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STATE OF ALABAMA

90-00242

APR 25 1990

Honorable William L. Hanbery  
Judge of Probate  
P.O. Box 1059  
Florence, Alabama 35631

Libraries - Library Boards -  
Assets :

A Regional Library Board may divide books, materials and non-fixed equipment among members of the Regional System in the event of dissolution of the system.

Dear Judge Hanbery:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

Does the Regional Library Board have the authority to divide books, materials and non-fixed equipment among member libraries of the Regional System according to terms specified in a contract?

FACTS AND ANALYSIS

Section 11-90-4, Code of Alabama 1975, provides that: "The library board of any county or municipality free public library may contract, . . . to and with the library board of another political unit or governmental agency . . . with respect to the establishment or maintenance of joint library service upon which such terms as may be agreed upon by the several contracting parties." This section also states that a joint library board may be established by the contracting parties. Such a board shall have the powers and duties granted

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to county and municipal boards under Section 11-90-3 of Code of Alabama 1975, including the authority to control the expenditure of all funds received or appropriated for such libraries and the authority to purchase books and equipment for the libraries in the system.

The 1989 contract under which the Muscle Shoals Regional System operates states in Section I, Item H: "Present library materials in the existing library are a part of the regional collection. In the event any participating library board or agency deems it advisable to withdraw from this regional program a division of property will be made by the Regional Library Board, taking into consideration the amount of money and materials the withdrawing member has put into this program to date of withdrawal, as well as the services which they have received."

#### CONCLUSION

The Regional Library Board has the authority to divide books, materials and non-fixed equipment under the terms of the Regional Library System contract. All books, materials and equipment are jointly owned by the member libraries of the Regional System.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN  
ATTORNEY GENERAL

BY-



GERRILYN V. GRANT  
ASSISTANT ATTORNEY GENERAL

DS/GVG/bgc

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