

November 25, 2002

Mrs. Joy Sturtevant
City Recorder
City of Monteagle

Re: Library

Dear Mrs. Sturtevant:

Tennessee Code Annotated 10-3-101 authorizes counties and cities to establish and operate libraries, either together or separately. All the City of Monteagle would have to do to create its own library is to appoint a library board. This is most likely not practical because of the expense of staffing, equipping, and operating a library.

As you related to me, the City of Monteagle has chosen to support an established county operated library by paying part of the salary of the library director in order to have the library accessible for Monteagle residents for longer hours during each week. The County Library Board has determined that the librarian shall receive more holidays than do Monteagle city employees, and the city does not like paying for the extra holidays. Apparently this has been the case for several years, but the city was not aware of the larger number of holidays because the librarian reported 40 hour work weeks, without any reference to holidays.

TCA 10-3-103 provides that the county, since it is not a joint operation, appoints a seven (7) member library board, comprised of the following:

- 1 official of the county
- 3 members for a term of 1 yr. initially
- 2 members for a term of 2 yrs. initially
- 2 members for a term of 3 yrs. initially

Members are to serve without pay; their successors shall serve 3 yr. terms (since they are staggered); and not more than 5 members shall be of the same sex. Other than the official of the county, there is no requirement that members be county residents.

Library boards appointed by law are given the following power under TCA 10-3-104:

- To elect officers
- Organize
- Adopt Bylaws
- Direct all affairs of the library, including appointment of a librarian. [The power to appoint is the power to fire].

Given these circumstances, I would look at these options:

1. Ask the library board to either increase the hours that the library is open to the public or decrease the number of holidays for which the city is paying. This should not be a demand, but merely a request.
2. Agree to pay the county for part of the salary as is presently done.
3. Ask the county to reorganize the library so that it will be a joint operation in which the county and Monteagle would each appoint board members, based on population. That would give the city representation on the library board.
4. Require the librarian to present time sheets to the city to verify hours worked for hours paid, as part of the city's oversight responsibility for city funds.
5. You might check with Helen Dykes in Tracy City about their agreement. She related to me that Tracy City pays part of the librarian's salary—directly to the employee and not to the county. And, so Monteagle could determine that instead of requesting time sheets for payment to the county, the payment would be made directly to the employee, after receipt of time sheets. Taxes would need to be withheld.

Please contact me if you need further assistance.

Sincerely,

Don J. Darden
Municipal Management Consultant