

OFFICIAL BALLOT

SPECIAL NORTH SHELBY COUNTY  
LIBRARY DISTRICT ELECTION  
SHELBY COUNTY, ALABAMA  
JUNE 28, 1988

Mark the voting square to the right of your choice, like this ☒

QUESTION I

Shall there be created for the area a district for providing public library service?

YES ☐

NO ☐

QUESTION II

Shall the following schedule of service charges be approved as applicable within the District:

ANNUAL CHARGES

The following charges shall become due for the fiscal year beginning July 1, 1988 through June 30, 1989 and each fiscal year thereafter:

1. FIFTEEN AND 00/100 DOLLARS (\$15.00) - Annually - Single family residences on which the property owner has claimed homestead exemption for the current tax year. Any residence that does not have homestead exemption claimed by the property owner for the current tax year shall not be included under this paragraph but shall be included under payment category number 3 listed below.

2. NO CHARGE - Any property owner who at the time of the assessment is due is sixty-five and older, or has been determined by the Shelby County Tax Assessor to qualify as Exempt 20 and/or Exempt 30.

3. ALL OTHER PROPERTIES - Any property owner not specifically included in the property described in the two preceding paragraphs will pay an amount equal to one and three-fourth mills (1.75) of the assessed value of the property for the current fiscal tax year.

OTHER CHARGES

4. FIFTEEN AND 00/100 DOLLARS (\$15.00) - Late fee payment for any billing for services not paid within three (3) calendar months of the District's fiscal year which begins July 1.

5. FIVE AND 00/100 DOLLARS (\$5.00) for appeal to the Trustees of the District of any of the foregoing service charges which amount would be refunded if the Trustees determine that the service charge involved should be reduced to a less costly classification. Once a request for appeal has been filed, the Trustees shall notify and obtain agreement from the property owner, as to a mutually satisfactory date for the appeal hearing, not sooner than ten (10) days from the date of reaching such agreement. An appeal must be requested within thirty (30) days of the original billing for the service. The Trustees' decision shall be final.

6. COST OF ENFORCING COLLECTION: The property owner shall be liable for all costs involved in enforcing collection, including a reasonable attorney's fee, and under foreclosure proceedings would be liable for interest at maximum legal rates in the event the property owner should pay off the debt within three years and recover possession. After three years, all rights of the property owner in the property would be extinguished.

OTHER MATTERS INCIDENTAL  
TO THE SCHEDULE OF  
SERVICE CHARGES

1. Failure to pay charges subject to a late payment fee shall empower the Trustees to establish liens against the property, and continuing disregard for demands for payment will result in the establishment of foreclosure proceedings in the same manner as set out in Sec. 35-10-3, Code of Alabama (1975).

2. So long as any governmental financing of the district is in force, attempts to improperly evade the payment of established rate changes may cause the Trustees to request the appropriate governmental entity to institute charges for fraud against the land owner.

3. Unless the District is notified of another address for mailing purposes, bills delivered to the property or to the address provided by the Shelby County Tax Assessor's Office shall be deemed to have been delivered to the owner of the property, whether or not the owner provides mailboxes for the receipt of such mail.

4. The Board of Trustees shall have the right, exercisable after a hearing, but in their sole discretion, to waive current charges if any property owner is found to be indigent considering his, her or it's total assets, in the opinion of the Trustees.

YES ☐

NO ☐

QUESTION III

Shall the following named individuals: Kathleen Hightower; Pat Jehle; James Nolan; Jeff Gilbert; and Lucy Watson be elected as interim trustees of the district to serve until an election can be held in accord with the applicable provisions of Act No. 38-258, Acts of Alabama, 1988?

YES ☐

NO ☐

(Continued on next column)

# SAMPLE BALLOT

Front

OFFICIAL BALLOT  
NOVEMBER 6, 1990

SPECIAL NORTH SHELBY COUNTY  
LIBRARY DISTRICT ELECTION  
SHELBY COUNTY, ALABAMA

Mark the voting square to the right of your choice, like this ☒

## SPECIAL TRUSTEE LIBRARY ELECTION

FOR TRUSTEE OF NORTH SHELBY  
LIBRARY DISTRICT, PLACE 1  
(Vote for One)

JAMES N. NOLAN ☐

FOR TRUSTEE OF NORTH SHELBY  
LIBRARY DISTRICT, PLACE 2  
(Vote for One)

LUCY T. WATSON ☐

## LIBRARY DISTRICT REFERENDUM

Shall the Schedule of Charges of the  
North Shelby County Library District  
be revised so as to provide for the  
following?

YES ☐

NO ☐

## SCHEDULE AND CHARGES

### 1. Single-Family Residences With Homestead Exemption:

A. Any single family residence on  
which the property owner has claimed  
and received a homestead exemption  
for the current tax year shall be subject  
to an annual service charge of Fifteen  
Dollars (\$15.00).

B. Any single family residence with  
a homestead exemption that has been  
determined by Shelby County Tax  
Assessor to qualify as Exempt 20 or  
Exempt 30 shall not be subject to any  
service charges.

C. Any service charge due pursu-  
ant to this Section 1 that is not paid  
within three (3) calendar months of the  
due date of the first day of the appli-  
cable fiscal year shall be subject to an  
additional late fee of Seven Dollars and  
Fifty Cents (\$7.50) per parcel plus  
applicable interest and collection  
charges as otherwise permitted by law.

(Continued on next column)

### 2. All Other Properties:

A. All properties within the District  
that do not qualify as single family  
residences with homestead exemption  
pursuant to the provisions of section  
1. above, shall be subject to an annual  
service charge of an amount equal to  
one and three fourth mills (1.75) of the  
assessed value of the property for the  
current fiscal tax year.

B. Any service charge due pursu-  
ant to this section 2 that is not paid  
within three (3) calendar months of the  
due date of the first day of the appli-  
cable fiscal year, shall be subject to an  
additional late fee of Seven Dollars and  
Fifty Cents (\$7.50) per parcel or Ten  
Percent (10%) of the unpaid service  
charge applicable to the parcel, which-  
ever is greater, plus all applicable  
interest and collection charges as  
otherwise permitted by law.

3. This Schedule of Charges shall  
be effective and applicable commenc-  
ing on the first day of the next full fiscal  
year of October 1, 1991 through  
September 30, 1992 and for each year  
thereafter.

4. Appeal charges. Any property  
owner desiring to appeal any service  
charge to the Board of Trustees shall  
be subject to a filing charge of Five  
Dollars (\$5.00) per parcel at the time  
the appeal is filed. Said charge shall  
be refunded if the property owner's  
position is approved by the Board of  
Trustees upon its consideration of the  
appeal.

5. The provisions of Item 6 and all  
other matters incidental to the Sched-  
ule of Charges as are currently in  
effect shall remain in full force and  
effect.

1 HB335  
2 21860-4  
3 By Representative Hill (N & P)  
4 RFD: Shelby County Legislation  
5 First Read: 03-FEB-2000



1  
2 Enrolled, An Act,

3 Relating to Shelby County; to amend Act 88-258, 1988  
4 Regular Session (Acts 1988, p. 393), authorizing the creation  
5 of public library districts, to further provide for elections  
6 pursuant to the act including the election of the library  
7 board; and to further provide the procedure for enlargement of  
8 districts.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 4, 5, 6, 9, and 13 of Act  
11 88-258, 1988 Regular Session (Acts 1988, p. 393), are amended  
12 to read as follows:

13 "Section 4. (a) When a petition for the holding of  
14 any election pursuant to this act is filed with the judge of  
15 probate, the judge of probate shall order the election sought  
16 by the petition to be held on a day not less than 30 days nor  
17 more than 60 days from the date on which the judge of probate  
18 enters the order.

19 "(b) Subsection (a) applies to all elections  
20 provided for by this act except when an election is prohibited  
21 by subsection (c) or other specific provisions are provided by  
22 this act.

23 "(c) Elections pertaining to the establishment of a  
24 district or portion thereof, for the abolition of a district,  
25 or for the merger of two districts shall not be held more than  
26 once every two years.

1           "Section 5. (a) Any election held pursuant to this  
2 act shall be conducted in all respects as provided by the  
3 general election laws except as otherwise provided by this  
4 act. Provided, however, that an official ballot need not be  
5 provided, and that it shall not be necessary for the ballots  
6 to be of any particular size, form, or color.

7           "(b) The judge of probate may designate as many  
8 voting places as may be deemed necessary for the convenience  
9 of the voters, and shall designate the boundaries within which  
10 the voters shall reside to vote at the respective voting  
11 places, and shall appoint the necessary inspectors of  
12 election, clerks, and one returning officer for each voting  
13 place. The inspectors shall manage the election at their  
14 respective voting place.

15           "(1) The inspectors shall, as soon as the polls are  
16 closed, ascertain and certify the results of the election at  
17 their respective voting place to the judge of probate and  
18 deliver the same to the returning officer, who shall at once  
19 return the same to the judge of probate. The judge of probate  
20 shall canvass the return as made by the inspectors and certify  
21 the election and declare the results.

22           "(2) The library board shall certify the voters  
23 list, determine the method and manner of voting, and provide  
24 the ballots and other supplies necessary for proper  
25 implementation of the voting method which the board has  
26 selected.

1           "(3) The library board shall be responsible for  
2 publishing the notice of election and shall pay all costs of  
3 the publication.

4           "(4) The district shall pay all expenses of any  
5 election held pursuant to this act.

6           "(5) Voting by absentee ballot in any election held  
7 pursuant to this act shall not be required unless the library  
8 board specifically determines that it shall provide for  
9 absentee voting.

10           "Section 6. Notice of any election held under this  
11 act shall be given by publishing for three weeks at least once  
12 a week, on the same day of each week, in a newspaper of  
13 general circulation in the county where the election is to be  
14 held, that on the day fixed for the election the questions to  
15 be then voted on will be submitted to the qualified electors  
16 residing in the district or proposed district.

17           "Section 9. (a) The affairs and business of the  
18 district shall be managed by a library board consisting of  
19 five members who shall be elected by the qualified electors  
20 residing in the district. The current board members on the  
21 effective date of this act elected at the general election in  
22 November 1996, shall serve until October 1, 2000, and the  
23 current board members elected at the general election in  
24 November 1998, shall serve until October 1, 2002, at which  
25 time the new board members elected pursuant to this act shall  
26 take office. The library board shall conduct the elections for

1 board membership on the second Tuesday of September of every  
2 even year, to take office on October 1, of that year and every  
3 four years thereafter.

4 "(b) No person shall be elected to the board unless  
5 he or she is a person who is a registered voter residing  
6 within the boundaries of the district. A person who desires to  
7 run for the board shall file a notice of candidacy for a place  
8 on the board with the judge of probate on or before July 15  
9 preceding the election. The person receiving the highest  
10 number of votes for each place shall be the successful  
11 candidate. In the event of a tie vote, the top two candidates  
12 will draw lots in the presence of the judge of probate to  
13 determine the winning candidate. In event that there is only  
14 one candidate who qualifies to run for a place, the judge of  
15 probate shall certify the election of that candidate to that  
16 place and no election for that place shall be held.

17 "(c) Each term shall be for a term of four years.  
18 Provided, however, that to stagger the terms, Place No. 1 and  
19 Place No. 2 initially shall be elected for a term of two  
20 years, and Places 3, 4, and 5 shall be elected for a term of  
21 four years, in the first election held after an election  
22 providing for the formation of a district created pursuant to  
23 this act. The initial election shall be conducted on the  
24 second Tuesday of September of the first even year after  
25 organization.

1           "(d) In the event of a vacancy on a library board,  
2 the place vacant shall be filled by the majority vote of the  
3 remaining membership of the board for the unexpired term of  
4 the vacant position. A vacancy shall also be deemed to occur  
5 in the event there is a place for which no candidate has been  
6 nominated, and the vacancy for the new term shall be filled as  
7 provided for herein, except that the office holder whose term  
8 has expired shall continue to hold office until the vacancy is  
9 filled.

10           "(e) The library board shall elect annually from its  
11 own number a president, a vice president, and a  
12 secretary/treasurer. The members of the board shall not be  
13 entitled to any compensation for their services, but they  
14 shall be entitled to reimbursement for all reasonable expenses  
15 incurred by them in the performance of their duties. A quorum  
16 of the board shall consist of three members and a quorum shall  
17 be present in order for the board to transact business. The  
18 board may adopt rules, regulations, and by-laws to further  
19 provide for the operation of the district.

20           "(f) The board shall maintain a complete record of  
21 the proceedings of its meetings and shall require the director  
22 of the library to maintain a detailed record of the receipts  
23 and disbursements of all library funds.

24           "Section 13. (a) A district may be enlarged by  
25 consent pursuant to subsection (b) or by petition and  
26 referendum pursuant to subsection (c), provided, that no area



lying within a municipality or another library district at the time of the enlargement shall be brought within the district.

"(b) Property may be brought within a district by consent pursuant to the following:

"(1) If the owners of property located and contained within an area contiguous to the existing boundary of the district shall sign and file a written petition with the board of trustees requesting that the property or territory be included within the district and accepting every service charge in effect within the district at the time of filing the petition, and the board of trustees adopts a resolution assenting to the inclusion of the property within the district, the limits of the district shall be enlarged and rearranged so as to embrace and include the property and the property or territory shall become a part of the area of the district upon the date of recording the resolution and petition with the office of the judge of probate.

"(2) The petition required by this paragraph shall contain an accurate description of the property or territory proposed to be included within the district together with a map of the territory showing its relationship to the boundary of the district to which the property is proposed to be included and the signatures of all the owners of the property or territory described. It shall be the duty of the board of trustees to file a description of the property or territory in the office of the judge of probate.

1           "(c)(1) The term "proposed area," as used in this  
2 subsection, means an area which is proposed to be brought  
3 within a district by enlargement of the district. When the  
4 board of trustees of a district determines that the inclusion  
5 of a proposed area within the district would be to the  
6 advantage of the district and also to the advantage of the  
7 majority of the property owners of the proposed area, the  
8 board of trustees may file in the office of the judge of  
9 probate a petition that there be an election at which there  
10 shall be submitted to the qualified property owners within the  
11 proposed area: (i) the question of whether the proposed area  
12 shall be included within the district; and (ii) the question  
13 of whether every service charge in effect within the district  
14 at the time of the election is approved.

15           "(2) Upon the petition being filed, except as  
16 provided in subdivision (4) of this subsection (c), the judge  
17 of probate shall, not less than 10 nor more than 15 days from  
18 the date of the filing of the petition, make and enter an  
19 order upon the minutes of the court, directing and ordering an  
20 election at which election the qualified property owners  
21 within the proposed area shall vote on the two foregoing  
22 questions. The election shall be held as provided in Section  
23 4. The district shall give notice of the holding of the  
24 election by publication in a newspaper published within the  
25 county. The notice shall state the day on which the election  
26 will be held and the boundaries within which voters must

1       reside to vote, and the notice shall give a description of the  
2       proposed area and shall state that a map of the proposed area  
3       is on file in the office of the judge of probate, open to the  
4       inspection of the public.

5               "(3) Each qualified elector who has resided within  
6       the boundaries of the proposed area for three months next  
7       preceding the election may vote at the election, and shall  
8       vote at the voting place or places designated by the judge of  
9       probate.

10               "(4) If within 10 days from the date of the filing  
11       of the petition provided in subdivision (1) of this subsection  
12       (c), each of the property owners in the proposed area appears  
13       before the judge of probate and consents in writing to include  
14       the proposed area within the district and approving every  
15       service charge in effect within the district at the time of  
16       the election, then no election shall be held. Upon  
17       determining that each of the property owners in the proposed  
18       area has so consented, the judge of probate shall make and  
19       enter an order on the records of the probate court setting  
20       forth the findings and adjudging and decreeing the boundaries  
21       of the district to be extended so as to embrace the proposed  
22       area described in the petition and designated on the plat or  
23       map attached to the petition and must cause the petition and  
24       map and all orders or decrees or judgments to be recorded in  
25       the records in the probate office, and from the time of the

1 entry of the order the proposed area shall be a part of and  
2 within the boundaries of the district.

3 "(5) The plat or map filed with the petition shall  
4 show accurately the proposed area to be embraced within the  
5 boundaries of the district, including all subdivisions into  
6 lots, blocks, streets, and alleys within the proposed area, if  
7 any, and an accurate description by metes and bounds of the  
8 boundary of the proposed area, which proposed area shall be  
9 contiguous to the boundary of the district and may extend to  
10 or around the boundary line of any city or town, but is not to  
11 embrace any territory within the corporate limits of any  
12 municipality. No platted or unplatted territory shall be  
13 included within the boundary unless there are at least two  
14 qualified electors residing, according to a government survey,  
15 on each quarter of each quarter section or part thereof of  
16 platted or unplatted land who assent thereto in writing by  
17 signing the petition, together with the consent of the  
18 persons, firms, or corporations owning at least 60 percent of  
19 the acreage of the platted or unplatted land, the consent to  
20 be indicated by signing the petition. Proof of residence and  
21 qualification as electors of petitioners and of persons  
22 affected shall be made to the judge of probate by affidavit or  
23 otherwise as the judge may direct. When determining the  
24 ownership of the land within the proposed area, the persons,  
25 firms, or corporations assessing the same for taxation shall

1 be accepted by the judge of probate as prima facie the owners  
2 thereof."

3 Section 2. This act shall become effective on the  
4 first day of the third month following its passage and  
5 approval by the Governor, or its otherwise becoming law.

*Jeffrey H. H. H.*  
Speaker of the House of Representatives

*John Hinson*  
President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 22-FEB-2000.

Greg Pappas  
Clerk

Senate

27-APR-2000

Passed

APPROVED 5-3-00  
TIME 2:29 pm  
*[Signature]*  
GOVERNOR

Alabama Secretary of State

Act Num.....: 2000-358  
Bill Num....: H-335

88-258

S. 341

(With Notice and Proof) No.

By: Senator Ellis

RECEIVED

APR 5 1988

Time 2:35 pm  
Governor's Office

Enrolled, An Act,

Relating to Shelby County; to authorize the creation of public library districts in certain areas of Shelby County; to prescribe conditions and procedures relative to the creation of such districts; to prescribe the organization, rights and powers of such districts; to prescribe limitations on such rights and powers; to provide for the levying of certain service charges; to repeal all conflicting statutes and to provide referendums.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply to Shelby County, Alabama, and to no other county.

Section 2. Any area situated entirely within Shelby County may be established as a district for providing public library service in the manner hereinafter provided for; provided, however, no land lying within the boundaries of a municipality or an existing library district at the time of the election shall be included in a district.

Section 3. The probate judge of Shelby County shall order an election to be held in the proposed district on the question or questions when a petition is filed in the office of the probate judge requesting an election.

The petition shall be signed by at least 100 persons who are qualified electors residing within the boundaries of the proposed district.

The petition shall contain a legal description of

1 the area which it proposes to be established as a district  
2 under the provisions of this act; and the petition shall  
3 request the probate judge to call an election on one or more  
4 of the following questions: Shall there be created for the  
5 area a district for public library service?

6 The petition shall state the name of the proposed  
7 district. The library board of a district may change the  
8 name of the district by filing in the office of the probate  
9 judge a copy of a resolution changing the name thereof, which  
10 copy shall be certified by the chairman of the library board.

11 The petition for election on the establishment of a  
12 district may be accompanied by a petition for an election on  
13 the question of levying a proposed service charge which last  
14 named petition shall be signed by at least 100 persons who  
15 are qualified electors residing within the boundaries of the  
16 proposed district. A petition for an election on the  
17 establishment of a district shall be deemed to be accompanied  
18 by a petition for an election on the question of levying a  
19 proposed service charge, if the request for the election on  
20 the proposed district and the request for an election of the  
21 proposed service charge are combined in a single petition.

22 The petition shall also name five interim board  
23 members, who shall be persons who are qualified electors  
24 residing within the boundaries of the proposed district, to  
25 serve as a library board until permanent board members can be  
26 elected in accordance with the provisions of section 9  
27 hereof.

28 Section 4. (a) When a petition for the holding of  
29 any election hereunder is filed with the probate judge, the  
30 probate judge shall order the election sought by the petition  
31 to be held on a day not less than thirty days nor more than  
32 forty calendar days from the date on which the probate judge  
33 enters said order.

34 (b) The provisions of section 4(a) shall apply to



all elections provided for by this act, provided such an election is not prohibited by section 4(c) or other provisions of this act.

(c) Elections on the question of the amount for service charges may be held pursuant to the provisions of section 12 of this act. Elections pertaining to the establishment of the same district or portion thereof or for the abolition of a district shall not be held more than once every two years. Elections for members of the library board shall be held pursuant to the provisions of section 9 of this act.

Section 5. The provisions of the election laws governing the registration of voters, equipment at the polling places, furnishing of supplies, appointment of election officers, voting and canvassing returns at a general election shall apply to an election held hereunder.

Section 6. The probate judge shall give notice of any election held under this act by publishing for three weeks at least once a week, on the same day of each week, in a newspaper of general circulation in the territory where said election is to be held, a notice that on the day fixed for the election the questions to be then voted on will be submitted to the electors of the said territory.

Section 7. Where an election is held on the question of the establishment of a district, the governing body of the county shall pay for the necessary expense of advertising and conducting such election out of the general funds of the county, provided, however, that if the district is established, the district shall reimburse the county for the expenses incurred by the county in respect to said election.

After a district has been established, the district shall pay the expense of any election held in the district or held in any area which it is proposed to be added to the

1 district.

2 Section 8. No district shall be created unless the  
3 creation thereof is approved by the majority of votes cast at  
4 the election at which the proposed creation is submitted.  
5 Upon the officers canvassing the returns of the election  
6 certifying that the creation of the district was approved by  
7 the majority of the votes cast at such election, the proposed  
8 district shall be created and shall constitute a public  
9 corporation.

10 Section 9. The affairs and business of the  
11 district shall be managed by a library board consisting of  
12 five members who shall be elected by the qualified electors  
13 of the district. Such election shall be held at the same  
14 time and conducted by the same election officials as regular  
15 general county elections. No person shall be elected to said  
16 board unless he is a person who is a qualified elector  
17 residing within the boundaries of the proposed district.  
18 Nominations for candidates for designated places as members  
19 of the library board shall be made by petition signed by not  
20 less than 25 persons who are qualified electors residing  
21 within the boundaries of the district, which petition shall  
22 designate the place number for which said candidate is being  
23 nominated. Said petition shall be filed with the probate  
24 judge not less than 40 days prior to the date set for the  
25 election. The person receiving the highest number of votes  
26 for each place shall be the successful candidate. Election  
27 shall be for a term of four years provided, however, that to  
28 stagger the terms, Place No. 1 and Place No. 2 shall be  
29 elected for a term of two years, and Places 3, 4, and 5 shall  
30 be elected for a term of four years, in the first election  
31 held after this act becomes effective.

32 In the event of a vacancy on the library board, the  
33 same shall be filled by the majority vote of the remaining  
34 membership of the library board, and such election shall be

1 for the unexpired term of the member causing the vacancy.

2 The library board shall elect annually from its own  
3 number a president and a secretary. The members of the  
4 library board shall not be entitled to any compensation for  
5 their services; but they shall be entitled to reimbursement  
6 for all reasonable expenses incurred by them in the  
7 performance of their duties. Members of the board shall  
8 maintain a complete record of the proceedings of its  
9 meetings, and shall require the director of the library to  
10 maintain a detailed record of the receipts and disbursements  
11 of all library funds.

12 Section 10. The district shall constitute a public  
13 corporation, which shall have the power to do any and all  
14 acts or things necessary and convenient for carrying out the  
15 purposes for which it is created including, but not limited  
16 to: to sue and be sued; to have a seal and alter the same at  
17 pleasure; to acquire, hold and dispose of property, real and  
18 personal, tangible and intangible, or interests therein and  
19 to pay therefor in cash or on credit, and to secure and  
20 procure payment of all or any part of the purchase price  
21 thereof on such terms and conditions as the board shall  
22 determine; to acquire, own, operate, maintain and improve a  
23 system or systems; to pledge all or any part of its revenues,  
24 or mortgage, or otherwise encumber, all or any part of its  
25 property for the purpose of securing the payment of the  
26 principal of and interest on any of its obligations; to sell,  
27 lease, mortgage or otherwise encumber or dispose of all or  
28 any part of its property, as hereinafter provided; to  
29 contract debts, borrow money and to issue or assume the  
30 payment of obligations; to levy and collect service charges,  
31 as herein provided in this act, subject to the limitations  
32 prescribed in this act; to negotiate and enter into contracts  
33 with residents of areas outside of district or with other  
34 districts to furnish public library services and to charge

1 fees for such service; to employ agents, servants, and  
2 attorneys; and to perform any and all of the foregoing acts  
3 and to do any and all of the foregoing things under, through  
4 or by means of its own officers, agents, and employees, or by  
5 contracts with any person, federal agency or municipality.

6 Additionally, the library board shall have the  
7 following powers:

8 (a) To elect its own officers and to adopt such  
9 bylaws, rules and regulations for its own guidance and for  
10 the government of the library as may be necessary;

11 (b) To have the exclusive control of the  
12 expenditure of all funds appropriated for the library;

13 (c) To appoint a director of the library and all  
14 other employees, to fix their compensation and to remove such  
15 appointees upon the showing of just cause;

16 (d) To determine the general operating policies of  
17 the library in consultation with or upon the recommendation  
18 of the director of the library;

19 (e) To purchase books, equipment and other library  
20 materials;

21 (f) To exclude from the use of the library any  
22 person who willfully violates the rules prescribed by the  
23 board;

24 (g) To extend the use of the library to persons  
25 residing outside the district;

26 (h) To accept gifts of books, money or other  
27 property, real and personal, which may be used or held in  
28 trust for the general purposes of the library;

29 (i) To enter into an agreement with other public  
30 libraries in a cooperative library system;

31 (j) To prepare an annual budget; and

32 (k) To exercise such powers not inconsistent with  
33 law, necessary for the effective use and management of the  
34 library.

1 The property and income of the district, all bonds  
2 issued by the district, the income from such bonds,  
3 conveyances by or to the district, and leases, mortgages and  
4 deeds of trust by or to the district shall be exempt from all  
5 taxation in the state of Alabama, including specifically the  
6 tax imposed by Section 40-21-82 of the Code of Alabama 1975,  
7 as amended. The district shall be exempt from all taxes  
8 levied by any county, municipality, or other political  
9 subdivision of the state, including, but without limitation  
10 to, license and excise taxes imposed in respect of the  
11 privilege of engaging in any of the activities that a  
12 district may engage in. The district shall not be obligated  
13 to pay or allow any fees, taxes or costs to the judge of  
14 probate of any county in respect of its incorporation, the  
15 amendment of its certificate of incorporation, or the  
16 recording of any document.

17 Section 11. (a) The expense of establishing and  
18 maintaining a district shall be paid for by the proceeds of a  
19 service charge which shall be levied and collected in an  
20 amount sufficient to pay said expense. Said service charge  
21 shall be levied upon and collected from persons and  
22 properties served by the district. Such charge shall be a  
23 personal obligation of the owner of the property served by  
24 the district; and to secure the collection of the charge  
25 there shall be a lien against said property in favor of the  
26 district, which lien shall be enforceable by sale thereof in  
27 the same manner in which the foreclosure of a municipal  
28 assessment for public improvements is authorized.

29 (b) A property owner who owns a structure, used  
30 solely as a residence, which at the time of its original  
31 construction was situated on a county line, may avoid the  
32 payment of a service charge which is based upon the presence  
33 of such structure; if (1) at no time before or after the  
34 effective date of this act, was such structure assessed for

1 taxes in Shelby County, (2) at no time before or after the  
2 effective date of this act, was any homestead exemption  
3 claimed for such structure in reduction of taxes assessed in  
4 Shelby County, and, the property owner furnishes to the  
5 district an agreement that any service charges imposed with  
6 respect to future construction on the property shall  
7 constitute a lien upon the entire property located within the  
8 district, including the property upon which the residence is  
9 situated.

10 Section 12. No service charge shall be levied  
11 unless the same has been first approved by the majority of  
12 the votes cast at an election held hereunder by the qualified  
13 electors residing within the district, or within the proposed  
14 district.

15 An election on the question of levying service  
16 charges in a proposed district may be held at the time that  
17 the election is held on the creation of the district,  
18 provided that the petition for the election on the question  
19 on the service charge accompanies the petition for the  
20 election on the establishment of the proposed district as is  
21 provided for in section 4 above. An election on the question  
22 of service charges, other than an election coincident to the  
23 creation of the district, may be held upon the library board  
24 of a district submitting to the probate judge a petition for  
25 such election as herein provided. The library board shall  
26 file in the office of the probate judge a petition to call an  
27 election in the district on the question of whether the  
28 service charge proposed by the board be levied. This  
29 petition shall state specifically the charges proposed to be  
30 levied. The petition may request that an election be held on  
31 one or more than one proposed charge classification.  
32 Additionally, a petition submitted by the library board shall  
33 contain a report that will indicate the nature and extent of  
34 library service that is proposed to be supported by all

1 service charges that will be in effect if the petition is  
2 approved by the electors; and a certification by the library  
3 board that the service charges proposed, together with  
4 service charges otherwise in effect, will also provide for  
5 the interest and maturities on all outstanding debt of the  
6 district. Upon the petition being filed with the probate  
7 judge, he shall order an election to be held within the time  
8 provided for by section 4(a) above. Notice of such election  
9 shall be given as provided for in section 6 of the act.

10 Section 13. (a) A district may be enlarged in  
11 accordance with the terms of this section, provided, however,  
12 that no area lying within a municipality at the time of the  
13 enlargement shall be brought within the district.

14 (b) No area shall be brought within a district by  
15 enlargement unless the majority of the votes cast at the  
16 election provided for by subsection (c) approve the inclusion  
17 of the area within the district and also approve every  
18 service charge in effect within the district at the time of  
19 the election.

20 (c) The term "proposed area," as used in this  
21 subsection, means an area which is proposed to be brought  
22 within a district by enlargement of the district. When the  
23 library board of a district determines that the inclusion of  
24 a proposed area within the district would be to the advantage  
25 of the district and also to the advantage of the majority of  
26 the qualified electors residing within the boundaries of the  
27 proposed area, the library board may file in the office of  
28 the probate judge a petition (signed by the majority of  
29 qualified electors residing within the boundaries of the  
30 proposed area) that there be an election in the proposed area  
31 at which there shall be submitted to the qualified electors  
32 residing within the proposed area the question of whether the  
33 proposed area shall be included within the district and also  
34 the question of whether every service charge in effect within

1 the district at the time of the election is approved. Upon  
2 such petition being filed, the probate judge shall order an  
3 election to be held within the proposed area, within the time  
4 provided for in section 4, at which election the qualified  
5 electors residing within the boundaries of the proposed area  
6 shall vote on the two foregoing questions. Unless the  
7 majority of votes cast at the election vote in the  
8 affirmative on each of the foregoing questions, the proposed  
9 area shall not be included within the district. Upon the  
10 officers canvassing the returns of the election certifying  
11 that a majority of the votes cast was in favor of the  
12 inclusion of the proposed area in the district, and that the  
13 majority of the votes cast approved every service charge in  
14 effect within the district at the time of the election, the  
15 proposed area shall become a part of the district.

16 Section 14. Any district created hereunder may be  
17 abolished in the manner provided for in this section 14;  
18 provided, however, that no district shall be abolished nor  
19 shall the boundaries of any district be diminished in any  
20 manner, when it has any indebtedness. The library board  
21 shall have the responsibility to provide proper documentation  
22 as to the question of indebtedness.

23 Upon the petition for abolition of a district,  
24 conforming to the requirements set forth below, being filed  
25 with the probate judge, he shall order an election on  
26 abolition of the district to be held in the district within  
27 the time provided for by section 4, at which qualified  
28 electors residing within the district shall be entitled to  
29 vote. The petition shall be signed by at least 100 qualified  
30 electors residing within the boundaries of the district. It  
31 shall contain a recital that the district is not indebted;  
32 and it shall request the probate judge to order an election  
33 on whether the district shall be abolished. Upon the  
34 officers canvassing the returns of the election certifying



1 that abolition of the district was approved by a majority of  
2 the votes cast at the election, the district shall be  
3 abolished.

4 Section 15. The provisions of this act are  
5 severable. If any part of the act is declared invalid or  
6 unconstitutional, such declaration shall not affect the part  
7 which remains.

8 Section 16. All laws or parts of laws which  
9 conflict with this act are hereby repealed.

10 Section 17. This act shall become effective  
11 immediately upon its passage and approval by the Governor, or  
12 upon its otherwise becoming a law.

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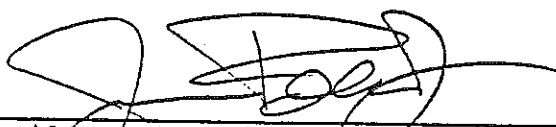
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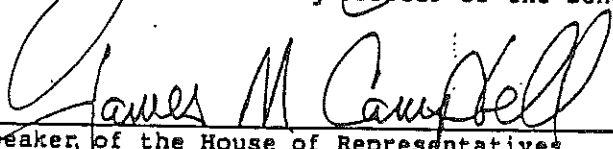
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President and Presiding Officer of the Senate

  
Speaker of the House of Representatives

Pro Tem

S. 841

Senate 3-1-88

I hereby certify that the within Act originated in and passed  
the Senate.

McDowell Lee,  
Secretary

House of Representatives  
Passed 3-30-88

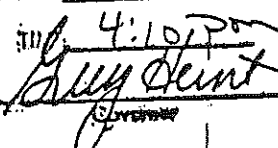
By: Senator Ellis

APPROVED

4/12 1988

TH

4:10 PM

  
Governor

