a vote of the people special tax levies of any tax or taxes which are or may be authorized for

levying in and by cities, towns, counties and library system districts.

(b) The initial financing of any library system established under this act shall be approved by the Oklahoma Department of Libraries Board.

Added by Laws 1967, c. 45, § 4-107, emerg. eff. April 6, 1967.

§65-4-115. Counties without countywide library services - Appointment of public library board.

Except as otherwise provided in this section, the board of county commissioners, in counties which do not have countywide library services through a rural single county library or as otherwise determined by the Oklahoma Department of Libraries, may appoint a public library board consisting of not less than five nor more than seven members. There shall be at least one member appointed from each of the county commissioner districts. Additional members shall be appointed as follows:

1. One member appointed by the municipal governing board of the county seat; and

2. If the county seat is not the municipality having the largest population, then one member to be appointed by the municipal governing board of the municipality having the largest population. Initial appointments shall be distributed among one-, two- and three-year terms, with two of the appointments to be made for one year, two to be made for two (2) years and three to be made for three (3) years. Subsequent appointments shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the board, which appointment shall be for the remainder of the unexpired term of the member when death, resignation or removal has created the vacancy. No person shall serve more than two (2) successive terms or be appointed for another full term or temporary term until at least two (2) years have elapsed from the end of the second successive term until the beginning of the new term. All tenure of initial and future appointees shall expire on June 30 of the designated year. A member of a board once qualified can thereafter be removed by the appointive authority during his or her term of office only for misconduct or neglect of duty.

Appointments to the board shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of public libraries and an active interest in the attainment of these comprehensive goals. Appointive members shall be qualified electors and bona fide residents of the county.

All board members shall serve thereon without compensation except actual and necessary travel expenses as authorized by the State Travel Reimbursement Act, Section 500.1 et seq. of Title

74 of the Oklahoma Statutes. Individual memberships for board members in state, regional, and national library associations and expenses incurred in attending board meetings and other library and library-related meetings may be paid from library funds upon proper authorization of the board.

If a multicounty library system or a rural single county library system is formed on or after July 1, 1992, which includes a county with a public library board and provides countywide service to the county, the public library board appointed pursuant to this section may be terminated. All powers, duties and responsibilities of the public library board may be transferred to the Board of Trustees of the multicounty library system or the rural single county library system. Added by Laws 1992, c. 321, § 5, eff. July 1, 1992. Amended by Laws 1995, c. 165, § 2, emerg. eff. May 2, 1995.

§65-4-116. Public library boards - Powers and duties.

The county public library board shall have the following powers and duties:

(a) To operate and maintain a county library system and to promulgate such rules for the operation and maintenance thereof as may be deemed necessary or expedient;

(b) To employ a director who shall have the authority to employ necessary staff and to terminate the employment of such staff upon approval of the board;

(c) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes;

(d) To erect, maintain, and operate public library buildings at one or more places in the county;

(e) To accept transfer of any existing public library or libraries by lease or other conveyance;

(f) To acquire, by purchase or otherwise, books and other personal property customarily used in the operation of public libraries including necessary motor vehicles;

(g) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the county public library board finds that said property is not needed for library purposes;

(h) To accept, hold, and convey legal title to interests in real property in the name "County Public Library Board of _____ County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the board by the chairperson and shall be attested by the secretary;

(i) To accept or in its discretion to decline donations tendered to the county library system;

(j) To apply for funds from the Oklahoma Local Library Support Revolving Fund and provide any information requested by the Oklahoma Department of Libraries in order to qualify and receive such funds;

(k) To administer the expenditure of any funds which become available for library purposes from the Oklahoma Local Library Support Revolving Fund and any other funds granted or donated to the county public library;

(l) To borrow on the credit of the county public library board for a period of time not to exceed one year; and

(m) To do all other things necessary or desirable to carry out the purposes and provisions of this act.

Added by Laws 1992, c. 321, § 6, eff. July 1, 1992.

§65-4-201. Establishment, special levies authorized -
Incorporation of existing libraries.

Counties, cities and towns are hereby authorized and empowered to join in creation, development, operation and maintenance of public libraries to serve rural single county library systems, and to appropriate and allocate funds for the support of such systems. The systems shall provide equitable library services to all persons in the county.

After establishment a rural single county library system must be accredited by the Oklahoma Department of Libraries Board.

Special levies of any and all taxes authorized to be levied by counties, cities and towns under Oklahoma Statutes and the Oklahoma Constitution are hereby authorized to be levied for support of rural single county library systems.

When any rural single county library system is established, existing public libraries in the county may be incorporated into the system under a unified administration by act of local governing bodies or vote of the people as provided in the procedure for establishment of the rural single county library systems. Existing public libraries in the county that are not incorporated into the system shall have the same relationship to the system as similar public libraries outside the county have to the local system and to other systems.

Added by Laws 1995, c. 165, § 4, emerg. eff. May 2, 1995.

§65-4-202. Creation by resolution, ordinance or petition -
Multicounty library systems - Termination.

A rural single county library system may be created by resolution or ordinance approved by the board of county commissioners or by the governing bodies of all cities or towns of two thousand (2,000) or more according to the most recent federal decennial census within the proposed district, or by the

county seat town if no city or town within the county has a population of at least two thousand (2,000), subject to approval by the Oklahoma Department of Libraries Board. The resolution and ordinances shall specify the type of system to be created, the county to be serviced, organization of the governing board of the system, and proposed financing including agreement to call for a vote of the people as necessary for special tax levies. The resolution shall constitute application for approval by the Oklahoma Department of Libraries Board when submitted to the Board.

Upon approval of the proposed system by the Oklahoma Department of Libraries Board, the county, city and town governing bodies may proceed with appointment of the system board and financing.

The system board may request demonstration library services by the Oklahoma Department of Libraries before approval of special tax levies and may request a grant of funds for interim services before collection of special tax levies by the people of the district.

A rural single county library system may be proposed upon resolution or ordinance of the city and town governing bodies as provided in this section or upon presentation of petitions to the board of county commissioners of the county signed by not less than ten percent (10%) of the qualified electors of each county voting in the last general election requesting a vote on library funding. Upon receipt of such petitions, the board of county commissioners shall call a countywide vote on the proposed system funding. Upon approval of the proposed ad valorem levy in a countywide vote, the board of county commissioners shall submit application for approval of the system to the Oklahoma Department of Libraries Board. The application shall specify the type of system to be created, the county to be served, organization of the governing board of the system including a list of board members and their terms, and the financing arrangement including the record of the vote of the people for special tax levies.

The board of county commissioners and the governing boards of cities and towns involved in creating the system and the governing board of the library system are authorized to enter into contracts and agreements with each other, other library systems, special libraries, school and college libraries, district boards of education, and the Oklahoma Department of Libraries as necessary to effect the purposes of this act.

A rural single county system may be joined with another county or counties to form a multicounty library system upon action of the board of county commissioners. A multicounty system formed between a county having a rural single county

system and other counties may be formed only upon compliance with the procedures for establishment of a multicounty library system set forth in the Oklahoma Statutes.

A rural single county library system created under the provisions of this act may be terminated only by majority vote of qualified electors voting in an election called by petitions signed by not less than twenty percent (20%) of the qualified electors voting in the last preceding general election in the county.

Added by Laws 1995, c. 165, § 5, emerg. eff. May 2, 1995.

§65-4-203. Board of trustees - Membership - Terms.

A. The board of trustees of a rural single county library system shall consist of at least five (5) members. One member shall be appointed from each county commissioner district by the board of county commissioners. One member shall be appointed by the governing body of the county seat city or town. A member shall be appointed from the city or town with the largest population that is not the county seat.

B. Initial appointments shall be for one-, two-, and three-year terms. Subsequent appointments shall be for three-year terms, except in the case of an appointment to fill an unexpired term which appointment shall be for the remainder of the unexpired term. No person shall serve more than two full consecutive terms in addition to any partial term served by appointment to fill an unexpired term. A person who previously served for two consecutive terms or less may be reappointed if two (2) years has expired since the last service on the board. All terms shall expire on June 30 of the designated year. A member of a system board can be removed by the appointing authority during the term for which appointed only for misconduct or neglect of duty.

C. Appointments to the system board shall be made on the basis of ability, a sound understanding of the total responsibilities and objectives of public libraries and active interest in the attainment of system goals. Appointive members shall be qualified electors and bona fide residents of the county. No member of the system board shall be in the business of publishing or selling books, periodicals or other forms of library materials or the business of manufacturing or selling library supplies or equipment.

D. All system board members shall serve without compensation except for actual and necessary travel expenses which shall be compensated from library funds upon proper authorization of the board of trustees of the system at the rate provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Individual

memberships for system board members in state, regional, and national library associations and expenses incurred in attending conferences of these associations, board meetings and other library and library-related meetings may be paid from library funds upon proper authorization of the board of trustees of the system.

Added by Laws 1995, c. 165, § 6, emerg. eff. May 2, 1995.

§65-4-204. System board officers - Quorum.

The system board shall elect a chair, vice-chair, and treasurer for one-year terms from the appointed members. The system board shall meet as often as necessary. The system board shall be subject to the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes. The board shall adopt rules for the transaction of business and keep a record of its functions and activities which shall be a public record. A majority of the board membership shall constitute a quorum.

Added by Laws 1995, c. 165, § 7, emerg. eff. May 2, 1995.

§65-4-205. System board of trustees - Powers and duties.

A. Every rural single county library system board shall have all powers necessary or convenient to accomplish its purpose including the following:

1. To operate and maintain a library system and to adopt rules and regulations;
2. To purchase, lease, or otherwise acquire land or buildings for library services;
3. To erect, maintain, and operate public library buildings at one or more places;
4. To accept transfer of any existing public library or libraries by lease or other conveyance;
5. To acquire by purchase or otherwise books and other personal property customarily used in the operation of public libraries including necessary motor vehicles;
6. To sell and dispose of personal property acquired by purchase or any other means when by proper resolution the board finds that said property is not needed for library purposes;
7. To acquire, accept, hold, and convey legal title to interest in real property in the name of the system board; deeds or other conveyances of said interests in real property shall be executed for and on behalf of the system board by the chair and shall be attested by the secretary upon proper resolution of the board;
8. To accept or decline donations tendered to the library system;
9. To administer the expenditures of any funds which may become available for library purposes;

10. To establish a schedule of fees to cover various services rendered;

11. To contract for professional services, including legal counsel and independent certified public or certified municipal accounting services, within the limits of the board's appropriations; provided this paragraph shall not be construed to preclude the use of the appropriate district attorney for legal counsel and the State Auditor and Inspector for auditing services;

12. To apply, contract for, and receive any allocations of funds which may be available to the system board for library and library-related purposes and services under the laws and regulations of the United States, the State of Oklahoma, or any other state, organization, agency, instrumentality or subdivision of these entities, and to undertake or contract for joint activities or programs with the United States, the State of Oklahoma or any other state, organization, agency, instrumentality, or subdivision of these entities pertaining to library or library-related purposes or services; and to prepare and submit plans, specifications, reports or applications, to execute any agreements, to employ, fix duties and compensation of personnel and to administer and direct any programs, plans or projects in connection with any of the activities described in this paragraph;

13. To enter into agreements with school districts in any area served by the library system upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs;

14. To borrow money on the credit of the system board of trustees for a term not to exceed one (1) year;

15. To do all other things necessary or desirable to carry out the purposes and provisions of this act; and

16. When available, have access to a statewide library telecommunications network.

B. The system board shall prepare an annual budget which shall be filed on or before June 1 with the board of county commissioners, the county excise board, the State Auditor and Inspector, the Oklahoma Department of Libraries, the State Board of Equalization, and cities and towns that participate in financial support of the system. The system board shall submit an annual audit of its income and expenditures within ninety (90) days following the close of the fiscal year to the board of county commissioners, the county excise board, the State Auditor and Inspector, the Oklahoma Department of Libraries, the State

Board of Equalization, and cities and towns that participate in financial support of the system.

C. If a rural single county library system is abolished, the assets shall be disposed of by the board of county commissioners with the approval of the Oklahoma Department of Libraries Board.

D. Funds levied and collected pursuant to Section 10A of Article X of the Oklahoma Constitution for the purpose of creating and maintaining a rural single county library system shall be controlled and administered by the system board.

E. Funds from federal, state, county and city governments and from other sources shall be deposited in a separate library account following procedures as may be agreed upon by the contributing agency, the system board, and the Oklahoma Department of Libraries Board.

F. Vouchers may be drawn by officers or employees as prescribed by the system board. Each officer or employee allowed to draw vouchers shall give a faithful performance bond approved by the system board in an amount determined by the board equal to the estimated largest single disbursement to be made by the officer or employee. Premiums for such bond may be paid from funds of the library system.

Added by Laws 1995, c. 165, § 8, emerg. eff. May 2, 1995.

§65-4-206. Librarian - Qualifications - Powers.

A. The rural single county library system board shall appoint a librarian of the library system on the basis of merit and experience. In counties with a population of twenty thousand (20,000) or more, the librarian shall be a graduate of a library school accredited by the American Library Association. In counties with a population of less than twenty thousand (20,000), during the first two (2) years after formation of a system the board may appoint a librarian who is not a graduate of a library school accredited by the American Library Association; provided, within five (5) years of formation of the system the librarian must graduate from a library school accredited by the American Library Association in order to continue as librarian. Subsequent librarians appointed in counties with a population of less than twenty thousand (20,000) must be graduates at the time of appointment of a library school accredited by the American Library Association.

B. The librarian shall be the administrative, executive and supervisory officer of the library and secretary to the system board. The librarian shall serve at the discretion of the system board.

C. The librarian may appoint and remove staff members and other employees.

D. The librarian and other employees of the system board may participate in employee retirement and health insurance programs offered by the county for county employees or the state for state employees. The costs of employee participation in the county or state programs shall be paid by the system board from library funds.

Added by Laws 1995, c. 165, § 9, emerg. eff. May 2, 1995.

§65-151. Short title.

This act shall be known and may be cited as the City-County Library Act.

Added by Laws 1961, p. 492, § 1, emerg. eff. April 13, 1961.

Amended by Laws 1992, c. 322, § 13, eff. July 1, 1992.

§65-152. Policy and purpose.

The purpose of this act is to foster and promote the establishment, maintenance and operation of city-county library systems in order to give all of the citizens of the counties affected hereby equal access to comprehensive library collections. It is the policy of the state to encourage the formation of such cooperative library systems to the end of avoiding unnecessary duplication in the maintenance and operation of public libraries and to stimulate the use of books and other library materials.

In order to make adequate library services available to the residents of the more densely populated counties of this state, to provide for the most efficient development of library facilities within such counties and to provide for each of such counties a city-county library system, there is hereby created in each of such counties which avails itself of the provisions of this act a city-county library commission, with the powers and duties set out in this act.

Added by Laws 1961, p. 492, § 2, emerg. eff. April 13, 1961.

§65-153. Application.

Any county of the state is hereby authorized to avail itself of the provisions of this act and to combine its funds with the funds of a city to be expended for the purposes herein set forth. The board of county commissioners of any such county in this state is hereby authorized to contract with the governing body of a city, as herein provided, for the establishment of a city-county library system.

Added by Laws 1961, p. 492, § 3, emerg. eff. April 13, 1961.

Amended by Laws 1992, c. 322, § 14, eff. July 1, 1992.

§65-154. Library commission - Appointment - Tenure - Vacancies - Compensation.

The city-county library commission shall consist of eleven (11) members. Six of the members shall be appointed by the mayor of the city subject to approval of the governing body thereof. Three of the members shall be appointed by the board of county commissioners. The mayor of the city and the chairman of the board of county commissioners shall be ex officio members of the commission and shall be entitled to vote on all matters. The chairman of the board of county commissioners may designate another county commissioner to serve in place of the chairman on the commission. The county commissioner designated by the chairman shall have the same voting rights as the chairman of the board of county commissioners. The initial appointments by the city shall designate two members to serve a term of three (3) years, two members to serve a term of two (2) years, and two members to serve a term of one (1) year. The initial appointments by the county shall designate one member to serve a term of three (3) years, one member to serve a term of two (2) years, and one member to serve a term of one (1) year.

Provided, that the terms of such initial appointees and the terms of all future appointees of both the city and county shall expire on July 31 of that year in which they expire, regardless of the calendar date when such appointments are made.

Subsequent appointments of either the city or the county shall be for three-year terms, except in the case of an appointment to fill a vacancy in the membership of the commission, which latter appointment shall be for the balance of the unexpired term of the member whose death, resignation, or removal has created the vacancy. A member of such commission once qualified can thereafter be removed during his term of office only for misconduct or neglect of duty and, if he requests a hearing before the governing body by which he was appointed, after such hearing has been held. All members of the commission shall serve thereon without compensation. Expenses which are incurred by members pursuant to prior specific authorization by the board of county commissioners and the governing body of the city shall be reimbursed, provided that expenses incurred for transportation, meals, and lodging shall be reimbursed only if incurred in connection with authorized travel outside the county.

Added by Laws 1961, p. 492, § 4, emerg. eff. April 13, 1961.

Amended by Laws 2012, c. 17, § 1, eff. Nov. 1, 2012.

§65-155. Officers - Meetings - Quorums - Contracts.

The commission shall elect its chairman from the appointed members and fill such other offices as its bylaws may establish. The term of the chairman shall be one (1) year. The commission shall hold at least one meeting each month and all meetings shall be open to the public. It shall adopt rules for the transaction of business and keep a record of its functions and activities, which record shall be a public record. Six commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the commission. The commission may establish a schedule of fees to cover various services rendered and may also contract with other persons and agencies for such services as it may require, including private legal counsel and private auditing service, within the limits of its appropriations, and may incur necessary expenses. The commission may contract for, receive, and utilize any grants or other financial assistance from the United States or from any other source, public or private, in furtherance of its functions; may incur necessary expenses in obtaining said grants and/or financial assistance, within the limits of its appropriations; and shall receive and disburse such grants and/or other financial assistance in such manner as herein provided.

Added by Laws 1961, p. 493, § 5, emerg. eff. April 13, 1961.

Amended by Laws 1993, c. 335, § 1, eff. July 1, 1993.

§65-156. Librarian - Qualifications - Staff - Other employees.

The commission shall appoint a librarian of the city-county library system on the basis of merit and experience. Such librarian shall be a graduate of a library school accredited by the American Library Association. The librarian shall serve at the discretion of the commission. The librarian may appoint and remove staff members and other employees, subject to the approval of the commission.

Added by Laws 1961, p. 493, § 6, emerg. eff. April 13, 1961.

Amended by Laws 1992, c. 322, § 15, eff. July 1, 1992.

§65-157. Budget - Contributions - Expenditures.

It shall be the duty of the commission to prepare an annual budget.

Each county and city establishing a city-county library system, as herein provided, at the beginning of each fiscal year or as soon thereafter as may be practicable, shall agree upon the necessary contributions to be made by each for the establishment, operation and maintenance of the city-county library system, appropriate such funds as may be agreed upon, and combine said funds with funds from any other source.

Periodically, as may be agreed upon, the city and county shall contribute their appropriated funds to a common fund upon claims therefor being filed by the commission with the governing body of the city and with the board of county commissioners. The contributions shall be made by warrants, issued by the appropriate officers and made payable to the city treasurer or county treasurer, as may be agreed upon by the city and county. Said common fund shall be maintained as a depository account with either the city treasurer or county treasurer, as may be agreed upon, and shall be disbursed upon vouchers drawn by such officer or employee of the commission as may be agreed upon by the city and county. Said vouchers shall be issued only in payment of claims which have been executed in the manner prescribed by law for claims against the county or the city and before delivery to the payee, shall be registered with the city treasurer or county treasurer, as the case may be.

The officer or employee of the commission designated by the city and county to draw vouchers in payment of such claims shall be bonded in an amount as may be required by the city and county, but not less than Twenty Thousand Dollars (\$20,000.00). The designated officer or employee shall be governed by the same statutory provisions relating to depository accounts as apply to county officials generally. Nothing contained herein shall be construed as exempting from the application of the general statutes relating to appropriations the funds contributed by the city and county to this common fund.

Income of the city-county library system from fines, fees, sales of personal property, and other miscellaneous sources, excluding income from sales of real property, shall not be considered general revenue of either the city or the county. It shall be deposited promptly with the city treasurer or the county treasurer, as the case may be, and shall be credited directly to the depository account of the commission without appropriation. Income from this source shall constitute a revolving fund which shall not be subject to fiscal limitations and which may be expended by the commission for the replacement or repair of books and other personal property other than motor vehicles.

In the event funds are made available for library purposes in the county, pursuant to the provisions of Section 10A of Article X of the Oklahoma Constitution, all or any part of the cost of establishing, maintaining and operating the city-county library system as set forth in the powers granted to the commission in Section 158 of this title, and otherwise, may be paid with such funds, and the city-county library commission is authorized hereby to administer the expenditure of such funds in

the same manner as herein provided for expenditure of funds appropriated from general revenue for library purposes.

Added by Laws 1961, p. 493, § 7, emerg. eff. April 13, 1961. Amended by Laws 1992, c. 322, § 16, eff. July 1, 1992; Laws 1993, c. 335, § 2, eff. July 1, 1993.

§65-158. Library commission - General powers and duties.

Every city-county library commission created by this act shall have all the powers necessary or convenient for the accomplishment of the purpose and provisions hereof, including in addition to others herein granted, the following powers:

(a) To establish a city-county library system and to adopt such rules and regulations for the operation thereof as may be deemed necessary or expedient.

(b) To purchase, lease, or otherwise acquire land or buildings or portions of buildings for library purposes.

(c) To erect, maintain, and operate public library buildings at one or more places in the county.

(d) To accept transfer of any existing public library or libraries by lease or other conveyance.

(e) To acquire by purchase or otherwise books and other personal property customarily used in the operation of public libraries, including necessary motor vehicles.

(f) To sell and dispose of personal property acquired by purchase or other means when by proper resolution the commission finds that said property is not needed for library purposes.

(g) To accept, hold, and convey legal title to interests in real property in the name "City-County Library Commission of _____ County" which shall be its official name. Deeds or other conveyances of said interests in real property shall be executed for and on behalf of the commission by the chairman and shall be attested by the secretary, only after authorization by resolution of the governing body of the city and the board of county commissioners.

(h) To accept, or in its discretion to decline donations tendered to the city-county library system.

(i) To administer the expenditure of any funds which may become available for library purposes pursuant to the provisions of Section 10A, Article X of the Constitution of the State of Oklahoma.

(j) To enter into agreements with school districts in any area served by the library upon such terms as may be mutually agreed. The agreement shall prescribe equitable charges for the cost to serve schools which include on-site costs of library collection and library automation and the cost of providing assigned staffing which meets the certification requirements for school library media programs.

Added by Laws 1961, p. 494, § 8, emerg. eff. April 13, 1961. Amended by Laws 1993, c. 335, § 3, eff. July 1, 1993; Laws 1994, c. 362, § 3, eff. July 1, 1994.

§65-158.1. Limitations on library commissions in counties of less than 200,000 population.

In exercising its powers and fulfilling its duties, a commission for a city-county library in a county having a population of less than two hundred thousand (200,000) shall be subject to the following limitations in addition to other limitations specifically provided by statute:

1. The commission's exercise of the powers granted pursuant to Section 158 of this title shall be subject to approval by the governing body of the city and the board of county commissioners;

2. The commission shall submit its fee schedules, contracts, expenses and annual budget for approval of the governing body of the city and the board of county commissioners;

3. The commission may contract for, receive, utilize and disburse any grants or other financial assistance from the United States or from any other source only in such manner as may be agreed upon by the governing body of the city and the board of county commissioners;

4. Vouchers to pay claims authorized by the commission may be issued only after the claims have been approved by the governing body of the city and the board of county commissioners; and

5. The commission may execute deeds or other conveyances of interests in real property only after authorization by resolutions of the governing body of the city and the board of county commissioners.

Added by Laws 1993, c. 335, § 4, eff. July 1, 1993

§65-159. Other libraries - Contracts.

The governing body of any other city or town in any county is authorized to contract with the city-county library commission, subject to the approval of the governing body of the city and the board of county commissioners, to bring such other city or town into the city-county library system, upon such terms as may be mutually agreed upon, and for that purpose may lease to the city-county library commission any library facilities or property which such other city or town may own, may include in its annual budget appropriations for participation in the city-county library system, and shall pay over to the city-county library system funds so appropriated.

Added by Laws 1961, p. 495, § 9, emerg. eff. April 13, 1961.

Amended by Laws 1992, c. 322, § 17, eff. July 1, 1992.