

Board of Library Trustees Bylaws

Introduction

Messenger Public Library of North Aurora (MPL or the Library) is a Village Library under the Illinois Local Library Act 75 ILCS 5/1-0.1. The Library serves all residents within the corporate boundaries of the village and is governed by an elected seven-member Board of Library Trustees (Board). The Library and Board shall exercise the powers and authority and assume the responsibilities delegated to it by statute.

Legal statutes, standards, guidelines, philosophical statements and policies are incorporated as a reference.

The fiscal year of the Library is June 1 – May 31 of the calendar year.

Article I: Roles and Responsibilities

Role of the Board

The responsibility of the Board is to determine the mission of the Library in the community and to develop appropriate goals for service; to seek adequate funding to achieve the goals of the Library; to adopt written policies to govern the operation of the Library; to authorize plans of expenditure to allow implementation of the Library's service program; to be aware of issues in Library service and legislation affecting libraries; to provide and maintain adequate facilities, to insure a representative selection of materials, to communicate actively with local government and the general public; and to employ a competent and qualified Library Director.

The Board shall carry out the spirit and intent of the Local Library Act, and have powers conferred by this Act. (See ILCS 5/4-7).

Role of the Library Director

The Library Director is not a member of the Board but is employed to act as the professional advisor to the Board and as the manager of Library operations. In this capacity, the Library Director is responsible for planning, budgeting, directing expenditures, recommending and implementing policies, management and stewardship of the building and grounds, employing, terminating and managing the Library staff, and enacting the adopted plan of service. The Library Director maintains confidentiality in human resources matters and staff information.

The Library Director will submit monthly reports to the Board regarding financial matters and service activities, including collection of statistics, as well as other matters of interest to the Library and Board. The Library Director reports directly to the Board and participates actively at

all Board meetings, but without a vote. The Library Director represents the library in the community and in its organizations.

Hiring of Counsel and Professional Consultants

The President of the Board or the Library Director may request the legal opinions of legal counsel for any matter which comes within the jurisdiction of the Board and shall report the opinion to the Board. The Board may retain professional consultants as needed. The Library Director does not require permission or notification to consult with counsel or consultants as effective advisement is necessary and essential.

Article 2: Eligibility and Terms

Library Trustees (Trustees) are seated by election, as determined by the voters of North Aurora. Trustees must reside in the service district of the Library in the Village of North Aurora and meet election requirements per law. All ballots for the position of Trustee are non-partisan.

In accordance with 75 ILCS 5/4-3.3 nominations for the position of Trustee shall be by petition. Candidates will be certified by the Village Clerk and petitions filed with the proper election authorities who conduct the election. Elections for Trustees are held in odd-numbered years.

Each year Trustees must file an economic interest statement with Kane County, and complete training provided by the Illinois Attorney General which filing and training must be completed in the prescribed time period.

Terms of Office

Trustees are elected to four-year terms except in the case of a Trustee appointed to fill the unexpired term of a Trustee who has left the Board. In the case of a Trustee appointed to fill an unexpired term, the appointment shall be until the next regularly scheduled election in accordance with statutes.

At each biennial election, Trustees elected to succeed those whose terms have expired shall hold office for the full term from the first scheduled meeting following the election. Within 60 days after an election or appointment, Trustees shall take the oath of office. The oath of office shall be administered by the Secretary or Secretary pro tempore, the County Clerk of the county containing all or a larger portion of the Library or before any other person authorized to administer oaths. (see 75 ILCS 5/4-6).

Article 3: Meetings and Attendance

Attendance at Meetings

Regular attendance at meetings is required in order to accomplish the business of the Library. Meetings are held on the second Thursday of each month, and the schedule is published prior to the next calendar year. A quorum of four must be physically present to hold a meeting.

When a Trustee has a planned absence from a meeting, the Trustee should inform the Board in advance to ensure a quorum.

Meetings

The regular monthly meeting of the Board shall be held on the second Thursday of each month at 7:00 PM at the Messenger Public Library of North Aurora, unless otherwise changed by consent of the Trustees, with public notice in accordance with the statutes of the State of Illinois.

Notices of all meetings shall be posted in the Library, on the Library's webpage, and one other public place at least forty-eight hours prior to the meeting except in cases of declared emergency situations as covered under the Illinois Open Meetings Act.

A Special Meeting may be called by the President, or upon the request of four Trustees, for the transaction of business stated in the call for a Special Meeting.

A quorum shall consist of four Trustees who are physically present at the meeting site and a majority of those present shall determine the outcome of any vote taken in question.

The Board meeting agenda will contain the following "order of business" items: roll call, approval of minutes, correspondence/communications, Trustee reports and comments, Committee reports, financial reports and approval of expenditures; the Library Director's report, new and unfinished business, and adjournment.

Rules of conduct for all public meetings conducted by the governing authority shall follow those found in Robert's Rules of Order. Trustees should be considerate of time constraints and limit personal comments to before and after meetings, be judicious in commentary as to not monopolize any topic, and function with diplomacy. The President reserves the right to moderate discussions as to allow for meeting progress.

Attendance at Meetings by Electronic Means

A Trustee attending by electronic means (audio or video conference) does not count toward the physical quorum requirement but may participate and vote if a physical quorum is established.

Under limited circumstances, Trustees unable to be physically present at a public meeting may participate in the meeting via communication devices. Communication devices include, without

limitation, audio and/or video equipment which allows members of the public, Trustees physically present, Library Staff, and other meeting participants to interact with those present on all motions, discussions, and votes.

The limited circumstances which allow a Trustee to participate via communication devices are: Personal illness or disability, employment purposes, business of the Library, family emergency or other emergency, unexpected childcare obligations (see 5 ILCS 120/7). A Trustee wishing to attend via communication devices must give advance notice of 48 hours of the desire to attend via communication device.

After establishing that a quorum is physically present at a meeting where a Trustee desires to attend electronically, the President of the Board or chairperson shall call for a motion that a Trustee be permitted to attend the meeting electronically after specifying the reason entitling the Trustee to attend electronically. The motion must be approved by a majority vote of the Trustees physically present at the meeting of the Board.

The Trustee participating electronically and all other Trustees of the Library Board must be able to communicate effectively. In addition, members of the audience must be able to hear all communications at the meeting site. Any Trustee attending electronically shall be considered an off-site attendee and counted as present electronically for that meeting. The meeting minutes shall also reflect and state specifically when a Trustee is present by electronic means. The Trustee attending electronically shall be heard, considered, and counted as to any vote taken.

Vacancy on the Board

The Board may legally declare a vacancy when the elected or appointed Trustee is absent without cause from all regular Board meetings for a period of one year, declines or is unable to serve, or is convicted of a misdemeanor for failing, neglecting, or refusing to discharge any duty imposed upon a trustee, becomes a non-resident, or who fails to pay the Library taxes. A vacancy may be filled by the Board.

If a Trustee is frequently absent from Board meetings, the Board President may confer with the Trustee to assess the Trustee's commitment to the Library. The Trustee may wish to consider resignation depending on the basis for the absences.

Article 4: Ethics and Conduct

Trustee Conduct and Ethics

Trustees are responsible for working effectively and respectfully with other Trustees, the Library Director and adhering to the United for Libraries Ethics for Library Trustees; document is incorporated for reference. Trustees are expected to act in the best interest of the Library,

and comply with all legal and ethical requirements, prepare for meetings, and effectively represent the Library in the community as needed.

To be effective, Trustees must attend meetings, read materials presented for review, and enhance their knowledge by attending training opportunities, workshops, or professional development conferences as time allows.

Individual Trustees do not speak for the Board. If questions or comments are submitted to a Trustee, those questions should be referred to the Board for consideration, or to the Library Director for a response as appropriate.

Conflict of Interest

No Trustee shall engage in any business or transaction, or have a financial or personal interest, whether directly or indirectly, that is incompatible with the proper discharge of his or her official duties in the public interest or that may tend to impair his or her independence of judgment or action in the performance of such official duties. Family members of the Trustees may not be hired by the Library as long as the Trustee serves on the Board. Each Trustee shall file each year a statement of economic interest with the County Clerk.

Compensation

Trustees serve without compensation but are to be reimbursed from Library funds for actual and necessary expenses resulting from performance of duties as a member of the Board.

Attendance at professional development opportunities is encouraged and shall not be considered compensation. Trustees are encouraged to attend events and learning opportunities that promote and represent the Library. The Library will also provide Trustee attendance at functions that directly support the value of the Library in the community and the Library's operations. All direct expenditures are subject to the travel expense policy.

Professional Memberships and Conference Attendance

Participation is encouraged at workshops and conferences, and professional memberships may be paid as allowed per budget. The Library Director will advise Trustees of training opportunities, and responsibly budget for Trustee engagement and travel on a regular basis. Reimbursement for expenses related to workshop and conference activities will be made per travel policy.

Article 5: Officers and Duties

Officers

Board Officers of President, Vice-President, Secretary and Treasurer shall be elected for two-year terms at the first scheduled meeting following the biennial General Consolidated Election.

The President of the Board shall preside at all meetings, appoint all committees, authorize calls for any special meetings, sign checks in the absence of the Treasurer, and generally perform the duties of a presiding officer. The President serves as the primary point of contact with the Library Director and serve as a touchpoint for situations which, in the best judgment of the Director, may require Board disclosure or additional resources.

The Vice-President of the Board shall be responsible for all special Board events and shall preside over meetings in the absence of the President.

The Secretary of the Board shall be responsible for a true and accurate account of all proceedings of the Board and ensure all notices of meetings are posted. The Secretary shall provide for the safekeeping of all minutes and records of the Board.

The Treasurer is determined to be the custodian of Library funds, shall have charge of the Library funds and sign checks on the accounts maintained by the Library, oversee the investment of funds as authorized by the Board. In the absence of the Treasurer, the President shall sign checks outlined herein above.

Committees and Representative

Committees may be committees-of-the-whole for full Board consideration, or advisory groups appointed by the President. Committees present non-binding recommendations to the Board, which the Board then decides to accept, reject, or modify. All committees must follow rules for meetings according to the Open Meetings Act.

Article 6: Amendments and Indemnification

Amendments

Amendments to these Bylaws may be proposed at any regular meeting of the Board and shall become effective when adopted by a majority vote of the Board at a subsequent meeting. The Bylaws shall be reviewed annually as noted in the Board Calendar. The By-laws adopted by the Board and all amendments thereto shall be consistent with the Local Library Act and all applicable laws.

Indemnification of Trustees, Officer and Employees

If any claim or action not covered by insurance or ordinance is instituted against a Trustee arising out of an act or omission by a Trustee acting in good faith for a purpose considered to be in the best interest of the Library; or if any claim or action not covered by insurance or ordinance is instituted against an Officer or employee of the Library allegedly arising out of an act or omission occurring within the scope of his/her duties as such an Officer or employee; the Library shall, at the request of the Trustee, Officer or employee:

- A. Appear and defend against the claim or action; and
- B. Pay or indemnify the Trustee, Officer or employee for a judgment and court costs,

- based on such claim or action; and
- C. Pay or indemnify the Trustee, Officer or employee for a compromise or settlement of such claim or action, providing the settlement is approved by the Board.

Decision as to whether the Library shall retain its own Attorney or reimburse the Trustee, Officer or Employee expenses for their own legal counsel shall rest with the Board of Trustees and shall be determined by the nature of the claim or action.

For the purpose of this section, the term Trustee, Officer or employee shall include former Trustee, Officer or employee of the Library. This Article shall not apply if the Board finds that the claim or action is based on malicious, willful or criminal misconduct. In such a case, indemnification will be determined after an investigation of the facts.

Documents and Policies Incorporated for Reference

United for Libraries Ethics Statements

Trustees should practice ethical behavior as subscribed by the American Library Association's United for Libraries Association of Library Trustees, Advocates, Friends, and Foundations (ALTAFF). Best practices in Board ethics from ALTAFF include:

1. Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
2. Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
3. Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
4. Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
5. Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board of Trustees, even if they disagree.
6. Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws.
7. Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
8. A Trustee shall immediately disqualify him/herself whenever the appearance of or a conflict of interest exists.
9. Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the

- library.
10. Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
 11. Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

[Illinois Library Law and Statutes](#) – SOS Resource List

[Illinois Local Library Act](#)

[Serving our Public: Standards for Illinois Public Libraries \(Governance\)](#)

[Illinois Open Meetings Act](#)

[Messenger Public Library Policies](#)

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