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HOUSE BILL NO. 2704

Offered January 16, 2025

A BILL to amend and reenact § 42.1-35 of the Code of Virginia, relating to library boards; removal of members; appeal.

 Patron—Singh

 Referred to Committee on Counties, Cities and Towns

Be it enacted by the General Assembly of Virginia:**1. That § 42.1-35 of the Code of Virginia is amended and reenacted as follows:****§ 42.1-35. Library boards generally.**

A. The management and control of a free public library system shall be vested in a board of not less than five members or trustees. They shall be appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office. However, one board member or trustee may be a member or an employee of the local governing body. Initially members shall be appointed as follows: one member for a term of one year, one member for a term of two years, one member for a term of three years, and the remaining members for terms of four years; thereafter all members shall be appointed for terms of four years. The governing body of any county or city entitled to representation on a library board of a library system of another jurisdiction pursuant to § 42.1-34 shall appoint a member to serve for a term of four years, or until the contract is terminated, whichever is shorter. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen. A member shall not receive a salary or other compensation for services as a member but necessary expenses actually incurred shall be paid from the library fund. However, the governing body of Fairfax County may pay members of its library board such compensation as it may deem proper. A member of a library board may be removed for misconduct or neglect of duty by the governing body making the appointment. *The procedure for removal of a library board member shall include a right of appeal by the member to the circuit court within 30 days of a decision to remove such member.*

The members shall adopt such bylaws, rules and regulations for their own guidance and for the government of the free public library system as may be expedient. They shall have control of the expenditures of all moneys credited to the library fund. The board shall have the right to accept donations and bequests of money, personal property, or real estate for the establishment and maintenance of such free public library systems or endowments for same.

B. Notwithstanding the provisions of subsection A relating to the terms of library board members, a local governing body may alter the composition of its library board to create staggered terms of service in which approximately the same number of terms expire annually. To achieve this goal, the local governing body shall appoint in any year in which multiple terms expire members for terms of one, two, three, and four years as appropriate. Thereafter, all members shall be appointed for terms of four years. Vacancies shall be filled for unexpired terms as soon as possible in the manner in which members of the board are regularly chosen.

INTRODUCED

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