

ESTACADA PUBLIC LIBRARY

Board of Trustees

Bylaws

Adopted April 27, 2009

Amendment dates are shown

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ESTACADA PUBLIC LIBRARY BOARD

BYLAWS

ESTABLISHMENT

This organization shall be called the Board of Trustees of the Estacada Public Library. It exists by virtue of the provisions of ORS Chapter 357.417 (Appendix A) and the Estacada City Code Section 2.28.010 (Appendix B).

TRUSTEES

- A. The Board shall consist of five trustees. No fewer than two members of the Board shall be residents of the City.
- B. The Trustees of the Library Board shall be appointed by the Mayor and confirmed by the City Council. Appointments shall be made pursuant to ORS Chapter 357. Vacancies shall be filled by appointment for the unexpired term.
- C. Trustees shall serve a term of four years from the meeting at which they are elected, or until their successors are appointed and qualified. No Trustee shall hold appointment as a member for more than two full consecutive terms, but any person may be appointed again to the Board after an interval of one year.
- D. The Board may, by majority vote, recommend to the City Council removal of any trustee for misfeasance, malfeasance, or nonperformance of duty in accordance with these Bylaws and Policies. If a Trustee misses three consecutive, unexcused meetings, he or she may be removed.
- E. The Board shall elect officers at the annual meeting each September. The officers shall be a President, a Vice President, and a Treasurer, elected from the appointed Trustees. The officers' terms shall be one year, unless otherwise removed.
 - 1. The President shall preside at all meetings of the Board, authorize calls for special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, and generally perform all the regular duties of that office.
 - 2. The Vice President, in the event of the absence or disability of the President, or a vacancy of that office, shall assume and perform the duties and functions of the President.
 - 3. The Secretary shall keep a true and accurate record of the Board's actions, shall issue notice of all meetings, and shall perform such other duties as are regularly associated with that office. The Library Director shall serve as the Secretary of the Board.

4. The Treasurer shall review the general ledger monthly to insure a true and accurate accounting of all transactions approved by the Board and its members. The Treasurer shall participate on the City Budget Committee.

5. The Director shall consult and advise the Board at each meeting to enable the Trustees to perform their duties as set forth herein.

F. The President may appoint committees for such purposes as the business of the Board may require. The committee shall be considered discharged upon completion of its duties and after its final report is made to the Board. No committee shall have other than advisory powers, unless, by suitable action of the Board, it is granted specific power to act.

G. An annual meeting shall be held at the time of the regular meeting each September. At this meeting the Board shall elect officers and hear annual reports of the Library Director and committees.

Regular Board meetings shall be held each month, unless otherwise agreed upon by the Trustees. The date and time of these meetings shall be set by the Board at its annual meeting in September. Meeting dates will be publicly posted. Meetings are open to the public, except when the Board is in executive session.

Special meetings may be called by the Secretary, at the direction of the President, or at the request of any three of the Trustees, for the transaction of such business for which the meeting is called.

The Board's agenda shall include a period not to exceed fifteen minutes for public comment. In the event numerous speakers wish to comment, the President shall allocate the fifteen minutes equally among the speakers. The order of business for regular meetings shall include the following items and in the following sequence, as circumstances permit:

1. Roll call of Trustees
2. Public input
3. Reading of minutes of previous meeting
4. Report of Library Director
5. Financial report and approval of expenditures
6. Unfinished Business
7. New Business
8. Adjournment

A quorum for the transaction of business at any meeting shall consist of three Trustees personally present.

An affirmative vote of the majority of all members present at the time shall be necessary to approve any action before the Board. The President may vote upon, and may move, or second any proposal before the Board.

Proceedings of all meetings shall be governed by the current edition of Robert's Rules of Order Newly Revised.

H. The Board shall generally have all powers and duties and shall operate and administer the Library as provided in ORS Chapter 357 (Appendix A) and Estacada City Code Section 2.28.030 (Appendix B). Specifically, the Board shall have the following powers and duties:

- N 1. The Board shall make recommendations to the City Manager concerning the selection of the Director, Librarian and fulltime staff, and their compensation, working conditions, and duties.
- Y 2. The Board shall have the power to formulate rules and policies for the governance of the Library. Such rules and regulations shall be subject to revision by the City Council at their discretion.
- ~ Y 3. The Board shall attempt to broaden public use of the Library, and its services, and shall strive to assemble, preserve and make available to the community a diverse collection of material which will appeal to a variety of ages and interests.
- N 4. The Board shall prepare and submit to the City Manager an annual budget request.
DIRECTOR
- N 5. The Board shall have the opportunity to review and provide recommendations to the City Manager on all budgeted expenditures from the library fund prior to disbursement.
- Y 6. The Board shall interview prospective appointees to the Library Board, and make recommendation to the City Council regarding appointments.
- N 7. The Board shall conduct an annual evaluation of the Library Director's leadership, and shall report the results of the evaluation at the next regular Board meeting following the completion of the evaluation.
- ~ Y 8. Trustees shall act as advocates and ambassadors for the Library wherever possible, and shall endeavor to be knowledgeable about legislation and other matters affecting the Library, taking appropriate positions and actions where necessary.
- ~ Y 9. Trustees shall conduct themselves in accordance with the Code of Conduct attached as Appendix C. The Board subscribes to the Statement of Ethics endorsed by the American Library Trustee Association Board of Directors, approved January, 1989 (Appendix D).
- ~ Y 10. The Board shall conduct such other activities as the Council may assign in accordance with Estacada City Code Section 2.28.030.

LIBRARY DIRECTOR AND STAFF

The Library Director shall be the administrative officer of the Library on behalf of the Board and shall execute all orders of the Board. The Director shall be responsible for the following: proper direction and supervision of the staff, care and maintenance of Library property, adequate and proper selection of materials in keeping with the stated policy of the Board, the efficiency of Library services, and the

Library's financial operation. The Library Director shall have interim authority to appoint part-time or temporary employees without prior approval of the Board, if approved by the City's Administrator. However, any such appointment shall be reported to the Board at the next regular meeting, and the Board shall report any such appointments to the City Council for ratification.

The City Manager shall hire all Library personnel after consideration of the recommendation of the Library Board. The City Manager shall have the authority to evaluate, discharge, and discipline Library personnel in accordance with the City's personnel policies and procedures. All members of the Library staff shall comply with the LINCC Ethics Statement (Appendix E).

PHILOSOPHY

This Library exists to provide cultural, informational and educational materials which communicate experience and ideas from one person to another. Its basic function is to assemble, organize, preserve, and make conveniently and freely available to all people, the print and non-print materials that will assist in meeting their educational, recreational and cultural needs. In keeping with this philosophy, this Library therefore adopts the following as official policies: the American Library Association's Library Bill of Rights (Appendix C), the Freedom to Read Statement (Appendix D), Freedom to View Statement (Appendix E), and the Free Access to Libraries for Minors Statement (Appendix F).

Estacada Library Board Code of Conduct

The Board will treat each other in a courteous, respectful manner.

Board members are clear and focused in stating views.

Members are open and direct in their communications with each other.

Members will avoid personal attacks on others.

Members will allow each other time without interruption for comment on all issues.

Members will problem-solve responsibly and agree to disagree respectfully.

Members will come to meetings prepared and on time.

Approved by the Estacada Public Library Board May 2007

Appendix A

American Library Trustee Association
Ethics Statement for Public Library Trustees

1. Trustees must promote a high level of library service while observing ethical standards.
2. Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the institution.
3. It is incumbent upon any trustee to disqualify himself or herself immediately whenever the appearance of conflict of interest exists.
4. Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.
5. A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
6. Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.
7. Trustees who accept appointment to a library board are expected to perform all of the functions of library trustees.

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, 19 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
Adopted by the Estacada Public Library Board of Trustees. Jan. 2008

APPENDIX B

Library Bill of Rights

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.

II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.

III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.

IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.

V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.

VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.

Adopted June 18, 1948, by the ALA Council; amended February 2, 1961; amended June 28, 1967; amended January 23, 1980; inclusion of "age" reaffirmed January 24, 1996.

Adopted by the Estacada Public Library Board of Trustees Jan 2008

The Freedom to Read Statement

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that

publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

1. It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

2. Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

3. It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

4. There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

5. It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

6. It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society, individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

7. It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the
AAP Freedom to Read Committee; amended January 28, 1972; January 16, 1991; July 12, 2000;
June 30, 2004.

Adopted by the Estacada Public Library Board of Trustees Jan 2008

APPENDIX D

Freedom to View Statement

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

Adopted by the Estacada Public Library Board of Trustees Jan 2008

Free Access to Libraries for Minors

An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the Library Bill of Rights. The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess First Amendment rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.¹ Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "Libraries: An American Value" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

¹See Erznoznik v. City of Jacksonville, 422 U.S. 205 (1975)—"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See Tinker v. Des Moines School Dist., *supra*. Cf. West Virginia Bd. of Ed. v. Barnette, 319 U.S. 624 (1943)."

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991, June 30, 2004.
[ISBN 8389-7549-6]

Adopted by the Estacada Public Library Board of Trustees Jan 2008

APPENDIX F