

BOARD OF TRUSTEES
Adopted June 8, 2010

Article I. Name and authorization

The name of this organization is the Board of Trustees of the Holmes Public Library, existing by virtue of the provisions of Chapter 78, Sections 10-13 and 21 of the Massachusetts General Laws and the By-Laws of the Town of Halifax.

ARTICLE II. Purpose and Objective

The Holmes Public Library exists to serve the residents of Halifax, Massachusetts and, in accordance with the requirements of the Massachusetts Board of Library Commissioners, residents of other Massachusetts towns who hold library cards in good standing to their home libraries.

Article III. Membership

Section 1: Trustees shall be six in number, elected in accordance with Chapter 76, Section 10 of the General Laws of Massachusetts: A town... shall ... elect by ballot a board of trustees consisting of any number of persons, male or female, divisible by three...one third shall be elected annually for a term of three years.¹

Section 2: Any member may resign by written notice filed with the Town Clerk and the Chairperson as provided for in MGL, Chapter 41, Section 109. Upon receipt of the notice, the Chairperson will notify the remaining members of the board. The secretary shall then, within 14 days, notify the Board of Selectmen in accordance with Chapter 32-5 of the Town By-laws and request a meeting with the Board of Selectmen. A vacancy on the Board shall be filled by joint majority vote of the Board of Library Trustees and the Board of Selectmen in accordance with MGL, Chapter 41, Section 11.

Section 3: Any member who fails to attend four consecutive regularly scheduled board meetings will receive a letter from the Chairperson reminding the member that regular attendance is a responsibility of all trustees and that those unable to attend regularly should consider resigning from the Board. In the event of illness or other extenuating circumstances, exceptions to this provision may be made by formal vote of the Board.

Article IV. Powers and Duties

Section 1: The Board of Trustees shall exercise the powers and authority and assume responsibilities delegated to it under Chapter 78, Section 11 and 12 of the General Laws of Massachusetts as follows:

Section 11: The Board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money and property which the town may receive by gift of bequest for said library and reading room shall be administered by the board in accordance with such gift and bequest. The board of any library for the purpose of improving services of said library, may enter into an agreement with the board and boards of any neighboring library or libraries, to pay for services in common, such as payments to be shared in accordance with the terms of agreements.

¹ Section 10 allows towns to have "any number" of trustees which is "divisible by three." One third of the membership is elected each year for a three year term.

Section 12: The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance and of money and any gifts or bequests which it holds on behalf of the town with its recommendations.

Section 2: The board shall establish policies governing library activities and services; including a policy for the selection of library materials and the use of library materials and facilities which is in accord with the current standards of the American Library Association as provided for by the MGL, Chapter 78, Section 33.

Section 3: The board shall hire a library director and execute a written employment contract with the Library Director outline the basic conditions of employment as provided by MGL, Chapter 78, Section 34.

Section 4: The board shall designate to the director the following responsibilities:

- Implementation of policies approved by the board
- Supervision of services and programs
- Selection and purchase of books and other library materials and equipment
- Selection and management of personnel
- Care and maintenance of library property
- Keeping of financial records and presentation of a financial summary at each board meeting
- Preparation of a budget for scrutiny and adoption by the board and presentation and explanation of said budget at hearing and town meetings
- Implementation of an ongoing program of planned growth and improvement of the library and its services
- Recommendation to the board policies necessary for administering the library, its programs, and its services effectively

Section 5: In order to exercise its duties properly, the board will instruct the library director to attend all board meetings and to keep the board informed of important library issues which may arise between meetings.

Section 6: The board shall engage in an on-going planning process which assesses the needs of the library and the role of the library in the community; and ensure that the library meets those needs. The board shall advise the director.

Section 7: Through the library director, the board shall monitor the maintenance of buildings and grounds, and regularly review facility needs to see that they meet the requirements of the total library program.^{2,3}

² Municipal & School Building Committee Duties. [Amended 5-9-1994 ATM, Art. 41] It shall be the duty of the Municipal and School Building Committee to build, erect and otherwise provide new buildings or additions and renovations to existing buildings as directed by the town and to be responsible for major maintenance and repair projects as directed by the Board of Selectmen. (Town of Halifax Bylaws§ 13-15.)

³ Municipal and School Building Committee Membership: ...In addition thereto, the head of the department under whose ultimate jurisdiction the proposed building will come shall automatically be an ex officio member for the duration of the construction or equipping or erection or renovation of that building. (Town of Halifax Bylaws§ 13-13.)

Section 8: The board shall speak and act as an advocate for the library in the community and participate in an active public relations program. The board shall study and support legislation which will benefit the library and the larger library community of which it is a part.

ARTICLE V. Officers

Section 1: The officers shall be a chairperson, a vice-chairperson and a secretary⁴, elected annually at the first regular meeting after the annual town election. The term of office shall be one year. The officers shall not be elected to more than two successive terms with a term being designated as one calendar year.

Section 2: The chairperson shall preside at all meetings of the board; rule on procedure; appoint all committees; serve as ex-officio member of all committees of the board; serve as official representative of the board, fulfill all legal functions on behalf of the board; and generally perform all duties associated with that office.

Section 3: The vice-chairperson, in the absence of the chairperson, shall perform the duties of the chairperson and other duties to be determined in support of the chair.

Section 4: The secretary shall keep a true and accurate record of all meetings of the board in a form available for perusal on request in accordance with Chapter 13, Article 1 of the By-laws of the Town of Halifax; shall be responsible for correspondence and communication; and shall see to it that members are reminded of regularly scheduled meetings and special meetings from 2 to 7 days in advance; and shall file with the town clerk at least 48 hours in advance a notice of all meetings in accordance with Chapter 372 of the Acts of 1978.

Section 5: In case of the absence of either officer, such officer pro tem shall be chosen by a majority of those present.

ARTICLE VI. Meetings

Section 1: Regular meetings shall be held monthly at the library, the date and the hour to be decided by the board at its first regular meeting after the town election. Regular attendance is expected. A Trustee is expected to give advance notice to either the chair or library director whenever he/she cannot attend a meeting.

Section 2: Special meetings may be called by the chairperson or at the request of 2 or more trustees.

Section 3: An agenda shall be prepared by the library director with the board chairperson and sent to each board member at least 3 days in advance of the regular meeting. The agenda shall include: call to order; approval of minutes of previous meetings; report of the chairperson; report of the library director; reports of other library staff; reports of committees; action items and other business.

⁴ MGL Chapter 78, Section 10, authorizes the town to vote to establish an office of Board Treasurer. The legislation specifies that: "Until the town otherwise directs, the town treasurer shall act as treasurer of the board of trustees."

Section 4: A quorum for the transaction of business at any meeting shall consist of a majority (4) of the board present in person.⁵

Section 5: All meetings of the board shall be subject to the State's Open Meeting Law as contained in the MGL, Chapter 39, Section 23A-C. in particular, all meetings are open to the public unless held in executive session under terms of the law. A notice of all meetings will be filed with the Town Clerk at least 48 hours in advance of the meeting date and time, and a copy of the notice will be posted in Town Hall, All records of minutes of meetings will be available for public inspection.

Section 6: Any person adjudged to be unruly may be removed from an open meeting of the board by the presiding officer.

ARTICLE VII. Committees

Section 1: The chairperson shall appoint committees⁶ of one or more members each for such specific purposes as the business of the board may require from time to time. The committee shall be considered to be discharged upon completion of the purpose for which it was appointed and after a final report is made to the board.

Section 2: All committees shall make progress reports to the library board of its meetings.

Section 3: No committee will have other than advisory powers unless, by suitable action of the board, it is granted specific power to act.

ARTICLE VIII. Collective Authority of the Board

All decisions of the board are made by the board as a collective body. No individual member may make decisions or, with the exception of the chairperson, act or speak for the board unless specifically authorized to do so by a vote of the membership of the board.

ARTICLE IX. Parliamentary Rules

Except as provided for by these by-laws, the current edition of Robert's Rules of Order shall govern.

ARTICLE X. Amendments

These by-laws may be amended at any regular meeting of the board with a quorum present, by a majority vote of the members present, providing that a motion presenting the amendment was duly made and seconded at the previous regular meeting.

ARTICLE XI. Inconsistent Provisions

To the extent that any provision of these by-laws is inconsistent with any provision of the Massachusetts General Laws or the Town by-laws, the Massachusetts General Laws or the Town by-laws, as the case may be, shall govern.

⁵ The quorum is usually a majority of the board membership

⁶ Standing committees are not usually necessary. Board which do have standing committees should consider whether committee functions dealing with internal operations (budget preparation, collection development, personnel administration, etc) are more appropriate for the library director to perform, or whether functions concerning policy issues can be more effectively performed by the full board.

Possible Language for Standing Committees:

The duties of Standing Committees, in conjunction with the library director, are as follows:

-Finance and Budget: The Finance and Budget committee will prepare an annual budget, represent the board at Finance Committee meetings during which the library budget is discussed, monitor the financial performance of the library against the budget, and propose appropriate actions in response to variations in the financial needs of the library.

-Building and Equipment: The Building and Equipment committee will prepare and continually update a five year plan for the repair, maintenance and enhancement of the library building and facilities, and for the implementation of any new equipment. The plan should reflect the needs of the upcoming year and the five year schedule of necessary or desired building, facilities or equipment improvements.

-Development and Planning: The Development and Planning committee will prepare a comprehensive plan for the library that reflects the goals and plan of service most recently developed through the planning process. The plan will include:

1. an implementation schedule for required investments in building or capital equipment as identified by the building and equipment committee
2. a collection acquisition plan as needs and interests of the community become apparent
3. a needs analysis of staffing levels and hours of service
4. recommendations to the board and budget and finance committee

APPENDIX Applicable Massachusetts General Laws

MGL, ch 78, sec 10 deals with how the town selects trustees, elections and makeup of the board

MGL, ch 78, sec 11 deals with the powers and duties of a trustee

MGL, ch 78, sec 12 requires the trustees to issue an annual report to the town on receipts and expenditures

MGL, ch 78, sec 13 deals with non-applicability of the previous sections to library associations and libraries organized under a special act

MGL, ch 78, sec 33 requires the trustees to adopt a written policy for the selection of library materials

MGL, ch 41, sec 109 deals with the resignation of town officers and residential requirements for holding office

MGL, ch 41, sec 11 outlines the requirements a town must take to fill such a vacancy, nb, selection must be included in the process

MGL, ch 39, sec 23A defines words in the preceding sections

MGL, ch 39, sec 23 B explains open meetings and executive sessions and under what criteria an executive session may be called

MGL, ch 39, sec 23C allows presiding officer in an open meeting to remove unruly persons