

RESOLUTION # 17-12-04

Resolution Appointing a Library Board of Trustees for the Asheville-
Buncombe Library System

- WHEREAS, on March 3, 1981, the Board of Commissioners for Buncombe County established the Board of Trustees of the Asheville-Buncombe County Library System; and
- WHEREAS, the same was disbanded by ordinance of the Buncombe County Board of Commissioners pursuant to the authority granted to it by House Bill 418, Ratified as Session Law 2013-262 by the North Carolina General Assembly on July 16, 2013, which authorized Board of Commissioners to create a Culture and Recreation Authority; and
- WHEREAS, on June 24, 2014, North Carolina Session Law 2013-262, which authorized the creation of the Culture and Recreation Authority, was repealed by North Carolina Session Law 2013-262; and
- WHEREAS, pursuant to North Carolina General Statutes Section 153A-265, the governing body of a county may appoint a library board of trustees, shall determine the number of members of the board, the length of term, the manner of filling vacancies, and the amount, if any, of their compensation and allowances; and
- WHEREAS, the Board of Commissioners for the County of Buncombe believes that it would be in the best interest of the County to once again establish a Board of Trustees of the Asheville-Buncombe County Library System.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Buncombe as follows:

1. That the Board of Trustees of the Asheville-Buncombe County Library System, consisting of five (5) in number, shall be, and the same is, hereby established.
2. That the members of the Board of Trustees shall serve without compensation.
3. That the makeup of the members of the Board of Trustees shall include at least one resident of each Buncombe County Commissioner District and shall be selected by the Buncombe County Board of Commissioners upon application.
4. That any vacancy shall be filled by the Buncombe County Board of Commissioners to fill the unexpired term.
5. That the Board of Trustees shall possess and exercise the following powers and duties as authorized by North Carolina General Statute Section 153A-266:

- a. To make recommendations to the governing body, through the County Manager or the County Manager's Designee, concerning the construction and improvement of buildings and other structures for the library system;
 - b. To establish, a schedule of fines and charges for late return of, failure to return, damage to, and loss of library materials, and to take other measures to protect and regulate the use of such materials;
 - c. To participate in preparing the annual budget of the library system;
 - d. To extend the privileges and use of the library system to nonresidents of the county on any terms or conditions the board may prescribe.
 - e. To otherwise advise the board of commissioners, through the County Manager or the County Manager's Designee, on library matters.
6. That a quorum shall be three members of the Board of Trustees.
 7. That the Board of Trustees shall organize, adopt bylaws or rules and regulations to govern its procedure and the conduct of the business and affairs of the Board of Trustees and appoint a chairperson and vice-chairperson from among its membership who shall serve a one-year term and until their successors are appointed by the Board.
 8. That the Buncombe County Library Director or the Director's designee shall be the secretary of the Board of Trustees.
 9. That Regular or stated meetings of the Board of Trustees shall be held at such time and place as may be provided by the Board in its bylaws or rules and regulations, and special meetings may be held on the call of the chairman after due notice. All such meetings shall comport with North Carolina's open meetings' laws.
 10. That, by and with the consent of the County Legal Department, County staff is hereby instructed to proceed with this undertaking and all acts and doings of officers, employees and agents of the County, whether taken prior to, on, or after the date of this Resolution, that are in conformity with and in the furtherance of the purposes and intents of this Resolution as described above shall be, and the same hereby are, in all respects ratified, approved and confirmed.
 11. That the Chairman and County Manager, or either of them, or their designee, are hereby authorized to execute such documents as may be required to effect the purposes and intents of this resolution.

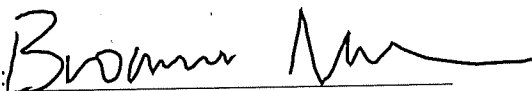
12. That any prior resolutions or parts thereof of the Board in conflict with the provisions herein contained are, to the extent of such conflict, hereby superseded and repealed.
13. That this resolution shall become effective upon its adoption.

This the 5th of December, 2017.

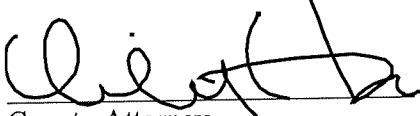
ATTEST

BOARD OF COMMISSIONERS FOR THE
COUNTY OF BUNCOMBE


Kathy Hughes, Clerk

By: 
Brownie Newman, Chairman

APPROVED AS TO FORM


County Attorney