



ECKHART PUBLIC
LIBRARY **BYLAWS**

Adopted by the Board of Trustees February 13, 2018

Revised December 8, 2021

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, hereinafter referred to as “the Board.”

1.1.2. Library. The name of the library to which these bylaws are applicable shall be the Eckhart Public Library, hereinafter referred to as “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, Indiana.

Section 1.3 Fiscal Year. The fiscal year of the Library 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 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.*

Section 1.6. Fiscal Body. The City of Auburn is the fiscal body authorized to review and approve the annual budget and any other funding requests of the Library.

ARTICLE II: BOARD OF TRUSTEES

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

Section 2.2 Powers and Duties. The Library and the Board 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 shall be seven (7).

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

- a) Two (2) members shall be appointed by the DeKalb County Council.
- b) Two (2) members 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 shall have been 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 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, 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.

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 Executive 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 shall notify the appropriate appointing authority of the same.

Section 2.8. Compensation. The members shall not be compensated for their service on the Board, except for the Treasurer who may receive compensation as determined by the Board.

Section 2.9. Prohibition of Employment. No Board member shall serve as a paid employee of the Library.

Section 2.10. Certificate of Appointment and Oath of Office. The appointing authority shall issue to each Board 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

Section 3.1. Number. The officers of the Board 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 shall be elected annually for a term of one (1) year at the regular January meeting of the Board. 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) at any time by delivering written notice to the President. In the event that the President wishes to resign from the Presidency for good cause, said President must deliver written notice to the Executive Director and the Vice-President. A resignation is effective when it is received and approved by the Board. 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, 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 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 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, 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 records of accounts to be kept correctly and completely. 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 OF THE BOARD

Section 4.1 Appointment. The President, or a majority vote of the Board, may appoint committees for any purpose deemed to further the needs of the Library and/or the Board. 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 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.

Section 4.4. Meetings of Board Committees shall be subject to the requirements of the Indiana Open Door Law (Indiana Code 5-14-1.5-5).

ARTICLE V: BOARD ACTION

Section 5.1 Compliance with Open Door Law. The Board typically meets in person in public meetings, which are conducted and advertised according to IC 5-14-1.5 *et seq.*

Section 5.2 Place of Meetings. All meetings of the Board shall be held at the Willennar Genealogy Center, 700 South Jackson Street, Auburn, Indiana. The Board may act at any regular or special meeting to change the date, hour, or place of any subsequent regular or special meeting.

Section 5.3 Regular Meetings. Regular meetings of the Board shall be held on the second Wednesday of every month at 6:00 p.m., subject to change by the Board at any regular or special meeting. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed (Indiana Code 5-14-1.5-5).

Section 5.4 Special Meetings. Special meetings may be convened by the President or upon written request of two (2) Board members to the President. At least forty-eight (48) hours' notice shall be given to all Board members of the calling of any special meeting (Indiana Code 5-14-1.5-5.) 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 5.5. Executive Sessions. The Board may meet in executive session, adhering to the limited agenda and other requirements enumerated in IC 5-14-1.5 et seq.

Section 5.6 Parliamentary Procedure. The rules of parliamentary procedure as found in *Roberts' Rules of Order*, most recent edition, shall govern the proceedings of the Board subject to the laws of the State of Indiana and these bylaws.

Section 5.7 Quorum and Voting Requirements. A quorum of the Board shall consist of four (4) members. A quorum must be present before any binding action may be taken. The act of a majority present shall be an act of the Board.

Section 5.8. Electronic Meeting Participation. 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 does not permit the public to attend executive sessions held in person or electronically.

5.8.1. Limitations to Electronic Meeting Participation. At least four Board members must be present in person at each meeting. Board members attending electronically may be counted present for quorum purposes. Board members must be able to be both seen and heard in order to participate in any vote. All votes taken during a meeting with electronic attendees must be taken by roll call vote.

If the Board or a member of the public experiences technology failure during the meeting, the failure does not prevent the meeting from continuing and does not invalidate Board actions or votes, as long as there is a quorum of members still able to participate and as long as the voting requirements of the Board bylaws/policies are met.

A Board member may attend two consecutive meetings by electronic communication and then must attend at least one meeting in person before attending another meeting electronically, and may not attend more than half of the Board meetings during any given year electronically, unless the reason for attending electronically is due to:

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

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

- Adopt a budget;
- Make a reduction in personnel;
- Initiate a referendum;
- Establish or increase a fee;
- Establish or increase a penalty;
- Use eminent domain authority, or
- Establish, raise, or renew a tax.

Minutes for a meeting where one or more Board members attends electronically must:

- state the name of each board member who was present in person; who attended the meeting by electronic means; and who was absent, and
- identify the electronic communication mechanism used for the meeting.

5.8.2. Meetings 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 emergency, the Board may meet using any form of electronic communication as long as the meeting meets the following criteria:

- at least a quorum of Board members is participating in the meeting either in person or electronically;
- members of the public are able to simultaneously attend and observe the meeting (unless it is an executive session); and
- 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 or who was absent; and
- identify the electronic communication mechanism used for the meeting.

5.8.3. Electronic Signatures. If a statute requires a manual signature for attesting or authenticating an obligation issued by the Library (bond, note, warrant, or other obligation), an electronic signature will have the same force and effect as a manual signature.

ARTICLE VI: PERSONNEL

Section 6.1 Executive Director. The Board shall select a librarian who shall be designated as the Executive Director of the Library. The Board shall fix the Executive Director’s compensation and prescribe the powers and duties of the Executive Director. The Executive Director shall serve at the pleasure of the Board and shall be solely responsible to the Board for the operation and management of the Library. The Executive Director shall be the administrative head of the 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 the Library and its patrons. The Executive Director shall attend all Board meetings, unless previously excused by the President.

Section 6.2 Library Staff. The Executive Director shall be responsible for employing such additional staff as necessary to carry out the mission of the Library. The Executive Director shall prescribe the duties of all such Library Staff. The Board shall be responsible for final approval of the aforesaid duties and for determining the annual compensation schedule for of all Library staff.

Section 6.3 Attorney. The Board, if necessary, shall retain an attorney and establish compensation. The President or the Executive 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 VII: FINANCIAL DUTIES

Section 7.1 Fund Designation. All funds of the Library shall be kept in an Operating Fund and such other funds as may be established by the Board.

Section 7.2 Expenditures. Within the annual operating budget as approved by the Board, the Executive Director may incur obligations on behalf of the 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 VIII: GENERAL PROVISIONS

Section 8.1 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 present at the time the vote is taken on such an amendment or repeal.

Section 8.2 Conflicts.

8.2.1 Nepotism. No member of the Board may be related to the third degree (spouse, parent, sibling, child, grandparent, aunt, uncle, nephew, niece) to any staff member or to any other Board 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.

8.2.2 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 or the abstention of the member from any discussion or vote regarding a particular issue. If a member of the Board becomes aware of any such conflict, said member is required to immediately bring such conflict to the attention of the President.

Section 8.3 Indemnification of Board Members. The 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, 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, a trustee, staff member or committee member of the Library or such other organization, except in relation to matters as to which any such trustee, staff member, 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.

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

Section 8.4 Policies, Plans, Rules, and Regulations.

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

- a) Americans with Disabilities Act.
- b) Federal employment law.
- c) Indiana laws governing municipal corporations.
- d) Indiana library law (IC 36-12).
- e) Indiana public library standards (590 IAC 6).
- f) Indiana public librarian certification (590 IAC 5).
- g) Indiana Library and History Department law (IC 4-23-7).
- h) All zoning codes, building codes, and other regulations set forth by the Municipal City of Auburn, Indiana and the applicable plan commission(s).
- i) All local health codes and ordinances, as set forth by the County of DeKalb and/or the DeKalb County Health Department.

8.4.2 The 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)).

8.4.3. 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 8.5. 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.