

DIVISION IV.

OTHER EDUCATION PROVISIONS.

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*Subtitle 1. State Library Agencies.***§ 23-101. Findings and policy of State.**

(a) *Findings.* — The General Assembly finds:

(1) That public library resources and services are essential components of the educational system; and

(2) That libraries stimulate awareness and understanding of critical social issues, and assist individuals in reaching their highest potential for self-development.

enterprises in contracts awarded by the Board. The program shall include specific goals and the definition of "minority individual".

(4) In establishing a minority business enterprise program, the Board of Trustees is authorized to use incentives to achieve the designated goals of the program, including but not limited to:

- (i) Mandatory set-aside procedures;
- (ii) Mandatory subcontracting procedures with reasonable waiver provisions;
- (iii) The application of bonus points;
- (iv) The application of percentage points;
- (v) Restrictive bidding;
- (vi) Restrictive price quotations;
- (vii) The reduction or waiver of bonding requirements; and
- (viii) Incentives to encourage maximum participation by:
 - 1. Small businesses;
 - 2. A variety of different businesses; and
 - 3. Businesses located within Prince George's County.

(5) (i) The Board of Trustees may appoint a minority business enterprise officer to administer any minority business enterprise program established, who shall submit reports to the Board of Trustees.

(ii) It is the responsibility of the minority business enterprise officer to conduct outreach programs to assist the minority business enterprise community in participating in any minority business enterprise program established under this subsection.

(6) The Board of Trustees shall advise the Prince George's County Delegation of the General Assembly regarding the substance of any minority business enterprise program that it establishes.

(7) (i) The program shall be evaluated every 2 years.

(ii) The results of any evaluation under this paragraph shall be submitted to the Prince George's County Delegation of the General Assembly.

(e) *Garrett County.* — In Garrett County, the public library system operated by the Board of Trustees shall be known as the Ruth Enlow Library of Garrett County. (An. Code 1957, art. 77, §§ 171, 173; 1978, ch. 22, § 2; 1986, ch. 531; 1989, ch. 520; 1996, ch. 10, § 16; 1998, ch. 21, § 1; 2000, ch. 546.)

§ 23-403. Boards of library trustees.

(a) *Composition.* — (1) Except as provided in paragraph (3) of this subsection, each board of library trustees consists of seven members appointed by the county governing body from nominees submitted by the board of library trustees.

(2) A board that existed before 1945 under a corporate charter may continue as constituted if:

- (i) It has at least seven members;
- (ii) The members are chosen on the basis of character, ability, and demonstrated interest in library matters; and
- (iii) The members meet the qualifications required under subsection (b) of this section.

(3) In Harford County, the Board of Trustees consists of at least 7 members, but not more than 11 members, appointed by the county governing body from nominees submitted by the Board of Trustees.

(b) *Qualifications.* — The members of the board shall be:

- (1) Representative of the area the library serves; and
- (2) Residents of the county that the library serves.

(c) *Term and vacancies generally.* — (1) Except as provided in subsections (d) and (e) of this section, a member of a board serves for a term of 5 years and until a successor is appointed and qualifies. These terms are staggered as required by the terms of the members serving on the board as of July 1, 1978.

(2) Except as provided in paragraph (4) of this subsection, a member may be reappointed but may not serve more than two consecutive terms.

(3) A member appointed to fill a vacancy in an unexpired term:

- (i) Serves only for the remainder of that term and until a successor is appointed and qualifies; and
- (ii) Is eligible for appointment to serve two additional consecutive terms.

(4) A member of the Board of the Prince George's County Memorial Library System may serve an unlimited number of consecutive terms of office.

(d) *Terms of members in Charles County.* — In Charles County, a member of the Board serves for a term of 4 years.

(e) *Terms of members in Harford County.* — In Harford County, a member of the Board serves for a term of 5 years, beginning on July 1, and until a successor is appointed and qualifies.

(f) *Compensation.* — Each member of a board serves without compensation. (An. Code 1957, art. 77, § 172; 1978, ch. 22, § 2; 1988, chs. 102, 328; 1990, ch. 189; 1996, ch. 10, § 16; 2002, ch. 325.)

Effect of amendments. — Chapter 325, Acts 2002, effective July 1, 2002, added the exception at the beginning of (a) (1); added (a) (3); substituted "subsections (d) and (e)" for "subsection (d)" in (c) (1); and inserted present (e) and redesignated former (e) as (f).

§ 23-404. Officers; meetings; attendance.

(a) *Officers.* — Each year, each board of library trustees:

- (1) Shall elect one of its members as its chairman; and
- (2) May elect any other officer it requires.

(b) *Treasurer to be bonded.* — The treasurer of each board of library trustees shall be bonded adequately.

(c) *Meetings generally.* — Each board of library trustees may determine the time and place of its meetings and may adopt rules for the conduct of its meetings. However:

- (1) Each board shall meet at least once every 3 months;
- (2) Any final action of a board shall be taken at a public meeting; and
- (3) The minutes of board meetings shall be open to the public.

(d) *Failure of member to attend meetings.* — (1) Any member of a board of library trustees who fails to attend at least half of the scheduled meetings of the board during any calendar year shall be considered to have resigned from the board.

(2) The chairman of the board of library trustees shall report the member's name and nonattendance to the county governing body by January 15 of the following year.

(3) The county governing body may reject the resignation if the member explains his nonattendance satisfactorily.

(4) The resignation is effective from the date of the final review by the county governing body, which shall be within 10 days after it receives the report from the chairman of the board of library trustees. The county governing body shall fill any resulting vacancy as provided in § 23-403 of this subtitle. (An. Code 1957, art. 77, §§ 172, 173; 1978, ch. 22, § 2; 1996, ch. 10, § 16.)

§ 23-405. Powers and duties of board.

(a) *In general.* — In addition to any other powers granted or duties imposed by this subtitle, each board of library trustees has the powers and duties set forth in this section.

(b) *Fees; nonresidents.* — (1) Except as provided in paragraph (2) of this subsection, each board of library trustees:

(i) Shall establish and operate the library to provide free services to residents of the county in which it is located; and

(ii) May permit persons outside of the county to use the library facilities on the terms and conditions it determines.

(2) In Baltimore City and Baltimore, Charles, Montgomery, and Prince George's counties, the board of library trustees in each of these counties may permit a library to charge fees for the rental of video cassettes.

(c) *Management of library.* — Each board of library trustees may:

(1) Establish and operate libraries at any location in the county;

(2) Determine the policy of the library; and

(3) Adopt reasonable rules, regulations, and bylaws for the use of the library and the conduct of its business.

(d) *Fiscal matters.* — Each board of library trustees may:

(1) Advise in the preparation of, and approve, the library budget;

(2) Receive, account for, control, and supervise, under the rules and regulations of the county governing body, the spending of all public funds received by the library; and

(3) Use the services of the fiscal agencies of the county governing body.

(e) *Audit and annual report.* — Each board of library trustees shall:

(1) Provide for an audit at least annually, by an accountant approved by the State Superintendent of its business and financial transactions and of the accounts of its treasurer;

(2) Make public the results of the annual audit; and

(3) Make an annual report to the county governing body and the State Superintendent on or before November 1 of each year, except that a county having a population of more than 500,000 and having a county library agency as provided by § 23-401 (b) shall submit their report by January 1. The report shall show:

(i) The amounts of money received from the library fund and other sources;

- (ii) The itemized expenses;
- (iii) The number of books and periodicals the library has;
- (iv) The results of the annual audit; and
- (v) Any other information the Department requires.

(f) *Other powers.* — Each board of library trustees may:

- (1) Accept any gift, grant, or appropriation for library purposes from any person under any appropriate terms and conditions;
- (2) Own and dispose of these gifts, grants, and appropriations;
- (3) Recommend to the county governing body the acquisition, use, or conveyance of property, for any purpose valid under this subtitle;
- (4) Select the location of and approve plans for the erection of library buildings, subject to the approval of the county governing body;
- (5) Make contracts for any library service with any person; and
- (6) Do anything else necessary for the proper control and development of the library. (An. Code 1957, art. 77, §§ 171, 173, 178, 179; 1978, ch. 22, § 2; 1986, ch. 96; 1988, ch. 773; 1992, ch. 157; 1993, ch. 340; 1995, ch. 3, § 1; 1996, ch. 10, § 16; ch. 68.)

Fees. — The public libraries of this State generally must provide access to their information resources without charge, regardless of the format in which the information is presented; however, public libraries may charge fees for the use of ancillary conveniences like copiers,

typewriters, and computers for management of personal data and may also charge fees when a patron exceeds reasonable limitations on the use of library resources. 72 Op. Att'y Gen. 262 (1987).

