Baldwin City Library Date: 1/28/20

Baldwin City, KS

**SUBJECT: CORPORATE STATUS**

1. **CORPORATE STATUS OF THE LIBRARY BOARD**

A library board constitutes a body corporate and politic (K.S.A. 12-1223), and possesses the usual powers of a corporation for public purposes. Under its legal name of ‘The Board of Directors of Baldwin City,’ the board may contract, sue and be sued, and acquire, hold and convey real and personal property in accordance with the law. The acquisition or disposition of real property, however, is subject to approval of the governing body of the municipality—the city council or commission, for city libraries; the county commission, for county libraries; and the township board, for township libraries.

“Concerning a library board, most of its powers are exercised independently of an control by the governing body of the parent municipality. The board treasurer is the custodian of all library funds and has sole control over the expenditures thereof. Notwithstanding this relative autonomy of operation of a municipal service, i.e., a city or county library, and as such, it should be regarded as part of the parent municipality.” (Kansas Municipal Accountant’s Bulletin, April, 1979).

1. **POWERS AND DUTIES OF THE LIBRARY BOARD**

(K.S.A. 12-1225 gives the powers and duties of all public library boards)

* 1. To make and adopt rules and regulations for the administration of the library.
	2. With the approval of the governing body of the municipality, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the library. (Attorney General’s Opinion No. 78-285 states that a library board has the authority to enter into a long-term lease for quarters for library operations, so long as the term of the lease is reasonable under all the facts and circumstances.)
	3. To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, media, projection equipment, technology, and other material and equipment deemed necessary by the board for the maintenance and extension of library services.
	4. To employ a librarian and such other employees as are deemed necessary and to set their salaries.
	5. To establish and maintain a library or libraries and traveling library service within the municipality or within any other municipality with which

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**SUBJECT:**  **CORPORATE STATUS**

 service contract arrangements have been made.

* 1. To contract with other legally established libraries or with the governing body of a municipality NOT maintaining a library for the furnishing of library service to its inhabitants, and to contract with any school board to furnish library service to any school library or to sue the library facilities of the public school to supplement the facilities of the public library.

(Attorney General’s Opinion, November 13, 1964, states that county commissioners who wish to contract with an established library for library service for their county, and wish to levy a tax to pay for the cost of this service, must levy the entire county area, not just a portion thereof.)

(Attorney General’s Opinion, February 16, 1968, states that if a municipality has voted to establish and maintain a library and a board has been appointed and the library board then decided not to maintain in its own library but contract with another library board to furnish library service, the contract should be made by the governing body of the municipality, and NOT the library board.)

* 1. To receive, accept and administer any state or federal grants given for the purpose of aiding or providing library service.
	2. To receive and accept any gift or donation to the library and administer it according to any provisions which may be specified.
	3. To make annual reports to the State Librarian and the governing body of the municipality with statistical information for the preceding year, showing receipts and disbursements of all funds under its control, information relating to library materials acquired and on hand, number of library users, library services and other information as may be required.
	4. To place money received for library purposes from sources other than a tax levy in a separate fund or funds, unless otherwise specified by the grantor or donor.
1. **APPOINTMENT OF MEMBERS**
	1. The Library Board of the Baldwin City Library consists of (7) members appointed by the mayor, with the approval of the city council or city commission (K.S.A. 12-1222 and 121238) and operates according to all of the requirements of Kansas State statutes. In addition to the appointed members, the mayor shall be an ex-officio member of the board which means that by virtue of the office or position, the mayor is a member.

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* 1. No person besides the mayor holding any office in city government shall be appointed a member of the library board while holding such office.
1. **LENGTH OF TERM**
	1. Terms of city library board members must be staggered. The members first appointed shall be appointed as follows: One (1) member appointed for a term expiring he first April 30th following the date of appointment; two (2) members appointed for terms expiring the second April 30th following date of appointment; two (2) members appointed for terms expiring the third April 30th following date of appointment; and two (2) members appointed for terms expiring the fourth April 30th following date of appointment.
	2. Each member will serve a term of four (4) years. No person who has been appointed for two (2) consecutive four year terms to the library board shall be eligible for further appointment to the board until two (2) years after the expiration of the second term.
2. **CONTINUING EDUCATION**
	1. The Library Board is to participate in no less than one continuing education activity annually. This may be part of a regularly scheduled board meeting with materials and/or a presentation provided by the library system or other resource, or attendance at other continuing education activities sponsored by the library system and/or other continuing education providers. Most or all of the Library Board must participate in the activity, not just one or two board members.

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Baldwin city Library Board of Trustees Last Revised June 30, 2020

**BY-LAWS**

ARTICLE I

This organization shall be called “The Board of Trustees of the Baldwin City Public Library”, existing by virtue of the provisions of K S.A. 12-1222 with powers and duties as provided in K.S.A. 12-1215 and K.S.A. 12-1225 of the laws of the state of Kansas.

ARTICLE II

The Vision (Mission) of the Baldwin City Public Library is to provide library resources, services, and programs so that the community will look first to their public library as the gateway to information that supports and enhances lifelong learning, personal leisure, and the community’s quality of life.

ARTICLE III

The Baldwin City Public Library will provide free access to information, materials, resources and services to all members of the community.

ARTICLE IV

The officers of this Board shall consist of a chair, a vice-chair, a secretary and a treasurer, whose duties shall be those usually pertaining to these officers. They shall be elected at the annual meeting (May).

1. *Chair:* The chair shall preside at all meetings of the board, authorize calls for any special meeting, appoint all committees, execute all documents authorized by the Board of Trustees, serve as an ex-officio voting member of all committees, and generally perform all other duties associated with the office.
2. *Vice-Chair:* The vice-chair, in the event of the absence of the chair or of a vacancy in that office, shall assume and perform the duties and functions of the chair.
3. *Secretary:* The secretary shall keep an accurate record of all meetings of the Board, shall issue notice of all regular and special meetings, and shall perform such other duties as are generally associated with the office.
4. *Treasurer:* The treasurer of his/her designated representative shall be the disbursing officer of the Board, sign all checks, and shall perform such other duties as are generally associated with the office. The treasurer shall be bonded in an amount as required by the Board of Trustees.

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Baldwin City Library Board of Trustees Last Revised July 28, 2020

ARTICLE V

The Baldwin City Public Library Board will meet the last Tuesday of each month at 6:30 PM in the Baldwin City Public Library, unless otherwise ordered by the Board.

The regular meeting in May shall be the annual meeting. Written notice of each regular meeting shall be mailed to each member of the Board not less than three (3) days prior to such meeting date. If unable to attend, members should notify the chair. Special meetings shall be called at any time by the Chairman or at the written request of a majority of the members. Written notice stating time and place of any special meeting and the purpose for which called shall, unless waived, be given each member of the Board at least two (2) days in advance of such meeting, and no business other than that stated in the notice shall be transcribed at such meeting.

Five members shall constitute a quorum for the transaction of business. In the absence of the chair and vice-chair of the Board, the members present shall elect a temporary chair. Members with more than two unexcused absences from meetings will be contacted by the Chair and appropriate actions taken.

ARTICLE VI

At the annual meeting or at the first regular meeting thereafter, the following standing committees shall be appointed by the chair and confirmed by the Board:

1. *Finance:* The Finance committee will consist of the Treasurer (acting as Chair of the committee), Library Board chairman, Library Director and one board member. The committee will work in conjunction with the City officials.
2. *Community Outreach:* The Community Outreach committee will consist of a Board Member as Chair, an additional Board Member, the Baldwin City Library Director, a member of from the Friends of the Baldwin City Library, and volunteers from the community, as appointed by the Chair of the Committee.
3. *NEKLS Representation:* When appropriate, the Library Board will submit material and nomination to the NEKLS Executive Committee.

ARTICLE VII

The board has the responsibility of making and directing the policy of the Library, in accordance at all times with the statues of the State of Kansas. Its responsibilities include promotion of library interests, securing of adequate funds to carry out the work satisfactorily, and administration and control of library funds, property, and equipment.

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Baldwin City Library Board of Trustees Last Revised June 30, 2020

Funds handled by Baldwin City and the Baldwin City Public Library are audited by the auditor retained by the City. NEKLS and State reports are also required by those agencies. All taxes levied for library use are paid by Douglas County to Baldwin City. Baldwin City then passes all of this money on to the library treasurer when requested by the treasurer.

Trustees should participate in training programs within their regional library systems and within the State. Financial provisions shall be specified in the annual budget for payment of trustee dues to the library associations. Expenses shall be provided for attendance to appropriate meetings and workshops.

ARTICLE VIII

The Board shall appoint and fix the compensation of a qualified Library Director who shall serve, under the Board’s review and at its direction, as the chief executive and administrative officer of the library. In that capacity, the Library Director shall be responsible for the day-to-day operations of the library. The Library Director shall recommend to the Board the appointment and specify the duties of all other staff and shall be held responsible for: the proper direction and supervision of the staff; make recommendations to the Library Board concerning the care and maintenance of library buildings and property; the adequate and proper selection of materials and information in keeping with the stated policies of the Board; the efficient and prudent provision of library service to the public, and its financial operation within the fiscal limitations as determined by the Board of Trustees. The Library Director shall be expected to attend all meetings of the Board and to meet with all committees unless otherwise agreed to with the chairman and committee chair.

ARTICLE IX

These by-laws may be repealed, amended, or revised at any regular meeting of the Board by a majority of a quorum, providing, however, that such proposed repeal, amendment, or revision shall first be submitted in writing at a regular meeting of the Board and sent to those members not present. Such proposal shall not be acted upon prior to a subsequent regular meeting of the Board, and notice of intended repeal, amendment, or revision shall be included in the notice of such meeting.

ARTICLE X

*Robert’s rules of Order, newly Revised,* shall govern the proceedings of the Board.

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Baldwin City Library Board of Trustees Last Revised June 30, 2020

ARTICLE XI

The Baldwin City Library Board of Trustees will dutifully approve and allocate funds for payment of dues to the following organizations:

1. The Kansas Library Association (KLA)
2. The Kansas Library Trustees Association (KLTA)
3. The Baldwin City, KS Chamber of Commerce

ARTICLE XII

The Baldwin city Library Board of Trustees will as a matter of course approve and allocate funds to pay for training or attendance fees for Library staff and Library trustees attending approved training or fellowship events. Furthermore, Library staff and Library trustees attending appropriate training or fellowship events will be reimbursed for reasonable mileage and travel expenses incurred while attending these events. Reimbursement will occur pursuant to the travel reimbursement policy of the Policy and Procedure Manual. In the event of questions regarding the legitimacy or reasonableness of travel expenses, the Baldwin City Library Board of Trustees will be called upon to determine the amount of reimbursement, if any, to be paid.

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