

BY-LAWS
MITCHELL COMMUNITY PUBLIC LIBRARY BOARD

Article I.
Identification

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

Section 2. Geographical boundaries of the Library and taxed library district include the Marion, Bono, and Spice Valley Townships.

Article II.
Authority and Purpose

Section 1. The Board shall govern the Library, a municipal corporation and Class B 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 general 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. 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 shall be approved by the Board.

Section 4. 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 library board shall select a librarian who holds a certificate under IC 36-12-11. 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).

Section 2. 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 3. The director shall be held responsible for the care of the building(s) 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 4. The director shall attend all library Board meetings, except those at which her/his appointment, salary, or performance is to be discussed or decided.

Article IV.
Conflict 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. Board members shall promote a high level of service while observing ethical standards.

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. 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.

Section 6. If the possibility of a long-term conflict of interest exists, the Board member shall complete the Uniform Conflict of Interest Disclosure annually. (Form 236 at: <https://forms.in.gov/Download.aspx?id=8264>)

Article V. Nepotism

Section 1. The Library will not employ the spouse, child, parent, or sibling of the Director or these relatives of any member of the Board.

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 majority vote of the members.

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, and as follows:

Class B library (town/city, township, multiple townships, public library)

| Trustee | Appointing Authority |
|---|---|
| Trustee 1 - IC 36-12-2-9(1) | County executive / County Commissioners |
| Trustee 2 - IC 36-12-2-9(2) | County fiscal body / County Council |
| Trustee 3 - IC 36-12-2-9(3) | School board |
| Trustee 4 - IC 36-12-2-9(3) | School board |
| Trustee 5 - IC 36-12-2-9(3) | School board |
| Trustee 6 - IC 36-12-2-9(4) (IC 36-12-2-10(1), 11(b1), 12(1), 12(1), or 14(1)) | County Council |
| Trustee 7 - IC 36-12-2-9(5) (IC 36-12-2-10(2), 11(b2), 12(2), or 14(2)) | County Commissioners |

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.

Section 2. The officers shall be elected by ballot at the January meeting for a term of one year per IC 36-12-2-23.

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 this Board usually devolve upon such officers in accordance with their titles.

Section 6. The President shall preside at Board meetings, appoint committees deemed necessary, certify all bills allowed by the Board, and oversee that the Board sign the Accounts Payable Voucher according to the State Board of Accounts accounting requirements for the payment of money, enforce the observance of these rules, and perform such other duties as pertain to the

office of the President and are necessary to carry out the wishes of the Board. [See IC 36-12-2-21 for more information. Election and duties of the Treasurer are detailed in IC 36-12-2-22].

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 the proceedings of the Board and countersign all warrants on the Treasurer for the payment of money; 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 meeting 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 interest of the Library and should be replaced by someone who will take an active part in the work.

Section 9. In addition to the 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 and shall sign all warrants approved by the Board.

Article IX. Meetings

Section 1. The Board shall meet monthly on the fourth Monday of each month at 5:30 pm. 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 constitute 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 5-12-7-5 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).

Section 4. Special meetings may be called by the President, or upon written request of two (2) 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 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 5. Four (4) library board members, who are present in person, constitute a quorum for the transaction of business per IC 36-12-2-23.

Section 6. Order of business shall be:

- Call to order
- Approval of minutes
- Approval of financial report
- Old business
- New business
- Other matters of concern
- Adjournment

Section 7. Robert's Rules of Order, latest revised edition, shall govern the parliamentary procedure of the Board.

Section 8. Addressing the Library Board:

The Board of Trustees has one (1) regular business meeting on the fourth Monday of every month (check the MCPL website for confirmation of dates and times). While regular business meetings are open to the public, there is no public comment period, and the Board is not required by law to hear public comments when conducting the business of the Library.

Persons wishing to address the Board directly at an open meeting must request to be placed on the agenda. This request must be received in writing (either in letter or email form, with **the subject of the request clearly stated and contact information included**) no later than five (5) days in advance of the meeting date. This request must be addressed to the Library Director (**requests addressed to Board members will be automatically refused and discarded**). A request for addressing the Board is not an automatic approval to be placed on said agenda. The Director is to notify the Board President of all proper requests and a decision will be made as to the merits of said requests before placement on the agenda.

If accepted for placement on the agenda, the person will be notified with a confirmation and allowed a maximum of five (5) minutes to present to the board. Persons deviating from the identified subject matter as provided in the initial request will be reminded of the subject matter as identified in the agenda and asked to redirect or to cease further comments. The board may or may not respond to comments made, but all comments will be taken under advisement for further study.

**Article X.
Committees**

Section 1. Special committees for the study of special problems may be appointed by the President, with the approval of the Board, to serve until the final report of the work for which they were appointed has been filed at a regular library Board meeting.

Section 2. No committee will have powers other than advisory unless, by suitable action of the Board, it is granted specific power to act. All committee reports and/or recommendations shall be submitted in writing upon request. Reports of committees shall be signed by at least two members thereof.

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

**Article XI.
Indemnification of Board Members**

The Board shall protect the Library from loss by maintaining the following insurance policies:

- Workers' Compensation and Employers' Liability
- Commercial insurance for property, general liability, electronic data processing, equipment, and valuable papers
- Employee Practices Liability for the Director and the Board

**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 6-1-5(e) and 590 IAC 6-1-5(j). The 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 5)
- Indiana Library and History Department law (IC 4-23-7)
- Local building, health, and safety codes

Section 2. 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 Mitchell Community Public Library.”

- Staff manual
- Library Policy Manual
- Strategic Plan 2018 - 2021 (includes technology plan)
- Indiana State Library Trustee Manual: IN the Public Trust
- Indiana Library Law - IC 36-12: www.in.gov/legislative/ic/code/title36/ar12/

Federal laws:

- Americans with Disabilities Act: www.ada.gov/pubs/adastatute08.htm
- Equal Employment Opportunity Act: <https://www.eeoc.gov/laws-guidance-0>
- Fair Labor Standards Act: <https://www.dol.gov/agencies/whd/flsa>
- Family and Medical Leave Act: <https://www.dol.gov/agencies/whd/fmla>

Article XIII. Review of Bylaws

Section 1. A review and update of library bylaws is required by public library standards at least every three years (590 IAC 6-1-4(g)). The secretary shall affix the date of review to the bylaws for audit as well as indicating the action in the minutes.

Adopted by the Library Board of the Mitchell Community Public Library on Monday, May 24th, 2021. The date of next review for the MCPL Board Bylaws is **April 22, 2024.**