

# Library Ordinance

## Town of Tremont

**An Ordinance to formalize the organization, administration and operation of the Bass Harbor Memorial Library.**

*The Town of Tremont hereby ordains that the Library Ordinance is adopted as follows:*

---

### Library Ordinance

---

---

#### **ARTICLE I, The Town Library**

---

- 1.1 The administration of the Bass Harbor Memorial Library (hereinafter sometimes the "Library"), a department of the Town of Tremont (hereinafter sometimes the "Town"), is the responsibility of an appointed Board of Trustees whose powers and duties are defined herein.

---

#### **ARTICLE II, Board of Trustees, Composition, Eligibility, Election, Terms**

---

- 2.1 **Composition.** The Board of Trustees is comprised of nine members appointed by the Board of Selectmen in accordance with this Ordinance.
- 2.2 **Eligibility.** The office of Trustee is limited to persons who are eligible to vote in the Town.
- 2.3 **Election and Term.** Trustees will be appointed for three-year terms expiring on June 30 of the respective year, except that in the first appointments after adoption of this Ordinance, appointments shall be staggered such that terms for three Trustees shall expire each year. Service will commence when the Trustee is sworn in by the Town Clerk and terminates upon vacancy. Should a Trustee be unable to complete his or her term, the Board of Selectmen shall appoint a replacement to complete the unexpired term.
- 2.4 **Vacancy.** A vacancy shall occur upon:
- 2.4.1 the resignation or death of any member;
  - 2.4.2 when a member ceases to be eligible to vote in Tremont;
  - 2.4.3 when a member fails to attend at least fifty percent (50%) of all meetings during the preceding twelve-month period; or
  - 2.4.4 when a member fails to attend four consecutive regular meetings.

When a vacancy occurs, the Chair of the Trustees shall immediately advise the Town Manager in writing, who shall refer the matter to the Board of Selectmen at its next regular meeting. The Trustees may recommend that the attendance provision be waived for cause, in which case no vacancy will exist unless the Board of Selectmen disapproves of the recommendation.

---

### **ARTICLE III, General Powers and Duties of the Board of Trustees**

---

- 3.1 The Trustees shall have the powers, duties, and responsibilities necessary for the administration of the Library as described herein.
- 3.2 The Board of Trustees shall:
  - 3.2.1 be responsible for the administration of the Library;
  - 3.2.2 identify, support, and promote the best interests of the Library;
  - 3.2.3 propose by-laws and amendments thereto for the operation of the Library, subject to the review and the approval of the Board of Selectmen;
  - 3.2.4 determine and adopt written policies governing the purposes and operation of the Library, including but not limited to
    - 3.2.4.1 hours of operation, circulation, facility and material use, staffing, and holidays,
    - 3.2.4.2 type, selection, and quality of materials in the Library's collection, and
    - 3.2.4.3 services offered to patrons, schools, groups, and nonresident borrowers;
  - 3.2.5 select and appoint for hire a Library Director and suspend or remove the same, for and upon such terms, compensation and conditions as the Board deems best, but not inconsistent with the Library's Personnel Policy and state and federal law, and the Library Director shall be responsible for hiring any additional Library staff;
  - 3.2.6 by March 1 of each year, furnish the Town Clerk with a report of the activities and services of the Library during the previous calendar year;
  - 3.2.7 participate in the Town's budget process as provided herein;
  - 3.2.8 contribute to the Town's comprehensive planning process as it pertains to the Library;
  - 3.2.9 have the authority to lease equipment, sell or otherwise dispose of personal property and manage facilities under its control;

- 3.2.10 have the authority to conditionally accept all monetary grants, donations, proceeds of fundraising, and fees for the benefit of the Library on behalf of the Board of Selectmen – all monetary proceeds will be remitted to the Town Treasurer for accounting purposes; and
- 3.2.11 direct the use of all contributions, gifts, and funds donated to the Library, or to the Town for the benefit of the Library, in a manner consistent with the laws of the State of Maine and in coordination with the Town Treasurer.
- 3.3 Authority to execute checks or otherwise disburse funds is expressly reserved to the Town Treasurer who will keep all of the Library's accounts and will execute all checks and disbursements as directed by the Library Treasurer and as approved by the Board of Selectmen.

---

## **ARTICLE IV, Open Meetings, Records, Selection of Officers**

---

- 4.1 Meetings, Notice. The Board of Trustees shall meet on a regularly scheduled day and time as established by the Board. In accordance with the Maine Freedom of Access Act (FOAA), Trustee meetings are public meetings and must be preceded by public notice. Executive Sessions, that portion of the meeting which is closed to the public, may be held only in accordance with the FOAA. The Trustees shall endeavor to include all substantive matters on the agenda, which shall be posted in advance at the places where Town business is usually posted. Business will not be conducted by electronic means, other than as permitted by the FOAA.
- 4.2 Officers. At its first meeting following each June 30, the Trustees shall elect from its membership a Chairperson, a Vice-Chairperson, a Treasurer, and a Secretary, and shall report said elections to the Town Manager.
- 4.3 Quorum, Voting. A quorum of the Board of Trustees is defined as a majority of the members of the Board appointed and qualified to serve. Each Trustee has one vote. The affirmative vote of a majority of a quorum constitutes a majority vote of the Board of Trustees and is required for all Board action, except as otherwise provided by law.

---

## **ARTICLE V, Compensation**

---

- 5.1 Members of the Board of Trustees will serve without compensation. This does not preclude Trustees from being compensated for services rendered that are distinct from their responsibilities as a Trustee.

---

## **ARTICLE VI, Library Director**

---

- 6.1 The Library Director will perform such duties as the Board of Trustees requires, which may include, but are not limited to, the following:
- 6.1.1 supervision of all of the Library's operations, including personnel, staffing, and employment;
  - 6.1.2 carrying out of the policies of the Library as adopted by the Board of Trustees;
  - 6.1.3 preparation of regular reports regarding the Library's operations, affairs, and future needs;
  - 6.1.4 in consultation with the Trustees, annual preparation of a budget for the Library's operation;
  - 6.1.5 report to the Trustees quarterly expenditures against the Library's budget;
  - 6.1.6 attendance at Trustee meetings and at any other meetings designated by the Board;
  - 6.1.7 engaging in ongoing professional development; and
  - 6.1.8 maintaining an active program of public relations.

---

## **ARTICLE VII, Employees**

---

- 7.1 Notwithstanding the Trustees' administration of the Library as aforesaid, all employees of the Library shall be employees of the Town of Tremont.

---

## **ARTICLE VIII, Budget**

---

- 8.1 Article 48 of the May 10, 2016 Annual Town Meeting of the Town created the Library Operating Fund, a Special Revenue Fund, to account for the Library's operating revenues, expenses and fund balance, which carryforward each year; and said Article 48 authorized the Board of Selectmen to expend these funds at its discretion for the use of the Library.
- 8.2 In keeping with said Article 48, the following Town budget procedures are adopted:
- 8.2.1 by December 15 each year, the Trustees will furnish the Town Manager with a detailed budget request for the ensuing fiscal year for the support, operation and capital improvement of the Library;
  - 8.2.2 the Town Manager will then make a recommendation to the Board of Selectmen

for a line item revenue, expense and fund balance budget for the Library Fund and for a General Fund appropriation to the Library Fund; and

- 8.2.3 the Board of Selectmen will then adopt a Library Fund line item budget and make a recommendation to the Town of Tremont Annual Town Meeting for a General Fund appropriation in support of the Library Fund.

*[end of ordinance]*

I attest this to be a true copy of this ordinance.

*Katie Dandurand*

Katie A. Dandurand  
Town Clerk

---

LEGISLATIVE HISTORY:

09-09-16 Draft Proposed by Library Trustees  
10-24-16 Draft Edited by Town Manager  
12-14-16 Draft Approved by Town Attorney  
12-14-16 Draft Approved by Library Trustees  
12-19-16 Draft Reviewed by Selectboard  
01-17-17 Public Hearing  
01-17-17 Draft Certified by Selectboard  
05-09-17 Adopted by Town Meeting