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Amended January 28, 2016 for Implementation on July 1, 2016

CONSTITUTION OF THE CHEROKEE REGIONAL LIBRARY SYSTEM

ARTICLE I. NAME

The name of the system shall be the Cherokee Regional Library System.

ARTICLE II. HEADQUARTERS

The headquarters for the Cherokee Regional Library System shall be in the LaFayette-Walker County Public Library in Walker County.

ARTICLE III. PURPOSE

The purpose of the Cherokee Regional Library (CHRL) System shall be to furnish library service to the people of the region under the regulations governing public libraries as set forth by the State of Georgia in the *Official Code of Georgia Annotated (O.C.G.A.) § 20-5-1, et. seq.*

The Cherokee Regional Library System shall offer a full program of library service to all citizens of the participating counties to meet their information, educational, and recreational needs; acquire and purchase library materials; circulate materials to the public through the member libraries or by other appropriate means of library extension; develop existing libraries and establish and develop member libraries, deposits and other services as appropriate to the needs of the service area; build a reference collection adequate to provide current and reliable information as demanded by the needs of the communities comprising the area served; and promote the use of library resources by means of instruction, library-centered programs, exhibits, and other public relations media.

ARTICLE IV. CONSTITUENCY

“The Cherokee Regional Library System shall serve all citizens of Dade and Walker Counties and such other counties or municipalities as may become part of the region, through the headquarters library, affiliated libraries or other

extension services. Affiliated libraries exist in the communities of Trenton, Chickamauga, LaFayette and Rossville. Membership in the Cherokee Regional Library System provides the citizens of Dade and Walker Counties with reciprocal borrowing privileges in all libraries in the system.

Each affiliated library shall have its respective advisory Board of Trustees. The number of members and the times of meetings for the advisory Library Boards shall be determined by each respective board. All advisory Library Board members shall serve staggered terms for continuity of service. Each advisory Library Board of Trustees shall be required to meet at least four times each fiscal year.

Any county adjoining any county that is a member of the Cherokee Regional Library System may become a part of the Cherokee Regional Library System either by contract or agreement with the library's participation, based on the cost of providing the service in said county, and by the provisions of O.C.G.A § 20-5-2. Existing libraries are located in the cities of Chickamauga, LaFayette, Rossville and Trenton.

ARTICLE V. LEGAL AUTHORITY

Section 1. The legal authority for public libraries and boards of trustees is described in O.C.G.A § 20-5-2, amended March 26, 1984. No individual on the board possesses the authority to act on the board's behalf unless that authority is delegated by the board.

Section 2. All policies not addressed by the Regional Board shall be delegated to the affiliated library's advisory Board of Trustees.

ARTICLE VI. GOVERNING BODY

Section 1. The governing body of the Cherokee Regional Library System shall be the Regional Board of Trustees. It shall consist of nine (9) members: three (3) members from Dade County and six (6) from Walker County. The Walker County members shall be comprised of two from each of the Walker County affiliate advisory Boards of Trustees. These representatives shall be chosen by their respective affiliate advisory Board of Trustees from among their memberships. The operation of the regional library system is legally vested in this Board under the provisions of the O.C.G.A § 20-5-2.

Section 2. The term of office shall be three years, with starting and ending dates corresponding to the library'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. 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 of board members in state, regional and national library associations may be paid from operating funds.

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.

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 5. In the event a member of the Regional Board ceases, for any reason, to be a member of his/her local library board, then his/her term on the Regional Board shall end at the same time, and the local Library Board shall appoint a new representative to the Regional Board.

Section 6. Additional representatives may be added from any library system which may affiliate with the Cherokee Regional Library System in the future.

ARTICLE VII. OFFICERS

Section 1. The officers of the Board of Trustees shall be Chair, a Vice-Chair, Treasurer and Co-Treasurer 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 Board. The Secretary to the Board shall be the Director or his/her designee. The Secretary is not a member of the Board.

Section 2. Nominations shall be made by a committee of board members appointed by the Chair of the Board. The Chair and/or the Director may serve as one of the members of the nominating committee.

Section 3. The officers shall be elected at the April meeting to serve for two years or until their successors are elected, and their term of office shall begin July 1 or at the close of the meeting at which they are elected if fulfilling an unexpired term. An officer is elected for a two-year term and may succeed himself for one additional consecutive term except that there shall be no limit to the number of terms the Treasurer and Co-Treasurer may serve in succession.

After two consecutive terms, the Chair may be re-elected after one year of absence as Chair.

Section 4. The Treasurer, Co-Treasurer, Director and any members of the staff 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 Georgia Public Library Services of the Board of Regents of the University System of Georgia as described in O.C.G.A. § 20-5-50.

ARTICLE VIII. COMMITTEES

Section 1. The Personnel Committee develops standards for evaluating the library director's performance; and annually reviews the director's performance. This committee shall also recommend legal, current personnel policies; support the 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. It will be a standing committee.

Section 2. Finance and Budget Committee shall recommend and monitor financial, budgetary and administrative policies to assure that the library is adequately funded to meet short and long term needs, has policies and systems of procedural control to assure conservation of public funds and wise management of assets and is operated in a financial and sound, balanced manner consistent with the best interest of the Cherokee Regional Library System. It will be a standing committee.

Section 3. Board Development Committee/Nominating Committee shall be charged with identifying and developing board members and with nominations for officers. It will be a standing committee.

Section 4. Ad hoc Committees such as a committee to review challenged materials and a long range planning committee shall be appointed by the Chair as needed.

Section 5. Each committee shall consist of a Chair and at least two members, one representative from each county. The Chair shall serve as an ex officio member of all committees.

Section 6. Matters that require more detailed consideration than can readily be given by the full Board shall be referred to the appropriate committee.

ARTICLE IX. INTERLIBRARY COOPERATION

The Cherokee Regional Library System may enter into cooperative endeavors with other library systems for the purpose of sharing personnel, materials, and services by confederation or by merger as seen fit by the governing bodies of the library systems. Such cooperative endeavors must be within the limits of funds available to the Boards of Trustees, conducive to mutual growth and development of library services, and not in violation of state or federal laws, regulations, or other agreements, contracts, or library board policies.

ARTICLE X. CONTRACTS

The Cherokee Regional Library System is authorized to make and enter into such contracts or agreements, for all or any part of the regional library system as are deemed necessary and desirable under the provisions of O.C.G.A §Title 20-5- 49.

ARTICLE XI. 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 or commitment, or of impropriety. A trustee must disclose to the 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 (CHRL) System may serve on the Board of Trustees or any affiliated library board of trustees within the CHRL system.

Section 2. To avoid any potential claims of conflict of interest, no current employee of the CHRL System may serve on the CHRL Board of Trustees or any affiliated library board of trustees with the CHRL system.

Section 3. To avoid any potential claims of conflict of interest, no former employee of CHRL System with fewer than three years from last date of

employment to first date of appointment may serve on the CHRL Board of Trustees or any affiliated library board of trustees with the CHRL system.

Section 4. Nepotism: No member of the Board of Trustee's immediate or extended family can 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 XII. AMENDMENT OF 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. All amendments to the Constitution will be filed with the Georgia Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.

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BYLAWS OF THE CHEROKEE REGIONAL LIBRARY

ARTICLE I. DUTIES AND RESPONSIBILITIES OF THE BOARD MEMBERS

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

- (a) To employ a director for the Regional Library System who meets state certification requirements and such other employees as necessary upon the recommendations of the Regional Library System Director. The board shall have the full responsibility of overseeing his or her performance in his/her capacity and shall have the right of dismissal, should sufficient cause for such action become apparent. Authority for the technical administration and supervision of the libraries in the system shall be vested in the Regional Library System Director.
- (b) To approve budgets prepared by the Regional Library System Director and, together with the local Boards of Trustees, assume responsibility for the presentation of the library system's fiscal needs to the supporting agencies.
- (c) To review expenditures in accordance with the budget, amending if needed.
- (d) To occupy the role of a fiduciary with regard to the citizens and taxpayers of the geographical area served by the Cherokee Regional Library System.
- (e) To adopt bylaws for board procedures; to attend and participate in board meetings; review reports, solicit information; obtain feedback from the community; visit the library.
- (f) To establish policies governing library programs on the advice and guidance of the Regional System Director.

- (g) To set policy for the receipt and administration of gifts of money and property.
- (h) To present financial and progress reports to governing officials and to the public.
- (i) To notify the Regional Library System Director in advance of all meetings of the Board or committees.
- (j) To hear appeals of challenged materials from citizens as part of the Collection Development Policy. Decision of the Cherokee Regional Library System Board of Trustees shall be considered final.
- (k) To provide hearings for individual staff members or groups of staff members as provided in the Personnel Policy as part of the grievance procedure.
- (l) To name a Civil Rights officer. This position shall be held by a member of the Regional administrative staff. The Civil Rights Officer receives any employee's complaints of violations of civil rights and sexual harassment and advises the employee on action that needs to be taken. The Civil Rights Officer is the contact person in such issues that arise. Once named, the Civil Rights Officer retains that position until another employee is named.

ARTICLE II. DUTIES OF THE OFFICERS

Section 1. The Chair shall preside at all regular or called board meetings. S/he shall appoint all committees and committee chairs 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 to the Board 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 headquarters. S/he shall notify the proper appointing local Boards of vacancies that may occur on the Regional Library Board. S/he shall report changes of membership to the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia. The Secretary to the Board shall be the Director or his/her designee.

Section 4. The Treasurer shall be a co-signer on all checks and shall be authorized to designate appropriate staff members to receive and deposit monies to the library accounts. The Treasurer shall monitor the financial operations of the library to ensure compliance with (a) applicable statutory and regulatory requirements; (b) funding and budgetary requirements; and (c) internal control procedures designed to safeguard library assets. The Treasurer's monitoring duties should include periodic reviews of documentation supporting: (a) all monies received and deposited; (b) approval of accounts payable invoices and receipt of goods or services; and (c) the library director's approval for and disbursement of funds. The Treasurer should report on monitoring activities performed during the preceding quarter.

An account of all receipts and expenditures must be kept, and a financial report made by the Business Manager and presented by the Library Director or his/her designee at each quarterly board meeting. The accounts shall be audited at the direction of the 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.

Section 5. The Co-Treasurer shall act as a back-up for the Treasurer in the event the Treasurer is unavailable and has the authority to perform all duties.

ARTICLE III. DUTIES OF THE DIRECTOR

Section 1. The Director of the Regional 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 as described in O.C.G.A. § 20-5-45.

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

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

- (a) To employ or terminate all staff members, as necessary and in compliance with applicable laws and the availability of funds. To attend all meetings called by the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia or send a substitute authorized by the office of Georgia Public Library Services Director.
- (b) To prepare any local, state, or federal annual budgets.
- (c) To notify the Board of Trustees and the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia any failure 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
- (d) To administer the total library program, including all affiliated libraries, in accordance with policies adopted by the Board of Trustees of the Cherokee Regional Library System; to keep trustees informed of progress and problems.
- (e) To attend all meetings of the Boards of Trustees of the Regional Library and of the local affiliate libraries in the Region, or to designate a person to attend in his/her place. When in attendance at these meetings, s/he shall have the right to speak upon matters under discussion by the Board or Committee, but shall not have the right to vote.
- (f) To recommend policies; administer policies and maintain the policy manual; interpret policies to the staff and public.

ARTICLE IV. 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. The Regional Library Board shall hold no less than four regular meetings during each fiscal year. Meetings shall be held on dates and times in July, October, January, and April when possible and as designated by the board, always to follow the local board meetings. These meetings will be held at the Headquarters of the Cherokee Regional Library System, or at some other location as designated by the Chair.

Section 2. Meetings held in addition to the four regular meetings may be called by the director or board Chair 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 3. Prior to each regular or called meeting the Director of the Regional Library System shall notify each member of the date, time, and place of the Regional Board meeting.

Section 4. 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. Notice of the time, place, and date of any regular meeting must be given to the general public at least one week in advance and should be posted in a conspicuous place at the regular meeting place of the library board as well as on the library's website. Called meetings can be held with at least 24 hours' notice.

Section 5. The latest edition of Robert's Rules of Order (Revised), when not in conflict with these Constitution and Bylaws, shall govern the proceedings of the Board of Trustees of the Cherokee Regional Library.

Section 6. Each member of the Regional Board shall have one vote. The Chair shall not vote except in the case of a tie vote, at which time the Chair shall vote to break the tie.

Section 7. 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, providing the chair or vice-chair is in attendance. 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 8. Members may attend meetings 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 9. 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 V. VIOLATION OF BUSINESS DISCLOSURE

Any board member knowingly and willfully discussing business from a lawful Executive Session with anyone outside of the meeting may be removed from the board.

ARTICLE VI. REPORTS

The Cherokee Regional Library System is responsible for all reports as deemed necessary by local, state and federal funding agencies. An annual report of activities, income and expenditures, and any other reports necessary to obtain funds or meet requirements of the law or the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia, shall be **made available to** each funding agency **upon request**.

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 local Board responsible for his/her appointment. The local Board shall be asked to appoint another representative to fill that member's unexpired term.

ARTICLE VIII. PENALTIES

Employees or agents of the Cherokee Regional Library System may cause the arrest, fine, and imprisonment of persons who borrow and fail to return books and other property owned by the Cherokee Regional Library System; deface, damage, steal, or otherwise improperly use and/or abuse library property; or commit other violations as described in the O.C.G.A § 20-5- 53.

ARTICLE IX. DISSOLUTION OF, WITHDRAWAL FROM, OR EXPULSION FROM THE CHEROKEE REGIONAL LIBRARY SYSTEM

Section 1. The Cherokee Regional Library System may be dissolved by reversal of the procedures followed in its original organization as described in O.C.G.A. § 20-5-51. A majority of the Board members in a majority of the counties must agree to the dissolution of the System.

Section 2. An affiliate library may withdraw from the System if a majority of its Board members vote to do so. Notice of withdrawal must be sent to the Chair of the Regional Library Board of Trustees and the Cherokee Regional Library Director at least six months prior to the end of the state fiscal year. This notice must include reasons for the withdrawal and the method by which the decision was reached. The office of Georgia Public Library Services of the Board of Regents of the University System of Georgia must be notified of the receipt of this letter of intent within five working days.

Section 3. The Cherokee Regional Library System Board of Trustees may elect to expel an affiliate library upon the following conditions:

- (a) Failure of the county or city to maintain the agreed level of support to the Regional System as evidenced in the most recent approved budgets of the county or city library's funding agencies; or
- (b) Failure of the county or city to meet criteria for state aid, which jeopardizes the System's eligibility for state or federal funds.

Section 4. Notice of expulsion shall be sent within five working days of the determination of the above [Section 3 (a) and/or (b)] by the Regional Library Board to the Chair of the affiliate Boards of Trustees, all funding agencies that participate in funding affiliate libraries, the Director of the Cherokee Regional Library System, and the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia. Expulsion shall take place on a date to be determined by the Director and the Cherokee Regional Library Board of Trustees, taking into consideration the termination of sufficient funds for the operation of the affiliate library.

Section 5. In the event of the withdrawal of an affiliate library from the Cherokee Regional Library System, all equipment and materials purchased with state or federal funds for use in the library or libraries in that county or city library shall remain in those libraries. After the notice of withdrawal has been received by the Regional Library Board, there is no obligation on the part of the Regional Library System to purchase books, equipment, supplies, or other items for the use of the library or libraries in the withdrawing county, other than the fair share of items in the existing Maintenance and Operations budgets for the current year.

Section 6. In the event of the expulsion of an affiliate library from the Cherokee Regional Library System, all furnishings, equipment and materials purchased with city, county, state or federal funds for use in the library or libraries in that affiliate library shall be retained by the governing board, and shall be placed in other libraries in the Cherokee Regional Library System where they shall be used for general public library services. If there is no further use for an item, it shall be declared surplus and disposed of according to the Fixed Assets Disposal Policy. After the notice of expulsion has been sent by the Regional Library Board, there

is no obligation on the part of the Regional Library System to purchase books, equipment, supplies, or other items for the use of the library or libraries in the withdrawing county or city.

Section 7. If a library has been expelled from the System, no employee working in that library shall displace an employee from another library in the System. Employees of that library shall be given priority in filling any vacant positions in the System for which they are qualified.

ARTICLE X. AMENDMENTS

These bylaws 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. All amendments to these Bylaws shall be filed with the Office of Georgia Public Library Services of the Board of Regents of the University System of Georgia.