

**By-Laws for the Board of Trustees  
of the Clinton County Contractual Public Library**

**Reviewed & Approved by Board of Trustees January 18, 2021**

**Article 1. Name**

Section 1.

The official name of this Board shall be the Board of Trustees of the Clinton County Contractual Public Library, hereinafter referred to as "the Board". The Clinton County Contractual Public Library will be hereinafter referred to as "the Library".

Section 2.

Geographical boundaries of the Library and taxed library district include the townships of Johnson, Warren, Forest, Michigantown, Jackson, Madison, Owen, Ross, Sugar Creek and Washington.

**Article 2. Authority and Purpose**

Section 1.

The Board exists and operates by virtue of the Indiana Public Library Law of 1947 and assumes its powers and responsibilities under IC 20-14.

Section 2.

Members of the Board (Trustees) shall serve without compensation, except that the Treasurer may be paid, per IC 36-12-2-21. A Board member may not serve as a paid employee of the public library.

Section 3.

Necessary travel and/or meal expenses of any Board member incurred in the interest and business of the Library may be reimbursed out of library funds, per policy or board resolution. Such travel on behalf of the Library shall be approved by the Board.

Section 4.

The Board may engage legal counsel as needed for legal advice. 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.

**Article 3. Membership**

The eleven-member Board is the policy-making body governing the Library. Three Board members are appointed by the Frankfort School Board, two by the Clinton County Commissioners, and two by the Clinton County Council. They serve for four-year terms without remuneration. The four (4) additional members of a county contractual library board required by IC 36-12-6-2 shall be appointed as follows:

- (1) Two (2) members appointed by the Clinton County Commissioners.
- (2) Two (2) members appointed by the Clinton County auditor.

## Article 4. Meetings

### Section 1.

The regular meeting of the Board shall be held on the second Monday of each month at 6:30 p.m. at the Library with the exception of the month of January when the meeting will be the third Monday.

### Section 2.

#### Communications from Patrons

The Library Board welcomes you to this meeting. We conduct our meetings in strict compliance with the state open meetings law. That law requires that our Board meetings be open for public observation, but it does not require that the public be allowed to participate in the meetings.

However, we value the ideas and insights of our constituents and therefore it is the policy of this Board to allow 15 minutes of each meeting for communications from patrons. If you wish to speak to this Board during the "forum" section of our agenda, please complete the form on the bottom of this paper and hand it to one of the Board members before the meeting.

Only persons who have completed the form and given it to a Board member prior to the convening of the meeting will be allowed to speak.

When the Board reaches the "Communications for Patrons" section of the agenda, the Board president will divide the 15-minute segment by the number of persons who have requested to speak to the Board to determine the amount of time allocated to each person. The Board president will then call on those people one at a time to stand and address the Board for no more than the allocated time.

You should not expect the Board to respond at this meeting to your questions or requests for information or requests for action. The Board will note your request and respond at a later appropriate time after Board members have an opportunity to consider and deliberate about the request.

At other times during this meeting as the Board deliberates, Board members may wish to ask for information from persons in the audience, but please refrain from comment unless the Board asks you to comment. Board members are always anxious to hear from constituents outside the meeting, but our meeting agenda is usually full and does not allow us time for a continuous open forum.

Thanks for helping us conduct an open and orderly meeting.

## **Request to Speak to the Library Board during the Meeting**

This form must be completed and handed to a Board member before the meeting if you wish to speak to the Library Board during the "Communications from Patrons" section of the meeting agenda. The meeting will be conducted according to the format explained above.

Your name: \_\_\_\_\_

Group/organization you represent, if any: \_\_\_\_\_

Subject about which you will speak: \_\_\_\_\_

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### **Section 3.**

The regular meeting in March of each year shall be the annual meeting, per IC 36-12-2-23.

### **Section 4.**

Special meetings shall be called by the President whenever, in his or her judgment, they may be necessary; or at the written request of three members, but only such business may be transacted as shall be stated in the call.

### **Section 5.**

Regular, special and executive session meetings will be publicized and conducted in accordance with the Open Door Law of Indiana (IC 5-14-1.5).

### **Section 6.**

Special meetings may be called by the President, or upon written request of two (2) members for the transaction of business as stated in the call, per IC 36-12-2-23. Notice stating the time and place of any special meeting and the purpose for which called shall be given each member of the Board at least 2 days in advance of such meeting and to the local media 48 hours in advance, excluding holidays and weekends, per IC 5-14-1.5-5.

## **Article 5. Board of Finance**

The full board and its officers constitute the Board of Finance and shall meet annually in January, after the first Monday and on or before the last day of January, to review finances and depositories, per IC 5-13-7-5 et seq. The President and Secretary serve as the President and Secretary of the Board of Finance.

The Board no longer is required to designate depositories and the deposits do not have to be pro-rated. The Farmers Bank is to be the main bank for the checking account with other approved banks used for investments. Some money shall be kept in two approved banks.

**SUMMARY OF DEPOSITORY LAW 1996**  
**P.L. 18-1996**  
**SENATE ENROLLED ACT NO. 344**  
**EFFECTIVE UPON PASSAGE**

The library's board of finance shall meet during January of each year to review the investment report for the previous year and act on any other matters concerning the library's finances that require resolutions for the year. The following are the changes in the depository law.

1. Any financial institution may apply to the Treasurer of State to become a depository. The Treasurer of State shall determine if the financial institution qualifies as a depository. The library's board of finance no longer shall designate depositories. Upon passage of this law, all financial institutions already designated as depositories were grand-fathered in as designated depositories. The state board of finance will publish a list of all designated depositories. All designated depositories are only listed in the county of their principal location. The library's board of finance shall use the list provided by the state board of finance to see if a financial institution in their taxing district is a designated depository. A library's board of finance may have to check other counties on the list to find the principal location of the financial institution they are using as a depository.
2. Checks may be drawn upon a depository only for the following reasons:
  - a. payment of a warrant drawn by the treasurer of the library;
  - b. an authorized investment; or
  - c. transfer of funds between depositories.
3. All public funds collected by the library shall be deposited not later than the Business day following the receipt of the funds.
4. If the sum of the monthly average balances of all the library's transaction accounts does not exceed one hundred thousand dollars (\$100,000), the library's board of finance can choose to have only one (1) financial institution as the library's depository.
5. If the sum of the monthly average balances of all the library's transaction accounts does exceed one hundred thousand dollars (\$100,000), the library's board of finance shall choose at least two (2) financial institutions as the library's depositories, but does not have to prorate funds between the two (2) financial institutions.
6. When investing in a certificate of deposit, the library's investing officer shall obtain quotes of the specific rates of interest for the designated term of the certificate of deposit from all depositories located in the library district. The quotes may be taken by telephone, but a memorandum of all the quotes solicited shall be recorded and retained by the investing officer as a public record of the library. The certificate of deposit shall be placed in the depository quoting the highest rate of interest. If more than one (1) depository gives the same quote of the highest interest rate, the deposit may be placed in any of the

designated depositories quoting the highest rate. This is at the discretion of the investing officer.

7. Any investment must have a final maturity date of not more than two (2) years after the date of purchase.
8. A library's board of finance designated officer may enter into a repurchase agreement (sweep account) that has been fully collateralized, is renewed each day with the repurchase rate and the amount of funds invested determined daily, and has a stated final maturity of one (1) day. This may be done without entering into a contract under IC 5-13-11 for an investment cash management system.
9. All interest earned from an investment by a library shall be deposited in the operating fund, except as otherwise provided by law, or in any other fund the library's board of finance designated specifically or by rule. (i.e., interest earned from a gift fund may be deposited in that gift fund, provided the library's board of finance has specifically designated the interest to be put in that gift fund. It is advisable to designate this by a signed resolution.)
10. A library may choose to accept payment of fines, fees, etc. by credit card, debit card, charge card, or stored value card. If there is a charge to the library for the use of the card, other than a bank card or credit card, the library shall collect a sum equal to the amount of the charge from the person who used the card. The library may pay any applicable bank card or credit card service charge associated with the use of the bank card or credit card by a library patron.

## **Article 6. Meeting Open to Public**

### **Section 1.**

All meetings of the Board and committees of the Board shall be held in accordance with the provisions of the Indiana Open Door Law (IC 5-14-1.5). Public notice of the date, time and place of regular, special and executive meetings shall be given at least forty-eight hours before the meeting. Reconvened meetings may be held with less than forty-eight hours notice if the new date, time and place are announced at the time of the original meeting, recorded in the minutes and there is no change in agenda.

Public notice of Board and Committee meetings is given by posting the notice, including the agenda, at the Library and notifying all news media who have filed a written request to receive such notices.

## **Article 7. Meetings not Open to Public**

Executive sessions shall be held only for the following business:

1. Where authorized by federal or state statute.
2. For discussion of strategy for: Collective bargaining, initiation of, pending, or threatened litigation; implementation of security systems, or purchase of lease of real property.

3. Interviews with prospective employees.
4. With respect to any employee's status or alleged misconduct.
5. For discussion of confidential records.
6. To discuss a job performance evaluation of individual employees.

Final action on matters discussed in executive session must be taken at a meeting open to the public. Minutes of executive sessions must identify only the subject considered.

The Secretary will certify in the minutes that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

## **Article 8. Order of Business**

Meetings shall be conducted according to Robert's Rules of Order, with such modifications as the Board may from time to time determine to be desirable.

## **Article 9. Officers**

### **Section 1.**

Officers shall be President, Vice-President, Secretary and Treasurer, per IC 36-12-2-22 and IC 36-12-2-23,

### Section 2.

The officers shall be elected by voice vote at the regular annual meeting in March to serve one year, per IC 36-12-2-23. In case of a vacancy of the officers, the Board shall, at the next regular meeting, elect by ballot a member of the Board to fill the unexpired term.

### **Section 2.**

The President shall preside at Board meetings, appoint committees, sign budget forms and Board Minutes, enforce the observance of these rules, and perform such other duties as pertain to his or her office and are necessary to carry out the wishes of the Board.

### **Section 3.**

The Vice-President shall perform the duties of the President in the latter's absence.

### **Section 4.**

The Secretary shall record all proceedings of the Board meetings. He or she shall notify the proper appointing powers of vacancies as such may occur on the Board. He or she shall also certify the rate of taxation as determined by the Library Board to the County Auditor, and see that the levy is properly made and recorded. He or she shall keep a record of the attendance at the Board meetings, and if any member is absent without reasonable excuse from three consecutive regular meetings, it shall be the duty of the Secretary to inform the Board of the absence of such member. The appointing authority shall be notified by the Secretary of a vacancy. Official papers, minutes and correspondence shall be in the custody of the Library.

## **Section 5.**

The Treasurer shall be responsible for the receipt and deposit of all money and securities of the Library, the disbursement of funds as authorized by the Library Board upon a warrant signed by the Treasurer and keeping of all financial records.

IC 20-14-2-5 states that the "Library Board shall annually elect a treasurer of the public library. The Treasurer may be either a member of the Library Board or an employee of the library. However, the Library Director appointed under Section 7 of this chapter may not also be treasurer." The Library Board must fix the rate of compensation for the Treasurer. The following duties are assigned to the treasurer: 1) Is the official custodian of all library funds; 2) Is responsible for the proper safeguarding and accounting for all library funds; 3) Shall issue warrants approved by the Library Board in payment of expenses lawfully incurred in behalf of the public library; and 4) Shall make financial reports of library funds and present the reports to the Library Board every month. Other powers and duties may be prescribed by the Library Board.

## **Article 10. Quorum**

Six members of the Board shall constitute a quorum.

## **Article 11. Minutes of Board Meetings**

Minutes of the previous meeting(s) of the Board shall be prepared under the direction of the Secretary and mailed or delivered to the members of the Board not later than the Thursday preceding the next regular meeting.

Minutes of the Board Meeting will be made accessible to the public and library staff for inspection.

## **Article 12. Committees**

The President shall appoint special committees for the study and investigation of special problems, such committees to serve until the completion of the work for which they were appointed.

## **Article 13. Expenditures**

A majority of Board members must sign Budget forms 1, 4, and 5.

## **Article 14. Duties of the Board**

- A. Determine and secure adequate funds for efficient operation and management of the Library;
- B. Plan for the future of the Library
- C. Monitor and evaluate the overall effectiveness of the Library
- D. Act as an advocate for the Library in the community and actively support library legislation
- E. Monitor financial affairs of the Library

- F. Familiarize themselves with good library service by reading, attending library meetings and visiting other libraries
- G. Consider recommendations for capital outlays, adopt plans for improvement, and determine the means for financing them.
- H. Attend board meetings regularly

#### **Article 15. Duties of the Director**

- A. Attend all board meetings
- B. Reports monthly to the Board
- C. Prepare and submit the budget to the Board for consideration.
- D. Approve and direct all purchases and expenditures within the limits of appropriations approved by the Board,
- E. Prepare reports upon status of the budget.
- F. Provide professional leadership for the program of the Library. Keep the Board continuously informed on the progress and condition of the Library.
- G. Develop plans for maintenance, improvements or expansion of buildings and facilities needed to provide properly for an adequate Library program.
- H. Facilitate communication between the community and the Board regarding the Library and plan means of keeping the community informed about Library matters.
- I. Supervises and evaluates all Library staff

#### **Article 16. Order of Business**

The order of business of the regular meetings shall be as follows:

1. Executive session
2. Call to order
3. Reading and approval of the minutes
4. Report of the Treasurer
5. Report of the Committees
6. Communications from Patrons
7. Old Business
8. New Business
9. Adjournment

### **Article 17. Amendments**

Amendments hereto shall be made only at a regular meeting of the Board; must be proposed at least one month previous to final action of the same, and shall be approved by not less than two-thirds of the members of the Library Board.

### **Article 18. Administrative Regulations**

The Director is the Chief Executive Officer who shall have the power to institute administrative regulations governing the Library which logically stem from adopted and approved Board Policies.

All administrative regulations must be consistent with the policies of the Board.

### **Article 19. Conflict of Interest**

Board members will declare any conflict of interest between their personal life and their position on the Library Board and avoid voting on issues that appear to be a conflict of interest.