

# SPANISH PEAKS LIBRARY DISTRICT BOARD OF TRUSTEES

## BYLAWS

### Article I – Name

The Name of this organization is the Board of Trustees of the Spanish Peaks Library District, Walsenburg, Colorado. The Board shall have those duties and responsibilities authorized by the Colorado Revised Statutes 24-90-109 and any further revisions.

The Spanish Peaks Library District, serving the Huerfano County RE-1 District, was formed under Colorado Revised Statute 24-90-109, on January 1, 1999, by resolution dated November 25, 1998, of the Huerfano County Board of Commissioners after approval by the voters on November 3, 1998.

### Article II – Mission Statement

The Spanish Peaks Library District will provide the following services for all residents of the district: **Assistance** in meeting each person's cultural, educational, and recreational needs; **Opportunities** to participate in the information age; **Aid** in the use of the library as a means of self-improvement and self-fulfillment; **Help** in becoming responsible, informed, and involved citizens.

### Article III – Membership and Responsibilities

1. The Board of Trustees shall be comprised of seven (7) Trustees appointed and ratified by the Huerfano County Board of Commissioners. Appointees to the Library Board of Trustees shall be chosen from the residents within the library service area. The Board of Trustees shall recommend prospective Trustees to the Huerfano County Board of Commissioners for review and appointment.
2. The initial Board of Trustees shall be appointed for staggered terms of one, two, three, four, and five years. Thereafter, the term of office shall be for three (3) years
3. A Trustee can be removed only by a majority vote of the appointing authority and only upon a showing of cause. For the purpose of these Bylaws, for cause shall be shown if a Trustee:
  - (a) Fails to attend any three consecutive meetings of the Board without excuse;
  - (b) Is found guilty of gross neglect of duties;
  - (c) Is convicted of a crime involving moral turpitude;
  - (d) Violates a statute or ordinance that results, or could result, in serious damage to the Spanish Peaks Library District's property or interests.
4. Vacancies on the Board shall be filled for the remainder of the unexpired term as soon as possible in the manner in which trustees are regularly chosen.
5. A Trustee shall receive no salary or other compensation for services as a Trustee, but necessary traveling and subsistence expenses actually incurred may be paid from the library budget.
6. The Board shall retain a qualified Library Director who shall: administer policies adopted by the Board; employ, direct, and supervise staff members, with oversight by the Board of Trustees; prepare required reports and budgets; recommend policies and procedures; and promote effective library service.

7. The powers of the Board of Trustees shall include, but not be limited to, the following: The Board of Trustees shall:

- (a) Adopt such bylaws, rules, and regulations for its own guidance and for the government of the library, as it deems appropriate. The bylaws shall include, but not be limited to, provisions for the definition of cause to be applied in the removal of a Trustee pursuant to CRS 24-90-109(5); designation of those officers to be appointed or elected and the manner of such appointment or election; rules and regulations for conducting meetings; rules for public participation in legislative body of each participating governmental unit.
- (b) Supervise, care for, and have custody of all property of the library, including rooms or buildings constructed, leased, or set apart therefor;
- (c) Employ a qualified Library Director and, upon the Director's recommendation, employ such other employees as may be necessary; prescribe their duties, and fix their compensation;
- (d) Submit annually a budget as required by law and certify to the Huerfano County Board of Commissioners the sums necessary to maintain and operate the library during the ensuing year;
- (e) Adopt a budget and make appropriations for the ensuing fiscal year as set forth in Part 1 of Article 1 of Title 29, CRS, and have exclusive control and spending authority over the disbursement of library funds as set forth in CRS 24-90-112(2)a.
- (f) Accept such gifts of money or property for library purposes as deemed appropriate.
- (g) Acquire and hold land by gift, lease, or purchase for library purposes;
- (h) Lease, purchase, or erect any appropriate building for library purposes and acquire such other property as may be needed therefor;
- (i) Sell, assign, transfer, or convey any property of the library, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve. The Trustees may lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. The Board, prior to the conveyance of such property, shall make a finding that the property will not be needed within the foreseeable future for library purposes, but no such finding shall be necessary if the property is sold or conveyed to a state agency or political subdivision of this state;
- (j) Borrow funds for library purposes by means of a contractual short-term loan when money is not currently available. Such loan shall not exceed the amount of immediately anticipated revenues, and such loan shall be liquidated within six months.
- (k) Authorize the bonding of persons entrusted with library funds;
- (l) Submit financial records for audit as required by the Huerfano County Board of Commissioners;
- (m) Authorize the purchase of library materials and equipment on the recommendation of the Library Director;
- (n) Hold title to property given to or for the use or benefit of the library, to be used according to the manner of the gift;
- (o) Have the authority to enter into contracts;
- (p) At the close of each year, the Board of Trustees shall submit a report to the Huerfano County Board of Commissioners showing the condition of its trust during those years, the sums of money expended, and the purposes of the expenditures. A copy of this report shall also be filed with the state librarian. The report shall include such other statistics and information as the Board of Trustees deems of public interest and as may be requested by the state library;
- (q) Under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, the Board may allow nonresidents of Spanish Peaks Library District to use library resources and may make exchanges of books and other materials with any other library, either permanently or temporarily;

- (r) Shall have the authority to request of the Huerfano County Board of Commissioners that an election be held to alter the maximum tax levied to support the library district, pursuant to CRS 24-90-112(1)(b)(iii);
- (s) Perform all other acts necessary for the orderly and efficient management of the library district.
- (t) Borrow funds through the creation of general obligation indebtedness of the Spanish Peaks Library District to finance the acquisition, construction, expansion or remodeling of any real or personal property for library purposes as provided by Colorado Revised Statutes 24-90-112.5.

#### **Article IV – Officers and Duties**

1. The officers of the Board shall be a President, Vice-President, Secretary, and a Treasurer. The Board may name such other officers, as it deems necessary.
2. The President shall preside at all meetings of the Board of Trustees, and shall perform all acts usually incident to said office.
3. The Vice-President shall perform the duties of the President in the absence of the President or in the event the President is unable to perform the duties of the office.
4. The Secretary shall cause the minutes of the Board of Trustees to be kept and shall give notice of the meetings and shall perform such duties as assigned by the Board.
5. The Treasurer and Director shall be responsible for library funds and the Treasurer shall Chair the Budget Committee.
6. The officers shall remain in office until their successors are elected.

#### **Article V – Meetings**

1. Regular meetings shall be held monthly at the Spanish Peaks Library. The date and hour of the meetings shall be set by the Board at its annual meeting. The Board shall abide by all requirements of Colorado law regarding open meetings and notification.
2. The annual meeting shall be held at the time of the regular meeting in June. Officers shall be elected at the annual meeting. In case of a resignation, a member will be elected to fill the remainder of the term by majority vote.
3. Special meetings may be held at any time when called by the President, the Library Director, or at the request of three (3) Trustees. All Trustees must be notified at least 24 hours in advance of a special meeting. Only items on the announced agenda may be considered at a special meeting.
4. A quorum of the Board consists of a majority of the Trustees.
5. An affirmative vote of the majority of all members of the Board present shall be necessary to approve any action before the Board. The President may vote upon and may move or second a proposal before the Board.

6. The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown so far as circumstances will permit:
  - (a) Call to Order
  - (b) Approval of minutes
  - (c) Audience of individuals or organizations may be heard.
  - (d) Reports: Director  
Committees
  - (e) Old Business
  - (f) New Business
  - (g) Announcements
  - (h) Executive Session
  - (i) Adjournment
  
7. Executive Sessions:
  - (a) Procedure. Executive sessions may be held upon the affirmative vote of two-thirds of the quorum present at a regular or special meeting for any of the matters listed in the statute, except no formal action can occur at an executive session. 26-6-402(4). The minutes of the regular or special meeting at which an executive session is held must reflect the general topic of the discussion at the executive session. 24-6-402(2)(d)(II). The statute does not define regular or special meetings so the public body can define regular or special meetings in to include any meetings at which they may want to call an executive session.
  - (b) Subjects. Some of the topics allowed for executive sessions are (24-6-402(4):
    1. Transfers of property interests, except the executive session cannot be for the purpose of concealing a member's persona interest in the transfer;
    2. Conference with an attorney for legal advice, except the presence of the attorney alone does not meet this requirement;
    3. Matters required to kept confidential by law;
    4. Details of security arrangements of investigations;
    5. Determining positions and development strategy for negotiations and instructing negotiators;
    6. Personnel matters, but in certain situations the subject employee can request an open meeting;
    7. Consideration of documents protected by the mandatory non-disclosure provisions of the Open Records Act.
  
8. The following policy shall govern participation by the public at Board Meetings:
  - (a) Citizens of the library district shall have the right and are encouraged to attend Board Meetings, observe its deliberations, and participate at appropriate times.
  - (b) In the interest of orderly conduct of Board meetings, individuals or organizations desiring to be heard by the Board shall make their requests to the Library Director three (3) days prior to the scheduled meeting, stating name, address, purpose of request, and topic. However, the Board may agree to hear any individual or organization at any time, notwithstanding the requirements for notice set above.
  - (c) Any person who wishes to speak at a public hearing must first be recognized by the President. Should the request to speak be granted, the president may limit the time for presentation, and if there are numerous requests to address the Board on the same subject, the president may select representatives to speak on each side of the issue. Every person who has been recognized to address the Board is requested to state their name and address.

- (d) These procedures are not designed to restrict the scheduled appearances of citizens who have regular business with the Board and whose presentations are provided for on the agenda.
9. Copies of the agenda, minutes, and Director's Report shall be given to each Trustee prior to each regular meeting.
  10. The meetings shall be conducted in accordance with the rules and procedures as set forth on the most recent editions of **Robert's Rules of Order**.

**Article VI - Committees**

1. The Board of Trustees may function as a committee of the whole without the appointment of standing committees.
2. The Board may establish standing committees, which shall make regular reports.
3. Special committees may be authorized and appointed by the President for special, limited purposes, and shall serve only until completion of the assignment.

**Article VII – General**

1. Amendments to these bylaws or to any policy documents of the Board may be adopted by a majority vote of the members of the Board present at a regular or annual meeting provided notice of the proposed amendments shall have been given to all members at least five (5) days prior to the meeting at which such action is proposed to be taken.
2. Any of the foregoing rules may be temporarily suspended by a unanimous vote of all Trustees present at any meeting in which there is a quorum of the Board.

**Date of Adoption: April 23, 2001**

**Revised: May 25, 2004**

**Revised: December 3, 2007**

**Resolution #07-04: add Board authority to incur long-term debt  
Resolution #07-05: eliminate Board term limits  
(Note: annual meeting previously changed to June but never changed in the By-Laws)**