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Amended April 21, 2016 for Implementation on July 1, 2016

## **CONSTITUTION OF THE DADE COUNTY PUBLIC LIBRARY**

### **ARTICLE I. NAME**

The name of the library shall be the Dade County Public Library.

### **ARTICLE II. PURPOSE**

These Constitution and Bylaws are companion documents to the Constitution and Bylaws of the Cherokee Regional Library (CHRL) System and are intended to clarify local practices and the relationship of the local library to the regional system. There is to be no conflict between provisions of these Constitution and Bylaws and those of the Cherokees Regional Library System. If inadvertent conflict occurs, the Regional Constitution and Bylaws shall govern.

The Dade County Public Library shall furnish library service to the people of the county as set forth in the Constitution and Bylaws of the Cherokee Regional Library System, and under the regulations governing public libraries as set forth by the State of Georgia. The Dade County Public Library shall offer a full program of library service to all citizens of the county to meet their informational, educational and recreational needs.

### **ARTICLE III. CONSTITUENCY**

The Dade County Public Library is a member of the Cherokee Regional Library System. Membership in the Cherokee Regional Library provides the citizens of Dade County with reciprocal borrowing privileges in all libraries in the System. Likewise, the Dade County Public Library lends materials to citizens of all other counties within the Regional Library System.

## **ARTICLE IV. ADVISORY BOARD OF TRUSTEES**

As prescribed by the Official Code of Georgia Annotated (O.C.G.A) § 20-5-41, the Dade County Public Library Board of Trustees is advisory. The actual governing authority resides with the regional board with which the Dade County Board is affiliated.

**Section 1.** The Dade County Public Library Board of Trustees shall be composed of eight members appointed by the governmental agencies financially supporting the library on a regular basis. The Dade County Commissioners shall appoint four members, the Trenton City Commissioners shall appoint two members and the Dade County Board of Education shall appoint two members as specified in the Bylaws and the state law.

**Section 2.** The term of office shall be three years, with starting and ending dates corresponding to the state's fiscal year. No member may serve on this board for more than four successive three-year terms of office. A member may be reappointed to this board after an absence of one year and is then eligible for reappointment for up to four successive three-year terms of office.

**Section 3.** 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.

Members appointed to fulfill incomplete terms shall be considered to have served a full term if the date of appointment is 24 months or more before the ending date of the term. Members appointed to fulfill incomplete terms who serve 23 months or less of the term shall be considered not to have served a term, and shall therefore be eligible to be reappointed for the maximum number of terms.

**Section 4.** Board members shall receive no compensation but may be reimbursed for any reasonable and necessary expenses incurred in the performance of library business. Membership dues or fees for individual membership or board members in state, regional, and national library associations may be paid from operating funds.

**Section 5.** The Dade County Public Library Board shall appoint three of its members to represent it as members of the Cherokee Regional Library Board of Trustees. They shall be entrusted with representing and interpreting the interests of the Dade County Public Library Board to the County Board.

**Section 6.** All decisions of the Board are made by the board as a collective body. No individual member may make decisions or act for the Board unless specifically authorized to do so by a vote of the membership of the Board.

**Section 7.** Any person appointed to the Dade County Public Library Board must be a resident of Dade county. If s/he moves his/her legal residence outside the county, s/he shall be replaced on the Board.

## **ARTICLE V. OFFICERS**

**Section 1.** The officers of the Board of Trustees shall be a Chairman and a Vice-Chair elected from those serving on the Board. These officers shall perform the duties prescribed by the Bylaws and by the parliamentary authority adopted by the Regional Library Board.

**Section 2.** Nominations shall be made by a committee of two Board members appointed by the Chair of the Board. The Chair and/or the Director may serve as one of the members on the nominating committee. An officer is elected for a two-year term and may succeed himself/herself for one additional term. After two consecutive terms, the Chair may be re-elected after one year of absence as Chair.

**Section 3.** The officers shall be elected at the April meeting to serve for two years or until their successors are elected. Their terms of office shall begin July 1 or at the close of the meeting at which they are elected if fulfilling an unexpired term.

**Section 4.** The Secretary to the Board shall be the Director of the Cherokee Regional Library System or his/her designee. The Secretary is not a member of the Board.

## **ARTICLE VII. COMMITTEES**

Standing committees shall be the Building and Grounds Committee and the Nominating Committee. Other special committees may be appointed by the Chair as needed.

## **ARTICLE VII. CONFLICT OF INTEREST**

Any conflict of interest on the part of any Trustee shall be disclosed to the Board when the interest becomes a matter of Board action. Any Trustee having a conflict of interest shall not vote or use his personal influence on the matter, and shall not be counted in determining the quorum for the meeting for that vote. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting, and the quorum situation. Any new Trustee will be advised of this policy upon assuming the duties of office.

No member of the Board of Trustees or his or her family member shall benefit financially from the Trustee's membership on the Board, or create the appearance of a conflict of interest, conflict of commitment, or of any impropriety. A trustee must disclose to the full Board of Trustees that he or she has a conflict of interest.

**Section 1.**

To avoid any potential claims of conflict of interest, no employee of a company with a direct financial interest with the Dade County Public Library or the CHRL System may serve on the Board of Trustees.

**Section 2.**

To avoid any potential claims of conflict of interest, no current employee of the Dade County Public Library or the CHRL System may serve on the Dade County Public Library or the CHRL Board of Trustees.

**Section 3.**

To avoid any potential claims of conflict of interest, no former employee of the Dade County Public Library or the CHRL System with fewer than three years from last date of employment to first date of appointment may serve on the Dade County Public Library Board of Trustees.

**Section 4**

Nepotism - A board member's immediate family cannot be an employee of the CHRL system or of any affiliate library.

A) Immediate family includes:

- i. Spouse
- ii. Parents
- iii. Siblings
- iv. Children
- v. Grandchildren, Great-Grandchildren
- vi. Family related by legal agreement, including adoption, fostering, or guardianship

**ARTICLE VIII. AMENDMENT OF THE CONSTITUTION**

This constitution may be amended at any regular or called 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. As an advisory board, this Constitution cannot be in conflict with the Constitution and Bylaws of the Cherokee Regional Library Board. If inadvertently a conflict exists, the Cherokee Regional Library Constitution and Bylaws supersedes this and all other affiliate board Constitutions and Bylaws. All

amendments to the Constitution will be filed with the Director of the Cherokee Regional Library and the Georgia Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.

Adopted December 4, 1989  
Amended April 13, 2000  
Amended July 14, 2011  
Amended April 21, 2016 for Implementation on July 1, 2016  
Amended July 21, 2016

## **BYLAWS OF THE DADE COUNTY PUBLIC LIBRARY**

The Dade County Public Library Board of Trustees is the group from which the members of the Cherokee Regional Library Board of Trustees, the governing body of the Cherokee Regional Library System, are drawn.

### **ARTICLE I. DUTIES AND RESPONSIBILITIES OF THE BOARD**

**Section 1.** It shall be the duty of the Board of Trustees to appoint one of their members to serve along with the Library Director on a team made up of library staff for the purpose of hiring the Manager of the Dade County Public Library.

**Section 2.** The policies of the Cherokee Regional Library shall be followed. The Dade County Public Library Board of Trustees shall set local policies and practices when there is no Regional Library System policy governing that area of service.

**Section 3.** The Dade County Library Board of Trustees shall discharge those duties delegated to it by the Cherokee Regional Library System Board of Trustees. All formal actions of the Dade County Library Board of Trustees taken in discharging those duties shall be reported to the Regional Board of Trustees for approval and recording at their next meeting.

**Section 4.** The Regional Library System Director shall be notified in advance of all meetings of the Dade County Public Library Board or its committees.

**Section 5.** The Dade County Library Board of Trustees shall approve Dade County library budgets prepared by the Regional Library System Director, and shall present the library's fiscal needs to its supporting agencies.

### **ARTICLE II. DUTIES OF THE OFFICERS**

**Section 1.** The Chair of the Board of Trustees shall preside at all regular or called board meetings. S/he shall appoint all committees and shall be an ex officio member of all committees.

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

**Section 3.** The Secretary shall record the official actions of the Board, keep a record of attendance at Board meetings, and have the custody of the official books, which shall be housed in the Regional library. S/he shall notify the proper appointing authorities of

vacancies which may occur on the Dade County Library Board. The Secretary shall send copies of the minutes of all meetings to the Director of the Cherokee Regional Library System. S/he shall report changes of membership to the Director.

**Section 4.** The Manager and the Regional Library Director shall make a careful study annually of the Dade County Public Library's needs. The study shall be presented to the Board of Trustees at the April meeting. The Board of Trustees shall recommend the need for increases in library appropriations and negotiate with the appropriating agencies. Any negotiations or transactions shall be reported at each meeting of the Board of Trustees.

### **ARTICLE III. MEETINGS**

O.C.G.A § 50.14.1(3)(A) defines a meeting as:

- (a) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or
- (b) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body, at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

**Section 1.** Meetings of the Dade County Public Library Board of Trustees shall be held according to the provisions stated in the Bylaws of the Cherokee Regional Library System.

**Section 2.** The Dade County Library Board shall hold no less than four regular meetings each fiscal year in the months of July, October, January, and April at the Dade County Public Library, or at some other location as designated by the Chair.

**Section 3.** Prior to each regular or called meeting the Director of the Cherokee Regional Library System shall notify each member of the date, time and place of the Dade County Library Board meeting.

**Section 4.** A simple majority of the then qualified and acting members of the Board of Trustees, either in person or via audio/videoconference-constitute a quorum. No official business may be conducted without a quorum. Except as stated elsewhere in this document, a simple majority affirmative vote of the members present and voting shall be necessary to approve any action before the Board.

**Section 5.** Members may attend meetings in person or via audio/videoconference or any other similar method only under emergency conditions or when a member cannot attend in person because of health reasons or absence from the jurisdiction, pursuant to O.C.G.A. § 50-1-5(a). As clearly stated in O.C.G.A. § 50-14-1(b), all votes must be taken in public. Exceptions exist only for votes to authorize settlement of matters in litigation and for preliminary votes on real estate transactions.

**Section 6.** All meetings must be open to the public and the news media, in accordance with the O.C.G.A. 50-14-1 et seq.

**Section 7.** Special meetings may be called by the director or board Chairman or upon the written request of two Board members, for the transaction of 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 8.** Citizens desiring to present items to the Board must request, in writing, to be placed on the agenda at least two days prior to the scheduled meeting.

#### **ARTICLE IV. COMMITTEES**

##### **Section 1: Nominating Committee**

This committee is responsible for nominating board members for service and officers of the board.

##### **Section 2: Building and Grounds Committee**

This committee is to observe any repairs or improvements that could be made to the library building or grounds and present the ideas to the board. They may be charged with the execution of any decision made by the board to help with the upkeep of the grounds.

##### **Section 3: Committee Structure**

Each committee shall consist of a Chair and at least two members. The Board Chair shall serve as an ex officio member of all committees

#### **ARTICLE V. VIOLATION OF BUSINESS DISCLOSURE**

Any board member knowingly and willfully discussing business which is lawfully private or contrary to board standing, including opinions about a policy already voted upon, with anyone outside of the meeting shall be removed from the board.

#### **ARTICLE VI. REPORTS**

The Dade County Public Library shall submit all reports requested by the Cherokee Regional Library System to provide the information necessary to complete reports required by state, federal, or local laws or regulations, or to manage the Regional Library System in an efficient and business-like manner.

#### **ARTICLE VII. ATTENDANCE**

Section 1. A Board member shall be removed for cause or for failure to attend three consecutive regularly scheduled meetings.



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

#### **ARTICLE VIII. AMENDMENTS**

These Bylaws may be amended at any regular or announced 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. As an affiliate board, these Bylaws cannot be in conflict with the Constitution and Bylaws of the Cherokee Regional Library Board. If inadvertently a conflict exists, the Cherokee Regional Library Constitution and Bylaws supersedes this and all other affiliate board Constitutions and Bylaws. All amendments to these Bylaws shall be filed with the Director of the Cherokee Regional Library and the Office of Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.