

Nampa Public Library
Bylaws and Rules of
The Board of Trustees

Approved by the Board of Trustees September 1990

Revised November 14, 2011

Further revised December 12, 2017

Further revised November 12, 2019

Article I—Name

This organization shall be called “The Board of Trustees of the Nampa Public Library” existing by virtue of the provision of Title 33, Chapter 26 of the Laws of the State of Idaho, and Title II, Chapter 6 of the Nampa City Code, and exercising the powers and authority and assuming the responsibilities delegated to it under the said statutes.

Article II—Membership

Section 1. Members of the Board of Trustees shall be appointed in accordance with Idaho Code 33-2604 and Nampa City Code 2-6-1. Board members are appointed by the Mayor and confirmed by the Council.

Section 2. A vacancy shall be reported in writing to the Mayor and Board chairperson within five business days whenever a member dies, resigns, moves out of the city limits, or fails to attend, without an excuse acceptable to the board, two (2) consecutive regular meetings or (four) 4 regular meetings during a calendar year.

Section 3. New members shall sign the “Acknowledgement Form - Nampa Public Library Bylaws and Rules of The Board of Trustees and Board Governance Policy” on or before the first board meeting which they attend. (See Appendix I) Signed forms will be kept on file in the Library’s official records.

Article III—Officers

Section 1. The officers shall be a chairperson, and a vice chairperson, elected from among the appointed trustees at the annual meeting of the board. The library director shall appoint competent staff to serve as the secretary to the board.

Section 2. Officers shall serve a term of one year from the annual meeting at which they are elected and until their successors are duly elected. The chairperson shall serve for one year only and shall not serve consecutive term.

Section 3. The chairperson shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, ensure that new members receive orientation and documents including the Bylaws, speak to the media on behalf of the Board and generally perform all duties associated with that office.

Section 4. The vice chairperson, in the event of the absence or disability of the chairperson, or of a vacancy in that office, shall assume and perform the duties and functions of the chairperson.

Section 5. The secretary shall keep a true and 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 that office, except that a delegated recording secretary may take the minutes.

Section 6. The secretary or vice chairperson shall be the financial officer of the Board. After the board officer has properly authenticated vouchers, the Director will approve all vouchers for bills to be paid by the city. The Director will receive and verify all financial reports from the city and will perform such duties as generally devolve upon the office. In the absence or inability of the Board officer, these duties shall be performed by such other person or persons as the Board may designate.

Article IV—Meetings

Section 1. The regular meetings shall be held on a uniform day each month, the day and hour to be set by the Board at its annual meeting, unless otherwise ordered by the Board.

Section 2. The annual meeting, which shall be for the purpose of the election of officers, shall be held at the time of the regular meeting in October of each year.

Section 3. The order of business for regular meetings shall include, but not be limited to, the following items which shall be covered in the sequence shown so far as circumstances will permit.

- Roll Call
- Approval of the Agenda
- Approval of Minutes
- Approval of Bills
- City Council Liaison Report
- Director's Report
- Committee Reports
- Unfinished Business
- New Business
- Adjournment

Section 4. Special meetings may be called by the secretary at the direction of the chairperson, or at the request of two members, for the transaction of business as stated in the call for the meeting. Written notice thereof shall be given to the members at least two days prior to the day of the meeting.

Section 5. A quorum for the transaction of business at any meeting shall consist of 3 members of the Board present in person.

Section 6. Conduct of meetings: proceedings of all meetings shall be governed by Robert's Rules of Order, except as otherwise provided in this document.

The Board shall appoint a qualified library director who shall be the executive and administrative officer of the library on behalf of the Board and under its review and direction. The director shall appoint other employees, shall specify the duties of other employees, shall be held responsible for the proper direction and supervision of the staff, for the care and maintenance of the library property, for an adequate and proper selection of books in keeping with the stated policy of the Board, for the efficiency of library service to the public and for its financial operation within the limitations of the budgeted appropriation, will receive and verify all financial reports from the city, and report them to the board.

Article VI—Committees

Section 1. The chairperson may appoint standing committees. Members of standing committees are appointed at the annual meeting, and serve for one year.

Section 2. The chairperson may appoint committees of one or more members each for such specific purposes as the business of the Board may require. The committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the board.

Section 3. Committees may make a progress report to the library Board at each of its meetings.

Section 4. No committee will have other than advisory powers unless, by suitable action of the Board, it is granted specific power to act.

Article VII—Amendments

These bylaws may be amended by a simple majority vote of all members of the Board at any meeting that has a quorum, provided written notice of the proposed amendment shall have been mailed or emailed to all members at least 7 days prior to the meeting at which such action is proposed to be taken.

Article VIII—General

Section 1. An affirmative vote of the majority of all members of the Board present at the time shall be necessary to approve any action before the Board. The chairperson may vote upon and may move or second a proposal before the Board.

Section 2. Any rule or resolution of the Board, whether contained in these bylaws or otherwise, may be suspended temporarily in connection with business at hand, but such suspension, to be valid, may be taken only at a meeting at which at least three members of the Board shall be present and three of those present shall so approve.

Idaho Code:

Public Libraries. Title 33, Chapter 26 <http://www3.state.id.us/idstat/TOC/33026KTOC.html>

Open Meeting Law. Title 67, 2340 through 2345 <http://www3.state.id.us/idstat/TOC/67023KTOC.html>

Nampa City code: <http://www.sterlingcodifiers.com/ID/Nampa/index.htm>

APPENDIX I

Nampa Library Board Governance Policy

A five-member Board of Trustees is responsible to govern the Nampa Public Library. Since the Library belongs to the community, each trustee holds the Library "in trust" for the sake of Nampa citizens. Trustees are public servants, and powers delegated to the Library Board are a public trust. Trustees have: 1.) Ethical responsibilities to provide honest, committed and informed service to the Nampa public, detailed below, and 2.) Legal responsibilities imposed upon the Board by statute, detailed in the Bylaws.

ETHICAL RESPONSIBILITIES:

1. Trustees perform with integrity the chief responsibilities of the Board: to hire and evaluate the Director, plan services, manage the budget and approve policy.
2. Trustees keep Library policies and trustee conduct free of racism, sexism, bigotry and intolerance, including personal conduct with trustees and employees of the Library.
3. Trustees recognize the need for trust as the basis for team building and shared leadership in interactions.
During meetings trustees:
 - a. Focus on the situation and consider the broader implications,
 - b. Respect others and promote positive relationships,
 - c. Express ideas and opinions constructively,
 - d. Share responsibility for effective and positive communication,
 - e. Take initiative to develop solutions,
 - f. Lead by example,
 - g. Demonstrate a genuine interest in the Library,
 - h. Ensure confidentiality and devote the necessary time to Board responsibilities.
4. The Board acts as a whole. Trustees participate in Board discussions and decisions, but they recognize that authority rests with the whole Board assembled in public meetings. The Board makes decisions and reaches conclusions on issues before the Board only after deliberation and full public debate with Board members. A trustee may state opposition to an issue during Board discussion, but once a decision is made, the Board speaks with one voice. Outside of meetings, an individual trustee must make no promises nor take any action which may compromise the Board. No trustee should act independently unless authorized by the Board. No trustee, when representing the Board, may promote the special interests of themselves, individuals, organizations or political views which may be in conflict with the role of the Library to serve the public.
5. Trustees bring actual or potential conflicts of interest to the Board's attention immediately to discuss the need for possible recusal.
6. Trustees attend Board meetings and read packet materials and participate in discussions and votes. The work of the Board, including committee assignments, should be distributed and carried out evenly and fairly.
7. Trustees work with the Library Director and respect the expertise of the staff, and they remember that the operation of the Library is the responsibility of the Director.
8. Trustees refer complaints to the Library Director and act on complaints in a public forum only after the Director has reviewed them and only if a policy revision is necessary or legal ramifications are involved.
9. Trustees uphold all policies adopted by the Board, as well as these Bylaws, Idaho Code and Nampa Code regarding the Library (see Appendices II and III) and observe Idaho's Open Meeting Law (see Appendix IV.) in conducting all Library business.

ACKNOWLEDGEMENT FORM

**NAMPA PUBLIC LIBRARY
BYLAWS AND RULES OF THE BOARD OF TRUSTEES
AND BOARD GOVERNANCE POLICY**

I acknowledge receipt of the Nampa Public Library Bylaws and Rules of the Board of Trustees and Board Governance Policy on

(date)_____.

I further acknowledge that I have read, understand, and agree to abide by the terms of these policies.

Printed Name

Signature

Date

<http://legislature.idaho.gov/idstat/Title33/T33CH27SECT33-2607.htm>

TITLE 33
EDUCATION
CHAPTER 26
PUBLIC LIBRARIES

33-2607. **POWERS AND DUTIES OF TRUSTEES.** In addition to the powers elsewhere contained in this chapter and notwithstanding the provisions of title 50, Idaho Code, the Board of trustees of each city Library shall have the following powers and duties:

- (1) To establish bylaws for its own governance;
- (2) To establish policies and rules of use for the governance of the Library or libraries under its control; to exclude from the use of the Library any and all persons who violate such rules;
- (3) To establish, locate, maintain and have custody of libraries to serve the city, and to provide suitable rooms, structures, facilities, furniture, apparatus and appliances necessary for Library service;
- (4) With the approval of the city:
 - (a) To acquire real property by purchase, gift, devise, lease or otherwise;
 - (b) To own and hold real and personal property and to construct buildings for the use and purposes of the Library;
 - (c) To sell, exchange or otherwise dispose of real or personal property when no longer required by the Library; and
 - (d) To insure the real and personal property of the Library;
- (5) To prepare and adopt a budget for review and approval by the city council;
- (6) To control the expenditures of money budgeted for the Library;
- (7) To accept or decline gifts of money or personal property, in accordance with Library policy, and under such terms as may be a condition of the gift;
- (8) To hire, supervise and evaluate the Library Director;
- (9) To establish policies for the purchase and distribution of Library materials;
- (10) To attend all meetings of the Board of trustees;
- (11) To maintain legal records of all Board business;
- (12) To exercise such other powers, not inconsistent with law, necessary for the orderly and efficient management of the Library.

APPENDIX III

Nampa City Code on Library

2-6-1: BOARD CREATED; MEMBERS: There shall be a Board of Library Directors composed of five (5) members appointed by the mayor and confirmed by the council. Board members are appointed for five (5) years rotating terms. All appointments are made by the mayor with confirmation by the council. Each year an appointment shall be made to fill the position of the retiring member. When a vacancy occurs for any reason other than an expired term, a member shall be appointed to complete the remainder of that term. (Ord. 2073)

2-6-2: RESIDENCY REQUIREMENTS No more than one member of the Library Board shall be a nonresident of the city. (Ord. 2073)

2-6-3: ORGANIZATION: The Library Board shall organize annually, at the time the business year for the city commences, and they shall elect a chairman and a vice chair from among their own members who shall serve for one year; prohibited, further, that the chairman of the Board shall serve for one year only and shall not succeed himself. Such Library Board shall adopt written rules for the transaction of the general business of the Board. The Library Director serves as secretary and may appoint a member of the Library staff to keep written minutes of all regular and special meetings. (Ord. 3989, 10-3-2011)

2-6-4: MEMBERS SERVE WITHOUT COMPENSATION: All members of said Board shall serve without salary or any compensation. (Ord. 2073)

2-6-5: DUTIES: It shall be the duty of the Board to have and they shall have control of the expenditures of all monies collected for the Library fund subject to the approval of the council and such monies shall be drawn from the treasury upon vouchers properly authenticated by the Board with the approval of the council. The Board shall have supervision, care and custody of any and all rooms or buildings which are used for the purpose of the Library. (Ord. 2073)

2-6-6: LIBRARY FUND: The council shall levy and collect such taxes under the laws of the state as shall be necessary to maintain the Library, and keep the same in a separate fund to be paid out upon the recommendation of the Library Board, with the approval of the council. (Ord. 2073)

2-6-7: LIBRARY DIRECTOR: The Library Board shall have authority to select a Library Director and such assistants as may be necessary. (Ord. 4211, 12-7-2015) http://www.sterlingcodifiers.com/codebook/index.php?book_id=597

APPENDIX IV

Idaho Code TITLE 74 TRANSPARENT AND ETHICAL GOVERNMENT CHAPTER 2 OPEN MEETINGS LAW

74-208. VIOLATIONS. (1) If an action, or any deliberation or decision-making that leads to an action, occurs at any meeting which fails to comply with the provisions of this chapter, such action shall be null and void.

(2) Any member of the governing body governed by the provisions of this chapter, who conducts or participates in a meeting which violates the provisions of this act shall be subject to a civil penalty not to exceed two hundred fifty dollars (\$250).

(3) Any member of a governing body who knowingly violates the provisions of this chapter shall be subject to a civil penalty not to exceed one thousand five hundred dollars (\$1,500).

(4) Any member of a governing body who knowingly violates any provision of this chapter and who has previously admitted to committing or has been previously determined to have committed a violation pursuant to subsection (3) of this section within the twelve (12) months preceding this subsequent violation shall be subject to a civil penalty not to exceed two thousand five hundred dollars (\$2,500).

(5) The attorney general shall have the duty to enforce this chapter in relation to public agencies of state government, and the prosecuting attorneys of the various counties shall have the duty to enforce this act in relation to local public agencies within their respective jurisdictions. In the event that there is reason to believe that a violation of the provisions of this act has been committed by members of a Board of county commissioners or, for any other reason a county prosecuting attorney is deemed disqualified from proceeding to enforce this act, the prosecuting attorney or Board of county commissioners shall seek to have a special prosecutor appointed for that purpose as provided in section [31-2603](#), Idaho Code.

(6) Any person affected by a violation of the provisions of this chapter may commence a civil action in the magistrate division of the district court of the county in which the public agency ordinarily meets, for the purpose of requiring compliance with provisions of this act. No private action brought pursuant to this subsection shall result in the assessment of a civil penalty against any member of a public agency and there shall be no private right of action for damages arising out of any violation of the provisions of this chapter. Any suit brought for the purpose of having an action declared or determined to be null and void pursuant to subsection (1) of this section shall be commenced within thirty (30) days of the time of the decision or action that results, in whole or in part, from a meeting that failed to comply with the provisions of this act. Any other suit brought under the provisions of this section shall be commenced within one hundred eighty (180) days of the time of the violation or alleged violation of the provisions of this act.

(7) (a) A violation may be cured by a public agency upon:

(i) The agency's self-recognition of a violation; or

(ii) Receipt by the secretary or clerk of the public agency of written notice of an alleged violation. A complaint filed and served upon the public agency may be substituted for other forms of written notice. Upon notice of an alleged open meeting violation, the governing body shall have fourteen (14) days to respond publicly and either acknowledge the open meeting violation and state an intent to cure the violation or state that the public agency has determined that no violation has occurred and that no cure is necessary. Failure to respond shall be treated as a denial of any violation for purposes of proceeding with any enforcement action.

(b) Following the public agency's acknowledgment of a violation pursuant to paragraph (a)(i) or (a)(ii) of this subsection, the public agency shall have fourteen (14) days to cure the violation by declaring that all actions taken at or resulting from the meeting in violation of this act void.

(c) All enforcement actions shall be stayed during the response and cure period but may recommence at the discretion of the complainant after the cure period has expired.

(d) A cure as provided in this section shall act as a bar to the imposition of the civil penalty provided in subsection (2) of this section. A cure of a violation as provided in subsection (7)(a)(i) of this section shall act as a bar to the imposition of any civil penalty provided in subsection (4) of this section.

History:

[74-208, added 2015, ch. 140, sec. 5, p. 372; am. 2015, ch. 345, sec. 1, p. 1301.]