

COMSTOCK TOWNSHIP LIBRARY

BOARD BYLAWS

Prepared by Miller-Canfield
Approved September 2015

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Comstock Township Library Board Bylaws

Preamble: Comstock Township (the "Township") has established a free public library (the "Library") pursuant to P.A. 164 of 1877, MCL 397.201 -.216, as amended (the "Library Act"). Pursuant to Section 5 of the Library Act, MCL 397.205, the governing board of the Library (sometimes referred to as the "governing board" or the "Board") hereby adopts these Bylaws for its guidance and for the government of the Library.

Article I Governing Board - Membership

1. Pursuant to the Library Act, the Library shall be managed by a governing board. The persons who serve on the governing board are referred to in the Library Act as "members".

2. Because the Township holds elections for township officers every four (4) years, pursuant to the Library Act, the members of the governing board shall consist of six (6) members who are elected for four (4) year terms.

The members shall be nominated and elected on nonpartisan ballots. A candidate for governing board member must be a qualified elector of the Township and meet the nominating requirements of the Library Act.

3. Following their election in November, newly elected members must take a Constitutional Oath of Office and sign an Acceptance of Office form (which also contains the Affidavit of Eligibility and Constitutional Oath of Office) within 30 days after the County Board of Canvassers has certified the election.

Those who do not wish to swear the oath may instead affirm the constitutional Oath of Office. They must sign the Acceptance of Office form, including the Affidavit of Eligibility and Constitutional Oath of Office.

The oath (or affirmation) may be administered by any officer so designated by the State of Michigan (including the City Clerk, Township Clerk, and any Notary Public).

The signed Acceptance of Office forms must be notarized, and copies sent to the County Clerk. The originals shall be filed in the Library's permanent records.

4. Except as otherwise provided herein, a member of the governing board shall hold office until a successor is elected and qualified. The office of member becomes vacant when the incumbent dies, resigns, is convicted of a felony, is removed from office by the Governor under section 10 of Article V of the State Constitution of 1963, or except as provided in the next sentence, ceases to be a qualified elector of the Township. A member who is serving a term on the governing board on May 27, 2014 (the date the Library Act was most recently amended), and who during that term ceases to be a qualified elector of the Township may serve the remainder of the term, but may not seek another term on the governing

board unless he or she is a qualified elector of the Township and meets the requirements stated in MCL 397.211(4)(e) concerning the nomination and election to the governing board.

5. The governing board shall fill a vacancy in a membership by appointment of an individual to hold office until the next general November election. This appointment must be made by a majority vote of the Board.

Article II Officers and Library Director

1. Officers of the governing board shall be as follows: president, vice-president, and secretary/treasurer. The president shall be a member of the governing board.

2. Officers shall be elected to serve for a two-year term, or until their resignation or removal.

3. Election of new officers of the Board shall be at the Board's December Meeting to give new members time to become familiar with the work of the Board. January is to be the organizational meeting.

4. The president of the Board shall preside at all meetings, call for special meetings, create all Committees, solicit volunteers to serve on Committees and appoint the persons to serve on Committees, and generally perform the duties of a presiding officer.

The vice-president shall preside in the absence of the president.

The secretary/treasurer shall be responsible for relevant duties such as maintaining records of meetings. The secretary/treasurer shall preside at Board meetings in the absence of the other officers.

5. In the event of a vacancy in an officer position due to resignation, removal or death, the Board shall appoint a person to hold the vacant office until the next election of officers. This appointment must be made by a majority vote of the Board.

6. The Board shall have the right and duty to select, hire, supervise, and terminate a Library Director (the "Director"). The Director shall have sole charge of the administration of the Library under the direction and review of the Board. The Director shall perform those duties and responsibilities necessary for the administration of the Library, including, without limitation, any duties and responsibilities established by the Board, from time to time. The Director shall be held responsible for the care of the buildings and equipment, for the direction of the staff, and for the efficiency of the Library's service to the public. Any need for structural change in the Library's building shall be brought before the Board for approval. The Director shall attend all Board meetings, unless otherwise directed by the Board or the president.

Article III Meetings

1. The regular monthly meeting of the governing board shall be held on the second Monday of the month, at 7:00 p.m., at the Library, or such other location in the Township that may be approved by the Board, which complies with the Michigan Open Meetings Act, MCL 15.261 - .273a, as amended (the "Michigan Open Meetings Act") and any other legal requirements for public meetings. All deliberations and decisions of the governing board, when a quorum is present, shall comply with the Michigan Open Meetings Act. All meeting shall be open to the public, except for closed sessions as provided in the Michigan Open Meetings Act, and the public is encouraged to attend.

2. Public notices of meetings shall be given as required by the Michigan Open Meetings Act. A public notice shall always be posted at the Library and at any other location(s) the Board believes is appropriate. Cable television may also be used for purposes of posting additional public notices.

Board packets shall be mailed/emailed to all Board members prior to the meeting. Any additional information to be handed out will be emailed to the members prior to the meeting.

3. Special meetings shall be called by the president, or upon the request of four members, for the transaction of business stated in the call for the meeting.

4. A quorum for the transaction of business by the Board shall consist of the presence of a majority of the members of the Board at a regular or special meeting.

5. Order of Business

Unless otherwise changed by vote of the Board, the order of business for a meeting of the Board shall be as follows:

- Call to order
- Approval/amendment of the agenda
- Public Comment
- Approval of the last meeting's minutes
- Treasurer's report
- Bills Paid
- Unfinished Business
- Committee Reports
- Director's report
- New business
- Adjournment

6. Public Attendance and Comment

A person shall not be required as a condition for attendance at a meeting of the Board to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

Although Board meetings are public meetings, they are not public hearings. The Board does, however, encourage public attendance at its meetings and provides an opportunity for public comment. A person shall be permitted to address a meeting of the Board under the following rules:

- Time will be reserved at the beginning of each Board meeting for public comment. Public comment is limited to this period.
- Members of the public who wish to speak are asked to sign up before the meeting begins, identifying themselves and providing their address and group affiliation (if any) to the Board before speaking. Anyone refusing to identify him or herself will be prohibited from speaking.
- As a courtesy, it is appreciated if notice of an intention to speak at a Board meeting is given to the Library Director in advance of the meeting.
- Members of the public are each limited to a maximum of four (4) minutes of comments.
- A total of up to thirty (30) minutes will be allotted per meeting for public comment.
- Public comments will be addressed to the entire Board, but normally there will not be a response from either Board members or the Director. It is at the president's discretion to allow any response or discussion of public comments.
- During the public comment session, comments are welcome but additional agenda items will not be accepted.
- If at any time persons appearing before the Board exceed the time limitation set forth in this policy or become inappropriate in language or behavior, it shall be the responsibility of the president to declare that person out of order and to refuse him or her permission to continue to address the Board.
- Comments made become part of the meeting record.
- There is no guarantee that suggestions brought forth by the public during the public comment session will be addressed by the Board at the current or a future meeting.
- At the president's discretion, additional public comments sessions or speaking time may be allowed.
- If the number of people wishing to speak is large, the president may rule that a separate special Library Board meeting be scheduled on the issue in question and ask that those wishing to comment do so at that meeting.
- A citizen may speak only 1 time during public comment.

- Citizens may not “donate” time to another speaker in order to extend the four (4) minute limit.

The Board shall have copies of these rules available at the meeting and should use its best efforts to have these available at the Library. Prior to any public comment, the president may advise those attending the meeting about these rules.

7. The Board and its committees shall keep minutes of each meeting that meet the requirements of the Michigan Open Meetings Act. Minutes shall be available for public inspection within the time required by the Michigan Open Meetings Act.

8. Roberts Rules of Order shall be the governing power for meetings of this Board and committees; provided that the Board may adopt different rules and procedures for the conduct of its meetings and of committees.

9. Upon presentation of proper receipts or other information that may be required by the Board, and subject to any policies that may be adopted by the Board, Board members shall be reimbursed for all actual out-of-pocket travel, food and lodging expenses incurred on preapproved Board and Library business, excluding the cost to attend monthly meetings. There will be no monetary consideration per diem given and members will not be compensated for lost wages or other amounts that are foregone to attend a meeting or to be involved in Board business.

Article IV Committees

1. Special committees for the study and investigation of particular problems may be appointed by the president. Each committee shall serve until the completion of the work for which it was appointed.

2. The Board through a resolution and/or policy shall designate the composition of committees or how committee members will be selected, how the Chair of a committee will be selected, the tasks and duties of each committee and rules for the conduct of the committee and when a committee shall dissolve. Each committee shall make such reports of its activities to the Board as the Board may request. Each member of a committee serves at the pleasure of the Board and may be removed at any time by vote of the Board. Membership on committees is not limited to Board members, but may include Township residents and others who have skills and knowledge that may help the committee accomplish its mission.

3. Committees shall be subject to the Michigan Open Meeting Act. To the extent it is not in conflict with the Michigan Open Meetings Act, the Board may adopt rules regarding the conduct of committees and their meetings, including rules for the calling of meetings, quorum requirements and voting. To the extent it is not inconsistent with the rules adopted by the

Board of Directors or the Michigan Open Meetings Act, each committee may establish its own rules to govern the conduct of its activities.

Article V Power and Duties of the Board

1. The powers and duties of the Board are stated in the Library Act, including Section 5 thereof, (MCL 397.205) and include:

a. The Board shall make and adopt Bylaws, rules and regulations for its own guidance and for the government of the Library consistent with the Library Act.

b. The Board shall have exclusive control of the expenditure of all money collected to the credit of the Library fund, the construction of any Library building and the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose.

c. The Board shall deposit all money received for the Library in the treasury of the Township to the credit of the Library fund and this shall be kept separate from other money of the Township and drawn upon by the proper officers of the Township upon properly authenticated vouchers of the Board.

d. The Board may purchase or lease grounds and occupy, lease or erect an appropriate building or buildings for the use of the Library.

e. The Board has the power to appoint a suitable librarian and necessary assistants and fix their compensation and to remove appointees.

f. On or before the first Monday of September in each year, the Board shall prepare an estimate of the amount of money necessary for the support and maintenance of the Library for the ensuing year, not exceeding 2 mills on the dollar of the taxable property of the Township. Unless any period specified in the petition for the levy of the tax has expired, the Board shall report the estimate to the Supervisor of the Township for assessment and collection in the same manner as other Township taxes.

g. The Board, acting pursuant to MCL 397.210c, shall determine if the millage for the Library should be renewed or increased to not more than 2 mills and placed on the ballot for approval at the next regular annual election for the Township.

h. The Board shall carry out the spirit and intent of the Library Act in establishing and maintaining the Library.

The Board may undertake actions to carry out the intent and purposes of the above-listed powers and duties, including the adoption of policies that

further describe the duties and responsibilities of its members. The Board may also adopt rules of ethics and guidelines for the conduct of its members and how they can effectively carry out their fiduciary duties. The Board may also arrange for speakers and organize trainings to instruct its members on their duties, roles and responsibilities as members, how they can perform effectively, and about the laws that affect them and the Library, including the Library Act and Michigan Open Meetings Act.

2. The Director and existing Board members are responsible for instructing new members on their duties and responsibilities as members of the Board and to inform them about current issues facing the Board. The Director shall organize a meeting with new members to orient them to their new position and provide them with basic information about the Board and Library, including any information that the Board requests be provided. The Director will report to the Board on the structure and content of a proposed training/orientation of new members.

3. The Board may adopt additional rules, regulations and policies, general or specific, for the conduct of meetings, and additional rules, regulations and policies, general or specific, for the conduct of the affairs of the Board provided, however, no such additional rule, regulation or policy shall be inconsistent with or in contravention of any provision of these Bylaws, the Library Act, the Michigan Open Meetings Act or any other law to which the Board or Library is subject.

Article VI Amendments

All proposed amendments to these By-laws shall be made by verbal motion. An amendment shall be placed on the agenda at the next scheduled meeting of the Board and a written copy distributed to the Board members prior to the meeting, allowing at least a 30-day period between the reading and vote taking. Providing a quorum is present, passage of an amendment shall be by the majority vote of the Board. After passage, all policies that may be affected by the amendment shall be revised.

Adopted by the Board of Directors of the Comstock Township Library, September, 2015

Reviewed by the law firm_Miller Canfield, August 2015.

Adopted by the Board of Directors of the American Library Trustee Association, July, 1985.

Adopted by the Board of Directors of the Public Library Association, July, 1985.

Amended by the Board of Directors of the American Library Trustee Association, July, 1988.

Approval of the amendment by the Board of Directors of the Public Library Association, January, 1989.

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