

TEINERT MEMORIAL LIBRARY
Collection Development Policy

APPROVED BY	DATE
TML Board	November 09, 2022
Bartlett City Council	November 14, 2022

1) Principles and Objectives

- a) Purpose - The purpose of this policy is to provide all users of the Teinert Memorial Library with carefully selected materials. The collection will be an unbiased and diverse source of information, representing multiple viewpoints on a wide range of topics. Materials are selected to best meet these objectives.
- b) Viewpoints - The Library neither encourages nor discourages any particular viewpoint. No material will be excluded because of race, nationality, religion, gender, sexual orientation, and political or social views of the author. Selection of materials by the Library does not mean endorsement of the contents or the views expressed in those materials.
- c) Rights - The freedom to read, along with the freedom to hear and view, is protected by the First Amendment to the Constitution of the United States. To this end, the Teinert Memorial Library upholds the principles of the American Library Association's *Library Bill of Rights, Freedom to Read*, and the Texas Library Association's *Intellectual Freedom Statement*. These documents are at the end of this policy
- d) Parental Responsibility – The Library staff does not serve *in loco parentis*. It is the responsibility of the parent or legal guardian to supervise and monitor the library activities of their child.

2) Responsibility for Selection

The Library Board is responsible for the selection of library materials following the guidelines and criteria outlined in this policy.

3) Selection Criteria

- a) The main points considered in selecting materials are:
 - i) Individual merit of the item
 - ii) Popular demand and/or patron request
 - iii) Library need for material
 - iv) Budget
 - v) Authority of author and/or publisher
- b) Review sources are used to assist in selecting materials. Review sources used include, but are not limited to, the following:
 - i) Library Journal
 - ii) School Library Journal
 - iii) Booklist

- iv) Other professional publications
- v) Area newspapers with book reviews
- c) Materials may be selected without a review. Consideration is given to materials that may be relevant to the library's collections (I.e. Texas Collection, local interest, local authors).
- d) Formats of materials collected by the Teinert Memorial Library include books, periodicals, newspapers, DVD's, audio books, digital books, and online databases. New and emerging formats will be considered when appropriate.

4) Interlibrary Loan

Because of limited budget, space, and other factors, the Library cannot provide all materials that are requested. Therefore, interlibrary loan is used to obtain from other libraries those materials that are beyond the scope of the Teinert Memorial Library collections.

5) Gifts and Donations

- a) General Gifts – All gifts or donations become the property of the Teinert Memorial Library, a department of the City of Bartlett. The library accepts gifts or donations of books and other materials with the understanding that the items will be added to the collection only if appropriate and needed. Donations and gifts are subject to the same principles and selection criteria as new materials purchased by the Library. Donations with stipulations or restrictions will not be accepted if the items given to the Library are not needed because of duplication, condition, age, etc. The Library Board will dispose of them as they see fit.
- b) Other Gifts – Gifts of a more specific nature, such as works of art, furniture, equipment, special collections and real property, shall be referred to the Library Board. The fiscal impact of the gift on the Library will be considered in making the decision on its acceptance.
- c) Appraisal – The Library will not appraise the value of donated items. A donation receipt is available upon request.
- d) Disposition of Gifts – Donated materials are subject to the same criteria as purchased materials, as specified under Collection Maintenance. Donated items withdrawn from the library will not be returned to the donor.

6) Collection Maintenance

- a) Criteria – For an up-to-date, attractive, and useful collection, a continuous schedule of withdrawal and replacement is required. *The CREW Method* will be followed as a guideline for appropriate age materials. Documentation for the CREW method may be found online at [CREW: A Weeding Manual for Modern Libraries | TSLAC \(texas.gov\)](#). Other criteria for evaluation and maintenance of the collection includes, but is not limited to, the following:
 - i) Condition of the material
 - ii) Usage based on observation and computer-generated reports
 - iii) Superseded editions or revisions
 - iv) Popularity and appeal
 - v) Outdated information
 - vi) Space and budgetary considerations
 - vii) Professional appraisal & evaluation

- b) Disposition – The Library Board will determine final disposition of any materials withdrawn from the Library collection. Materials in poor physical condition or having little anticipated resale value will be discarded, either by utilizing a book purveyor program or using rubbish disposal. The Library Board may sell withdrawn materials, and proceeds of such sales will be used to support the Library’s mission, programs, or to enhance the Library’s collections. (As per the Texas Municipal League legal guidance, Government Code 51.015, 51.034, and Local Government Code 252.022)

7) Reconsideration of Materials

The Teinert Memorial Library strives to meet a wide variety of tastes and interests with high quality and popular materials. The City of Bartlett is comprised of many diverse groups, with different beliefs, standards, and theologies. Every citizen has the right to his or her opinions and beliefs. Differences of opinion regarding the suitability of Library materials may arise. Patrons requesting that material be withdrawn from the collections or with concerns about an item’s placement in the Library may complete a “Citizens Request for Reconsideration of Library Material” form. It is the responsibility of the Library Board to make the final determination on all such requests. (This form is at the end of this policy).

Teinert Memorial Library
Citizen's Request for Reconsideration of Library Material

Title of Material: _____

Author: _____ Call Number: _____

Format (circle one): Book eBook Audio Book CD DVD Other _____

Your Name: _____ Telephone: _____

Address: _____

Group you represent (if any): _____

Did you examine the entire work? _____ If not, what parts? _____

Specifically, to what in the material do you object? _____

What do you believe is the purpose of this material? _____

Is there anything useful or good about this material? _____

What prompted you to use this material? _____

For what age group would you recommend this material? _____

What would you recommend to replace this material? _____

Your Signature: _____ Date: _____

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019. Inclusion of "age" reaffirmed January 23, 1996.

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. *It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.*

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. *Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.*

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. *It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.*

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. *There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.*

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. *It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.*

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. *It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.*

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. *It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.*

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to

read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

TEXAS LIBRARY ASSOCIATION INTELLECTUAL FREEDOM STATEMENT

A. PREAMBLE

The Texas Library Association holds that the freedom to read is a corollary of the constitutional guarantee of freedom of the press. Freedom of choice in selecting materials is a necessary safeguard to the freedom to read, and shall be protected against extra-legal, irresponsible attempts by self-appointed censors to abridge it. The Association believes that it is the essence of democracy that citizens shall have the right of free inquiry and the equally important right of forming their own opinions, and that it is of the utmost importance to the continued existence of democracy that freedom of the press in all forms of public communication be defended and preserved. The Texas Library Association subscribes in full to the principles set forth in the Library Bill of Rights of the American Library Association, Freedom to Read Statement, and interpretative statements adopted thereto.

B. AREAS OF CONCERN

LEGISLATION. The Texas Library Association is concerned with legislation at the federal, state, local, and school district level which tends to strengthen the position of libraries and other media of communication as instruments of knowledge and culture in a free society. The Association is also concerned with monitoring proposed legislation at the federal, state, local, and school district level which might restrict, prejudice, or otherwise interfere with the selection, acquisition, or other professional activities of libraries, as expressed in the American Library Association's Library Bill of Rights and the Freedom to Read Statement.

The Intellectual Freedom Committee works with the Legislative Committee to watch proposed legislation, at the various levels, which would restrict or interfere with the selection, acquisition, or other professional activities of libraries.

INTERFERENCE. The Association is concerned with proposed or actual restrictions imposed by individuals, voluntary committees, or administrative authority on library materials or on the selection judgments or on the procedures or practices of librarians.

The Intellectual Freedom Committee attempts to eliminate restrictions which are imposed on the use or selection of library materials or selection judgments or on the procedures or practices of librarians, receives requests for advice and assistance where freedom has been threatened or curtailed, and recommends action to the Executive Board where it appears necessary.

MATERIALS SELECTION POLICY. The Texas Library Association believes that every library, in order to strengthen its own selection process, and to provide an objective basis for evaluation of that process, should develop a written official statement of policy for the selection of library materials.

The Intellectual Freedom Committee encourages all libraries to develop a written statement of policy for the selection of library materials which includes an endorsement of the Library Bill of Rights.

EDUCATION. The Texas Library Association is concerned with the continuing education of librarians and the general public in understanding and implementing the philosophy inherent in the Library Bill of Rights and the ALA Freedom to Read Statement.

The Intellectual Freedom Committee supports an active educational program for librarians, trustees, and the general public.

LIAISON WITH OTHER ORGANIZATIONS. The Texas Library Association, in order to encourage a united front in defending the right to read, shall cooperate with other organizations concerned with intellectual freedom.

The Intellectual Freedom Committee advises on Texas Library Association positions and cooperates with other organizations.

Adopted September 15, 1992 by the TLA Council.

Reaffirmed April 7, 1995 by the TLA Council.

Page last modified: March 2, 2011

What is personal property?

In the broadest sense, “personal property” is “everything that is subject to ownership not falling under the definition of real estate” and includes things such as money and goods. *San Antonio Area Found. v. Lang*, 35 S.W.3d 636, 640 (Tex. 2000). In contrast, “real property” is “land, and generally whatever is erected or growing upon or affixed to land.” *Id.* Oftentimes, state law contains a more limited definition of personal property. For instance, a provision of the Transportation Code relating to the city police department’s authority to remove “personal property” from the road or right-of-way defines the term to mean a vehicle, spilled cargo, and certain hazardous materials and substances. TEX. TRANSP. CODE § 545.3051(a)(3).

What is salvage and surplus personal property?

Under state law, “salvage property” generally refers to personal property that is damaged, used, or consumed so that it has no value for the purpose for which it was originally intended. See, e.g., TEX. GOV’T CODE § 2175.001; TEX. LOC. GOV’T CODE §§ 263.151, 352.002. And “surplus property” generally refers to personal property that is not needed or required for an entity’s foreseeable needs but still has some usefulness for the purpose it was originally intended; it may or may not have value. See, e.g., *id.*

Under what authority does a city dispose of its personal property?

For general law cities, the fundamental authority for the disposition of personal property is found in Chapter 51 of the Local Government Code. Under that Chapter, a Type A city may “lease, grant, or convey” property, and a Type B city may “dispose of” personal property. TEX. LOC. GOV’T CODE §§ 51.015, 51.034. A Type C city generally has, depending on certain factors, the same authority as a Type A or B city. *Id.* §§ 51.051–.052. Authority to dispose of personal property is also found in statutes outside of Chapter 51. For example, a city with a population of more than 5,000 is authorized to sell or lease automated information systems software that the city develops. TEX. LOC. GOV’T CODE § 253.007. For home rule cities, the authority to dispose of personal property may be addressed in the city’s charter. The City of Brownwood’s Charter, for instance, authorizes the purchasing division to “sell surplus, obsolete, or unused supplies, materials, and equipment.” BROWNWOOD, TEX., CITY CHARTER art. IV, § 50(d) (1955); see also *Tex. Att’y Gen. Op. No. GA-0506* (2007) (discussing a home rule city’s authority to sell compost). In response to a 2008 survey, approximately 19 percent of home rule cities indicated that they have a charter provision that sets limits on the sale of personal property.

Are there any constitutional limitations on a city’s authority to dispose of its personal property?

Yes. In undertaking a transaction to dispose of personal property—regardless of whether the property is sold, leased, donated, or disposed by other means—a city should always consider the constitutionality of the transaction. Of particular relevance are those provisions of the Texas Constitution that work to prevent the gratuitous application of public funds for private purposes. TEX. CONST. arts. III, § 52(a) (prohibiting the legislature from authorizing a city to “grant public money or thing of value in aid of, or to any individual, association or corporation”), XI, § 3 (prohibiting a city from making any appropriation or donation to a private corporation or association). A transaction to dispose of personal property does not violate these provisions of

the constitution if: (1) it has as its predominant purpose the accomplishment of a public purpose of the city (as opposed to a private purpose); (2) the city places sufficient controls on the transaction to ensure that the public purpose is carried out; and (3) the city receives a return benefit. See Tex. Att’y Gen. Op. Nos. GA-0583 (2007) (discussing the lease of a county-owned generator to a radio station), GA-0085 (2003) (discussing the sale of county-owned dirt to a private party), GA-0084 (2003) (discussing a city’s conveyance of personal property and equipment to a volunteer firefighter-EMS association).

What procedures must a city follow to sell, convey, or otherwise dispose of its personal property?

It depends upon the nature of the property at issue and provisions that govern that property. Thus, the precise manner in which a city may dispose of any particular personal property may depend on state law, city charter, and local policies or ordinances. That being said, for most items of personal property there is no general statutory scheme that dictates the manner of disposition. In other words, there is no statute that generally requires that a city hold an auction or advertise and receive bids to sell its personal property. See TEX. LOC. GOV’T CODE § 252.022(a)(12)(C) (providing that personal property sold by a city is exempt from Local Government Code Chapter 252). Cities sometimes use these procedures, however, in order to avoid any appearance of impropriety in the transaction.

Are there specific statutory procedures that a city must follow to dispose of its salvage or surplus personal property?

No. Unlike other local governments in Texas, there are no statutes expressly concerning the procedures for the disposition of a city’s salvage and surplus personal property. Compare, for example, Local Government Code Section 263.152 governing the manner in which the commissioners court of a county may dispose of surplus or salvage property. Cities sometimes have local ordinances, policies, or charter provisions that address this issue. For instance, the court in *City of Houston v. Kallina* describes a Houston ordinance as providing that “any surplus personal property that has a fair market value of not more than \$15.00 may, at the discretion of the city purchasing agent, be destroyed or disposed of in any lawful manner.” *City of Houston v. Kallina*, 97 S.W.3d 170, n.3 (Tex. App.—Houston [14th Dist.] 2003, pet. denied). Every city should consider adopting policies that govern the disposition of such property. And in the absence of such policies a city should, at a minimum, take the following steps: (1) determine the fair market value (if any) of the property; (2) have the city council adopt a resolution finding that the property is surplus or salvage, and specifying how the property is to be disposed (e.g., sold, destroyed, recycled) and who is responsible for the disposition; and (3) have the city council make findings or take action that may be necessary to ensure that the disposition of the property does not run afoul of the constitution (see discussion above).

What rules govern a city’s handling and disposition of a third-party’s personal property?

It depends upon the nature of the property at issue and provisions that govern that property. Following is a non-exhaustive list of state statutes that govern a city’s handling and disposition of a third-party’s property: Texas Code of Criminal Procedure, Chapter 59 – contraband that has been forfeited Texas Health and Safety Code, Chapter 821 – treatment and disposition of impounded animals Texas Property Code, Chapter 74 – abandoned personal property valued at over \$100 Texas Property Code, Chapter 76 – abandoned personal property valued at \$100 or less Texas Transportation Code, Chapter 22 – aircraft abandoned at a city airport

Texas Transportation Code, Chapter 683 – abandoned and junked motor vehicles The precise manner in which a city may handle and dispose of a third-party’s personal property may depend on state law, city charter, and local policies or ordinances.

Sec. 51.015. AUTHORITY TO HOLD, PURCHASE, LEASE, OR CONVEY PROPERTY. (a) To carry out a municipal purpose, the municipality may take, hold, purchase, lease, grant, or convey property located in or outside the municipality.

(b) The governing body of the municipality may manage and control the property belonging to the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 51.034. AUTHORITY TO HOLD AND DISPOSE OF PROPERTY. The municipality may hold and dispose of:

- (1) personal property; and
- (2) real property located within the municipal boundaries.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 252.022. GENERAL EXEMPTIONS. (a) This chapter does not apply to an expenditure for:

- (1) a procurement made because of a public calamity that requires the immediate appropriation of money to relieve the necessity of the municipality's residents or to preserve the property of the municipality;
- (2) a procurement necessary to preserve or protect the public health or safety of the municipality's residents;
- (3) a procurement necessary because of unforeseen damage to public machinery, equipment, or other property;
- (4) a procurement for personal, professional, or planning services;
- (5) a procurement for work that is performed and paid for by the day as the work progresses;
- (6) a purchase of land or a right-of-way;
- (7) a procurement of items that are available from only one source, including:
 - (A) items that are available from only one source because of patents, copyrights, secret processes, or natural monopolies;
 - (B) films, manuscripts, or books;
 - (C) gas, water, and other utility services;

- (D) captive replacement parts or components for equipment;
 - (E) books, papers, and other library materials for a public library that are available only from the persons holding exclusive distribution rights to the materials; and
 - (F) management services provided by a nonprofit organization to a municipal museum, park, zoo, or other facility to which the organization has provided significant financial or other benefits;
 - (8) a purchase of rare books, papers, and other library materials for a public library;
 - (9) paving drainage, street widening, and other public improvements, or related matters, if at least one-third of the cost is to be paid by or through special assessments levied on property that will benefit from the improvements;
 - (10) a public improvement project, already in progress, authorized by the voters of the municipality, for which there is a deficiency of funds for completing the project in accordance with the plans and purposes authorized by the voters;
 - (11) a payment under a contract by which a developer participates in the construction of a public improvement as provided by Subchapter C, Chapter [212](#);
 - (12) personal property sold:
 - (A) at an auction by a state licensed auctioneer;
 - (B) at a going out of business sale held in compliance with Subchapter F, Chapter [17](#), Business & Commerce Code;
 - (C) by a political subdivision of this state, a state agency of this state, or an entity of the federal government; or
 - (D) under an interlocal contract for cooperative purchasing administered by a regional planning commission established under Chapter [391](#);
 - (13) services performed by blind or severely disabled persons;
 - (14) goods purchased by a municipality for subsequent retail sale by the municipality;
 - (15) electricity; or
 - (16) advertising, other than legal notices.
- (b) This chapter does not apply to bonds or warrants issued under Subchapter A, Chapter [571](#).

(c) This chapter does not apply to expenditures by a municipally owned electric or gas utility or unbundled divisions of a municipally owned electric or gas utility in connection with any purchases by the municipally owned utility or divisions of a municipally owned utility made in accordance with procurement procedures adopted by a resolution of the body vested with authority for management and operation of the municipally owned utility or its divisions that sets out the public purpose to be achieved by those procedures. This subsection may not be deemed to exempt a municipally owned utility from any other applicable statute, charter provision, or ordinance.

(d) This chapter does not apply to an expenditure described by Section [252.021](#)(a) if the governing body of a municipality determines that a method described by Chapter [2269](#), Government Code, provides a better value for the municipality with respect to that expenditure than the procedures described in this chapter and the municipality adopts and uses a method described in that chapter with respect to that expenditure.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 1, Sec. 47(c), eff. Aug. 28, 1989; Acts 1989, 71st Leg., ch. 1001, Sec. 1, eff. Aug. 28, 1989; Acts 1991, 72nd Leg., ch. 42, Sec. 1, eff. April 25, 1991; Acts 1993, 73rd Leg., ch. 749, Sec. 7, eff. Sept. 1, 1993; Acts 1993, 73rd Leg., ch. 757, Sec. 9, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 207, Sec. 2, eff. May 23, 1995; Acts 1995, 74th Leg., ch. 746, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 125, Sec. 1, eff. May 19, 1997; Acts 1997, 75th Leg., ch. 1370, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 405, Sec. 41, eff. Sept. 1, 1999; Acts 2001, 77th Leg., ch. 1409, Sec. 2, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 1420, Sec. 8.290, eff. Sept. 1, 2001.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 434 (S.B. [1765](#)), Sec. 3, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 885 (H.B. [2278](#)), Sec. 3.77(3), eff. April 1, 2009.

Acts 2011, 82nd Leg., R.S., Ch. 1129 (H.B. [628](#)), Sec. 4.02, eff. September 1, 2011.

Acts 2013, 83rd Leg., R.S., Ch. 161 (S.B. [1093](#)), Sec. 22.002(21), eff. September 1, 2013.