

**CRETE PUBLIC LIBRARY DISTRICT
CRETE, ILLINOIS
BOARD OF LIBRARY TRUSTEES BYLAWS**

ARTICLE I – NAME AND GOVERNMENT OF ORGANIZATION

1.01 Name of Organization

These bylaws govern the operation of the Crete Public Library District (the “District”). These bylaws are supplementary to, and subordinate to, the applicable provisions of Federal law, State law, and regulations promulgated under Federal law and State law (the “Laws”), including the Illinois Public Library District Act of 1991, 75 ILCS 16/1-1, *et seq* (the “Act”). The District shall comply at all times with the Laws. In the event of any conflicts between these bylaws and the Laws, the Laws shall prevail and control. The Board of Library Trustees of the District shall be referred herein as the “Board.” The Executive Director of the District shall be referred herein as the “Director.”

1.02 Purpose of Bylaws

These Bylaws have been established to govern and help guide the activities of the District, the Board and the Board’s officers.

ARTICLE II – BOARD OF TRUSTEES

2.01 Election

The Board shall consist of seven (7) trustees elected by the voters of the District (together the “Trustees” and individually a “Trustee”). [75 ILCS 16/Art.] Newly elected Trustees shall hold office for the full term of four (4) years from the first Monday of the next month following the election and until their respective successors are elected and qualified. [75 ILCS 16/30-10(c)] Newly elected Trustees shall take the oath at the first regular Board meeting following the day the newly elected Trustees take office. [75 ILCS 16/30-40] The terms of Trustees shall be staggered. To be nominated for election as Trustee, the requirements of Section 30-20 of the Act and of the Illinois Election Code must be met. [75 ILCS 16/30-20 and 10 ILCS 5/1-1, *et seq.*]

2.02 Absences & Vacancies

Trustees having scheduled vacation time or who will miss a Board meeting due to unavoidable scheduling conflicts should advise the Board President or the Director as soon as possible. Trustees who miss four (4) consecutive meetings without prior notification shall be asked to resign from the Board.

In accordance with Section 30-25 of the Act, a Trustee’s office shall be declared vacant when a Trustee: (i) declines, fails, or is unable to serve, (ii) becomes a nonresident of the District, (iii) is convicted of a misdemeanor by failing, neglecting, or refusing to discharge any duty imposed upon him or her by the Act, or (iv) has failed to pay the library taxes levied by the District. Absence without cause from all regular board meetings for a period of one year shall be a basis for declaring a vacancy. [75 ILCS 16/30-25] Vacancies shall be publicized, and letters of application

shall be filed with the Secretary. All vacancies shall be filled by appointment by the remaining Trustees until the next regular District election, at which time a Trustee shall be elected for the remainder of the unexpired term. If, however, the vacancy occurs with less than twenty eight (28) months remaining in the term, and if the vacancy occurs less than eighty eight (88) days before the next regular scheduled election for the vacant office of Trustee, then the person so appointed shall serve the remainder of the unexpired term and no election to fill the vacancy shall be held. Vacancies shall be filled forthwith. [75 ILCS 16/30-25]

2.03 Compensation & Expenses

Trustees shall serve without compensation but shall be reimbursed by the District for actual and necessary expenses incurred in the performance of their duties. [75 ILCS 16/30-30] The District shall have organizational memberships in the Illinois Library Association and the American Library Association.

2.04 Conflict of Interest

No Trustee or employee of the District shall engage in any business or transaction, or have a financial or personal interest, whether directly or indirectly, that is incompatible with the proper discharge of his or her official duties in the public interest, or that may tend to impair his or her independence of judgment or action in the performance of such official duties. In general, no Trustee may be related, by blood or marriage, to a member of the District's staff. If such a relationship exists or is contemplated, the Trustee shall make prompt disclosure to the Board which may, if it chooses, condone and allow such employment by means of a Board resolution approved at a duly convened meeting. All Trustees shall file Disclosure of Economic Interests Statements as required by the Illinois Governmental Ethics Act. [5 ILCS 420/4A-101, *et al.*]

2.05 Email Communications

Email shall not be used to discuss or transmit messages discussing District business by and among a majority of a quorum of Trustees (Notes: a majority of a quorum of the Board is three (3) members.)

Because of the ease with which email can be forwarded, copied, or misdirected, either intentionally or inadvertently, use of email shall be avoided whenever the subject of the email is a sensitive or confidential matter. When communicating via email, the use of "reply to all" responses, "forward" or "cc" of a response shall not be used so as to avoid such communication constituting a gathering of a majority of a quorum (or more) of the Board. Email may be used for routine communications between Trustees and District staff for such things as reminder of meetings, transmittal of agenda materials or other documents of review, or dissemination of information. All email that constitutes a public record must be maintained with the Illinois Local Records Act. [50 ILCS 205/1, *et seq.*]

2.06 Powers of the Board of Trustees

In the provisions of library services to the residents of the District, the Board is empowered to take all lawful actions permitted by the Laws, and in particular the Act, including, but not limited to:

- A. Enact ordinances and make and adopt these bylaws, rules, and regulations for the conduct of the Board.

- B. Expend any Federal, State, or local funds levied by or gifted to the Board which have been made available for library purposes.
- C. Have exclusive control of the receipts and expenditures of the District.
- D. Have exclusive control of the building and maintenance of the District's facilities.
- E. Purchase or lease real property when necessary as provided by the Laws.
- F. Sell or otherwise dispose of District property or lease other real property as provided by the Laws.
- G. Appoint the Director to act as administrator of the district's daily operations. [75 ILCS 16/30-55.35]
- H. Retain legal counsel and professional consultants as needed. [75 ILCS 16/30-55.35]
- I. Contract with any tax-supported or privately endowed libraries or systems to furnish library service.
- J. Exclude from the use of the District's property any person who willfully violates the District's rules as determined by the Board.
- K. Extend library privileges to residents outside the District through contract or the setting of a nonresident fee. [75 ILCS 16/30-55.60]
- L. Provide, by ordinance, fines and penalties: (i) for injury to any book or other District material or to any real or personal property belonging to or in the custody of the District, and (ii) for failure to return any book or other material or personal property belonging to or in the custody of the District. [75 ILCS 16/30-55.70]
- M. Invest funds pursuant to the Laws.
- N. Exercise the power of eminent domain. [75 ILCS 16/30-55.80]
- O. Accumulate and set apart as reserve funds portions of the unexpended balances of the proceeds received annually from taxes or other sources.

2.07 Indemnification and Insurance

Any Trustee, officer, employee, or agent of the District who was or is a party, or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the name of the District) by reason of his or her position as a Trustee, officer, employee, or agent of the District shall be indemnified and "held harmless" by the District to the fullest extent authorized by the Laws. Indemnification is prohibited where it has been established by an adverse final judgment that a Trustee's or employee's acts were committed in bad faith or were the results of active or deliberate dishonesty.

The District may purchase and maintain insurance on behalf of any person who is or was a Trustee, officer, employee, or agent of the District, or who is or was serving at the request of the

District as a director, officer, employee, or agent or another corporation, partnership, joint venture, trust, or other enterprise, against any liability asserted against such person and incurred by such person in any such capacity, or arising out of his or her status as such, whether or not the District would have the power to indemnify such person against such liability under the provisions of this policy.

For the purposes of this Section 2.07, references to the "District" shall include, in addition to the surviving District, any merging District (including any library having merged with a merging library) absorbed in a merger which, if the separate existence had continued, would have had the power and authority to indemnify its Trustees, officers, employees, or agents, so that any person who was a Trustee, officer, employee, or agent of such merging library, or was serving at the request of such merging library as director, officer, employee, or agent of another corporation, partnership, joint venture, trust, or other enterprise, shall stand in the same position under the provisions of this policy with respect to the surviving library as such person would have with the respect to such merging library if its separate existence had continued.

ARTICLE III – OFFICERS

3.01 Officers & Duties

The officers of the Board shall be President, Vice-President, Secretary and Treasurer.

Officers shall be elected by the Trustees and shall serve for a two (2) year term. Terms for officers shall extend through the next scheduled meeting of the month (May) following each regular election. An officer shall be elected, at most, for no more than two (2) consecutive terms of office. A vacancy in any office shall be filled by the Board for the unexpired term.

The duties of the officers shall be as set forth in the Act and as follows:

- A. President: The President shall preside over all meetings in compliance with the guidelines adopted by the Board. The President shall appoint all committee members and chairpersons and shall serve as an *ex officio* member on them, with no vote. The President, in conjunction with the Director, shall prepare the agenda for the Board's meetings. The President shall be the first person called for an emergency closing of any library in the District.
- B. Vice-President: The Vice-President shall perform the duties of President in the absence of the President.
- C. Secretary: The Secretary shall keep and maintain all necessary records of the District office. All minutes, ordinances, resolutions, rules and other pertinent materials shall be retained. The Secretary shall write all courtesy correspondence for the Board. The Secretary shall serve as the Election Clerk of the District and shall have the power to administer oaths of office.
- D. Treasurer: The Treasurer shall oversee and review the financial accounts and records of the District. The Treasurer shall see that a certified audit is conducted annually. A surety bond shall be obtained as required by the Law, with the cost of the bond paid by the District.

ARTICLE IV – MEETINGS

4.01 Meetings

All meetings of the Board or any committee shall be open to the public except those allowed to be closed by the Illinois Open Meetings Act. [5 ILCS 120/1, *et seq.*]

- A. Monthly meetings of the Board shall be held on the third Wednesday of the month at 6:30 P.M. If a regular meeting of the Board falls upon a legal holiday, the meeting shall be rescheduled. A regular meeting may be suspended by a majority vote of the Board.
- B. Special meetings of the Board may be held at any time when called by the President or the Secretary, or any four (4) trustees, provided notice and the purpose of the special meeting is given at least forty eight (48) hours prior and in compliance with the Illinois Open Meetings Act. This notice shall be posted at the District's administration office, the location of the meeting (if different from where the District's administration office is located) and sent to the news media.
- C. Order of Business: The order of business for Board meetings shall be as follows:
- Call to order
 - Roll call
 - Minutes of the preceding meetings
 - Correspondence
 - Bills for payment
 - Financial Report
 - Director's Report
 - Public Comment
 - Report of committees and officers
 - Old Business
 - New Business
 - Adjournment
- D. Parliamentary procedure: On all questions of parliamentary procedures, unless provided for in these bylaws or the Laws, the newest edition of *Roberts Rules of Order* shall be used.
- E. Public Comment: The purpose of this section is to encourage public comment in a fair, consistent, and informative manner.
- Public comments are permitted during the "Public Comment" portion of the Agenda.
 - The President shall ask if anyone wishes to address the Board and shall determine the order in which speakers will be recognized. The President may grant a request to address the Board during other portions of the meeting.
 - Each speaker shall provide his or her name and his or her group affiliation (if any).
 - Statements are to be directed to the Board as a whole and not to individuals.

- Speakers will be courteous in their language and presentation. Comments should be brief and to the point.
- For clarification the Board may ask the speaker questions, but an immediate response from the Board is not required.
- The President has discretion to determine the length of time and the number of times a speaker may speak. Unless additional time is granted by the President, each person is allowed up to five (5) minutes to speak. The total amount of time for public comment shall not exceed thirty (30) minutes unless extended by the President.
- Members of the public will not be allowed to speak a second time until all members of the audience who wish to speak have been allowed to speak at least once.
- Minutes are a summary of the Board's discussions and actions. Speaker requests to append the written statements or correspondence to the minutes are not favored. Generally, written materials presented to the Board will be included in the District's files rather than in the minutes

4.02 Closed Meetings

At any Board meeting for which proper notice under the Illinois Open Meetings Act has been given, the Board may decide to hold a closed session for any purpose authorized by the Illinois Open Meetings Act. [5ILCS 120/2]. The closed session must be approved in open session by a majority vote and the purpose of the closed session recorded in the minutes of the open meeting. Only topics specified in the vote to close may be considered in the closed session. No final action may be taken at a closed session. All proceedings of a closed session shall be kept in strict confidence by all those in attendance.

4.03 Committee Meetings

Committees shall meet as necessary, and public notice of all committee meetings shall be given as required by the Laws. The President shall appoint *ad hoc* committees of one or more members of the Board for specific purposes as the business of the Board may require from time to time. The committee shall be considered to be discharged upon the completion of the purpose for which it was appointed, and after a final written report is presented to the Board.

4.04 Quorum and Voting

A quorum at any regular or special meeting shall consist of four (4) Trustees, and a majority of those present shall determine the vote taken on any question. All votes shall be ayes and nays and recorded by the secretary. Absentees and abstentions from voting shall be noted but shall not be counted for or against the questions being voted on. A roll call vote shall be required on any matter creating a liability or expenditure or on a request by a Trustee. [75ILCS 16/30-50]

In the event that the Board is unable to meet for the regular monthly scheduled board meeting, the Director should, with the approval of one (1) of the Trustees, process all invoices for payment as indicated on the monthly bills list prepared for the regular scheduled meeting. At the next regular scheduled Board meeting the bills list for the previous month will be ratified by the Board.

4.05 Electronic Attendance at Meetings

The fullest participation and attendance in all Board meetings should be achieved whenever possible, and the use of electronic conferencing for meeting attendance and voting is permissible so long as the conduct of the meeting is in accordance with the Illinois Open Meetings Act. [5 ILCS 120/7] The Board in all of their regular, special, and committee meetings complies and intends to comply with the provisions of the Illinois Open Meetings Act. When needed, the capabilities of electronic conferencing for its meetings, as more specifically set out in this policy, will enhance and further the public's business as conducted by the Board as follows:

- a) All pertinent provisions of the Illinois Open Meetings Act must be complied with, including specifically; the proper notice of any regular or special meeting; the proper record-keeping or minutes of each meeting; the appropriate agenda preparation for each meeting which, in addition, shall be posted along with the notice of the meeting; and any use of closed sessions shall be in compliance with the provisions of the Act.
- b) The location of the meeting included on the notice shall be equipped with a suitable speaker-phone system in order that the public audience, the Trustees in attendance, and staff or guests will be able to hear at any input, vote, or discussion of the teleconference and that any other location where the Board conducts regular business shall have similar speaker-phone capabilities for use by Board members, staff, or public audience to attend at that location, if requested at least twenty four (24) hours in advance of the meeting.
- c) Sufficient security and identification procedures shall be employed, either at the outset of any meeting or at any time during the meeting as appropriate, to ensure that any and all Trustees attending or voting are in fact authorized Trustees with the right to speak and vote.
- d) As soon as it becomes apparent to the Board that a meeting will require electronic conferencing, all subsequent notices of the meeting shall indicate that one or more Trustees will or may be attending by electronic means and the location(s) where those electronic access points shall be noted thereon. In the event that the notice of the meeting has already been disseminated and posted, a follow-up notice indicating the above shall be placed as soon as possible. In the event any news media have filed the annual request for notice of meetings, they shall receive an updated notice in the same manner as given to all members of the Board.
- e) All Trustees attending meetings by electronic means are entitled to vote as if they were personally and physically present at the meeting site so long as the connection exists. All votes shall be taken by roll call to ensure that non-physically present members are casting their own votes if they cannot be seen.
- f) This policy shall not be construed to mean that electronic conferencing shall be regularly used or used at every meeting of the Board, but shall be used only as necessary to allow participation of Board members who are unable to attend in person due to circumstances beyond their control. Acceptable circumstances include, but are not limited to, personal illness, disability, business purposes or the business of the District, or family or other emergency.
- g) Electronic conferencing shall not be provided for members of the public to use in order to

attend or participate in a meeting.

- h) Only two (2) Trustees may participate by electronic attendance at a meeting. The presiding officer shall be present at the meeting. In the event that the President is not physically present at the meeting, the Vice-President shall preside.
- i) The Board may conduct a closed meeting, pursuant to one of the exceptions to the Illinois Open Meetings Act, by way of electronic conference call, provided that there is compliance with other requirements of the Illinois Open Meetings Act.
- j) The meeting minutes shall indicate those Trustees who attended by electronic means, and in the event the entire meeting is not so attended, shall indicate those portions of the meeting which were attended electronically.

4.06 Powers of the Board

The Board carries full responsibility for the District and its policies. The powers of the Board are as defined in the Act [75 ILCS5/4-1]

ARTICLE V – PERSONNEL

5.01 Executive Director

The Director shall be selected, employed, supervised, and evaluated by the Board. The Director shall, subject to the authority of the Board, act as administrator of the District, responsible for the day-to-day operation of the District. The Director shall attend all meetings of the Board and its committees except at such time as the terms of the employment and salary of the Director are to be discussed or decided, or at any meeting or portion thereof which the Director is requested not to attend by the President or by a majority of the Board. If the Director is unable to attend a given meeting due to illness or excused absence, the Director may delegate the Assistant Director or any Department Manager to represent him or her.

5.02 Assistant Director

The Director shall appoint an Assistant Director, who shall exercise the authority of the Director in the Director's absence.

5.03 Employees and Salaries

The terms and conditions of employment and the salary of the Director shall be subject to the control of the Board.

ARTICLE VI – FINANCE

6.01 Budget and Financial Policy

- A. The District has a board-approved written budget. This budget is developed annually as a cooperative process between the board's finance committee, the administrative librarian, and additional staff members with responsibility for budgetary elements.

Each year, the Board determines if the District's revenues are adequate to meet the needs of the community. If the revenues are not adequate to meet the needs of the community, the Board takes action to increase the District's revenue.

- B. The District shall spend a minimum of twelve percent (12%) of its operating budget on materials for patrons. Materials include books, audiovisual materials, periodicals, telecommunication costs for reference services, fees for online information services, and CD-ROM products. Costs related to the installation and maintenance of a LAN or a shared or standalone bibliographic database are not included.
- C. On a monthly basis, the Director shall present written reports on District operations to the Board. These reports include such areas as finance, library usage, matters of personnel, collection development, and programming in addition to any other relevant and pertinent information.
- D. The District shall maintain adequate records of library operations in a manner easily understood by the public as well as the Board and Director. This record of library operations is presented at each monthly board meeting and clearly indicates the financial position of the District. In addition to the general financial position of the District, this record shall clearly indicate the current position of each budgetary line item including budgeted amount, receipts, monthly and year to date expenditures, and remaining budget.
- E. The District shall follow the procedures and guidelines for the public library district budget process in accordance with the Laws.

6.02 Investment of Public Funds

The purpose of this policy statement is to outline the responsibilities, general objectives, and specific guidelines for management of public funds by the District.

- A. **Responsibilities.** All investment policies and procedures of the District will be in accordance with Illinois law. The authority of the Board to control and invest public funds is defined in the Illinois Public Funds Investment Act [30 ILCS 235/0.01, *et seq.*], and the investments permitted are described therein. Administration and execution of these policies are the responsibility of the Treasurer, and, by designation, the Director acting under the authority of the Board. Investments, fund balances, and the status of such accounts will be reported at each regularly scheduled meeting of the Board.
- B. **Objectives.** In selecting financial institutions and investment instruments to be used, the following general objectives should be considered: safety, maintenance of sufficient liquidity to meet current obligations, return on investment and simplicity of management.
- C. **Guidelines.** The following guidelines should be used to meet the general investment objectives:
 - 1. Safety - Investments will be made only in securities guaranteed by the U.S. government, or in FDIC or FSLIC insured institutions. Deposit accounts in banks or savings and loan institutions will not exceed the amount insured by FDIC or FSLIC coverage. Authorized investments include and will

primarily consist of: Certificates of Deposit, Treasury Bills and other securities guaranteed by the U.S. Government, participation in the State of Illinois Public Treasurer's Investment Pool, and any other investments allowed under State law that satisfy the investment objectives of the District.

2. Maintenance of sufficient liquidity to meet current obligations - In general, investments should be managed to meet liquidity needs for the current month plus one month (based on forecasted needs).
3. Return on investment - Within the constraints on Illinois law and this investment policy, every effort should be made to maximize return on investments made. All available funds will be placed in investments or kept in interest bearing deposit accounts at all times.
4. Simplicity of management - The time required by District administrative staff to manage investments shall be kept to a minimum.

D. **Reporting.** Investments, fund balances and the status of such accounts will be reported at each regularly scheduled meeting of the Board and at least quarterly include information regarding securities in the portfolio by class or type, book value, income earned, and market value as of the report date. At least annually, the Treasurer shall review this Policy for any needed modifications and report to the Board on the investment portfolio, its effectiveness in meeting the District's need for safety, liquidity, rate of return, diversification and general performance. These reports will be available to the general public upon request

E. **Internal Controls.** In addition to these guidelines, the Treasurer shall establish a system of internal controls and written operational procedures designed to prevent loss, theft or misuse of funds.

F. **Authorized Financial Dealers And Institutions.** Any investment advisors, money managers and financial institutions shall be considered and authorized only by the action of the Board upon the recommendation of the Treasurer. The Treasurer will maintain a list of financial dealers and institutions authorized to provide investment services

G. **Conflicts of Interest.** Officers and employees involved in the investment process shall refrain from personal business activities that might conflict with the proper execution and management of this investment program, or that could impair their ability to make impartial decisions, or that could give the appearance of impropriety.

6.03 **Authority to Spend**

- A. The Director is authorized to spend up to \$5,000.00 on any single item without prior board approval.
- B. The Director is authorized to spend up to \$20,000.00 on any single item only with the approval of the full board.

- C. The District may spend in excess of \$25,000.00 only after completing the formal bid process as described in Section 40-15 of the Library District Act. Professional services subject to the \$40,000.00 threshold in the Illinois Local Government Professional Services Selection Act may be obtained per the process of the Selection Act, separate from the purchases required to go through the bidding process in Section 40-15 of the Library District Act.
- D. In case of extreme emergency, the Director may spend \$ 5,000.00 in addition to \$ 5,000.00 with the approval of any two (2) Trustees so long as the amount does not exceed the threshold requiring a formal bidding process.

6.04 Routine Banking Procedures

- A. The Director is authorized to make deposits into appropriate District accounts. Such deposits include, but are not limited to, the deposit of accumulated fees and fines, gifts, donations, grants, and tax receipts.
- B. The Director is authorized to transfer funds from one District account to another District account (for payment of monthly District bills which have been approved by the Board or distribution of tax monies to specific funds).
- C. The Director is authorized to sign petty cash checks in the amount not exceed \$ 1,000 . All other checks require the approval and signatures of two (2) Trustees.

ARTICLE VII – AMENDMENTS

7.01 Changes in Bylaws

These Bylaws may be amended at any regular meeting of the Board with a quorum present, with the unanimous vote of all members present, provided that the proposed amendment shall have been presented for action at a previous Board meeting and listed on the agenda for the current meeting.

CPLD 08/1997
Rev. 09/1997
Rev. 01/2009
Rev. 09/2009
Rev. 07/2010
Rev. 02/2011
Rev. 05/2017
Rev. 04/2019