

## Public Library Definition Rationalization:

The State Library's Library Support Network is mandated by *Iowa Code* section 256.58(1) to "...*promote excellence and innovation in library services, encourage governmental subdivisions to provide local financial support for local libraries, and ensure the consistent availability of quality service to all libraries throughout the state, regardless of location or size.*" *Iowa Code* section 256.57, entitled "Enrich Iowa program," includes, in subsection 4(c), the requirement that an "*eligible public library*" is "*a public library established by city ordinance or a library district as provided in chapter 336.*" *Iowa Code* section 392.5(3) also requires that "*any proposal to change the composition, manner of selection, or charge of a library board, or to replace it with an alternative form of administrative agency, is subject to the approval of the voters of the city.*" County Auditors can easily verify that library ordinance amendments were approved by voters.

Libraries are required to provide the State Library with recent copies of their ordinances in order to receive Enrich Iowa funds. That requirement doesn't cover the federal funds we use to administer programs such as SILO, Interlibrary Loan, PLOW websites, email services, Bridges, continuing education, online resources, and Center for the Book. Our consultants are increasingly learning of cities that have amended library ordinances without the required public referendums and voter approval. The consultants work with the directors and trustees of these libraries to inform them of the applicable state law, but it is really the city councils that are at fault and solely responsible for illegally amending the ordinances. In many cases, mayors and city councils tell us that referendums are no longer necessary because of "Home Rule," which is not true.

State Library consultants are very frustrated that there are no ramifications for cities that illegally amend their library ordinances. When we continue providing services and funding to libraries whose cities contemptuously disregard the law, what are we saying to libraries and cities that painstakingly *follow* the law? Are we undermining our mandate to provide *equity* in library services across Iowa? A few Iowa libraries don't receive municipal funding, and are therefore 'private' libraries. Should we use public funding to provide programs and services to these entities? We don't believe so, since the state *Constitution* clearly prohibits the use of public funds to benefit private interests. (Art. III, Sec. 31)

Defining a '*public library*' in our administrative rules would spell out what constitutes a public library and to which state services and funding public libraries are entitled. The federal government defines '*a public library*' and its definition is included in our proposed state definition. Most other state libraries define '*a public library*' in either statutes or rules for the purpose of determining eligibility for state funding and services. A definition for Iowa would ensure that the State Library's resources are spent only on legal entities, which protects us from adverse litigation. No other state department addresses this vulnerability. We fully realize that when city councils refuse to correct illegally-amended ordinances, city officials are at fault, not libraries, and we acknowledge that libraries could suffer collateral damage because of their cities' actions or inactions, but since the State Library is without regulatory authority, enforcing a legal definition of '*a public library*' provides a fair and viable recourse for our agency when city councils deliberately flout state laws. Any revocation of services or programs would only happen

after extensive research to make sure that ordinances were in fact changed illegally and we would work with the library and the city to try and resolve the issues first.