

Plainfield Municipal Code

Section 3: Article 10. FREE PUBLIC LIBRARY¹¹

Sec. 3:10-1. Validation proceedings heretofore taken establishing a Public Library and Reading Room and Board of Directors.

The City of Plainfield heretofore established the Plainfield Public Library and appointed a Board of Directors thereof who supervised, administered and controlled such library pursuant to the provisions of its Charter and the Validating Act 19-42.13.

(L. 1948, C. 231, P. 1071, par. 1, 2.)

Sec. 3:10-2. Creation of Board of Trustees; number; appointment; term.

- a) There is hereby created Board of Trustees (in place of the existing Board of Directors) which shall be a body corporate under the name of "The Trustees of the Free Public Library of the City of Plainfield".
- b) The Board of Trustees shall consist of seven (7) members as follows:
 - 1) Mayor;
 - 2) Superintendent of Schools; and,
 - 3) Five (5) citizens to be appointed by the Mayor with the advice and consent of Council, at least four (4) of whom shall be residents of the City.
- c) The appointments shall be for terms of one (1), two (2), three (3), four (4), and five (5) years respectively, as they may be selected by the Mayor.
- d) The Mayor and the Superintendent of Schools, serving as a member of the Board, may respectively appoint an alternate to act in his place and stead with authority to attend all meetings of the Board and, in his absence, to vote on all questions before the Board.
- e) Vacancies occurring in the Board of Trustees shall be filled for the unexpired term only, in the same manner as the original appointments are made.

Sec. 3:10-3. Trustees; organization; officers; certificate; recording and filing.

- a) The board of Trustees shall:
 - 1) Have corporate powers of succession, may sue and be sued, and adopt a corporate seal;
 - 2) Meet at a convenient time and place in the City within ten (10) days after its appointment;
 - 3) Immediately proceed to organize by the election from its members of a president, treasurer, and secretary, who shall hold their offices for one year and until their successors are elected;
 - 4) Make and execute under their hands and seals a certificate setting forth their appointment and their organization and the names of the officers elected, such certificate to be acknowledged in the same manner as is required of conveyances of real estate, and recorded in the Clerk's office of Union County; and, send a certified copy of the certificate to the office of the Secretary of State, at Trenton, to be there filed of record, but shall not be required to pay any fees for such recording and filing.
- b) The certificate, or copy thereof duly certified by the Secretary of State or by the County Clerk, shall be evidence in all courts and places of the incorporation of the Board.

¹¹State law reference: As to Free Public Libraries generally, see N.J.S.A. 40:54-1 et seq.

Sec. 3:10-4. Tax levy; additional levy.

- a) The Council shall annually appropriate and raise by taxation a sum equal to one-third (1/3) of a mill on every dollar of assessable property within the city; and,
- b) Such additional sum, as in the judgment of Council is necessary for the proper maintenance of a free public library, may be appropriated and raised by taxation annually.

Sec. 3:10-5. Trustees; powers; employees

- a) The Board shall hold in trust and manage all property of the library.
- b) It may rent rooms, or, when proper, construct buildings for the use of the library.
- c) It may purchase books, pamphlets, documents, papers and other reading matter.
- d) It may hire librarians, and other necessary personnel, and fix their compensation.
- e) It may make proper rules and regulations for the government of the library, and generally do all things necessary and proper for the establishment and maintenance of the Free Public Library.
- f) It may also transfer to and receive from the deposit and exchange library service of the Bureau of Public and School Library Services, of the Division of the State Library, Archives and History, in the State Department of Education, books, magazines, prints, maps and other related library materials for the purpose of augmenting the interlibrary loan service.
- g) It may within the limits of funds appropriated or otherwise made available to the Board purchase the specific items set forth in N.J.S.A. 40:54-12.1 without advertising for bids.

Sec. 3:10-6. Trustees; Treasurer; bond and duties

- a) The Treasurer of the Board shall give bond in an amount to be fixed by the Mayor payable to the City conditioned for the faithful performance and discharge of his duties.
- b) The Board shall, by its Treasurer, upon its warrant signed by its President, receive from the City the money raised therein for library purposes, as provided in N.J.S.A. 40:54-8.
- c) In accordance with Section 5.10 of the Charter, the Board shall comply with the requirements of Chapter 2 for budget and financial matters.

Sec. 3:10-7. Trustees; compensation; limitation on amount of indebtedness.

The Trustees shall receive no compensation for their services, and shall not incur any expense or enter into any obligations to an amount in excess of the annual appropriation for library purposes and of the funds on hand.

Sec. 3:10-8. Trustees; annual reports.

The Board of Trustees shall annually make a report of its transactions, accounts, and the state and condition of the library to the Council in such form as directed by the Division of Audit and Control or the Collector of Taxes.

Sec. 3:10-9. Appropriation for furnishing.

The City may make additional appropriations for the equipment, furnishing and decorating of the library building and the City may by resolution authorize the Board of Trustees to expend such appropriation pursuant to the provisions of N.J.S.A. 40:54-16.

Sec. 3:10-10. Fines expended for library purposes.¹²

The Board of Trustees of the Free Public Library may use and expend for library purposes all moneys received from library fines and shall account for such receipts and expenditure in the same manner as is required as to funds appropriated to the Board of Trustees by the Council.

Sec. 3:10-11. Use of money paid by library to City treasury

The Council may appropriate in the annual budget for the use of the Free Public Library a sum equal to the amount of the money paid into the general treasury by the Free Public Library in the preceding fiscal year. The sum so appropriated shall be available for expenditure by the Board of Trustees for library purposes, shall be in addition to sums otherwise appropriated by law for library purposes and shall be controlled by the same laws as other budget appropriations.

Sec. 3:10-12. Devises and bequests to Trustees

- a) The Board of Trustees (formerly the Board of Directors), may receive, hold and manage any devise, bequest or donation heretofore made or hereafter to be made and given for the establishment, increase or maintenance of the Free Public Library.
- b) The Board of Trustees shall as successor to the Board of Directors have, execute and use all the right, title and interest of such Board of Directors in and to such devise, bequest or donation.

Sec. 3:10-13. Loan and investment of funds received as gifts or bequests.

The Board of Trustees may as to any funds heretofore or hereafter received either by the Board or by the Council as a gift or bequest for free public library purposes and being held and managed by the Board or subject to their direction, make such loans and investments pursuant to the provisions of N.J.S.A. 40:54-19.1, 2, 3, 5, pending the use thereof for the purposes for which the gift or bequest was made.

Sec. 3:10-14. Custody of securities; report; minutes.

- a) When any obligations or bonds purchased by the Board of Trustees are received by the Board, the Treasurer of the Board shall immediately record the receiving thereof in an appropriate manner and shall, unless otherwise previously directed by the Board promptly deliver the same to the Clerk for safekeeping.
- b) The Treasurer and Secretary of the Board shall prepare and present to the Board the necessary reports and minutes relating to the custody of such securities pursuant to the procedure set forth in N.J.S.A. 40:54-19, 4.

Sec. 3:10-15. Gifts of works of art; acceptance and maintenance.

The Board of Trustees may accept gifts and bequests of paintings, statuary, ceramics and other art objects, and may care for maintain them in accordance with their provisions of such gift or bequest.

Sec. 3:10-16. Gifts or bequests accepted by the City; expenditure.

Any gift or bequest, to the City for library or similar purposes, when accepted by the Council, shall be received by the Collector of Taxes and expended by and under the direction of the Board of Trustees for the purposes for which the gift or bequest was made, in the same manner as other funds are expended by such Board.

¹² State law reference: As to fines' expenditure, see N.J.S.A. 40:54-17.