

Elbert County Public Library
345 Heard St.
Elberton, GA 30635

CONSTITUTION

ARTICLE I -- Name and Location

The name of this organization shall be the Elbert County Public Library System, and its headquarters location shall be located in Elberton, Georgia. The legal authority for public libraries and boards of trustees is described in O.C.G.A. 20-5-40. It is a tax exempt organization under the laws of the State of Georgia and an exempt organization under Section 115 of the Internal Revenue Code (and/or Section 501(c)(3) of the Internal Revenue Code.

ARTICLE II – Purpose

The purpose of the Library System shall be to offer value-added services and resources to encourage and support lifelong learning, literacy and leisure pursuits to all citizens of Elbert County. The Library System will encourage and support an informed and productive community and will serve as a resource to preserve the history and culture of Elbert County.

ARTICLE III -- Governing Body

Section 1. Board of Trustees. As prescribed by O.C.G.A. 20-5-41, the governing authority of the Elbert County Public Library system is the Board of Trustees.

Section 2. Membership. The Board of Trustees shall be composed of citizens from Elbert County who are appointed by the governmental agencies supporting the Library on a regular basis. Appointments shall be made in writing, and Board members shall serve staggered terms. The term of office shall be three years, and members may be reappointed by the funding agencies.

The funding agencies who appoint Board members are: Elbert County Board of Commissioners – 4 appointees; City of Elberton – 4 appointees. Future funding agencies as identified may choose to place a member on the Board as well.

Section 3. Officers. The officers shall be a Chairman, a Vice Chairman, a Secretary and a Treasurer, and these shall be elected from among the appointed trustees at the first Board meeting of the fiscal year. The office of Secretary may, at the discretion of the Board, be held by the Library Director or other Library employee. In the event that the Library Director or other employee is elected to hold the office of Secretary, he/she will be an ex officio member of the Board and will not be eligible to vote on Board issues.

Section 4. Duties. The Board of Trustees shall have duties and responsibilities which include but are not limited to the following:

- (a) To employ a Library Director who meets state certification requirements and such other employees as necessary upon the recommendation of the Library Director. Authority for the administration and supervision of the library and any branches shall be vested in the Library Director.
- (b) To approve budgets prepared by the Library Director and assume responsibility for presentation of the Library's fiscal needs to the supporting agencies.
- (c) To attend board meetings.
- (d) To establish policies governing library programs, including rules and regulations governing the use of the Library.
- (e) To set policy for the administration of gifts of money and property.
- (f) To present financial and progress reports to governing officials and to the public.
- (g) To notify the appropriate authorities of a vacancy on the Board so that a person may be appointed to complete unexpired or full terms.
- (h) To notify the Library Director in advance of all meetings of the Library Board and Board committees.

Section 5. Collective Authority. All decisions of the Library Board are made by the Board as a collective body. No individual member may make decisions or act for the Library Board unless specifically authorized to do so by a vote of the membership of the Library Board.

Section 6. Committees. The Executive Committee of the Board of Trustees shall be composed of the elected officers of the Library Board. It shall govern in the name of the Library Board of Trustees between meetings of the Board and shall report to the full Library Board of any action taken. The Board may also authorize standing or special committees to include Finance, Personnel, Constitution/Bylaws and other committees as needed.

Section 7. Bond. Pursuant to O.C.G.A. 20-5-50, the Board of Trustees shall maintain a current bond for an adequate amount determined by the Board of Trustees and recorded in the minutes on the Library Director, the Treasurer of the Board of Trustees and other officials and employees authorized to handle funds.

Section 8. Compensation. Pursuant to O.C.G.A. 20-5-44, members of the Board of Trustees shall receive no compensation; however, they may be reimbursed for any reasonable and necessary expenses incurred in the performance of Library business. Dues or fees for membership in local, state, regional, or national library associations may be paid from Library funds.

ARTICLE IV -- Contracting Authority

The Library System, through its Board of Trustees, is authorized to make and enter into contracts or agreements as are deemed necessary and desirable, provided that all such contracts or agreements entered into shall:

- (a) Detail the specific nature of the services, programs, facilities, arrangements, or properties to which such contracts or agreements are applicable;
- (b) Provide for the allocation of costs and other financial responsibilities;
- (c) Specify the respective rights, duties, obligations, and liabilities of the parties; and
- (d) Set forth the terms and conditions for duration, renewal, determination, abrogation, disposal of joint or common property, if any, and all other matters which may be appropriated to the proper effectuation and performance of the agreement.

ARTICLE V Interlibrary Cooperation

The Library System, through its Board of Trustees, may enter into corporate endeavors with other library systems, either by sharing personnel, materials, or services; by confederation or by merger as approved by the governing bodies of both library systems, provided the resulting cooperative endeavor is conducive to mutual growth and development of each library system.

ARTICLE VI Amendments

The Constitution may be amended at any regular Board meeting that has a quorum present with two-thirds majority approval, provided that the proposed amendment was provided in writing to the members at least ten (10) days before the meeting.

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BYLAWS

ARTICLE I – Board of Trustees

The Library Board of Trustees is the legal governing body of the Elbert County Public Library System. Board duties are identified in the Library's Constitution. These bylaws further detail Library Board operations and duties of the Library Director.

ARTICLE II – Duties of the Board Officers

Section 1. Chairman. He shall preside at all regular or called board meetings. He shall appoint all committees and shall be an ex officio member of all committees.

Section 2. Vice Chairman. He shall preside in the absence of the Chairman. All other duties of the Vice Chairman shall be assigned by the Chairman.

Section 3. Secretary. The Secretary shall record the official actions of the Board, keep a record of attendance at Board meetings and have custody of the official meeting minutes which shall be housed in the Library headquarters. He shall notify the proper appointing authorities of vacancies which may occur on the Library Board. He shall report changes in membership, governance, and other documentation to Georgia Public Library Services as required. The Secretary shall also keep funding agencies apprised of Library activities, finances and other requested materials.

Section 3. Treasurer. The Treasurer shall monitor the financial operations of the Library to ensure compliance with (a) applicable statutory and regulatory requirements; (b) funding budgetary requirements; and (c) internal control procedures designed to safeguard library assets. The Treasurer shall countersign all checks and approve travel and miscellaneous non-invoiced expenditures made by the Director. (Note: The Board Chairman may also be authorized to countersign checks in the event the Treasurer is unavailable.) The Treasurer's monitoring duties should include periodic reviews of documentation supporting (a) all monies received and deposited; (b) approval of all accounts payable invoices and receipt of goods or services; and (c) the Library

Director's approval for and disbursement of funds. An account of all receipts and expenditures must be kept, and a financial report made at each quarterly board meeting. The accounts shall be audited at the direction of the Library Board and according to requirements for state grants and other state and/or federal laws or regulations. Official copies of all financial reports shall be kept in the Library headquarters at all times.

ARTICLE III – Fiscal Year

The Library's fiscal year will coincide with the State's funding year, beginning on July 1 and ending June 30.

ARTICLE IV – Meetings of the Library Board

Section 1. Frequency and Location. The Library Board shall hold no fewer than four (4) regular meetings during each fiscal year, at least one per calendar quarter. Meetings shall be held on the second Thursday in the months of February, June, August and November at 4 p.m. at the headquarters library, or at some other location as designated by the Chairman.

Section 2. Open Meetings. All meetings of the Library Board or its committees must be open to the public and conform to the specifications of the Georgia Open Meetings Law (O.C.G.A. 50-14-1). This means all meetings are open to the public and the news media. The Board may, however, enter into a closed session to consult with legal counsel pertaining to pending or potential litigation, to discuss future acquisition or sale of real property, or to discuss or deliberate (but not to vote) upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of the Library Director or employee.

Section 3. Notice of Meetings. Prior to each regular or called meeting the Library Director shall notify each member of the date, time, and place of the upcoming Board meeting. Public notice must be posted at the meeting site at least one week prior to the meeting. Notice must also be submitted to the local newspaper for publication at least one week prior to the meeting.

Section 4. Quorum. No official business may be conducted at a Board meeting without a quorum. A quorum is one more than half of the appointed Board members.

Section 5. Voting. Each member of the Library Board who is present shall have one vote. The Chairman shall not vote except in the case of a tie vote, at which time the Chairman shall vote to break the tie. Except when considering amendments, a simple majority affirmative vote of those present shall be necessary to approve any action before the Board.

Section 6. Attendance. Pursuant to O.C.G.A. 50-1-5(a), members may attend meetings in person or via telephone conference call and/or electronic methods if available. While they may attend electronically, only members actually present may cast votes. A Board member shall be removed for cause or for failure to attend three (3) consecutive regularly scheduled meetings. Excused absences may be authorized by the Board.

If a member has three unexcused absences, a letter reporting the removal and cause shall be sent to the affected Board member and to the funding agency responsible for appointment. The funding agency shall be asked to appoint another representative to fill that member's unexpired term.

Section 7. Order of Business. The business of each meeting shall be conducted in this order:

- Call to order
- Approval of minutes of previous meeting
- Public Comment
- Financial report
- Committee reports
- Director's report
- Old business
- New business
- Adjournment

Section 8. Parliamentary Procedures. The latest edition of Robert's Rule of Order, when not in conflict with the Library's Constitution and Bylaws, shall govern the proceedings of the Board of Trustees.

Section 9. Special Meetings. Special meetings may be called at the direction of the chair or upon the written request of at least two (2) members, for the transaction of business as stated in the call for the meeting. Except in cases of emergency, at least 48 hours' notice shall be given. In no case may less than two hours' notice be given.

ARTICLE V – Committees

The Library Board Chair may appoint committees to handle tasks relating to specific areas of Library business. This may include the following:

Section 1. Executive Committee. This group, as specified in the Constitution, is delegated the power to govern in the name of the Board of Trustees between meetings of the Board. It may also develop standards for evaluating the Library Director's performance and annually review the Director's performance.

Section 2. Personnel Committee. This group is tasked with recommending legal, current personnel policies and supporting the Library Director in establishing a system of procedural controls to assure a responsible administration of personnel policies. It shall be available to hear grievances which arise from the grievance procedure.

Section 3. Finance and Budget Committee. This group monitors financial, budgetary and administrative policies to assure that the Library is adequately funded to meet short and long term needs, develops policies and systems of procedural control to assure conservation of public funds and wise management of assets and assures that the Library is operated in a financially sound balanced manner consistent with the best interests and mission of the Library.

Section 4. Other Committees. The Library Board may also create ad hoc committees as needed to evaluate and handle specific tasks such as building and grounds, constitution and bylaws, or strategic planning.

ARTICLE VI – Duties of the Library Director

Section 1. The Director of the Elbert County Public Library System must hold at least a Grade 5(b) Librarian's Professional Graduate Certificate as defined by the State Board for the Certification of Librarians.

Section 2. The Director shall be the administrative head of the Library System under the direction and review of the Library Board.

Section 3. It is the duty and responsibility of the Director to:

- (a) Recommend for employment or termination other staff members, as necessary, in compliance with applicable laws and the availability of funds, and to employ and terminate other staff members if so authorized by the Library Board.
- (b) Attend all meetings called by Georgia Public Library Service or send an authorized substitute.
- (c) Prepare any local, state, or federal budgets.
- (d) Notify the Library Board of Trustees and the Georgia Public Library Service of any failure to comply with policies of the Board, criteria for state aid, state and federal rules and regulations; or all applicable local, state or federal laws.
- (e) Administer the total library program, including all affiliated libraries, in accordance with policies adopted by the Library Board of Trustees of the Elbert County Public Library System.
- (f) Attend all meetings of the Board of Trustees or designate a person to attend in his place.
- (g) File any and all reports required by Georgia Public Library Service or those required by grants and other programs.
- (h) Approve all expenditures and co-sign all Library checks.

Section 4. Other Duties. The Library Director may have other duties delegated by the Library Board. This may include but is not limited to the ability to sign certain contracts on behalf of the Library Board.

ARTICLE VII – Penalties

Employees or agents of the Elbert County Public Library may cause the arrest, fine and imprisonment of persons who borrow and fail to return books and other property owned by the Elbert County Public Library; those who deface, damage, steal or otherwise improperly use and/or abuse Library property or those who commit other violations as described in O.C.G.A. 20-5-2.

ARTICLE VIII – Amendments

These bylaws may be amended at any regular meeting of the Library Board of Trustees by a two thirds vote of the members present, provided that notice is made in writing at least two weeks prior to the meeting, and provided that a quorum is present. All amendments shall be filed with Georgia Public Library Services immediately upon adoption.