

Linn County Library District #5
By-laws of the Board of Trustees



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By-laws of Board of Trustees Linn County Library District #5

Article I–Name and Authorization

This organization shall be called the Board of Trustees of Linn County Library District #5 (HIVE Library), existing by provision of K.S.A 12-1236, with powers and duties as provided by K.S.A 12-1245. It shall be informally known as the Board and its Trustees shall be informally known as Board members.

Article II– Corporate Status of the Library Board

12-1242. Same; powers of board of directors. The library board of a library established as herein provided shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes under the name and style of: "library district No. ____, county of ____, state of Kansas." And under such name may contract, sue and be sued, acquire, hold and convey real and personal property in accordance with law.

Article III – Statutory Powers

K.S.A. 12-1225 gives the powers and duties of all public library boards:

- To make and adopt rules and regulations for the administration of the library.
- With the approval of the governing body of the municipality, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library.
- To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, digital materials, slides, pictures, films, projection equipment, phonograph records, and other material and equipment deemed necessary by the board for the maintenance and extension of modern library services.
- To employ a librarian and such other employees as are deemed necessary and to set their salaries.
- To establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which service contract arrangements have been made.
- To contract with other legally established libraries or with the governing body of a municipality not maintaining a library for the furnishing of library service to its inhabitants, and to contract with any school board to furnish library service to any

school library or to use the library facilities of the public school to supplement the facilities of the public library.

- To receive, accept and administer any state or federal grants given for the purpose of aiding or providing library service.
- To receive and accept any gift or donation to the library and administer it according to any provision which may be specified.
- To make annual reports to the State Librarian and the governing body of the municipality with statistical information for the preceding year, showing receipts and disbursements of all funds under its control, information relating to library materials acquired and on hand, number of library users, library services, and other information as may be required.

Article IV—Members

The Board of Trustees shall consist of seven members elected by a majority vote of the general public at the Annual Meeting in March. Terms shall be for four years. Board members are required by KS law to sign a Loyalty Oath or Loyalty Affirmation upon entering the public office of Trustee.

75-4308. Oath required for public officers and employees. Before entering upon the duties of his or her office or employment, each person to be employed by the state or any agency thereof or by any county, city or other municipality of the state including any school, college or university supported in whole or in part by public funds collected under any tax law of the state or any municipality thereof shall be required to subscribe in writing to the oath set out in K.S.A. 54-106

54-106. Form of oath to be taken by officer. All officers elected or appointed under any law of the state of Kansas shall, before entering upon the duties of their respective offices, take and subscribe an oath or affirmation, as follows:

Loyalty Oath . . . "I do solemnly swear that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties as a public officer of the [name of your library here]. So help me God."

- OR -

Loyalty Affirmation . . . "I do solemnly, sincerely and truly declare and affirm that I will support the constitution of the United States and the constitution of the state of Kansas, and faithfully discharge the duties as a public officer of

the [name of your library here]. And this I do under the pains and penalties of perjury."

Article V–Officers

A. Chairperson

The Chair of the Board, with the assistance of the library director, draws up an agenda for the board meetings, presides at meetings, guides discussion, and ensures coverage of the topics. The Chairperson may, if need arises, make emergency decisions without consulting the rest of the Board. This decision will be discussed at the next regular meeting and any further action will need to be voted upon by the Board members present. The Chair and secretary sign all contracts and checks.

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B. Vice-Chairperson

The Vice-Chairperson shall preside over any meeting at which the president is absent and may make emergency decisions without consulting the rest of the Board if the Chairperson is not available to do so. This decision will be discussed at the next regular meeting and any further action will need to be voted upon by the Board members present. In the event the Chairperson is unable or unwilling to serve out the remainder of his/her office, the Vice-Chairperson will assume said office. The Vice-Chair may sign contracts and checks if the Chairperson is unavailable.

C. Secretary

The Secretary should record the proceedings of each meeting in a book provided for that purpose. The record of procedure should be read at the next meeting, corrected if necessary, and approved. Approval of the minutes should be noted. The Secretary should sign the minutes of each meeting after they are approved. The Secretary should also sign all contracts and checks.

D. Treasurer

The Treasurer of the Board receives all tax funds from the treasurer of the municipality, as well as gifts and endowments given to the library. K.S.A. 12-1226 requires that the Treasurer of the Board be bonded. The Treasurer may sign checks if needed.

E. Term of Office

1. Officers shall serve a term of one year from the Annual Meeting at which they are elected. Officers will be elected or reelected at each Annual Meeting by a majority vote of the Board members. No limit is put upon the number of times a Board member may serve in the same position during his/her term of membership.
2. At that same meeting the Board shall also select a representative to the Annual Meeting of the Southeast Kansas Library System.
3. All Board members should attend board meetings. The Board will request the resignation of any Board member who is consistently absent without a valid excuse; three consecutive absences will be the standard for such a policy. Officers shall hold office for a term of one year or until their successors are elected and assume office. Except when the library director's salary or dismissal is being considered, the library director should attend board meetings.
4. When a Board member decides to tender their resignation, they must provide a dated, signed letter stating their decision to leave the Board. Upon receiving said letter, the Board will vote to accept the resignation. Both actions provide an official record of the decision.

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Article VI- Security Measures

1. File Cabinet
 - A file cabinet shall be maintained by Officers of the Board on behalf of the Board of Trustees (BoT) for housing the following documents:
 - Current Library Director's personnel file*
 - Past Library Director's personnel file kept per Kansas law required time period of three years after he/she leaves employment
 - Search process records (excluding Search Team's personal notes) and hiring documents for the current Library Director
 - Current password for the BoT Gmail, hivelibrarybot@gmail.com
 - All other Board documents (HL Policy Handbook, BoT By-Laws, Meeting Minutes, etc.) are not to be filed in BoT file cabinet, as they are public records per Kansas Open Meeting Act (KOMA).

- Additional items to be stored in the file cabinet are the gavel and accompanying sound block for BoT meetings.

**See HL Policy Handbook, Article IX: Library Personnel, Section K, for details regarding BoT officers' responsibilities regarding the Library Director's personnel file.*

2. Keys

- Board of Trustees officers shall have keys to HL Building (North and West doors, Director's Office, and HVAC/Tech Room) Additionally, all officers shall have a key to the BoT file cabinet.
- Keys need to be returned upon the completion of an officer's term or upon their inability to complete their term of office.
 - BoT file cabinet key(s) need to be returned to the Board Secretary, who will hand off the key(s) to new officer(s). The Board Secretary will keep a current list of officers holding BoT file cabinet keys.
 - Library building keys turned in upon a leave of office need to be given to the Director who will provide the new officer(s) with keys. A current list of officers holding such keys will be maintained by the Director.

3. Alarm Code

- Each officer shall have a personal alarm code on file with Craw-Kan in order to access the building in cases of emergency and/or for critical needs that may arise to access the building

4. Gmail/Password

- On behalf of the BoT, the Board Secretary will securely maintain the BoT Gmail account with the support of other Board officers: hivelibrarybot@gmail.com
- The Board Secretary will keep a current password in the Board's file cabinet for the BoT Gmail account.

Article VII—Meetings

A. Regular Meeting

The Regular Meeting shall be held each month with the exception of March at the date and time prescribed by the Board. Unless changed by Board vote, that meeting shall be

the third Wednesday of each month at 5:15 p.m.

B. Annual Meeting

The annual meeting shall be held the first Tuesday of each March at 2 p.m. or 7:30 p.m. for the purpose of election of officers. (K.S.A 12-1236)

C. Special Meeting

Special Meetings may be called by the Chairperson or upon the written request of a majority of the board members.

D. Quorum

No meeting shall be held without a quorum which consists of four Board members.

E. Executive Session

According to KOMA (Kansas Open Meeting Act) requirements, to go into Executive Session:

1. It may only take place once an open meeting is convened. A motion must be made to enter into an executive session. That complete motion and the resulting vote must be entered into the minutes.
2. Only the members of the public body holding the executive session have a right to attend. The public body may include others, if they believe their information is important.
3. Under attorney consultation, the public body's attorney must attend the executive session, even by speaker phone to provide legal advice to the body. Non-public body or agency personnel may only attend if they are considered part of the client organization, such as consulting engineers.
4. There must be a formal motion seconded and carried.
5. A complete motion needs to be recorded in meeting minutes.
6. Each executive session requires a complete motion recorded in the minutes.

Parts of the motion for the executive session include:

- Justification for the session-
 - Only one statutory justification may be used per executive session.
 - Use statutory language for the motion:

Example: "Personnel matters of non-elected personnel"

- Statement of the subject(s) to be discussed without revealing confidential information
- Time/place open meeting will resume.

7. If consensus was achieved during executive session, an open and formal vote must be taken in open session.

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Article VIII–Board of Trustees/Librarian/Staff Relationships

The Board shall employ a Director who shall be the administrative officer of the library under the direction and review of the Board. The Director shall be responsible for employment and direction of the Staff, daily operation of the library under the financial conditions set forth in the annual budget, and other responsibilities as delegated by the Board.

Article IX–Monetary Decisions

1. The Director is authorized to spend amounts under \$500 for the operation of the library and its purchases without notifying the Board. Any proposed spending over \$500 must have the authorization of two designated Board members and must be approved by the Board majority at the following meeting.
2. A financial internal review by three Board members (other than the Board Treasurer) will be conducted in the first three months of a FY (Fiscal Year) and report the findings at the March annual meeting. The Director will be responsible for providing the requested documentation necessary to conduct the annual review.

Article X- Committees

1. There are no standing committees. The Chair may appoint a committee to serve for a short-term, specific purpose.
2. All special committees shall make a progress report to the Board at each of its meetings. No committee shall have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.

Article XI–Amendments

These by-laws may be amended at any Regular Meeting of the Board by a majority of

those present, providing that such proposed amendment shall first be submitted at a regular Board meeting and sent to those not present.

Article XII- Parliamentary Procedure

Robert's Rules of Order, Newly Revised, shall govern the proceedings of the Board.