

# **Bylaws**

of

THE BOARD OF TRUSTEES OF THE GARDEN CITY PUBLIC LIBRARY

## **Article I – Name**

The organization shall be called "The Board of Trustees of the Garden City Public Library." The Board shall exercise the duties and powers accorded by Chapter 26, Title 33, Idaho Code.

## **Article II – Definition of Public Library Service**

As stated in § 33-2702(6), Idaho Code, "Public library service" means the provision of planned collections of materials and information services provided by a library established under the provisions of Chapter 26 or 27, Title 33, Idaho Code, and paid for primarily through tax support provided under these statutes. These services shall be provided at a facility, accessible to the public at regularly scheduled hours and set aside for this purpose. The services shall be governed by a citizen board appointed or elected for this purpose, and shall be administered and operated by paid staff who have received appropriate training in library skills and management. The services shall meet standards established by the Board of Library Commissioners [the governing board of the Idaho Commission for Libraries].

## **Article III – Members**

### **Section 1. Appointments.**

For the government of the library, there shall be a board of five (5) library trustees appointed by the Mayor and Council, pursuant to § 50-2010, Idaho Code, from among city residents.

Appointment to the Board shall be made solely upon consideration of the ability of such appointees to serve the interests of the people, without regard to sex, sexual identity, age, race, nationality, religion, disability or political affiliation.

As specified in § 33-2604, Idaho Code, appointments shall be made for five (5) years from the date of appointment. As specified in § 33-2605, Idaho Code, appointments to complete an unexpired term shall be for the remainder of the term only. The terms of library trustees shall be staggered, so that one seat expires each year, as required by § 33-2604, Idaho Code. The Secretary of the Board shall maintain a list of each trustee's name, contact information, and expiration date of his or her term.

Members of the Board shall serve without salary but may receive their actual and necessary budgeted expenses while engaged in authorized business of the library.

A member of the City Council shall not be one (1) of the five (5) appointed Trustees of the Library Board, but each year the Council shall appoint one (1) of its members to be a liaison to the Board, without voting rights.

## **Section 2. Orientation of New Library Trustees**

The Library Director will provide a tour of the Library along with an orientation pack that includes a Board approved orientation checklist and accompanying documents.

Each new library trustee shall agree to abide by the American Library Association's Code of Ethics and the Conflict of Interest Policy of the Garden City Public Library Board of Trustees. A copy of the Conflict of Interest Policy shall be signed by the trustee and stored in the Library Director's office.

## **Section 3. Officers.**

The officers shall be a Chair, Vice-Chair, and a Secretary, elected from among the Trustees at the annual meeting of the Board each July.

Officers shall serve a term of one year, or until their successors are duly elected.

The **Chair** shall preside at all meetings of the Board, authorize calls for special meetings, appoint all committees, execute all documents authorized by the Board, serve as an *ex officio* voting member of all committees, and perform all other duties associated with that office. The Chair shall not make motions, but may vote in the case of a tie. The Chair shall cast the deciding vote.

In the absence of the Chair, the **Vice-Chair** shall assume and perform the duties of the Chair.

The **Secretary** shall keep an accurate record of all meetings of the Board and shall perform other duties associated with that office.

The **minutes** of the Library Board's meetings shall be made available, as stated in § 74-102, Idaho Code. These minutes are public records and must be made available to the general public within a reasonable amount of time after the meeting. The Secretary shall, therefore, make copies of meeting minutes available to the library's trustees within ten (10) business days of the next regular meeting.

**Special meetings** shall be called at the direction of the Chair, or at the request of three (3) Board members.

## **Section 4. Vacancies.**

A vacancy shall be declared by the Board of Trustees when any trustee shall (a) pass away; (b) resign from office; (c) no longer reside within the city limits; (d) without excuse, fail to attend two (2) consecutive regular meetings of the Board.

The Board shall report all vacancies to the Mayor within five (5) business days. All such appointments shall be made in the same manner as appointments are originally made, as described in Section 1. Appointments to complete an unexpired term shall be for the remainder of the term only.

A trustee may be removed by the City Council by the unanimous vote of all of its members.

## **Article IV – Powers and Duties**

### **Section 1. Enumerated Powers and Duties.**

As stated in § 33-2607, Idaho Code, in addition to the powers elsewhere contained in this chapter and notwithstanding the provisions of Title 50, Idaho Code, the Board of Trustees of each city library shall have the following powers and duties:

- (1) To establish bylaws for its own governance;
- (2) To establish policies and rules of use for the governance of the library or libraries under its control; to exclude from the use of the library any and all persons who violate such rules;
- (3) To establish, locate, maintain and have custody of libraries to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for library service;
- (4) With the approval of the city:
  - (a) To acquire real property by purchase, gift, devise, lease or otherwise;
  - (b) To own and hold real and personal property and to construct buildings for the use and purposes of the library;
  - (c) To sell, exchange or otherwise dispose of real or personal property when no longer required by the library; and
  - (d) To insure the real and personal property of the library;
- (5) To prepare and adopt a budget for review and approval by the City Council;
- (6) To control the expenditures of money budgeted for the library;
- (7) To accept or decline gifts of money or personal property, in accordance with library policy, and under such terms as may be a condition of the gift;
- (8) To hire, supervise and evaluate the Library Director;
- (9) To establish policies for the purchase and distribution of library materials;
- (10) To attend all meetings of the Board of Trustees;
- (11) To maintain legal records of all Board business;
- (12) To exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the library.

Individual trustees shall have no authority to make decisions about the policies of the library except as specifically authorized by the Board.

It shall be the duty of each trustee to attend all board meetings and committee meetings for committees to which he or she has been assigned.

## **Section 2. Annual Report to the Board of Library Commissioners.**

As stated in § 33-2611, Idaho Code, the Board of Trustees shall annually, not later than the first day of January, file with the Board of Library Commissioners (the governing board of the Idaho Commission for Libraries) a report of the operations of the library for the fiscal year just ended. The report shall be of such form and contain such information as the Board of Library Commissioners may require, but in all cases must include a complete accounting of all financial transactions for the fiscal year being reported. The Board shall also report to the City Council and Mayor, as required in § 50-210, Idaho Code.

## **Section 3. Internet Safety Policy and Technology Protection Measure Required.**

As stated in § 33-2741, Idaho Code, the Garden City Public Library:

(a)(i) Shall have in place a policy of Internet safety for minors including the operation of a technology protection measure [filtering software] with respect to any publicly accessible computers with Internet access and that protects against access through such computers to visual depictions that are obscene or child pornography or harmful to minors; and

(ii) Shall enforce the operation of such technology protection measure during any use of a computer by a minor.

(b)(i) Shall have in place a policy of internet safety, which may include the operation of a technology protection measure with respect to any publicly accessible computers with internet access and that protects against access through such computers to visual depictions that are obscene or child pornography; and

(ii) May enforce the operation of such technology protection measure during any use of a computer.

## **Section 3a. Filters May Be Turned Off at the Request of a Library Patron.**

As stated in § 33-2741(3), Idaho Code, an administrator, supervisor or other authorized representative of a public library may disable the technology protection measure [filtering software] at the request of a library patron to enable access for lawful purposes.

## **Section 3b. Internet Safety Policy Must Be Reviewed Every Three Years.**

As stated in § 33-2741(4), the library's Internet safety policy shall be developed under the direction of the library's Board of Trustees, adopted in an open meeting and

shall have an effective date. The Board of Trustees shall review the policy at least once every three (3) years. The policy shall reflect the most recent date of review.

**Section 3c. Notice of Availability of Internet Safety Policy Must Be Posted.**

As stated in § 33-2741(5), Idaho Code, Notice of the availability of the library's Internet safety policy shall be posted in a conspicuous place within the library for all patrons to observe. The Board of Trustees may issue any other public notice it considers appropriate to inform the community about the policy.

**Article V – Meetings**

**Section 1. Open Meetings.**

All Library Board meetings are to be held pursuant to the open meeting law, §§ 74-201 through 74-208, Idaho Code.

**Section 2. Frequency.**

The Library Board shall hold regular meetings once each month. Meetings may be canceled or rescheduled, as necessary. Special meetings may be held, as necessary. The regular July meeting shall be the Board's annual meeting.

The Board is required by § 33-2606, Idaho Code, to meet at least once in each quarter.

**Section 3. Meeting Notice and Agenda Notice.**

In accordance with § 74-204, Idaho Code, no less than a five (5)-calendar-days meeting notice and a forty-eight (48)-hour agenda notice shall be given for a regular meeting.

**Section 3a. Meeting and Agenda Notice for Special Meetings.**

No special meeting shall be held without at least a twenty-four (24)-hour meeting and agenda notice, unless an emergency exists.

**Section 3b. Emergency Meetings.**

Emergency meetings are explained in § 74-204(2), Idaho Code.

**Section 4. Agenda.**

The **order of business** for regular meetings shall include, but not be limited to, the following items, covered in the sequence shown so far as circumstances will permit:

- A. Call to order/Roll call of members

1. Changes to the agenda
  2. Comments from the Board
  3. Reports from Foundation/Friends
  4. Public Comment (10 minutes)
- B. Consent agenda
1. Approval of minutes of previous regular meeting and any intervening meeting
  2. Financial report
  3. Other
- C. Director's report
- D. New business
- E. Old business
- F. Adjournment

According to § 74-204(4), Idaho Code, **an agenda may be amended**, provided that a good faith effort is made to include, in the original agenda notice, all items known to be probable items of discussion.

- (a) If an amendment to an agenda is made after an agenda has been posted but forty-eight (48) hours or more prior to the start of a regular meeting, or twenty-four (24) hours or more prior to the start of a special meeting, then the agenda is amended upon the posting of the amended agenda.
- (b) If an amendment to an agenda is proposed after an agenda has been posted and less than forty-eight (48) hours prior to a regular meeting or less than twenty-four (24) hours prior to a special meeting but prior to the start of the meeting, the proposed amended agenda shall be posted but shall not become effective until a motion is made at the meeting and the governing body performs a roll call vote to amend the agenda.
- (c) An agenda may be amended after the start of a meeting upon a motion that states the reason for the amendment and the good faith reason the agenda item was not included in the original agenda posting. A roll call vote must be performed to amend the agenda.

Consent agenda items may be removed from the consent agenda on the request of any one board member. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board.

### **Section 5. Quorum.**

According to § 33-2606, Idaho Code, a quorum shall consist of three (3) voting members, but a smaller number may adjourn.

### **Section 6. Parliamentary Procedure.**

Proceedings of all meetings shall be governed by *Robert's Rules of Order* and by Idaho Code.

### **Section 7. Minutes.**

Idaho's Open Meeting Law, chapter 2, title 74, Idaho Code, requires that the governing body of a public library agency must provide for the taking of written minutes of all of its meetings, but it is not necessary to make a full transcript or recording of the meeting, except as otherwise provided by law. These minutes are public records and must be made available to the general public within a reasonable amount of time after the meeting.

#### **Section 7a. Minimum Requirements for Meeting Minutes of an Open Meeting.**

The minutes of an open meeting must include, at a minimum, the following information:

- (a) All members of the governing body [Library Board] present;
- (b) All motions, resolutions, orders, or ordinances proposed and their disposition;
- (c) The results of all votes and, upon the request of a member of the governing body, the vote of each member by name.

#### **Section 7b. Minutes of Executive Sessions.**

In addition, § 74-205(2), Idaho Code, provides that minutes of executive sessions must be kept, but they need contain only sufficient detail to identify the purpose and topic of the executive session and do not need to include the disclosure of material or matters that compromise the purpose of the executive session. The minutes pertaining to the executive session, however, must include a reference to the specific statutory subsection authorizing the session.

The Library Board's meeting minutes are public records. According to § 74-102, Idaho Code, every person has a right to examine and take a copy of any public record of this state, except those exempted by law. For this reason, the Secretary shall make these minutes available for public inspection. No fee shall be charged for the first two (2) hours of labor in responding to a request for public records, or for copying the first one hundred (100) pages of paper records that are requested.

## **Article VI – Library Director and Staff**

**Section 1. Hiring of Library Director.** As stated in § 33-2608, Idaho Code, **the Board of Trustees of the library shall appoint the Library Director, who shall serve at the pleasure of the Board.** The Library Director shall advise the board, implement policy set by the Board, supervise all library staff and shall acquire library materials, equipment and supplies. The Library Director shall attend all board meetings but shall not vote.

**Section 2. Supervision and Evaluation of Library Director.** As specified in § 33-2607(8), Idaho Code, The Library's Board of Trustees shall **hire, supervise, and evaluate** the Library Director.

The Board of Trustees shall annually evaluate the performance of the Library's Director. The evaluation shall be based on the current Garden City employee evaluation form.

**Section 3. Hiring Other Library Staff.** As stated in § 33-2608, with the recommendation of the Library Director, **the Board shall hire other employees as may be necessary for the operation of the library in accordance with city policies and procedures.** These employees shall be employees of the city and subject to the city's personnel policies and classifications unless otherwise provided by city ordinance. All new hires shall also be approved by the Mayor.

## **Article VII — Library Budget**

### **Section 1. Fiscal Year.**

As stated in § 50-1001, Idaho Code, the fiscal year of the city shall commence on the first day of October.

### **Section 2. Budget Preparation.**

As stated in §§ 33-2607(5) and 33-2609, Idaho Code, notwithstanding the provisions of title 50, Idaho Code, the Board of Trustees of each city library **shall prepare and adopt a budget for review and approval by the City Council.** The budget shall state anticipated revenues and expenditures, indicating what support and maintenance of the Library will be required for review and approval by the City Council for the ensuing year.

### **Section 3. Control of Expenditures.**

As stated in § 33-2609, Idaho Code, all funds for the Library shall be in the custody of the City Treasurer unless otherwise provided by city ordinance and shall be used only for library purposes. The Board shall have control of library expenditures. Money shall be paid for library purposes only upon properly authenticated vouchers of the Board of Trustees. The Board shall not make expenditures or incur indebtedness in any year in excess of the amount of money appropriated for library purposes. The Board may hold a separate checking account to be used to pay petty expenses of the library. This account shall be audited along with other library funds.

### **Section 4. Donations.**

As stated in § 33-2610, Idaho Code, donations or gifts for the benefit of the library shall be budgeted along with other library accounts and shall be used only for

library purposes. Money or other funds which are donated or given to the library may be expended by the Board of Trustees only in accordance with the city budget process.

**Section 5. Procedure for Expenditure of Library Funds.**

When an expense is incurred on behalf of the Library, the Library Director shall be given an invoice or receipt documenting the purchase. Each week, the Library Director shall attach an appropriate code to each invoice in accordance with the City of Garden City’s accounting policy and submit the list of expenses to the Accounting Manager/Deputy Clerk for the City of Garden City. The Accounting Manager/Deputy Clerk shall create a report of transactions for the Library, which shall be sent to the Board of Trustees. Members of the Board may submit questions regarding any item in the report to the Library Director for justification within two (2) days of receiving notice of expenses. If no questions are presented within that time period, payment for expenses shall be processed and disbursed immediately.

**Article VIII – Committees**

The Chair may appoint committees, each for specific purposes, which business of the Board may require from time to time. The committee shall be discharged upon the completion of the purpose for which it was appointed and after its final report is made to the Board.

**Article IX — Bylaws**

As stated in § 33-2607(1), Idaho Code, notwithstanding the provisions of Title 50, Idaho Code, the Board of Trustees of each city library shall have the power to establish bylaws for its own governance

The Bylaws may be amended by the majority vote of all members of the Board. The Board shall review the Bylaws every other fiscal year.

- Reviewed and adopted by the Board of Trustees of the Garden City Public Library this 15th day of April 2016.

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/s/ Chair

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/s/Secretary