

# **CONSTITUTION FOR THE HALL COUNTY LIBRARY SYSTEM**

as drafted June 12, 1996

Adopted June 4, 1997

Amended August 28, 1997

Amended January 27, 1998

Amended October 27, 1998

Amended August 31, 1999

Amended October 23, 2001

Amended July 22, 2008

Amended June 22, 2010

Amended August 25, 2015

## **Article I. Name**

Section 1. The name of the library shall be the Hall County Library System.

## **Article II. Purpose**

The Hall County Library shall furnish library service to the people of the county as set forth in the Constitution and Bylaws of the Hall County Library System, and under the regulations governing public libraries as set forth by the State of Georgia. The Hall County Library shall offer a full program of library service to all citizens of the county in accordance with the Mission Statement and other pertinent policies adopted by the Board.

## **Article III. Constituency**

The Hall County Library System shall serve all citizens of Hall County through the Headquarters Library, branch libraries, bookmobile, and other extension services. The Headquarters is located at 127 Main Street NW Gainesville, GA. Communities served are: Braselton, Buford, Clermont, Flowery Branch, Gainesville, Gillsville, Lula, and Oakwood.

## **Article IV. Governing Body**

Section 1. The governing body of the Library System shall consist of a Board of Library Trustees. The operation of the Hall County Library System is legally vested in this board under the provisions of the Official Code of Georgia Annotated, Article 2, Chapter 5, Title 20.

## **Article V. Legal Authority**

Section 1. The legal authority for public libraries and Board of Trustees is described in Title 20, Chapter 20, Chapter 5, Article 2, of the Official Code of Georgia Annotated, amended March 26, 1984.

## **Article VI. Library Board of Trustees**

Section 1. The Hall County Library Board of Trustees shall be composed of 10 members appointed by the local government agencies providing direct financial support to the library Board of Trustees on an annual basis. For so long as Hall County is the only government agency supporting the library, Hall County Library Board members shall be appointed by the Hall County Commission.

Section 2. The term of the office shall be three years, with terms staggered so that not more than four members' terms of office shall expire at one time. No member shall serve more than two consecutive three-year terms. Full terms will begin on July 1 and end on June 30 of the appropriate years.

Section 3. Any person appointed to the Hall County Library Board must be a resident of Hall County. If a Board member's legal residence changes to another county, he/she shall be replaced on the Board.

Section 4. Vacancies shall be filled in the same manner as appointments are made. If a vacancy occurs prior to the expiration of a trustee's term, the new appointee shall complete the unexpired term. If the unexpired term is one year or less, the appointee will still be eligible for two consecutive three-year terms under Article VI, Section 2.

Section 5. Board members shall receive no compensation but may be reimbursed for any reasonable and necessary expenses incurred in the performance of library business, or if stipulated in terms of any bequest or gift. Membership dues or fees for individual membership of Board members in state, regional and national library associations may be paid from operating funds.

Section 6. The Hall County Commission shall appoint an ex-officio member from its body to serve on the Board for a one year term. A full year term will begin on July 1 and will end June 30. The ex-officio member shall not have voting privileges.

## **Article VII. Officers**

Section 1. The officers of the Hall County Library Board of Trustees shall be a Chairman and a Vice Chairman. These officers shall perform the duties prescribed by the Bylaws and by the parliamentary authority adopted by the Board.

Section 2. Nominations will be made by a committee of three Board Members appointed by the Chairman. The Chairman may serve as one of the three members of the nominating committee. An officer is elected for a two-year term.

Section 3. The officers shall be elected at the last regular meeting of the fiscal year to serve a two-year term, and their terms of office shall begin at the first meeting of the new fiscal year (which runs from July 1 – June 30) for which they were elected to serve.

Section 4 The Vice-Chairman will also serve as Secretary and Finance Officer responsible for reporting to the Board minutes, official correspondence and financial reports.

Section 5. Any staff members authorized to handle library funds shall be bonded for an amount commensurate with the amount of funds handled, determined by the Board and entered in the minutes, and a copy of the bond filed with the Office of Public Library Services of the Board of Regents of the University System of Georgia.

Section 6. All federal, state and local funds used for the operation and improvement of the services and facilities of the Hall County Library System shall be received and shall be used in the accordance with the budget approved by the Board and the intent of the appropriation laws and regulations.

## **Article VIII. Executive Committee**

An Executive Committee composed of the Chairman or Vice-Chairman of the Board and three additional members to be appointed by the Chairman shall be entrusted to govern in the name of the Board of Trustees between regular scheduled meetings of the Board.

## **Article IX. Committees**

Committees may be appointed by the Chairman as needed. The Chairman shall appoint a Nominating Committee at the meeting prior to the election meeting, to formulate a slate of officers to be presented at the election meeting.

## **Article X. Contracts**

Hall County Library System is authorized to make and enter into such contracts or agreements as are deemed necessary and desirable under provisions of Title 20, Chapter 5, Article 2 of the Official Code of Georgia Annotated.

## **Article XI. Amendment of Constitution**

This constitution may be amended at any regular meeting of the 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 a quorum is present. All amendments to the Constitution will be filed with the Director of the Hall County Library System and the Office of Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.

## **Article XII. Non-Profit Compliance**

Section 1. The Hall County Library System is organized and operated exclusively for charitable and educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code.

Section 2. No part of the net earnings of the Hall County Library System shall inure to the benefits of, or be distributable to its members, trustees, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof.

Section 3. No substantial part of the activities of the Hall County Library System shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the organization shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office. Notwithstanding any other provision of this document, the organization shall not carry on any other activities not permitted to be carried on (a) by an organization exempt from federal income tax under section 501(c)(3) of the Internal Revenue Code or (b) by an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code.

Section 4. Upon the dissolution of the Hall County Library System, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, to organizations which have received exempt status under section 501(c)(3), or shall be distributed to the federal government, or to a state or local government, for a public purpose.

## **BYLAWS FOR THE HALL COUNTY LIBRARY SYSTEM**

as drafted June 12, 1996

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Amended August 28, 1997

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### **Article I. Duties and Responsibilities of Board Members**

The Hall County Board of Trustees is the legal governing body of the Hall County Library System. It shall be the duty and responsibility of members of the Board of Trustees:

1. To employ a Director for the Hall County Library System who meets state certification requirements and such other employees as necessary upon recommendation of the Hall County Library Director. Authority for the technical administration and supervision of the libraries in the system shall be vested in the Hall County Library System Director.
2. To approve budgets prepared by the Hall County Library System Director, and together with the local library boards of trustees, assume responsibility for the presentation of the Library system's fiscal needs to the supporting agencies.
3. To attend board meetings.
4. To establish policies governing library programs and operations.
5. To set policy for the receipt and administration of gifts of money and property.
6. To present financial and progress reports to governing officials and to the public.
7. To notify the System Director in advance of all meetings of the Board of Trustees or Committees of the Board.

### **Article II. Duties of Officers**

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

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

Section 3. As Secretary, the Vice-Chairman shall be responsible for recording the official actions of the Board, keeping a record of attendance at Board meetings, and have the custody of the official minutes, which shall be housed in the Hall County Library Headquarters. The Secretary shall send copies of the minutes of all meetings to the Director of the Library System.

Section 4. As Financial Officer, the Vice-Chairman shall be responsible for receiving and disbursing funds in keeping with the Board's authorization and maintaining a balanced budget. Checks must bear the signatures of the Library Director and one other agent authorized by the Hall County Library Board. A report of all receipts, deposits and expenditures shall be forwarded to the Board for its review, approval, and recording at the next meeting. An account of all receipts and expenditures must be kept. Funds shall be audited annually in accordance with State Aid Criteria and other State or Federal regulations. The Treasurer shall notify in writing any supporting agencies whose appropriations are not paid promptly and in full.

Section 5. The Treasurer shall be bonded for an amount commensurate with the amount of funds handled, determined by the Hall County Board and entered in the minutes annually, and a copy of the bond filed with the Board of Regents of the University System of Georgia. All library staff authorized to handle funds will be bonded. Official copies of all financial reports and books shall be kept in the system's Headquarters at all times.

Section 6. The library system's Administrative Assistant shall assist the Vice-Chairman as Secretary responsible for recording, reporting and preserving all Board and Committee minutes. The Business Manager shall assist the Vice-Chairman as the Finance Officer responsible for receiving and reporting disbursement of all funds and preserving all financial transactions and reports.

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

Section 1. The Director of the Hall County 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 Board of Trustees.

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

a. To employ or terminate library staff members, as necessary, in compliance with applicable laws and the availability of funds.

b. To attend all meetings called by the Office of Public Library Services of the Board of Regents of the University System of Georgia or send a substitute authorized by the Public Library Services Director.

c. To prepare any local, state or federal annual budgets in cooperation with the Hall County Board of Trustees.

d. To enter into contracts as authorized by the library board.

e. To notify the Board of Trustees and the Office of Public Library Services of the Board of Regents of the University System of Georgia of any failure by the system to comply with:

1. Policies of the Board
2. Criteria for State Aid
3. State and federal rules and regulations
4. All applicable local, state or federal laws.

f. To administer the total library program, including all affiliated and branch libraries, in accordance with policies adopted by the Board of Trustees of the Hall County Library System.

g. To attend all meetings of the Board of Trustees of the Hall County Library System and the meetings of the Boards of Trustees in the local libraries comprising the System, or to designate a staff member to attend in his/her place.

h. To notify the proper appointing authorities of vacancies which may occur on the Hall County Library Board.

### **Article IV. Meetings**

Section 1. The Hall County Library Board shall hold no fewer than four full board meetings during each fiscal year.

Section 2. Special meetings may be called by the Chairman or upon the written request of three Board members, for the transaction of specific business stated in the call for the meeting. No business other than that for which the meeting was called may be discussed or conducted at a called meeting.

Section 3. The Executive Committee may meet as needed at any time. The Executive Committee is empowered to transact any business requiring attention between full board meetings of the Hall County Board.

Section 4. Prior to each regular or called meeting, the Director of the Library System shall notify each member of the date, time and place of the Hall County Board meeting. This notification process shall also apply to committee members for meetings of Board committees. The Director shall post in the library a notice of all Board meetings in accordance with the Open Meetings Act.

Section 5. Citizens desiring to make a formal presentation to the Board must request, in writing, to be placed on the agenda, and such request must be delivered to the Chairman of the Board, Library Director or his/her designee at least two business days prior to the scheduled meeting.

Section 6. A majority of the membership of the Library Board and committees shall constitute a quorum. No official business may be conducted without a quorum. Unless otherwise specified, a simple majority affirmative vote of the members present and voting shall be necessary to approve any action before the Board. The Chairman shall vote only to break the deadlock in a tie vote. Each member shall have one vote.

Section 7. Pursuant to O.C.G.A. § 50-1-5(a), members may attend meetings in person or via telephone conference calls, two-way interactive closed circuit television or satellite television signal, or any other similar method that will allow each member of the board or body participating in the meeting to hear and speak to each other member participating in the meeting.

Section 8. The latest edition of Robert's Rules of Order (Revised), when not in conflict with the System's Constitution and Bylaws, shall govern the proceedings of the Board of Trustees of the Hall County Library. The Board reserves the right to adopt modifications of Robert's Rules of Order as deemed necessary.

Section 9. Meetings will be held in accordance with the Georgia Open Meetings law, Georgia Code Annotated, 50-14-et.seq.

#### **Article V. Reports**

The Hall County Library System is responsible for all reports deemed necessary by local, state and federal funding agencies. An annual report of activities, income and expenditures shall be filed with each government agency as required. All other reports necessary to obtain funds or meet requirements of state and federal laws, regulations and policies shall be filed with the Office of Public Library Services of the Board of Regents of the University System of Georgia.

#### **Article VI. Removal of Board Members**

Section 1. No Board member may be removed from the Board except for cause, as defined in Black's Law Dictionary, or as stated in Article VI, Section 3 of the Constitution of the Hall County Library Board, or for failure to attend three consecutive regularly-scheduled meetings.

Section 2. A letter reporting the removal and specifying the cause shall be sent to the affected Board member by the Secretary or the Library Director and to the appointing authority responsible for the appointment. The local appointing authority shall be asked to appoint another representative to fill that member's unexpired term.

#### **Article VII. Penalties**

Employees or agents of the Hall County Library System may cause the arrest, fine, and imprisonment of persons who borrow, and fail to return, books and other property owned by the Hall County Library System; deface, damage, steal, or otherwise improperly use and/or abuse library property; or commit other violations as described in the Official Code of Georgia Annotated, Title 20, Chapter 5, Article 2.

#### **Article VIII. Amendments**

These Bylaws may be amended at any regular meeting of the 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 to these Bylaws shall be filed with the Office of Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.