



# Manhattan-Elwood PUBLIC LIBRARY DISTRICT

## BY-LAWS

240 Whitson Street, P.O. Box 53  
Manhattan, IL 60442

### ARTICLE I NAME

The name of this district shall be MANHATTAN-ELWOOD PUBLIC LIBRARY DISTRICT. The principle location is 240 Whitson Street, Manhattan, Illinois, serving the Villages of Manhattan and Elwood; Jackson Township and Manhattan Township.

### ARTICLE II MEMBERSHIP

- Section 1 The Board shall consist of seven (7) members, residents of Manhattan-Elwood Public Library District, elected for a four (4) year term. The election shall be staggered, three (3) members to be elected in one election, the next four (4) members to be elected in the following election.
- Section 2 Vacancies occurring on the Library Board shall be filled as prescribed by Library Law. When considering a candidate to fill a vacancy, it is the goal of the Library District to choose an appointee from an area of the district that does not have adequate representation. Trustees are encouraged to appoint someone who is non-related to any employee or trustee to avoid instances where conflict of interest could arise whereby the trustee would have to be recused from discussion and action.
- Section 3 As allowed by law, absence without cause from all regular board meetings for a period for one year shall be a basis for declaring a vacancy.
- Section 4 Library Board Members are subject to all circulation rules imposed upon all patrons.

### ARTICLE III FINANCIAL/FIDUCIARY RESPONSIBILITIES

#### A. FINANCES

1. An annual library budget shall be prepared by the Board of Trustees and the Library Director.
2. Once the budget is approved, the Treasurer and by designation, the Library Director acting under the authority of the Library Board of Trustees, of the Manhattan-Elwood Public Library District shall pay monthly expenses not to exceed the budgeted amount without library board approval. A financial report will be presented monthly at Board meetings.
3. The Board must formally approve any expenditures, transfers, or loans made from any bond funds, special fund, or other non-operating funds over which the Board has control. The Board may make expenditures, transfers, and loans as permitted by existing statutes, ordinances, and other applicable laws.

#### B. INVESTMENT OF PUBLIC FUNDS

**Purpose:**

The purpose of this policy statement is to outline the responsibilities, general objectives, and specific guidelines for management of public funds by the Manhattan-Elwood Public Library District.

**Responsibilities:**

All investment policies and procedures of the Manhattan-Elwood Public Library District will be in accordance with Illinois law. The authority of the Library Board of Trustees to control and invest public funds is defined in the Illinois Public Funds Investment Act, and the investments permitted are described therein. Administration and execution of these policies are the responsibility of the Treasurer, and, by designation, the Library Director acting under the authority of the Library Board of Trustees. Investments, fund balances, and the status of such accounts will be reported at each regularly scheduled meeting of the Library Board.

**Objectives:**

In selecting the financial institutions and investment instruments to be used, the following general objectives should be considered:

- Safety
- Maintenance of sufficient liquidity to meet current obligations
- Return on investment
- Simplicity of management

**Guidelines:**

The following guidelines should be used to meet the general investment objectives:

1. Safety -
  - a. Investments will be made only in securities guaranteed by the U.S. Government, or in FDIC or FSLIC insured institutions. Deposit accounts in banks or savings and loan institutions will not exceed the amount insured by FDIC or FSL coverage.
  - b. Authorized investments include and will primarily consist of Certificates of Deposit, Treasury Bills and other securities guaranteed by the U.S. Government, participation in Illinois Funds, the State of Illinois' Public Treasurer's Investment Pool, and any other investments allowed under Illinois State law that satisfy the investment objectives of the Library District.
2. Maintenance of sufficient liquidity to meet current obligations - in general, investments should be managed to meet liquidity needs for the current month plus one month (based on forecasted needs).
3. Return on investment - Within the constraints of Illinois law and this investment policy, every effort should be made to maximize return on investments made. All available funds will be placed in investments or kept in interest bearing deposit accounts at all times.
4. Simplicity of management - The time required by Library Administrative Staff to manage investments shall be kept to a minimum.

**C. INSURANCE**

1. The Board of Trustees shall determine that the property of the Library is adequately insured against loss and damage.
2. The Board shall likewise determine that the Library carries sufficient General Public Liability Insurance, Workman's Compensation and any other type of insurance which it considers necessary.
3. Should the Errors & Omissions Insurance be used, any deductible is to be paid by the Library District unless the conduct which results in a claim is willful or intentional.

#### D. MEETINGS AND WORKSHOPS

1. In order to render the best service possible to the community, it is very important that the Library Director and the Board of Trustees keep informed of Library activities in other communities, and participate in study workshops.
2. Because it is an advantage to the Library as well as to the Library Director and Staff to participate in any of these activities whenever possible, the Board will pay staff and trustee expenses (mileage, parking fees, meals, registration fees, etc.) for meetings, conferences, workshops, study courses, etc. subject to the Local Government Travel Expense Control Act, P.A. 099-0604 (effective 1/1/17).

#### E. SALE OR DISPOSITION OF REAL PROPERTY (75 ILCS 5/4-16)

When the board of trustees has determined to sell or otherwise dispose of real or personal property that it deems no longer necessary or useful for library purposes, such may be sold or disposed of at a public sale, but the corporate authorities shall have the first right to purchase such property for public or corporate purposes by meeting bids acceptable to the board.

1. Personal property of any value may be donated or be sold to any other tax supported library or to any library system operating under the provisions of the Illinois Library System Act under such terms or conditions as the board may determine.
2. Personal property having a unit value of \$1,000 or less may be disposed of as the board may determine.
3. Personal property having a unit value of more than \$1,000 but less than \$2,500 may be displayed at the library, and a public notice of its availability, the date and the terms of the proposed sale shall be posted.
4. In all other cases, the board shall publish notice of the availability and location of the real or personal property and the date and terms of the proposed sale, giving such notice once each week for 2 successive weeks. Such notice shall be published in one or more newspapers published within the city, incorporated town, village or township, or, if there is no such newspaper, then at least once in a newspaper of general circulation in the city, incorporated town, village, or township.

On the day of a sale conducted pursuant to the provisions of this Section the board shall proceed with the sale and may sell such property for a price determined by the board, or, to the highest bidder. Where the board deems the bids inadequate, it may reject such bids and re-advertise the sale.

(Source: P.A. 84-770.) (75 ILCS 5/4-16) (From Ch. 81, par. 4-16)

#### F. FIDUCIARY RESPONSIBILITIES

It is well established that a public officer occupies a fiduciary relationship to the political entity on whose behalf he serves.

The fiduciary responsibilities of a public official are the same as those owed by a private individual...Fiduciaries, in general, owe a duty of good faith toward those whose repose confidence in them and must act in the best interests of those whose trust the fiduciary receives.

Other Illinois courts have specifically defined fiduciary duties as "duties of good faith, loyalty and honesty."

The fiduciary duties owed by a public official to the political entity on whose behalf he serves are so well established as to need no citation of authority to support them. They include the requirement of undivided, unselfish, and unqualified loyalty, of unceasing effort never to profit personally at corporate expense, of unbending disavowal of any opportunity which would permit the fiduciary's private interests to clash with those his corporation. These duties are rooted not only in elementary rules of equity but also in business morality and public policy.

#### ARTICLE IV OFFICERS

Section 1 The Officers of the board shall be a President, a Vice-President, a Secretary, and a Treasurer.

Section 2 The Officers shall be elected at the first regular meeting following the third Monday in May (when Trustee terms begin) for a term of two (2) years. Vacancies in office shall be filled forthwith by the Board soon after the vacancy occurs.

- Section 3 The President of the Board shall preside at all meetings, appoint all committees, and in general perform the duties of a presiding officer. The President is a voting member of the Board.
- Section 4 The Vice-President, in the event of the absence or disability of the President or of a vacancy in that office, shall assume and perform the duties and functions of the President.
- Section 5 The Secretary of the Board or appointee shall keep a true and accurate account of the Board Meetings, record attendance, record all votes, absentees and abstentions from voting, shall issue notices of all regular meetings called, and shall perform such duties as may properly belong to the office or be delegated by the President or by action of the Board. Minutes will be approved at the next open meeting and be available to the public within ten days.
- Section 6 The Treasurer, and, by designation, the Library Director acting under the authority of the Library Board of Trustees shall keep and maintain accounts and records of the Library during their term of office, indicating therein, a record of all receipts, disbursements, and balances in any funds. The Treasurer must be bonded or insured with the cost to come from general library funds. ILCS 16/30-45d
- Section 7 In the absence of the Treasurer, all Officers have the authority to sign checks.

## ARTICLE V MEETINGS OF THE BOARD

- Section 1 The regular monthly meetings of the Board of Trustees shall be held on the fourth Monday of each month at 4:30 p.m. at in the Library.
- Section 2 The Budget and Appropriation Ordinance and Tax Levy Ordinance are to be prepared as prescribed by law.
- Section 3 Special meetings may be called by the President or Secretary or any four Trustees.
- Section 4 All meetings shall comply with the Open Meeting Act. (ILSC 16/30-50) including:
- A. Keeping a verbatim record of all closed meetings.
  - B. Trustees may attend Public Meetings by conference by video or audio conference with the following provisos:
    - 1. The Trustee wishing to attend via video or audio conference must give advance notice unless it is impractical.
    - 2. A quorum of the Board must be physically present at the meeting location.
    - 3. A majority of the Board must vote in favor of attendance via video or audio conference either by a general rule or on a case by case basis.
    - 4. Reasons for attending via video or audio conference are limited to:
      - a. Personal illness or disability
      - b. Employment purposes
      - c. Business of the Library
      - d. Family emergency
      - e. Other emergency
  - C. Communication via contemporaneous electronic means (i.e. e-mail, chat rooms, instant messaging) will be construed as a “meeting” for Open Meetings Act purposes. This does not mean that e-mails are prohibited, but they cannot be used to discuss issues between Board Members that should be discussed at an open meeting.
- Section 5 A quorum for the transaction of business shall consist of four (4) Trustees. A majority of those present shall determine the vote on any questions. The majority of any standing committee shall constitute a quorum for the transaction of any committee business.

Section 6           The order of business for regular meetings shall include, but is not limited to, the following items which shall be covered in the sequence shown so far as circumstances will permit:

- (a) Roll call of Members (record those present and those absent)
- (b) Changes to the agenda.
- (c) Public comment
- (d) Approval of minutes
- (e) Correspondence and communications
- (f) Financial report and approval of expenditures
- (g) Library Director's report
- (h) Standing committee reports
- (i) Report of special committees
- (j) Unfinished business
- (k) New business
- (l) Audience to Visitors (limited to 5 minutes)
- (m) Adjournment

Section 7           Public comment will be accepted for no longer than 5 minutes and will not be commented on or acted upon by the Board at that meeting. Members of the audience/public will not be allowed to speak a second time until all members of the audience/public have been allowed to speak.

Section 8           Robert's Rules of Order, current revision, shall govern in the parliamentary procedure of the Board.

## ARTICLE VI           COMMITTEES

Section 1           The President shall appoint Committees of one or more Members for such specific purposes as the function 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.

Section 2           All Committees shall make a progress report at each Board Meeting as required.

Section 3           No Committee shall have other than advisory powers unless by suitable action of the Board it is granted specific power to act.

Section 4           Standing Committees/Board Representation:

- Budget
- Building
- By-Laws
- Capital Campaign
- Citizen Survey
- Disaster Plan
- Internet Policy
- Long Range Planning
- Personnel Policy
- Village of Elwood
- Village of Manhattan

## ARTICLE VII          LIBRARY DIRECTOR

Section 1           The Library Director shall be considered the Executive Director of the policies adopted by the Board and shall have sole charge of the administration of the Library under the direction and review of the Board.

Section 2           The Library Director shall be held responsible during library hours for the care of the building and equipment including appointing qualified staff to act in his/her absence, the employment and direction of the staff, the efficiency of the library service to the public, the accuracy of the records, the reliability of his/her accounts and statements, oversee the selection and purchase of Library materials, the enforcement of the rules and for the operation of the Library under the financial conditions set forth in the annual budget.

Section 3           The Library Director shall attend all Board Meetings. The Director is urged to speak on all subjects under

discussion, but has no vote. The Library Director's attendance at closed sessions is subject to the Board's determination.

- Section 4 The Library Director shall oversee, keep a record of, and submit a monthly report of the operations of the Library including a list of all major accessions to the various departments, whether by gift or purchase, and make such recommendations as in his/her opinion will promote its efficiency.
- Section 5 In the event that the Library Director is absent, the Library Director shall designate a staff member to perform the routine daily duties of the Library Director.
- Section 6 The Board is solely in charge of hiring or dismissing the Library Director and determines his/her salary. Qualifications should include a professional degree from a library school accredited by the Committee on Accreditation of the American Library Association, and two years of experience in a managerial position of a public library, or experience which the Board considers equivalent to the above qualifications.
- Section 7 The Library Director has the authority to hire and dismiss at will any employee.

#### ARTICLE VIII AMENDMENTS

- Section 1 A review of the Bylaws will be conducted annually by the Bylaws Committee with recommended changes, additions, and deletions to be presented to the entire Library Board at the following regular Library Board Meeting.
- Section 2 The By-laws may be amended at any meeting of the Board by vote of a majority of a quorum. Proposed amendments are to be presented to each member of the Board.