

Bylaws of the Daviess County Public Library District

ARTICLE I -- AUTHORITY

SECTION 1: GENERAL AUTHORITY

The Daviess County Public Library District is a library taxing district and is supported by tax assessments. State authority for the creation and operation of the Library as a separate independent taxing district (which operates outside of Daviess County government and Owensboro City government) is found in **KRS 173, et seq.**, **KRS 67.715**, **KRS 67.083**, and **KRS 65.182**. Local authority for the establishment of the Library as a separate taxing district is in **KOC 220.11(95)**.

SECTION 2: NAME

The Daviess County Public Library District ("DCPL" or "Library" or "District") may be commonly known or referred to as the Daviess County Public Library.

ARTICLE II -- BOARD OF TRUSTEES

SECTION 1: MEMBERSHIP

The membership of the Board of Trustees of the Daviess County Public Library ("Board") shall consist of five (5) members. The Board is a corporate body with perpetual succession (**KRS 173.350(1)**) in which is vested management and control of the Daviess County Public Library (**KRS 173.340(1)**) for the primary purpose of providing library service to all rural and city residents who reside within Daviess County Kentucky.

SECTION 2: SERVICE, APPOINTMENT AND CONDUCT

A Trustee may serve for two (2) consecutive terms after which the Trustee shall not be eligible to immediately succeed to another open position. Each Trustee shall hold office until a successor trustee is duly appointed to the next term or the unexpired term. Trustee nominations are made by the Board and sent to the Kentucky Department for Libraries and Archives for review and recommendation. The Kentucky Department for Libraries and Archives sends the recommended list to the Daviess County Judge Executive for appointment from the list of eligible candidates, as set forth in **KRS 173.725** to **173.730**.

Trustee's absence from four (4) regularly scheduled monthly meetings of the Board during any one single year of the Trustee's term shall constitute an automatic resignation from the Board by such trustee. For the purpose of determining attendance, the initial year of each trustee's term shall be deemed to begin on the date of his/her appointment to the Board, and thereafter the year of each trustee's appointment shall be on the basis of a calendar year.

SECTION 3: TERM OF OFFICE

Members of the Board shall serve on the Board in accordance with the term of office specified by the appointing authority at the time of appointment, however said term shall not exceed four (4) years. Members shall hold membership until their respective successors are appointed and qualified.

SECTION 4: COMPENSATION AND EMPOWERMENT

Members of the Board shall not receive compensation for their services as a member of the Board but shall be reimbursed for their actual expenses incurred in the performance of their Board duties upon vouchers duly approved by the Board.

The Board is empowered to:

- a) Employ a competent and qualified Library Director, and who shall be certified in accordance with the provisions of **KRS 171.240 to 171.300**. The Board may also employ other persons as recommended by the Library Director to operate the Library program efficiently
- b) Establish, equip and maintain a Library or Libraries or contract with existing libraries for the furnishing of library services for the District and do all things necessary to provide efficient library services to residents of Daviess County, Kentucky.
- c) Sue and be sued, complain and defend, purchase or lease real property or facilities; purchase, lease, occupy, modify, remodel or erect appropriate buildings for the use by the District's Library and any branches that may be established by the Library; sell and convey real and personal property for and on behalf of the District; receive gifts of real and personal property for the use and benefit of the District. Any real property, personal property, or facilities gifted or transferred to the Board shall be held and controlled by the Board according to any conditions set forth in the terms of the deed, gift, devise or bequest of such property.
- d) Borrow money on the credit of the DCPL in anticipation of the revenue to be derived from taxes levied by the District for the fiscal year in which the money is borrowed and to pledge the taxes levied by the District for the payment of the principal and interest of the loan. The interest paid shall not exceed the legal per cent per annum and the principal shall not exceed 50 per cent of the anticipated revenue for the fiscal year for which the money is borrowed.
- e) Determine and adopt policies and procedures to govern the operation of the Library.
- f) Determine the purposes of the library and oversee and evaluate needed Library programs.
- g) Know the library needs of the community; keep abreast of current standards and library trends.
- h) Approve and assist in the preparation of the annual budget.
- i) Be generally familiar with state library laws and regulations.
- j) Attend all Board meetings and ensure that accurate records are kept on file in the library.
- k) Attend regional, state and national trustees meetings and workshops and affiliate with the appropriate professional library organizations when deemed necessary.
- l) Be aware of the services of the Kentucky Department for Libraries and Archives.
- m) Report Annually to the Department for Libraries and Archives and Daviess County Clerk in accordance with **KRS 173.770**.

- n) Employ or retain in its discretion, a regularly licensed attorney to advise on all matters pertaining to its duties.
- o) The Board in the exercise of its power shall be guided by the regulations and requirements of the Department for Libraries and Archives.

SECTION 5: VACANCIES

When a Trustee's term expires or when a vacancy occurs during an unexpired term of a Trustee, the Board shall recommend to the Kentucky Department for Libraries and Archives two (2) persons who are willing to commit personal time and energy to providing library services in Daviess County, Kentucky. The State Librarian shall send those names to the Daviess County Judge/Executive, who may appoint a trustee from the list of names from those recommended and upon the approval of the Fiscal Court, all as set forth in **KRS 173.730**.

ARTICLE III -- LIBRARY OBJECTIVES

The objectives of the Daviess County Public Library District shall be the following:

- a) To assemble, organize, preserve and make easily available significant books, other printed material, computer and Internet technology, and audio-visual aids that will provide intellectual stimulation, education and recreation for all the citizens of this community; and to keep the public aware of the library services available to them;
- b) To anticipate and evaluate changing needs, requirements and demands of the community; to maintain a fresh and topical supply of material to aid in continuous education of the people; and to stimulate the flow of ideas among all groups of the community;
- c) To exercise leadership in the community and take the initiative in suggesting pertinent material on problems that become known;
- d) To support lifelong learning for all and to address the desire for self-directed personal growth and development opportunities;
- e) To provide the community with the most and the best service possible by regularly evaluating potential for improving the library facilities consistent with existing and anticipated financial conditions; and,
- f) To provide support and encouragement of educational, civic and cultural activities of groups and organizations.

ARTICLE IV -- OFFICERS

SECTION 1: ELECTION

Officers of the Board of Trustees shall be elected by the Board at a regular fall meeting. The offices shall be as follows: President, Secretary and Treasurer.

SECTION 2: TERM OF OFFICE

Officers shall be elected for a term of two (2) years and shall continue to serve until a successor is elected and qualified.

ARTICLE V - DUTIES OF OFFICERS

SECTION 1: PRESIDENT

The President shall preside at all regular, special and emergency meetings of the Board and is eligible to vote on all matters coming before the Board. The President shall appoint all special committees of the Board and can serve as an *ex-officio* member at any special committee meeting. The President shall have the responsibility for preparing all agendas, for conducting all meetings in an orderly manner and for performing generally those duties of a presiding officer. The President shall serve as the Board's spokesperson to the community and perform whatever duties may be necessary to coordinate, express and enact the policies and purposes of the Board.

SECTION 2: SECRETARY

The Secretary shall keep a true and accurate account of all the proceedings of the Board meetings. The Secretary shall have custody of the official minutes and other official records of the Board. The Secretary shall be responsible for issuing all notices of regular meetings, special meetings, and emergency meetings and shall handle all correspondence from the Board. The Secretary shall keep records of the attendance of Board members at regular monthly meetings; notify any member who has missed three (3) regular meetings in anyone year of his/her term; and notify any member of his/her automatic resignation upon missing four (4) regular monthly meetings in any one year of his/her term. The Secretary shall perform all the duties and assume all the responsibilities of the President in his/her absence at any regular, special or emergency meeting of the Board.

SECTION 3: TREASURER

The Treasurer, on behalf of the Board, shall oversee custody of all money, securities and obligations belonging to the Library and shall oversee the funds, securities, and obligations belonging to the District. The Treasurer shall see that proper records are kept showing receipts and disbursements of the Board with vouchers in support thereof. The Treasurer shall prepare or oversee the preparation of a financial report for presentation at the regular meetings of the Board. Bills payable of the Library shall be paid by checks approved by the Treasurer and reviewed by the Board, duly recorded in the minutes of the Board meeting, and signed by two of the following: President, Treasurer, and/or Library Director. The Treasurer shall perform all duties as required by the President and the Board. The Treasurer shall cause to be prepared an annual budget and submit same to the appropriate government agencies containing in detail an estimate of the money necessary for the Library for the ensuing year, and do all other acts necessary for the orderly and efficient financial management of the library. The Treasurer shall give a bond to the Commonwealth of Kentucky pursuant to **KRS 173.500**.

ARTICLE VI -- MEETINGS

SECTION 1: REGULAR MEETINGS

The regular meeting of the Board shall be open to the public and held each month, the date, time and location shall be announced at each meeting for the following month.

SECTION 2: SPECIAL MEETINGS

Special meetings may be called by the President upon the request of three (3) members of the Board for the transaction of business as stated in the call for the meeting.

SECTION 3: TAX RATE

Library funding shall be based upon the collection of taxes assessed to all residents of Daviess County, Kentucky, consistent with authority in **KRS 132.023**. Annually, the Board shall meet and establish a tax rate for the next calendar year. In establishing the tax rate, the Board shall, among other things, consider the following:

- a) The existing tax structure for other library taxing districts in the Commonwealth of Kentucky of similar or greater size;
- b) The then-current year revenues and expenses and the anticipated expenses for the forthcoming year;
- c) Any special or unusual needs or expenses anticipated by the Library and its professional staff;
- d) The effect of changes in law or regulations which may impact the collection of taxes or the amount of taxes generated; and,
- e) Any other matters considered relevant by the Board.

Any meetings during which the establishment of a new tax rate will be discussed shall identify that purpose under the heading "New Business."

SECTION 4: PHOTOGRAPHIC AND RECORDING EQUIPMENT

Except for the permitted audio recording of the meetings by the recording secretary for the Board, photographic and other recording equipment shall not be permitted at meetings of the Board of Trustees without a unanimous vote of members in attendance at such meetings.

SECTION 5: REQUEST FOR AGENDA ITEM

- a) Any person from the general public may request an agenda matter for hearing by the Board during a regularly scheduled Board meeting. However, any such request from a person or group of persons must be made in writing, including the specific subject requested for discussion or comment, at least fourteen (14) days prior to a regular Board meeting. The Board shall then schedule the matter on the agenda and inform the person or group of persons of the date of the hearing.
- b) Anyone wishing to address the Board shall be required to provide his/her name and residence address.
- c) In the event there is a group of persons appearing to speak on one subject or agenda item or a

group from the same organization, such group shall appoint a spokesperson who may be limited in speaking time as determined by the chair of the meeting.

- d) Any person appearing before the Board to speak on an item requested for the agenda shall be required to deliver to the Board, prior to the presentation thereof, a signed copy of the statement that is to be made before the Board. Each person presenting said statement shall be required to sign said statement individually and in the capacity in which he/she represents a group, if any.

SECTION 6: LIMITATION OF PUBLIC COMMENT TIME

The Chair of any meeting of the Board may limit the time allocated to speakers during meetings in which members of the public speak during the segment identified in the agenda for such public comment purposes.

SECTION 7: CONDUCT OF MEETINGS

Proceedings of all meetings shall be governed by *Roberts Rules of Order Newly Revised*.

ARTICLE VII -- COMMITTEES

The President shall appoint committees of one (1) or more members each for such specific purposes as the business of the Board may require from time to time. The committee shall be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board. All committees shall make a progress report to the Board at each of its meetings. No committee will have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.

ARTICLE VIII -- VOTING

Each member of the Board shall be entitled to one (1) vote on all matters brought to a vote during a regular or special meeting in which said member of the Board is present and providing a quorum is present at the time. No voting shall be done by proxy.

ARTICLE IX -- QUORUM

A simple majority of the members of the Board officially holding appointments from the appointing authority shall constitute a quorum, and a quorum shall be necessary for the transaction of any official business. If the quorum at a meeting consists of only three members of the Board, its vote upon any official business brought before them must be unanimous to constitute official action of the Board.

ARTICLE X -- ORDER OF BUSINESS

The regular order of business to be conducted at meetings of the Board shall include, but not be limited to, the following items:

1. Call to Order

2. Approval of Minutes of previous meeting
3. Treasurer's Report and Approval of Expenditures
4. Director's Report
- 5.
6. Committee Reports
7. Old/Unfinished Business
8. New Business
9. Public Comment
10. Adjournment.

ARTICLE XI -- FISCAL YEAR

The fiscal year of the Daviess County Public Library District Board of Trustees shall commence July 1 and close June 30 each year.

ARTICLE XII -- DUTIES OF EXECUTIVE DIRECTOR LIBRARIAN

The Executive Director Librarian shall be the technical advisor to the Board and the administrator of the library program of the District, and shall include, but not be limited to, the following:

- a) Attend all Board meetings except those at which his/her tenure, appointment or salary is discussed or decided;
- b) Implement procedures to carry out the policies of the Library as adopted by the Board;
- c) Maintain the operation of the Library under the financial conditions set forth by the Board and in the annual budget;
- d) Employ all Library personnel, supervise their work, and submit regular reports to the Board during the Board Meetings, and at other times as may be requested;
- e) Manage the real property and all physical facilities of the Library, including any branch or branches that may be established by action of the Board;
- f) Arrange for the selection and purchase of books, research information and other library materials for addition to the Library's volumes, and develop and recommend policies to the Board for the deletion of outdated materials from the Library's references and volumes;
- g) Formulate and recommend plans to the Board for extending the use of Library facilities and services to all parts of the District; and,
- h) Draw up the regular meeting agendas, in consultation with the President, for Board meetings.

ARTICLE XIII -- ADVISORY BOARD

SECTION 1: GENERAL AUTHORITY

Pursuant to authority of **KRS 173.490(1)**, the Board may by specific action establish an advisory board and appoint members thereto ("Advisory Board"). The primary purpose of the Advisory Board is to become familiar with matters of the Board in providing library service to all rural and city residents who reside within Daviess County Kentucky, and to participate in discussions concerning such matters. Notwithstanding the foregoing, members of the Advisory Board shall not participate in any closed sessions of the Board, and shall not have authority to vote on matters brought before the Board. Nothing herein shall be construed as requiring the Board to create or to maintain an Advisory Board.

SECTION 2: MEMBERSHIP

If created, the Advisory Board shall consist of not less than two (2) and not more than five (5) members. At least one (1) member of the Advisory Board shall be a former Trustee and member of the Board. Appointments to the Advisory Board shall be recommended by a member of the Board, and subject to a vote of approval by the Board.

SECTION 3: SERVICE, APPOINTMENT AND CONDUCT

An Advisory Board member may serve for two (2) consecutive terms after which the Advisory Board member shall not be eligible to immediately succeed to another open position. An Advisory Board member's absence from four (4) regularly scheduled monthly meetings of the Board during any one single year of the Advisory Board member's term shall constitute an automatic resignation from the Advisory Board by such member. For the purpose of determining attendance, the initial year of each Advisory Board member's term shall be deemed to begin on the date of his/her appointment to the Advisory Board, and thereafter the year of each trustee's appointment shall be on the basis of a calendar year. Members of the Advisory Board may be appointed to standing and temporary committees of the Board, and shall have authority to vote on recommendations to the Board.

SECTION 4: TERM OF OFFICE

A single term of membership to the Advisory Board shall be two (2) years.

ARTICLE XIV -- COMPLIANCE

This Board, recognizing that it receives its legal status as a corporate body under the Revised Statutes of the Commonwealth of Kentucky, shall periodically review its library operation and policies to ascertain that the Library is in substantial compliance with all statutes and regulations Statutes pertaining to libraries with respect to the operation of the DCPL.

ARTICLE XV -- AMENDMENTS TO BYLAWS

SECTION 1: REVIEW

The Board shall review the Bylaws every three (3) years. Said review to be initiated by the Secretary.

SECTION 2: AMENDMENTS


The Bylaws of the Daviess County Public Library District, as officially adopted, shall be amended only in accordance with the following procedure:

All members of the Board shall first be furnished a written copy of the proposed changes and/or amendments at least ten (10) days prior to any official vote on said proposed changes and/or amendments.

Three (3) favorable votes of the members of the Board at a regularly scheduled meeting shall be deemed sufficient to adopt any changes and/or amendments to these Bylaws, provided further that the procedural provisions of this Article have been met.

Wherefore by motion duly made by James Kuhlman and seconded by Michelle Drake that the revised Bylaws as set forth herein be adopted by the Board, called for a vote and passed unanimously, and declared by the President to be the official Bylaws of the Board of Trustees of the Daviess County Public Library District effective as of the 16th day of May, 2018.

ATTESTED BY:


James R. Kuhlman, Secretary, Board of Trustees
Daviess County Public Library District

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