

Effective January 1, 2011

## **ARTICLE VIII The City Library**

The administration of the Ellsworth Public Library, a department of the City, is the responsibility of an elected Board of Trustees whose powers and duties are defined herein.

### **Sec. 8.01 - Board of Trustees, Composition, Eligibility Election and Term.**

- (a) Composition. The Board is comprised of five members elected by the Registered Voters of the City in accordance with this Charter.
- (b) Eligibility. Only persons who are, and remain during their term, residents of the City and registered to vote in the City's municipal elections are eligible to hold the office of Trustee.
- (c) Election and Term. Trustees are elected for three year terms consistent with the following schedule: one position in 2013 and each third year thereafter, and two positions in all other years; service will commence on the date appointed for the swearing in of City Council members under Article II and terminates upon vacancy or the swearing in of a successor, whichever occurs first.

### **Sec. 8.02 - General Powers and Duties of the Board of Trustees.**

The Board has the powers, duties, and responsibilities necessary for the administration of the Ellsworth Public Library and described herein. The Board will:

- (a) Be the head of the department, but may delegate this duty to the Library Director;
- (b) Identify, support, and promote the best interests of the Ellsworth Public Library;
- (c) Select and appoint for hire, a Library Director and all Library staff, and suspend or remove the same, for and upon such terms, compensation and conditions as the Board deems best, but not inconsistent with this Charter or state or federal law;
- (d) Annually furnish the Council a summary of the budget required during the ensuing municipal year, for the support and operation of the Ellsworth Public Library, upon which the Council will adopt a gross appropriation to be under the direction and control of the Board;
- (e) Regularly report and make recommendations to the Council and City Manager;
- (f) Determine and adopt the written policies governing the purposes and operation of the Ellsworth Public Library, including but not limited to:
  - (1) Hours of operation, circulation, facility and material use, staffing, and holidays;
  - (2) Type, selection, and quality of materials in the Library's collection;

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- (3) Services offered to patrons, schools, groups and nonresident borrowers;
- (g) Have the authority, on behalf of the City of Ellsworth, to sell and lease equipment, sell or otherwise dispose of materials, and to manage facilities under its control in accordance with written policies;
- (h) Have the authority to conditionally accept donations and gifts for the Library on behalf of the Council. All gifts will be reported to the City Treasurer and monetary gifts will be remitted to the City Treasurer, who will then report all gifts received during the previous month to the Council. Acceptance of the report by the Council without action constitutes ratification;
- (i) Manage and direct the use, investment, and allocation of all contributions, gifts, and funds donated to the Ellsworth Public Library, or to the City of Ellsworth for the benefit of the Library, in a manner consistent with state law and in coordination with the Treasurer;
- (j) Not execute checks or otherwise disburse funds, this authority being expressly reserved to the Treasurer, who will keep all of the Library's accounts and will execute all checks and disbursements as the Board directs.

#### **Sec. 8.03 - Open Meetings, Records, Selection of Officers.**

The Board will meet on a regularly scheduled day and time as established by the Board. The Board's meetings are open to the public, except for executive sessions, and must be preceded by three (3) Business Day's public notice of its agenda, which will be conspicuously posted at City Hall and at the Library. An accurate record of Board meetings must be made and kept on file in the Library. At the first meeting after each annual election, the Board will elect from its membership a Chairperson, Treasurer, and Secretary.

#### **Sec. 8.04 - Quorum, Voting.**

Three or more Trustees constitute a quorum for the purpose of voting. Each Trustee has one vote. For the purposes of this Article only, the affirmative vote of a majority of a quorum constitutes a majority vote of the Board and is required for all Board action, with the exception of a determination of vacancy which requires the affirmative vote of four Trustees.

#### **Sec. 8.05 - Vacancy.**

The office of Ellsworth Public Library Trustee will be deemed vacant for the same reasons that the office of City Councilor will be deemed vacant as provided in Article II. If any vacancy does occur, the remaining Board members will appoint a person to fill the position until an eligible person is elected at the next regular City Election to serve the remainder of the unexpired term of the vacated Trustee position.

#### **Sec. 8.06 - Compensation.**

Members of the Board will serve without compensation.

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**Sec. 8.07 - Library Director.**

The Library Director will perform such duties as the Board requires, which may include, but are not limited to, the following:

- (a) Supervise all of the Library's operations including personnel, staffing, and employment;
- (b) Carry out the policies of the Ellsworth Public Library as adopted by the Board;
- (c) Prepare regular reports regarding the Library's operation, affairs and future needs;
- (d) In consultation with the Board, annually prepare a budget for the Library's operation;
- (e) Monthly report the expenditures against the budget to the Board;
- (f) Attend all Board meetings and any other meetings designated by the Board, including department-head meetings and professional development conferences;
- (g) Maintain an active program of public relations.

**Sec. 8.08 - Operation of the Library.**

As a department of the City of Ellsworth, the Ellsworth Public Library is subject to all applicable regulations, resolves and ordinances of the Council not inconsistent with this Charter or state or federal law.

**Sec. 8.09 - Employees.**

All employees of the Ellsworth Public Library are employees of the City of Ellsworth notwithstanding the Board's administration and will have the benefits of and be subject to any and all City ordinances governing City employees with the exception of job descriptions, work hours, and pay scales which will be the responsibility of the Board, unless otherwise covered by a collectively bargained employment agreement.