

BYLAWS OF
THE BOARD OF TRUSTEES OF THE ECKHART PUBLIC LIBRARY

Reviewed and adopted per Indiana State Library Standards 2-13-2018

MISSION STATEMENT: The Eckhart Public Library provides access to diverse information and presents opportunities for creativity and discovery at all stages of life.

ARTICLE I

IDENTIFICATION

Section 1.1 Name.

1.1.1 Governing Body. The official name of the governing body of the Eckhart Public Library shall be the Board of Trustees of the Eckhart Public Library.

1.1.2 Library. The name of the library to which these bylaws are applicable shall be the Eckhart Public Library.

Section 1.2 Principal Office. The principal office of this entity shall be located at Eckhart Public Library, 603 South Jackson Street, City of Auburn, DeKalb County, State of Indiana.

Section 1.3 Fiscal Year. The fiscal year of the Board of Directors shall begin on January 1 and end on December 31 of each calendar year.

Section 1.4 Library District. The territory within the corporate boundaries of Eckhart Public Library shall be the City of Auburn and Union Township, DeKalb County, Indiana.

Section 1.5 Municipal corporation. The Eckhart Public Library is a public municipal corporation for library purposes, separate and distinct from all other municipal and civil corporations in DeKalb County, Indiana, as provided in Indiana Code 36-12-*et seq.*

ARTICLE II

BOARD OF TRUSTEES

Section 2.1 Authority. The activities of the Eckhart Public Library and the Board of Trustees of the Eckhart Public Library shall be conducted under the authority of and in accordance to Indiana Code 36-12-*et seq.* as amended from time to time by the Indiana General Assembly and in compliance with these Bylaws.

Section 2.2 Powers and Duties. The Eckhart Public Library and the Board of Trustees of the Eckhart Public Library shall have all powers granted by Indiana Code 36-12 *-et seq.* and shall perform all duties required of a Class I Library District.

Section 2.3 Board Composition Requirements.

2.3.1 Number of Members. The authorized number of members of the Board of Trustees shall be seven (7).

2.3.2 Appointing Authority. The seven (7) members of the Board of Trustees are appointed as follows:

- a. two (2) members shall be appointed by the DeKalb County Council
- b. two (2) member shall be appointed by the DeKalb County Commissioners
- c. two (2) members shall be appointed by the Board of School Trustees of the DeKalb Central United School District.
- d. one (1) member shall be appointed by the President of the Garrett Keyser Butler Community School District Board of School Trustees.

2.3.3 Qualifications of Members. All members of the Board of Trustees

2.3.4 shall be resident citizens of either the City of Auburn or Union Township, DeKalb County, Indiana for at least two (2) years.

Section 2.4 Term of Service. All appointments shall be for a term of four (4) years. Board of Trustees members shall serve no more than four (4) consecutive terms, regardless of the appointing authority or the length of terms served.

Section 2.5 Vacancies. If a vacancy, for any reason, occurs on the Board of Directors, the vacant position shall be filled by the appropriate appointing authority. A member selected to fill such a vacancy shall hold membership until the end of the unexpired term that such member is filling.

Section 2.6 Removal of Members. A member may be removed at any time by the appointing authority, after public hearing, for any cause which interferes with the proper discharge of duties by the member of the Board of Trustees.

Section 2.7 Resignation of Members. A member may resign by delivering written notice to the appropriate appointing authority, with a copy of the same delivered to the Library Director, or by failing to attend six (6) consecutive regular Board meetings for any cause other than illness. A resignation is effective when notice is received unless the notice specifies a later effective date or upon the date of the sixth missed meeting. If a member fails to attend five (5) consecutive regular Board meetings, the President of the Board of Trustees shall notify the appropriate appointing authority of the same.

Section 2.8 Place of Meetings. All meetings of the Board of Trustees shall be held at the Willennar Genealogy Center, 700 South Jackson Street, Auburn, Indiana. The Board

of Trustees may act at any regular or special meeting to change the date, hour, or place of any subsequent regular or special meeting.

Section 2.9 Regular Meetings. Regular meetings of the Board of Directors shall be held on the second Tuesday of every month at 6:00 p.m., subject to any change by the Board of Trustees at any regular or special meeting.

Section 2.10 Special Meetings. Special meetings may be convened by the President or upon written request of two (2) Board members to the President. At least twenty-four (24) hours notice shall be given to all Board members of the calling of any special meeting. At a special meeting, the Board may only transact such business as is stated in the call for the meeting, except that upon consent of all Board members present at said special meeting, additional items of business may be transacted.

Section 2.11 Compliance with Open Door Law. All meetings, either regular or special, of the Board of Trustees shall be open to the public in accordance with the provisions of Indiana Code 5-14-1.5-*et seq.*

Section 2.12 Quorum and Voting Requirements. A quorum of the Board shall consist of four (4) members. A quorum of the Board must be present before any binding action may be taken. The act of a majority of the Board members present shall be an act of the Board of Trustees.

Section 2.13 Compensation. The members of the Board of Trustees shall not be compensated for their service on the Board of Trustees, except for the Treasurer of the Board of Trustees, who may receive compensation as determined by the Board of Trustees.

Section 2.14 Prohibition of Employment. No Board member shall serve as a paid employee of the Eckhart Public Library.

Section 2.15 Certificate of Appointment and Oath of Office. The appointing authority shall issue to each appointee a signed certificate of appointment. Within ten (10) days after the receipt of said certificate, the appointee shall qualify for office by taking an oath of office before any person authorized by law to administer oaths. The appointee shall swear to discharge the duties of the office to the best of his or her ability and file the certificate of appointment with the oath endorsed thereon, with the records of the library, which shall be preserved as public record.

ARTICLE III

OFFICERS OF THE BOARD OF DIRECTORS

Section 3.1 Number. The officers of the Board of Directors shall consist of a President, Vice-President, Secretary and Treasurer. No more than one (1) of the principal offices may be held by the same person.

Section 3.2 Election and Term. All officers of the Board of Trustees of the Eckhart Public Library shall be elected annually for a term of one (1) year at the regular January meeting of the Board of Trustees. All officers shall continue in office until their successors have been elected.

Section 3.3 Resignation and Removal. An officer may resign from his or her office for good cause (but not necessarily from the Board of Trustees) at any time by delivering written notice to the President. In the event that the President of the Board wishes to resign from the Presidency for good cause, said President must deliver written notice to the Library Director and the Vice-President. A resignation is effective when it is received and approved by the Board of Trustees. Any officer may be removed from office before the expiration of the term of office for cause, by a majority vote of the Board members present at any regular or special meeting of the Board. A special meeting may be called for the purpose of taking such a vote.

Section 3.4 Responsibilities of Officers.

3.4.1 President. The President shall preside at all meetings of the Board of Trustees, discharge all duties which devolve upon a presiding officer, perform such other duties as may be required by law or these bylaws and have all powers and duties customarily vested in the office of President, subject to Indiana Code 36-12-*et seq.* In the absence of the Secretary, the President is responsible for designating a member of the Board of Trustees to serve as Secretary for that meeting.

3.4.2 Vice-President. The Vice-President shall perform all duties incumbent upon the President during the absence or disability of the President, perform such other duties as may be required by law or these bylaws and have all powers and duties customarily vested in the office of Vice-President, subject to Indiana Code 36-12-*et seq.*

3.4.3 Secretary. The Secretary shall cause a record of the minutes and proceedings of the Board of Trustees to be prepared and kept as a public record. The Secretary, or his or her designee, shall be responsible for the giving and serving of all notices required by law or these bylaws. The Secretary shall be responsible for all records, minutes, and documents of the Board of Trustees, shall perform such other duties as may be required by law or these

bylaws, and shall have all powers and duties customarily vested in the office of Secretary, subject to Indiana Code 36-12-*et seq.*

- 3.4.4 Treasurer. The Treasurer shall be the custodian of all funds. The Treasurer shall cause to be kept correct and complete records of accounts. The Treasurer, or his or her designee, shall deposit all money in accordance with Indiana law. The Treasurer shall disburse funds as authorized by the Board upon a warrant signed by the Treasurer. The Treasurer shall cause to be made a true and accurate financial report to the Board each month. The Treasurer shall be bonded in an amount determined by the Board, the cost of which shall be paid from the Operating Fund of the Eckhart Public Library.

ARTICLE IV

COMMITTEES

Section 4.1 Appointment. The President, or a majority vote of the Board of Trustees, may appoint committees for any purpose deemed to further the needs of the Eckhart Public Library and/or the Board of Trustees. Such committees shall serve until the completion of the work for which they are appointed.

Section 4.2 Goals and Rules. When establishing a committee, the President, or a majority vote of the Board of Trustees, shall determine the goals, including deadlines, and governing rules of each committee.

Section 4.3 Chairperson. Each appointed committee shall select from their number a chairperson, who shall be responsible for reporting on the committee's progress at the regular meetings of the Board of Trustees.

ARTICLE V

PERSONNEL

Section 5.1 Library Director. The Board of Trustees shall select a librarian who shall be designated as the Director of the Eckhart Public Library. The Board shall fix the Library Director's compensation and prescribe the powers and duties of the Library Director. The Library Director shall serve at the pleasure of the Board and shall be solely responsible to the Board for the operation and management of the Eckhart Public Library. The Library Director shall be the administrative head of the Eckhart Public Library and shall be responsible for administering the policies adopted by the Board, directing and supervising the Library Staff and volunteers, and making recommendations to the Board which will benefit Eckhart Public Library and its patrons. The Library Director shall attend all Board meetings, unless previously excused by the President.

Section 5.2 Library Staff. The Library Director shall be responsible for employing such additional staff as may be necessary to carry out the mission of the Eckhart Public Library. The Library Director shall prescribe the duties of all such Library Staff. The Board shall be responsible for final approval of the aforesaid duties and for the compensation of all such Library Staff.

Section 5.3 Attorney. The Board of Trustees, if necessary, shall retain an attorney and establish compensation. The President or the Director, at the request of the President, may request the legal opinion of the Attorney on any matter within the jurisdiction of the Board.

ARTICLE VI

FINANCIAL DUTIES

Section 6.1 Fund designation. All funds of the Eckhart Public Library shall be kept in an Operating Fund and such other funds as may be established by the Board.

Section 6.2 Expenditures. Within the annual operating budget as approved by the Board, the Library Director may incur obligations on behalf of the Eckhart Public Library and the Board may approve expenditures to meet incurred obligations. The Board may only incur obligations after advertising for and receiving competitive bids from potential suppliers for specified goods and services, if such bids are required for those specified goods and services under Indiana law.

ARTICLE VII

GENERAL PROVISIONS

Section 6.1 Amendments. These bylaws may be amended or repealed and new bylaws may be adopted at any regular or special meeting called for that purpose. Any such amendment or repeal must be read at the prior regular meeting of the Board or must be fully disclosed in the notice of the special meeting called for the purpose of amending or repealing the existing bylaws. Any amendment or repeal must be approved by a majority vote of the members of the Board of Trustees present at the time the vote is taken on such an amendment or repeal.

Section 6.2 Conflicts.

6.2.1 Nepotism. No member of the Board of Trustees may be related to the third degree (spouse, parent, sibling, child, grandparent, aunt, uncle, nephew, niece) to any salaried staff member or to any other Board of Trustees member. If such a relationship exists prior to the appointment of a member, said member is deemed unqualified to serve. If such a relationship exists after the appointment of a

member, said member is required to immediately tender his or her resignation.

- 6.2.2 Other Conflicts. If other conflicts, economic or otherwise, arise which give rise to the appearance of impropriety, the appointing authority shall determine if such conflict is of such a nature as to require the resignation of a member from the Board of Trustees or the abstention of the member from any discussion or vote regarding a particular issue. If a member of the Board of Trustees becomes aware of any such conflict, said member is required to immediately bring such conflict to the attention of the President.

Section 6.3 Parliamentary Procedure. The rules of parliamentary procedure as found in Roberts' *Rules of Order*, most recent edition, shall govern the proceedings of the Board of Trustees, subject to the laws of the State of Indiana and these bylaws.

Section 6.4 Indemnification of Board Members. The Eckhart 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.

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 Eckhart Public Library, at its option, may supply the services of the Library attorney, in lieu of indemnification, for legal defenses provided by this policy.

Section 6.5 Policies, Plans, Rules, and Regulations.

6.5.1 The Eckhart Public Library adheres to applicable federal, state and local laws. These include, but are not limited to the following:

- Americans with Disabilities Act
- Federal employment law
- Indiana laws governing municipal corporations
- Indiana library law (IC 36-12)
- Indiana public library standards (590 IAC 6)
- Indiana public librarian certification (590 IAC 5)

- Indiana Library and History Department law (IC 4-23-7) and
- All zoning codes, building codes, and other regulations set forth by the Municipal City of Auburn, Indiana and the applicable plan commission (s).
- All local health codes and ordinances as set forth by the County of DeKalb and / or the DeKalb County Health Department.

The library board is also responsible for writing and adopting public library policies which include, but are not limited to, collection development, principles of access, and employment. In addition, the library's long-range plan and technology plan must also be adopted by the board according to the schedules in the public library standards (590 IAC 6-1-5(j)).

6.5.2 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 6-1-5(e), 6-1-5(f) and 6-1-5(j).

6.5.3 All of these policies, plans, rules, and regulations shall be compiled and organized in a manual to be known as "The Policies, Plans, Rules, and Regulations of the Eckhart Public Library."

Section 6.6 Review of Bylaws. The bylaws will be reviewed at least every three years per the Indiana State Public Standards (590 IAC 6-1-5(f)(2)). The secretary shall affix the date of review to the bylaws for audit as well as indicating the action in the minutes.