You ask whether an individual appointed to fill a position on a county library board designated by the local board of supervisors to be filled by the public school system librarian represents the chairman of the supervisors who nominated the librarian to the board, or does the appointee represent the entire school system on the library board?¹

You understand § 42.135 of the Code of Virginia to state that the only organization that can be represented on the library board is the governing body of the locality.² You relate that the chairman of the Fairfax County Board of Supervisors has nominated a school librarian in the county to fill a position designated on the library board by the supervisors to be filled by a representative of the public school system. Therefore, you state that it is assumed that such a "designated" position on the board filled by a Fairfax County school system librarian will be a position that reports to the chairman, and, therefore, the appointee will represent only the chairman, rather than the school system, on the library board.

Each member of a library board is a public officer. A 1978 opinion of the Attorney General lists criteria to be considered in determining whether a position constitutes a "public office":³

One important consideration is that, to constitute a public office, the position must be created by the Constitution or statutes. It is a position filled by election or appointment, with a designation or title, and duties concerning the public, assigned by law. A frequent characteristic of such a post is a fixed term of office.⁴

Clearly, the position on a library board is a public office under this criteria: the position is created by statute-§ 42.135; it is filled by appointment by the governing body of a city, county or town; and the duties of the position concerning the public are assigned by law. "A public office is a public agency or trust created in the interest and for the benefit of the people."⁵ All powers exercised by a public officer are held in trust for the people.⁶ "[P]ublic officers are but the servants of the people."⁷

Virginia follows the Dillon Rule of strict construction, which provides that [localities] possess and can exercise only those powers expressly granted by the General Assembly, those necessarily or fairly implied therefrom, and those that are essential and indispensable. If there is any reasonable doubt whether legislative power exists, that doubt must be resolved against the local governing body.⁸
Section 42.133 authorizes local governing bodies to “establish a free public library for the use and benefit of its residents.” (Emphasis added.) Section 42.135 vests the management and control of such a public library “in a board of not less than five members or trustees” who are “appointed by the governing body, chosen from the citizens at large with reference to their fitness for such office.”

It is well-settled that “[i]f the language of a statute is plain and unambiguous, and its meaning perfectly clear and definite, effect must be given to it." It is unnecessary to resort to any rules of statutory construction when the language of a statute is unambiguous. In those situations, the statute’s plain meaning and intent govern. I am of the opinion that the language in §§ 42.133 and 42.135 is clear and unambiguous.

A local governing body establishes a free public library solely for the use and benefit of its residents, the management and control of which is vested in a board. Members of the library board, appointed by the governing body of the locality, are public officers. Because the powers exercised by a public officer are held in trust for the people, public officers thus are considered servants of the people.

Therefore, I am of the opinion that should a board of supervisors designate a position on the county library board to be filled exclusively by a public school system librarian, the appointee does not represent only the supervisor who nominated the individual to the board and does not represent only the school system on the board. As a public officer, that individual, and all other members of the public library board, serve the citizenry of the county, and not just one portion of the population.

1 In a prior opinion to you, I conclude that “the board of supervisors may, if it so determines to be in the best interests of the locality, designate a position on the local library board to be filled by a representative of the public school system.” Op. to Hon. Warren E. Barry, Va. Sen., at 2 (Apr. 8, 1996).

2 Section 42.135 provides, in part, that “[t]he 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.”


5 See id.

6 Id.


10 See §§ 42.133, 42.135.

11 See § 42.135; 63A Am. Jur. 2d, supra note 4.

12 See 63A Am. Jur. 2d, supra note 4.