

SPANISH PEAKS LIBRARY DISTRICT BYLAWS

ARTICLE I. Name

SECTION 1.01 Name: The organization shall be called *The Board of Trustees of the Spanish Peaks Library District, Walsenburg, Colorado*, (hereinafter the *Library Board*). The Library Board shall have those duties and responsibilities delegated to it under C.R.S. 24-90-109 and any further revisions.

The Library Board, serving Huerfano County RE-1 District, was formed under C.R.S. 24-90-109, on January 1, 1999, by resolution dated November 25, 1998, of the Huerfano County Board of Commissioners after approval by the voters on November 3, 1998.

SECTION 1.02 Location: The official address where all records will be retained is 415 Walsen Avenue, Walsenburg, Colorado 81089

ARTICLE II. Duration

SECTION 2.01 Duration: The period of duration is perpetual.

ARTICLE III. MEMBERSHIP AND RESPONSIBILITIES

SECTION 3.01: Appointment of Trustees; Term of Trustees

- A. The Library Board shall be comprised of seven (7) Trustees appointed and ratified by the Huerfano County Board of Commissioners; and at least one *Alternate Member* to be called upon when needed to sustain a quorum at a board meeting. Appointees to the Library Board shall be chosen from the residents within the Spanish Peaks Library District and approved in accordance with the statute.
- B. Vacancies on the Library Board shall be filled for the remainder of the unexpired term in the manner in which Trustees are regularly chosen.
- C. The President of the Board is the authorized spokesperson for the Library Board, unless designated to another Trustee.

SECTION 3.02: Removal of Trustee

- A. A Trustee can be removed only by a majority vote of the appointing authority (Huerfano County Board of Commissioners) and only upon showing cause. Cause shall be shown if a Trustee:
 - i. Fails to attend any three regularly scheduled Board meetings within a calendar year, which absences have not been approved by the President.
 - ii. Including but not limited to failing to meet their fiduciary responsibilities as defined in the *Colorado Statutory Provisions Concerning Ethics and Conflicts of Interest for Municipal Officials and Employees; C.R.S. 24-18-101 through 110.*

SECTION 3.03: Compensation

- A. A Trustee shall not receive a salary nor other compensation for services performed as a Trustee.

- B. Traveling and subsistence expenses actually incurred may be paid from library funds (per Library Law).

SECTION 3.05: Powers of the Library Board of Trustees (24-90-109) (2016) [as may be amended from time to time]

The Library Board of Trustees shall:

- (a) Adopt such bylaws, rules, and regulations for its own guidance and policies for the governance of the library as it deems expedient. The bylaws shall include, but not be limited to, provisions for the definition of good cause to be applied in removal of a trustee pursuant to section 24-90-108 (5); designation of those officers to be appointed or elected and the manner of such appointment or election; rules and regulations for the conducting of meetings; rules for public participation in meetings; and procedures for amending the bylaws. The bylaws of a library district shall further provide for the length and number of terms of board members. The length of the term shall be five (5) years and the terms shall be two (2) total. At the discretion of the Board, a member reaching their term limit may be reinstated as an emeritus member for one (1) additional year upon unanimous vote by the Board. A previous member may reapply after reaching their term limit if there is an opening on the Board and is approved by unanimous vote. A copy of the bylaws shall be filed with the legislative body of each participating governmental unit and the state library in accordance with section 24-90-105 (1) (m);
- (b) Have custody of all property of the library, including rooms or buildings constructed, leased or set apart therefor;
- (c) Employ a director and, upon the director's recommendation, employ such other employees as may be necessary. The duties of the director shall include, but not be limited to:
 - i. Implementing the policies adopted by the board of trustees pursuant to paragraph (a) of subsection (1) of this section;
 - ii. Advising the board of trustees of employee engagement and discharges; and
 - iii. Direct, supervise staff members, with oversight by the Library Board; prepare required reports and budgets; recommend policies and procedures; promote library service.
 - iv. Perform all other acts necessary for the orderly and efficient management and control of the library.
- (d) Submit annually a budget as required by law and certify to the legislative body of the governmental unit or units that the library serves the amount of the mill levy necessary to maintain and operate the library during ensuing year;
- (e) Adopt a budget and make appropriations for the ensuing fiscal year as set forth in part 1 of article 1 of title 29, C.R.S., and have exclusive control and spending authority over the disbursement of library funds as set forth in section 24-90-112 (2) (a);
- (f) Accept such gifts of money or property for library purposes as it deems expedient;
- (g) Hold and acquire land by gift, lease or purchase for library purposes;
- (h) Lease, purchase or erect any appropriate building for library purposes and acquire such other property as may be needed therefor;
- (i) Sell, assign, transfer or convey any property of the library, whether real or personal, which may not be needed within the foreseeable future for any purpose authorized by law, upon such terms and conditions as it may approve and lease any such property, pending sale thereof, under an agreement of lease, with or without an option to purchase the same. The board, prior to the

conveyance of such property, shall make a finding that the property may not be needed within the foreseeable future for library purposes, but no such finding shall be necessary if the property is sold or conveyed to a state agency or political subdivision of this state;

- (j) Borrow funds for library purposes by means of contractual short-term loan when moneys are not currently available but will be in the future. Such loan shall not exceed the amount of immediately anticipated revenues, and such loan shall be liquidated within six months;
- (k) Authorize bonding of persons entrusted with library funds;
- (l) Conduct an annual audit of the financial statements of the district.
- (m) Adopt a policy for the purchase of library materials and equipment on the recommendation of the director;
- (n) Hold title to property given to or for the use or benefit of the library, to be used according to the terms of the gift;
- (o) (Deleted by amendment, L.2009,(HB 09-1072), ch. 74, p. 265, § 6, effective August 5, 2009)
- (p) Have the authority to enter into contracts;
 - (p.5) Maintain a current, accurate map of the legal service area and provide for such map to be on file with the state library;
- (q) At the close of each calendar year, the Board of Trustees shall submit a report to the Huerfano County Board of Commissioners showing the condition of its trust during the year, the sums of money expended and the purposes of the expenditures and such other statistics and information as the Board of Trustees deems to be of public interest.
- (r) At the close of each calendar year, the Board of Trustees shall make a report to the state library in the form of a response to a survey to be designed and administered by the state library. The report shall contain such other statistics and information as may be required by the state library.
- (s) Under such rules and regulations as it may deem necessary and upon such terms and conditions as may be agreed upon, the Board may allow nonresidents of Spanish Peaks Library District to use library resources and may make exchanges of books and other materials with any other library, either permanently or temporarily;
- (t) Have the authority to request Huerfano County Board of Commissioners that an election be held to alter the maximum tax levied to support the library district, pursuant to C.R.S. 24-90-112 (1) (b) (III), (2) (c) Revised and approved April 2, 2009.
- (u) Borrow funds through the creation of general obligation indebtedness of the Spanish Peaks Library District to finance the acquisition, construction, expansion or remodeling of any real or personal property for library purposes as provided by C.R.S. 24-90-112.5.
- (v) Act in the best interest of the Library District. Any behavior that departs from their fiduciary duties is a violation of the public's trust.
- (w) Have the authority to incur long-term debt.

SECTION 3.06: Officers and Duties

Designation of Officers. The officers of the Library Board shall be President, Vice-President and Secretary and Treasurer and such other officers as deemed necessary.

A. President: The President shall, subject to the direction and supervision of the Library Board, be the principal executive officer of the Library District. The President shall preside at all meetings of the Library Board, shall sign any leases, deeds, mortgages, contracts or other instruments which the

Library Board has authorized to be executed and in general, shall perform all duties incident to the office of President and such other duties as may be prescribed by the Library Board, time to time.

- B. Vice President:** The Vice President shall assist the President and shall perform such duties as may be assigned by the President or the Library Board. In the absence of the President, the Vice President shall have the powers and perform the duties of the President.
- C. Secretary:** The Secretary shall oversee the keeping of the minutes and the meetings of the Library Board, be the custodian of the Library District Records. In the absence of the President and Vice President, the Secretary will preside over the Library Board meeting. In general, the Secretary shall perform all duties incident to the office of Secretary and such other duties as, from time to time, may be assigned by the President of the Library Board. If the Secretary is presiding over a Library Board meeting, the Treasurer shall take minutes.
- D. Treasurer:** In general, the Treasurer shall perform all duties incident to the office of Treasurer and such other duties as, from time to time, may be assigned by the President of the Library Board. The Treasurer and Director shall be responsible for library funds and the Treasurer will chair any Budget Committee, if formed. The overall custodian of the library funds is the Library Board.
- E. Date of Election:** All officers of the Board shall be elected by the Board at its annual meeting in June.

Term of Office: Officers shall serve for two (2) year terms and shall begin their terms of office at the next meeting immediately following the election. A Trustee serving as an officer of the Board shall not be eligible to serve more than two consecutive terms in the same office, except by affirmative vote of two-thirds of the Board of Trustees.

Removal: An officer may be removed only by a majority vote of the Library Board and only upon good cause. Good cause shall include, but not be limited to, failure to attend, without justification three (3) regular monthly meetings of the Board in a calendar year or not performing their fiduciary duties as a Board Trustee.

SECTION 307: Meetings

- A. Regular Meetings:** A regular meeting of the Board shall be held monthly at the Spanish Peaks Library, unless ordered by the Board, for the purpose of transacting the business of the District. The date and hour of the meetings shall be set by the Board at its annual meeting. All business of the Board shall be conducted only during regular or special meetings hereinafter provided for, and all of such meetings shall be open to the public, subject to the right of the Board to meet in executive session. An agenda, minutes, and Director's report will be provided by the Library Director to the Board members at least three (3) days prior to the scheduled meeting via email.
- B. Notice; Open Meetings; Executive Session:** Notice of all meetings of three (3) or more Trustees shall be given in a manner prescribed in **C.R.S. 24-6-402(c)**. At a minimum, the Board shall cause notice of meetings to be posted in designated public places no less than twenty-four (24) hours prior to the meeting. All meetings shall be open to the public, except that at any regular or special meeting, the Board may proceed into executive session from a regular board meeting, upon a majority vote of two-thirds (2/3) of the quorum present for the purpose of considering any matters permitted under **C.R.S. 24-6-402(4)**. The Board shall retain electrically recorded session

records for ninety (90) days after the date of the executive session in compliance with **C.R.S. 24-6-402(2)(d.5)(II)(E)**.

- C. Special Meetings:** Special meetings may be called by the Board President, any Trustee or the Library Director, for any purpose, including but not limited to planning and goal setting or the study and discussion of matters to come before the Board. Minutes will be taken at all special meetings and will be part of the public record. Special meetings may be called upon 24 hours' notice to the Trustees and to the public. Notice to the public shall be given in the manner required by law.
- D. Quorum:** A majority of the Trustees of the District shall constitute a quorum necessary for the transaction of any business at any regular or special meeting of the Board. The act of the majority of the Trustees constituting a quorum at a regular or special meeting shall be the act of the Board.
- E. Public Participation in Meetings:** Citizens shall be invited to participate in all regular meetings of the Board during a portion of the agenda set aside for this purpose. The president shall determine a time limit for comments based upon the number of persons wishing to speak.
- F. Annual Meeting:** The regular meeting of the Board for the month of June of each year shall be designated as the annual meeting. At the annual meeting the officers shall be elected to serve the ensuing year (12 months).
- G. Roll Call Votes:** A Trustee may call for a roll call vote at any time.
- H. Parliamentary Authority:** Robert's Rules of Order Revised, most recent edition, shall govern the proceedings of the Board in all cases where not in conflict with these bylaws.

ARTICLE IV: COMMITTEES

- A.** The Board of Trustees may function as a committee of the whole without the appointment of standing committees.
- B.** The Board may establish standing committees, which shall make regular reports to the Board.
- C.** Special committees may be authorized and appointed by the President for special, limited purposes, and shall serve only until completion of the assignment.

ARTICLE V: LIBRARY DIRECTOR AND STAFF

SECTION 5.01: Employment of Library Director; Duties; Staff

- A.** A Library Director shall be engaged or employed by the Board to serve as the chief administrative officer of the District.
- B.** The Library Director, under the supervision and direction of the Board, shall perform all duties incident to the position of Library Director including those contained in the Library Director's contract and such other duties as may be prescribed from time to time by the Board.
- C.** All District staff shall be employed by the Board upon recommendation of the Library Director.

ARTICLE VI: POLICIES AND ADMINISTRATION

SECTION 6.01: Governance

- A.** The Board shall adopt and revise administrative policies by which the Library Director shall conduct the affairs of the District.
- B.** These policies shall be available to the public.

ARTICLE VII: FISCAL YEAR

The fiscal year of the District shall begin on the first day of January of each year and shall end on the 31st day of December, each year.

ARTICLE VII: AMENDMENTS TO BYLAWS AND POLICIES

SECTION 7:01: Amendment by Vote. Bylaws and administrative policies may be altered, amended or repealed at a public meeting of the Board by three-quarters (3/4) of the sitting Board (exclusive of vacancies).

SECTION 7:02: Notice Proposed Amendment. Notice of proposed bylaw or policy changes must be in written form and notice provided to all Trustees at least fifteen (15) days prior to consideration for adoption.

SECTION 7:03. Automatic Amendment. These bylaws shall at all times conform to the Library Law as such Law may be revised from time to time. Such amendments as may be necessary to affect such conformation shall be automatic and these bylaws shall be updated from time to time by the act of the Board to reflect such statutorily mandated automatic amendments.

Date of Adoption:	<u>April 23, 2001</u>	
Revised:	<u>May 25, 2004</u>	
Revised:	<u>December 3, 2007</u>	Resolution#07-04: add Board authority to incur long-term debt Resolution#07-05: eliminate Board term limits (Note: annual meeting changed to June but never changed in the By-Laws)
Revised:	<u>July 31, 2012</u>	Resolution #12-03: Add an Alternate Member to the Board
Revised:	<u>May 8, 2018</u>	Article 3.01 Section A.: Change Board number to five (5) Trustees; Section Section 3.02 Section A: Removal of Trustee
Revised:	<u>September 25, 2018</u>	Section 3.06. Officers and Duties; (C) and (D); combine Secretary and Treasurer positions into one position, <i>Secretary/Treasurer</i>
Revised:	<u>July 2, 2021</u>	Section 3.06 Officers and Duties: (C) and (D) separate duties of Secretary and Treasurer
Revised:	<u>January 24, 2023</u>	Article 3.01 Section A: Change Board number to seven (7) trustees Article 3.01 Section A: Change one (1) alternate to <u>at least one (1)</u> <u>alternate</u>
Revised:	<u>June 25, 2024</u>	Section 3.05 Powers of the Library Board of Trustees: Set length of term to five (5) years with a two (2) term limit. Add the allowance of an emeritus board member, after reaching term limits, to continue for one (1) year longer, with the unanimous vote of the Board. Section 3.05 (c) ii. Change to " Advising the board of trustees of employee Engagements and Discharges" Term of Office: Change to "Officers shall serve for two (2) year terms

Evondia H. Wilson
SPLD Board, President/Date

Anna C. Hutchinson 8/27/2024
SPLD Board, Vice-President/Date