

LA PORTE COUNTY PUBLIC LIBRARY

BYLAWS OF THE BOARD OF TRUSTEES OF THE LA PORTE COUNTY PUBLIC LIBRARY

Article I.

Identification

Section 1. The name of this Board is the “Board of Trustees of the La Porte County Public Library”, hereinafter referred to as “the Board.” The La Porte County Public Library will be hereinafter referred to as “the Library”.

Section 2. The geographical boundary of the Library and taxed library district is La Porte County with the exceptions of Michigan City proper, Dewey, Cass, and New Durham townships.

Article II.

Authority and Purpose

Section 1. The Board shall govern the Library, a municipal corporation and Class 1 library organized under the public library provisions, according to the purposes and authority set forth in IC 36-12, as amended, and such other Indiana and federal laws as affect the operation of the Library.

Section 2. Members of the Board (Trustees) shall serve without compensation, except that the Treasurer may be paid, per IC 36-12-2-21. A Board member may not serve as a paid employee of the public library.

Section 3. The Library shall possess and exercise all of the powers and duties of a Class 1 public library in accordance with IC 36-12-3.

Section 4. Necessary travel and/or meal expenses of any Board member incurred in the interest and business of the library may be reimbursed out of library funds, per policy or board resolution. Such travel on behalf of the Library must be approved in advance by the Board.

Section 5. The Board may engage legal counsel as needed for legal advice. The President of the Board or the Library Director may request the legal opinions of legal counsel for any matter which comes within the jurisdiction of the Board, and shall report the opinion to the Board.

Article III.

Personnel

Section 1. The Board shall select a Librarian who holds a certificate under IC 36-12-11 to serve as the Director of the library. The selection shall be made upon the basis of the candidate's training and proficiency in the science of library administration. The Board shall fix the compensation of the Director. The Director, as the administrative head of the library, is responsible to the Board for the operation and management of the library, per IC 36-12-2-24(a).

The Board shall complete an annual performance appraisal for the Director by October 1 of each year. The appraisal discussion will include a review of the Director's strengths, identify any areas needing improvement and determine goals and objectives that need to be achieved.

Section 2. The relationship between the Director and the Board of Trustees of the La Porte County Public Library should be a symbiotic partnership of mutual understanding and cordial cooperation with clearly defined areas of responsibilities.

Section 3. The Library Board serves as the public's voice in the library, setting the policies that govern the library's operation and growth. The Director, on the other hand, serves the Board as its administrator and professional consultant. The Director should not attempt to set new library policy without Board approval and the Board should not attempt to administer the day-to-day operation of the library.

Section 4. The Director shall have the power to write and enforce administrative regulations or procedures governing the Library which logically stem from adopted and approved Board policies. Such regulations or procedures shall be consistent with the policies of the Board.

Section 5. The Director shall be held responsible for the care of the buildings and equipment, for the employment and direction of the staff, for the efficiency of the library's service to the public, for the administration of the long range plan and short term goals, and for the operation of the library under the financial conditions set forth in the annual budget.

Section 6. The Director shall attend all Library Board meetings, except those at which her/his appointment, salary, or performance is to be discussed or decided. If extenuating circumstances arise, the Director may be excused from a Library Board meeting at the discretion of the Board President.

Section 7. The Library Board's relationship with staff members should be one of cordial and friendly interest, free from personal intervention between staff member and supervisor. The Library Board governs the library through its action as a whole, and not through individual instruction.

Article IV.

Conflicts of Interest

Section 1. Board members, in the capacity of trust imposed upon them, shall observe ethical standards with absolute truth, integrity and honor.

Section 2. A public Library Board member has the responsibility to act as a participating member of the Board of Trustees of the La Porte County Public Library in concert with the other members of the Board. The power to take governing action is vested in the Board as a whole and not in individual members unless otherwise specifically delegated by formal Board action. Although individual members have the right and the responsibility to express minority opinions, an individual member should not misrepresent a personal opinion as being the view of the remainder of the Board.

Section 3. Board members shall avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the institution.

Section 4. Board members will not use the library for personal advantage or the personal advantage of friends or relatives.

Section 5. Library Board members and their dependents are prohibited from having a pecuniary interest in or prohibited from deriving a profit from a contract or purchase connected with the library unless the interest or profit is specifically permitted by law and the Board member makes a public conflict of

interest disclosure in accordance with Indiana Code 35-44-1-3. If the possibility of a long-term conflict of interest exists, the Board member shall complete the Uniform Conflict of Interest Disclosure Form annually.

Section 6. Board members will declare any conflict of interest between their personal life and their position on the Library Board and avoid voting on issues that appear to be a conflict of interest. It is incumbent upon any Board member to disqualify or recuse himself/herself from voting immediately whenever the appearance of a conflict of interest exists.

Article V.

Nepotism

Section 1. Nepotism is prohibited. Members of the immediate family of Library Board members, and the immediate family of the Library Director will be ineligible for employment with the library. Immediate family members can include, but are not limited, to husband, wife, father, son, mother, daughter, and extended family such as grandparents, nieces, nephews, in-laws, step- family and persons living in the household as the same.

Section 2. No immediate family member of a current staff member will be considered for a position wherein one member would have supervisory duties over the other.

Article VI.

Amendments

Section 1. These bylaws may be amended at any regular meeting of the Board by the vote of at least four (4) of the seven authorized (7) Board appointments established by law plus one, regardless of any current vacancies on a library's board.

Section 2. Amendments shall be proposed one month in advance of voting, and a copy provided to each Board member at least 15 days before the meeting.

Section 3. Amendments may be proposed by any member of the Board

Section 4. The amendments for each year shall be sent to the Indiana State Library upon submission of the annual report.

Article VII.

Membership

Section 1. Members of the Board shall be appointed pursuant to IC 36-12-2-9 as follows:

Class 1 library (county library)

Appointing authorities

Two-----La Porte County Council

Two-----La Porte County Commissioners

Two--Board of Trustees of the La Porte Community School Corporation

One--Presidents of the School Boards of New Prairie United Schools, Michigan City School, South Central School and John Glenn School Corporations

Pursuant to IC 36-12-2-8 an appointee to the Board may not serve more than four (4) consecutive terms on the library board

Article VIII.

Officers

Section 1. Officers of the Board shall be a President, Vice President, Secretary, and Treasurer per IC 36-12-2-22 and IC 36-12-2-23; and any other officer or officers, including an Assistant Treasurer, that the Board deems necessary to conduct the business of the organization.

Section 2. The officers shall be elected by ballot at the March meeting. The term of office for the Officers of the Board shall begin on April 1, and continue for one year until March 31, of the subsequent year. A member shall have no more than two consecutive terms in the same office except for the Assistant Treasurer who shall serve until replaced.

Section 3. Vacancies in office shall be filled by ballot at the next regular meeting of the Board after the vacancy occurs.

Section 4. Any officer may be removed by the Board at any regular or special meeting by a majority vote of the entire membership of the Board.

Section 5. The duties of the officers shall be such as by custom and law, including IC 36-12-2-22 et seq. and the rules of this Board usually devolve upon such officers in accordance with their titles.

Section 6. The President shall preside at Board meetings, and perform such other duties as pertain to the office of the President and are necessary to carry out the wishes of the Board.

Section 7. The Vice-President shall perform the duties of the President in the absence of the latter.

Section 8. The Secretary shall record all proceedings of the Board and shall notify the proper appointing powers of vacancies on the Board. Notice shall be given when possible, two weeks before the vacancy occurs. The Secretary shall certify the rate of taxation as determined by the Library Board to the County Auditor, and see that the levy is properly made and recorded; shall keep a record of attendance at Board meetings, and if any member is absent without reasonable excuse from six consecutive meetings for any cause other than illness, it shall be the duty of the Secretary to inform the appointing authority that the member is not serving the best interests of the Library and should be replaced by someone who will take an active part in the work.

Section 9. In addition to duties outlined in IC 36-12-2-22, the Treasurer shall be responsible for and keep a detailed account of receipts and expenditures and be responsible for monthly reports and an annual report of receipts and expenditures; shall sign all warrants approved by the Board.

Section 10. The Assistant Treasurer shall perform the duties of the Treasurer in the absence of the latter. Although not empowered to sign warrants personally, the Assistant Treasurer is authorized to use a signature stamp on warrants in the absence of the Treasurer.

Article IX.

Meetings

Section 1. The Board shall meet monthly. The Board shall set the meeting days for the year at the first annual meeting. The January meeting shall be the annual meeting, per IC 36-12- 2-23.

Section 2. The full Board and its officers constitutes The Board of Finance and shall meet annually in January, after the first Monday and on or before the last day of January, to review finances and depositories, per IC 5-13-7-5 et seq.

Section 3. Regular, special and executive session meetings will be publicized and conducted in accordance with the Open Door Law of Indiana (IC 5-14-1.5). The Board will conduct closed sessions only in accordance with the exceptions specifically permitted by law.

Section 4. The Library Director shall prepare the agenda for all meetings at least 48 hours prior to the time of the meeting. Members may request additional agenda items be included.

Section 5. Robert's Rules of Order, latest revised edition, shall govern the parliamentary procedure of the Board.

Section 6. A quorum for the transaction of business shall consist of a simple majority, which is equal to 50% of the seats established by law plus one, regardless of any current vacancies on a library's board.

Section 7. A majority concurrence of members present at a meeting is necessary to approve or authorize any action with the exception of removing an officer from office or amendments to these Bylaws. These exceptions require the majority concurrence of four (4) of all seven (7) authorized Board members.

Section 8. Special meetings may be called by the President, or upon written request of two members, for the transaction of business as stated in the call, per IC 36-12-2-23. Notice stating the time and place of any special meeting and the purpose for which called shall be given each member of the Board at least two (2) days in advance of such meeting and to the local media 48 hours in advance, excluding holidays and weekends, per IC 5-14-1.5-5

Section 9. Emergency meetings may be held without the notification time limits only when there is actual or threatened injury to person or property or actual or threatened disruption of public library service. The news media will be given the same notice as Board members in the event that an emergency meeting is scheduled.

Section 10. Electronic Meetings

1. In accordance with IC 5-14-1.5-3.5, Library board members may participate in meetings electronically as long as the Library uses technology that permits simultaneous communication between Board members and that also permits the public to simultaneously attend and observe the meeting. The Library is not required to permit the public to attend executive sessions held electronically.

2. Board members attending electronically may be counted present for quorum purposes and may vote on matters presented before the board. However, the Board member must be able to be both seen and heard in order to participate in any final action (vote). All votes taken during a meeting with electronic attendees must be taken by roll call vote.

3. At least four Board members must be present in person at each meeting.

4. Board members may not attend more than half of the library board meetings during any given year electronically unless the reason is due to:

- a. military service;
- b. illness or other medical condition;
- c. death of a relative; or
- d. an emergency involving actual or threatened injury to persons or property.

5. Electronic participation in meetings is not permitted if the Board is attempting to take final action to:

- a. Adopt a budget;
- b. Make a reduction in personnel;
- c. Initiate a referendum;
- d. Establish or increase a fee;

6. Technology failures during the meeting will not prevent the meeting from continuing and will not invalidate board actions or votes as long as there is a quorum of Board members still able to participate and as long as the voting requirements of the Board by-laws are met.

7. Meeting memoranda (minutes) for a meeting where a Board member attends electronically must:

- a. state the name of each Board member
- b. who was present in person;
- c. who attended the meeting by electronic means; and
- d. who was absent, and
- e. identify the electronic communication mechanism used for the meeting.

8. In accordance with IC 5-14-1.5-3.7, during Disaster Emergencies declared by the Governor or Local Government Officials, the Board may meet completely electronically until the disaster or emergency is terminated. During such disaster emergencies, the Board may meet using any form of electronic communication as long as the meeting meets the following criteria:

- a. At least a quorum of the board are participating in the meeting either in person or electronically;

b. the public is able to simultaneously attend and observe the meeting (unless it is an executive session); and

c. votes are taken by roll call vote.

Meeting memoranda for an electronic meeting during a disaster emergency must: state the name of each board member who attended electronically and who was absent; and identify the electronic communication mechanism used for the meeting.

Article X.

Committee

Section 1. The Board shall form such committees as it deems necessary to assist the Board to discharge its responsibilities. The President of the Board shall make committee appointments subject to the approval of the Board. All such committees so appointed are declared to be "without power" and have no authority to take official action on public business and must report back to the Board for its deliberation and final action.

Section 2. The Director and at least one Board member shall be members of all committees.

Section 3. Committees may have citizen members, as deemed appropriate for their purpose by the Board.

Article XI.

Indemnification of Board Members

Section 1. The La Porte County Public Library shall indemnify any and all of its trustees or staff or former trustees or staff or any person who may have served at its request or by its election as a committee member or a director or officer of another organization, against

expenses actually and necessarily incurred by them in connection with the defense or settlement of any action, suit or proceeding in which they, or any of them, are made parties, or a party, by reason of being or having been trustees or a trustee or staff member or committee member of the Library or such other organization, except in relation to matters as to which any such trustee or staff member or former trustee or staff member or person shall be adjudged in such action, suit or proceeding to be liable for willful misconduct in performance of duty and to such matters as shall be settled by agreement predicated on existence of such liability. Appropriate insurance may be obtained or other arrangements for such purposes may be obtained by the Board of Trustees of the La Porte County Public Library.

Section 2. The indemnification provided hereby shall not be deemed exclusive of any other rights to which anyone seeking indemnification may be entitled under any bylaw, agreement, vote of trustees or disinterested trustees or otherwise, both as to action in his or her official capacity and as to action in another capacity while holding such office. The La Porte Public Library, at its option, may supply the services of the Library attorney, in lieu of indemnification, for legal defenses provided for by this policy.

Article XII.

Policies, Plans, Rules, and Regulations

Section 1. In addition to operating in accordance with these Bylaws and the laws of the State of Indiana, the Board shall adopt policies, plans, rules, and regulations to govern its operations, and may affirm policies, plans, rules and regulations proposed by the Library Director for the management and administration of the Library, as required by 590 IAC 6-1- 4(d), 590 IAC 6-1-4(e) and 590 IAC 6-1-4(h).

Article XIII.

Review of Bylaws

Section 1. The bylaws will be reviewed and re-approved on an annual basis at the October meeting.

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