

# M E M O

Date: January 3, 2012

To: Chair Stephen Albers and Members of the Board

From: Neel Parikh, Executive Director

Subject: 2012 Legislation – Municipal Library District

Attached is legislation drafted by the City of Spokane creating a process for a “municipal library district”. The City of Spokane has been suffering from budget cuts for many years. They have held some conversations with Spokane County Library District about the possibility of merging with the library district. However, the cost to run the Spokane Public Library is higher than their property tax would generate. (This is also true of Tacoma.)

The city has decided to introduce legislation creating a city library district. The original thought was to pattern the district after metropolitan park districts. Metropolitan park districts have the right to 75¢ per \$1,000 assessed value. Establishment, governing boards and processes are, however, different in many ways. The differences caused complications in drafting the legislation. Therefore, the drafters chose to mirror the legislation that creates a rural library district. The district would be established at a rate of 50¢ per \$1,000 assessed value rate and the authority to put to the voters a proposition to increase the levy an additional 25¢, for a total of 75¢ per \$1,000 assessed value.

When the legislation was originally proposed, it was suggested that a municipal library district should have a population threshold. However, sharing the legislation with other cities, libraries in the population range of 20,000 to 50,000 were more interested in this than the larger libraries. It was, therefore, decided to remove the population threshold.

This draft has been brought to the Washington Library Association Legislative Planning Committee for comment and approval. The City of Spokane is looking for a sponsor for the bill. At this point I know that Bellingham, Puyallup and Walla Walla are interested in this legislation.

**27.12. \_\_\_\_\_**

**Municipal Library District - Creation**

A municipal library district may be created for the management and control of library services and facilities within the boundaries of a municipality. The boundary of the district shall include the entire municipality as well as any land added to the municipality's boundaries after the formation of the district. A municipal library district may only be formed by a municipality that is not nor has been annexed to a library district for a period of 5 years preceding the formation of a municipal library district.

**RCW 27.12. \_\_\_\_\_**

**Municipal Library Districts — Establishment — Proposed maximum levy rate.**

The procedure for the establishment of a municipal library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the city who voted in the last general election, asking that the question, "Shall a municipal library district be established?" be submitted to a vote of the people, shall be filed with the municipal legislative authority. The proposal shall include a proposed initial maximum levy rate on the property in the district of not more than fifty cents per thousand dollars of assessed value per year.

(2) The municipal legislative authority, after having determined that the petitions were signed by the requisite number of registered voters, shall place the proposition for the establishment of a municipal library district on the ballot for the vote of the people of the municipality at the next succeeding general or special election by submitting a resolution to the County Auditor pursuant to RCW 29A.04.330. The ballot proposition for the establishment of the municipal library district must include the initial maximum levy rate specified in the petition. This ballot must be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(3) If a majority of those voting on the proposition vote in favor of the establishment of the municipal library district, the county legislative authority shall forthwith declare it established.

(4) A ballot proposition for the creation of a municipal library district may also be placed on the ballot directly by the municipal legislative authority by resolution without the necessity of the submission of a petition.

**27.12 \_\_\_\_\_**

**Municipal Library District – Board of Library Trustees — Terms — Vacancies.**

The management and control of a municipal library district shall be vested in a five member board of trustees as provided in this section. Trustees shall be appointed by the mayor of the municipality to be served by the district with the consent of the legislative body. The first appointments shall be for terms of one, two, three, four, and

five years respectively, and thereafter a trustee shall be appointed annually to serve for five years. No person shall be appointed to any board of trustees for more than two consecutive terms. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A term consisting of less than half of a five year term shall not be considered a full term for purposes of determining consecutive terms.

A library trustee shall not receive a salary or other compensation for services as trustee, but necessary expenses actually incurred shall be paid from the library district funds. A library trustee may be removed for cause only by vote of the legislative body.

**27.12. \_\_\_\_\_  
Municipal Library District – General Powers**

A municipal library district shall be a public corporation with such powers as are necessary to carry out its functions and for taxation purposes shall have the power vested in municipal corporations for such purposes.

**27.12. \_\_\_\_\_  
Municipal Library District – Specific Powers of Board of Trustees**

The board of trustees, immediately after their appointment, shall meet and organize by the election of such officers as they deem necessary. The board's powers shall include, but is not limited to:

- (1) Adopt such bylaws, rules, and regulations for their own guidance and for the government of the library district as they deem expedient;
- (2) Supervision, care, and custody of all property of the library district, including the rooms or buildings constructed, leased, or set apart therefor;
- (3) Employment of a librarian and other employees as may be necessary, all in accordance with the provisions of RCW 27.04.055;
- (4) Exclusive control of the finances of the library district;
- (5) Acceptance of such gifts of money or property for library purposes as they deem expedient;
- (6) Lease or purchase land for library buildings;
- (7) Lease, purchase, or erect an appropriate building or buildings for library purposes, and acquire such other property as may be needed therefor;
- (8) Purchase books, periodicals, maps, and supplies for the library;
- (9) issue and sell revenue bonds as provided in chapter 39.46 RCW to be made payable from the operating revenues of the municipal library district; and
- (10) All other acts necessary for the orderly and efficient management and control of the library.

**27.12. \_\_\_\_\_**

**Municipal Library District – Tax Levy and District Funds**

(1) A tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year shall be collected subsequent to the establishment of a municipal library district and by making a tax levy in such further amounts as shall be authorized pursuant to RCW 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district. The maximum levy rate of three dollars and sixty cents per thousand dollars of assessed valuation established pursuant to RCW 84.52.043 (1)(d) shall be reduced by any regular levy made by a municipal library district not to exceed fifty cents per thousand dollars of assessed valuation, notwithstanding any other provision of law.

(2) The initial levy rate may not exceed the rate limit in subsection (1) of this section or, if applicable, the initial maximum levy rate contained in the ballot proposition approved by the voters to create the district as set forth in RCW 27.12. \_\_\_\_\_. In subsequent years, the levy rate may be increased as authorized under chapter 84.55 RCW.

(3) The municipal library board is hereby authorized to call a special election for the purpose of submitting to the qualified voters of the municipal library district a proposition to levy a regular property tax levy in excess of the fifty cents per thousand dollars of assessed value herein specifically authorized in an amount not to exceed twenty-five cents per thousand of assessed valuation. The special election shall be conducted in accordance with and subject to all the requirements of the Constitution and laws of the state now in force or hereafter enacted governing the limitation of tax levies. The manner of submitting any such proposition, of certifying the same, and of giving or publishing notice thereof, shall be as provided by law for the submission of propositions by cities or towns.

**27.12 \_\_\_\_\_**

**Municipal Library District – Assets**

All assets held or used by a library operated by a municipality shall become the assets of a municipal library district upon formation pursuant to this chapter. Assets shall include all land, buildings, vehicles, equipment, and all material contained within the library's collection. All debt obligation owed by the municipality associated with the operation of a library at the time a municipal library district is formed shall become the obligation of the municipal library district.

**27.12. \_\_\_\_\_**

**Municipal Library District – Dissolution**

The legislative body of a municipality served by a municipal library district may, upon a majority vote of all its members, dissolve the municipal library district and turn over to

Draft Date 12/19/11

the municipality the assets of the district. All debts and obligations of the municipal library district shall become the responsibility of the municipality.