

# Delta County Public Library District

*“Serving and Empowering People  
Providing Resources for Life, Leisure and Learning”*

## Delta County Public Library Board of Trustees By-Laws

This revision, dated 5-20-2020, overrides all previous versions of Delta County Public Library District Board of Trustees By-Laws and any verbal/oral policies, actions and behavior in existence prior to this date.

### Article One: Name, Authority, Location

Section 1. The name of this organization shall be known as the Delta County Libraries (“the District”), also doing business as the Delta County Public Library District, established by Resolution No. 93-R-040 by the Delta County Board of County Commissioners.

Section 2. The Delta County Libraries Board of Trustees (herein referred to as Board) operates under the authority of, and according to the duties and responsibilities defined in the Colorado Revised Statutes (CRS) 24-90-1 (the Colorado Library Law), CRS 24-6-4 (Open Meetings Law) and other applicable statutes.

Section 3. The District is located within the boundaries of Delta County, Colorado plus the Maher area of Montrose County and encompasses libraries located in the municipalities of Cedaredge, Crawford, Delta, Hotchkiss, and Paonia. The official address is Delta County Public Library District, PO Box 858, Delta, CO 81416.

### Article Two: Purpose and Mission

Section 1. The purpose of the District, as approved by the Delta County Board of County Commissioners, shall be the provision of publicly supported free library service to all residents of the District. The Board is charged with governing the affairs of the District according to applicable statutes and laws.

Section 2. The Mission statement, adopted September 21, 2016, is as follows:

*Serving and Empowering People  
Providing Resources for Life, Leisure, and Learning*

### Article Three: Membership

Section 1. The Board of Trustees comprises seven (7) voting persons appointed by the Board of Delta County Commissioners from recommendations from the Board.

In accordance with the assent of the Delta County Board of Commissioners (July 28, 2008), the seven (7) members are located in the service areas of the Library District as follows:

At large, Delta County	Two (2) members
Cedaredge	One (1) member
Crawford	One (1) member
Delta	One (1) member
Hotchkiss	One (1) member
Paonia	One (1) member

Section 2. Trustees' terms of office are for four (4) years. The County Commissioners appoint trustees from eligible applicants on a staggered basis each year in January as a trustee's term expires. Notice of vacancy will be posted by the Delta County Board of Commissioners. Should a trustee resign prior to the end of his/her term, the Board of County Commissioners fills the vacancy for the remainder of the term upon the recommendation of the Board. There are no limits to recurring terms. Trustees wishing to continue another term should submit a letter of application so stating.

Section 3. Appointments to the Board must be non-political, without apparent conflict of interest and should be from those who show an active interest in the libraries and their progress. Due to inherent conflict of interest, current District staff members may not serve on the Board of Trustees, nor may former staff members who have been employed by the District within the previous two years.

Section 4. The Delta County Board of Commissioners may remove a trustee from the Board, upon recommendation of the Board, by a majority vote, but only on a showing of good cause. Good cause includes, but is not limited to:

- A. Failure to regularly attend board meetings without notification to the President of the Board (three consecutive missed meetings may constitute initiation of removal proceedings)
- B. Repetitive disruptive conduct by the member resulting in the inability of the Board to conduct business
- C. Inappropriate or unprofessional conduct in the community when engaged in Board activities
- D. Violation of the Board's "Statement of Ethics" (Attachment A)

Section 5. Trustees serve without salary or other compensation. The Board may use District funds to reimburse trustees for unusual travel and subsistence expenses incurred carrying out library work at the Board's request.

Section 6. The Board may include ex-officio Board members deemed useful to carry out its duties. Ex-officio members are generally, but not exclusively, nominated from previous Board Trustees as recommended by the Executive Committee and voted on by the Board. The length of the ex-officio term will be set by the Board at the time of appointment. All ex-officio Board members may participate fully in Board discussions and have their comments recorded in the official minutes, but they are non-voting members and are not eligible to make or second motions. The responsibilities of each ex-officio member are to offer advice and guidance to the Board in their particular area of expertise, and to act as liaison to their particular group(s), if any. Ex-officio members shall not participate in Board executive sessions unless requested to do so by the Board.

## **Article Four: Officers and Duties**

Section 1. The officers of the Board are President, Vice-President, Treasurer and Secretary and any other officers the Board deems necessary.

Section 2. The Board elects officers at its first regular meeting each calendar year. The officers take office that day and serve for one (1) year, or until the Board elects their successors.

Section 3. President: The President presides at all meetings of the Board, recommends standing committee members for approval by the Board and is the chair of the Executive Committee. The President may sign, either by manual or facsimile signature, any leases, deeds, mortgages, contracts and other instruments which the Board has authorized to be executed, and in general shall perform the duties incident to the office of President and such other duties as may be prescribed by the Board of Trustees from time to time.

Section 4. Vice-President: The Vice-President assists the President and performs such duties as may be assigned by the President or the Board. In the absence of the President, the Vice-President shall have the powers of, and perform the duties of, the President. The Vice-President is a member of the Executive Committee.

Section 5. Secretary: The Secretary is responsible for reviewing and recommending approval of the minutes from the meetings of the Board and for performing all duties which from time to time may be assigned by the President or the Board. The minutes shall include all motions and the resulting vote. Minutes of any open meeting of the Board shall be open to public inspection. Minutes of an executive session shall reflect the topic of discussion at the session, with an audio recording of the executive session maintained for 90 days. The record of an executive session of the Board shall not be open for public inspection except upon the consent of the Board or as provided for in Colorado Law.

Section 6. Treasurer: The Treasurer chairs the Finance Committee which is responsible for reviewing and modifying the proposed District budget which is developed by the District Director or designated staff members and recommends the budget for review and approval by the Board. The treasurer shall perform other duties which may from time to time be assigned by the President or by the Board. (7/11/2008)

## **Article Five: Trustee Responsibilities**

Section 1. The Board shall retain and supervise a qualified Library District Director who shall be the executive, administrative, and disbursing officer of the District on behalf of the Board and under its review and direction. The Director shall appoint and specify the duties of all other employees and shall be held responsible for the proper direction and supervision of staff and for reporting this activity to the Board. The Library Director shall attend all meetings unless excused by the Board and take part in the meeting discussions, but shall not be a member of the Board and shall have no vote. The Board shall prescribe the Director's duties and compensation.

Section 2. The Board is responsible for the supervision, care and custody of properties owned or leased by the Library District.

Section 3. The Board shall adopt such by-laws, rules and regulations for its own guidance and for the government of the District as it deems necessary.

Section 4. The Board shall adopt a budget and make appropriations for the ensuing fiscal year as set forth in part 1, Article 1 of Title 29, Colorado Revised Statutes and have exclusive control and spending authority over the disbursement of District funds as set forth in CRS Section 24-90-112(2)(a). The Board shall monitor the status of the budget as funds are expended and conduct a yearly audit.

Section 5. The Board and the District Director will, at the close of each calendar year, prepare and make a report to the Delta County Board of County Commissioners showing the condition of its trust during the year, the sums of money expended, the purposes of such expenditures and any other such statistics and information which the Board deems to be of public interest.

Section 6. A Trustee shall avoid situations that could bring about a conflict of interest and, should a conflict of interest arise during the course of the business of the Board, shall abstain from participation and from voting on that matter. If, in the determination of at least five (5) Board members, a Trustee has a conflict of interest that cannot be resolved, the Board shall recommend to the appointing officials that the Trustee be removed from office.

Section 7. Except as otherwise directed by a majority of Board members, official statements of the Board shall be limited to the President of the Board and the District Director, subject to approval by the Board.

Section 8. The Board may accept such gifts of money or property for District purposes as it deems appropriate. The Board may also decline gifts or donations which do not meet the needs of the Library District.

Section 9. The Board shall have the authority to enter into contracts.

Section 10. The Board may acquire and hold land by gift, lease or purchase for District purposes and may lease, purchase or construct any appropriate buildings for Library purposes and acquire such other property as may be needed therefore.

Section 11. The Board may sell, assign, transfer or convey any property of the District, whether real or personal, which may not be needed in the foreseeable future for any purpose authorized by law. The Board, prior to the conveyance of such property, shall make a finding that the property shall not be needed in the foreseeable future for District purposes.

Section 12. The Board shall promote and support an active, strong library advocacy program in the community.

Section 13. The Board shall comply with the duties set forth in the Colorado Library Law.

Section 14. The Board is the governing entity for the Library District; Foundations and Friends of the Library groups are supportive citizen organizations which serve District interests. The roles of the trustees, the District Director and Foundations and Friends are related but distinct. Trustees represent citizen governance of the Library District; the Director represents administration and management; Foundations and Friends groups represent citizen participation within the District in the support of District efforts and goals.

## **Article Six: Meetings**

Section 1. The Board shall hold regular monthly meetings. The Board shall designate date, time and location for each meeting and provide public notice of said meeting at least 24 hours in advance as per CRS Open Meeting Law and shall abide by all requirements of Colorado law regarding open meetings.

Section 2. Any meetings of three or more Trustees at which any public business is discussed or at which any formal action may be taken are declared to be public meetings open to the public at all times as per Colorado Open Meetings law.

Section 3. Special meetings may be held at any time when called by the President or at the request of three Trustees. All Trustees must be notified 24 hours in advance of a special meeting and only items on the announced agenda may be discussed.

Section 4. A quorum of the Board consists of four (4) Trustees. The act of a majority of the Trustees present at a regular or special meeting at which a quorum is present shall be the act of the Board. A quorum may be declared by telephone or electronic transmission should an emergency vote be required, so long as notice is given pursuant to Section 6.3.

Section 5. The order of business for regular meetings shall include, but is not limited to, the following items and covered as nearly as possible in the following sequence:

- A. Call to order and roll call
- B. Public Comments
- C. Approval of the minutes from previous meeting(s).
- D. Financial reports and reports on the various libraries
- E. Unfinished Business and committee reports
- F. New business
- G. Discussion
- H. Adjournment

Section 6. Business at special meetings shall be limited to the stated topic at hand.

Section 7. Executive Sessions: Each executive session shall be held in accordance with provisions of C.R.S. 24-6-402. The matter to be discussed shall be identified in as much detail as possible without compromising the purpose of the executive session. The affirming vote of two-thirds of the quorum present may authorize an executive session. Matters to be discussed in any executive session must comply with requirements of C.R.S. 24-6-402(4a-g). Each executive session discussion will be electronically recorded in accordance with C.R.S. 24-6-402(2)(d.5)(II)(E). Such recording shall be retained for at least ninety (90) days. An electronic recording will not be made if an attorney representing the Board of Trustees, and who is in attendance, determines all or a portion of the discussion constitutes privileged attorney-client communications. Written minutes prepared for executive sessions need only state the topic of the session, in accordance with C.R.S. 24-6-402 (2)(d)(II).

Section 8. Parliamentary Authority: the Board shall use the latest revision of Roberts' Rules of Order to govern proceedings.

### **Article Seven: Committees**

Section 1. The Board may establish standing committees which make regular reports to the Board. These committees are described in Attachment B "Standing Committees Policy (July 2009)."

Section 2. Special committees may be authorized by the Board and appointed by the President with the approval of the Board for specific limited purposes and shall serve only until the completion of the assignment. Special committees will disband upon completion of the assigned task. The Board may also function as a committee of the whole.

### **Article Eight: General**

Section 1. Given a quorum, an affirmative vote of the majority of all members of the Board present at the time is necessary to approve any action of the Board. The President may vote upon and may move or second any proposal.

Section 2. The by-laws may be amended by the majority vote of all members of the Board, providing that all Board members have been given notice of the proposed changes prior to the meeting. The by-laws must be reviewed at least every five (5) years to assure compliance with Colorado Library Law.

Section 3. The Board may adopt, eliminate or modify policies at any time.

## **End of By-Laws**

The preceding by-laws, consisting of eight (8) articles and two (2) attachments, are intended to cover all major functions of the Delta County Libraries Board of Trustees and to replace previous by-laws and amendments. They were approved by the Board of Trustees on \_\_\_\_\_. Board member names and signatures (on original) are:

Laura Earley  
Jess Deegan  
Gayle Davidson  
Ann Eddins  
Ruth Pettigrew  
Lynda Campbell

ATTACHMENT A: Board Statement of Ethics  
ATTACHMENT B: Standing Committees Policy

## **Delta County Public Library District Board of Trustees**

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### **Bylaws Attachment A Board Statement of Ethics**

*Adapted from the American Library Association Ethics Statement for Public Library Trustees  
(2019)*

- Trustees must promote a high level of library service while observing ethical standards.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the institution.
- It is incumbent upon a trustee to recuse or abstain from an issue whenever the appearance of a conflict of interest exists.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution acknowledging the formal position of the board even if they personally disagree.
- A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
- Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.
- Trustees who accept appointment to a library board are expected to perform all of the functions of library trustees.

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## **Bylaws Attachment B STANDING COMMITTEES POLICY**

### **Revision Dates and General Definitions**

This revision dated 05/20/2020 overrides all previous versions of **Delta County Public Library District STANDING COMMITTEES POLICY** and any verbal/oral policies, actions and behavior in existence prior to this date.

No individual has the authority to override the provisions contained in Board policies either orally, in writing or by their actions.

The Board has the power to establish committees. The Chairperson of each committee shall make regular reports to the Board.

A committee is a Board Committee only if existence and authorization arises from a Board resolution, regardless of whether a Board members sits on the committee. The only authorized Board Standing Committees are those which are set forth in this policy and these will continue in existence until this policy is modified to remove authorization.

The Board may also authorize Ad Hoc Special Committees for special limited purposes. These Committees serve only until completion of the assignment.

### **Committee Restrictions**

Board committees have one essential role—to strengthen and support the work of the Board as a whole. Committees do not make decisions. They provide recommendations to aid the full board in making decisions. Board Committees are not to interfere with delegation from the Board to the Library Director, or from the Library Director to Library staff.

Board Committees act as focus groups that concentrate on necessary information and background to bring a recommendation to the board.

Board Committees most commonly assist the Board by undertaking activities not delegated to the Library Director, by preparing policy alternatives and implications for Board deliberation, or by performing specific monitoring functions. Board committees will normally not have direct involvement with current staff operations.

Board committees may not speak or act for the Board, except when formally given such authority for specific and/or time-limited purposes.

This policy applies to any group formed by Board action, regardless of name or inclusion of a Board member. It does not apply to committees formed under the authority of the Library Director.

Meetings (including those held by email or virtually) that include 3 or more Trustees shall be considered public meetings with appropriate notice to the public being required prior to the meeting. Additional requirements for these meetings are noted in the By-laws to ensure compliance with Colorado Open Meeting Laws.



**Board Standing Committees**

The only authorized Board Standing Committee is the Executive Committee. Other Standing Committees may be established by the Board if the need arises.

**Board Standing Committee Responsibilities**

The **Executive Committee** is responsible for reviewing, developing, recommending, and modifying all policies and handbooks for the Library. Each library policy will be reviewed at least once every 3 years to ensure it is still valid, needed and current. The Committee is also responsible for reviewing the By-laws and recommending modifications as needed. The Committee is also responsible for reporting legislative changes to the Board that affect the Library. On a monthly basis the committee sets Board agendas with the District Director and reviews topics for discussion with the District Director. The Executive Committee is also responsible for performing the Library Director’s evaluation using a method developed by the Board.

The President of the Board and the Vice President of the Board comprise the Executive Committee.

**Board Standing Committee Membership**

After the yearly Board Officer election, the newly elected President will make committee assignment recommendations with final approval by the Board. If three or more Trustees are appointed to a committee, all meetings of that committee fall under the Colorado Open Meeting law which requires prior public notice and minutes. Committee members can be selected from outside the Board to provide needed or desired expertise and experience. The Library Director will serve as a non-voting ex-officio member of each committee, with the exception of the hiring of a Library Director.

A Committee member may be removed by the Board at any time when at least 5 Trustees vote to remove the member. When a vacancy occurs on any Committee, the President of the DCPLD Board will name a replacement as soon as possible. All Committee assignments will be documented in the Board minutes.

Approved by Delta County Public Library District Board of Trustees

\_\_\_\_\_  
President Date

\_\_\_\_\_  
Secretary Date