



## **GOVERNANCE POLICIES**

### **MEMBER, BOARD OF TRUSTEES POSITION DESCRIPTION**

#### **SUMMARY**

Provides governance for the Bozeman Public Library: establishes policy; sets goals; hires the Library Director; establishes and monitors the annual budget; signs necessary contracts; exercises such other powers, not inconsistent with law, necessary for the effective use and management of the Library.

#### **RESPONSIBILITIES**

1. Participates in the ongoing responsibilities of the governing body, including establishment of Library policies and planning for current and future Library services and programs.
2. Determines and adopts written policies to govern the operation and services of the Library.
3. Attends all regular and special meetings of the Board, and participates in committees and activities as necessary; attends appropriate Library functions.
4. Represents the interests and needs of community members.
5. Lends one's expertise and experience to the organization.
6. Sets an annual budget and approves expenditure of funds; monitors budget and expenses throughout the year.
7. Maintains an awareness of Library issues and trends and the implications for Library users.
8. Acts as a liaison with the public, interpreting and informing local government, media and public of Library services and needs.
9. Hires, set salary and supervises a qualified Library Director to implement Board decisions and directions and to carry out day-to-day provision of Library services.
10. Establishes short and long-term goals for the Library.
11. Understands pertinent local and state law; actively supports Library legislation in the state and nation.
12. Ensures compliance with open meeting law.
13. Reviews and signs necessary contracts (i.e. contract with Gallatin County).
14. Reports activities to City and County Commissions annually.

## **QUALIFICATIONS**

Interest in the Library and its services; ability to contribute adequate time for effective participation in Board activities and decision making; ability to represent needs and varied interests of the community at large and the Library; strong interpersonal and communication skills; ability to work with governmental bodies, agencies and other libraries; ability to handle opposition and make decisions in the interest of Library service.

## **TIME COMMITMENT**

The Board of Trustees meets monthly at a time convenient to members. Meetings generally last about one to two hours. Meetings are generally held at the Library and are usually during a weekday.

Members are appointed by the Mayor with the advice and consent of the City Commission to a five-year term (or to complete an unexpired term). Members shall serve no more than two full terms in succession.

Special meetings or committee meetings may be called as necessary at times convenient to members as well as complying with open meeting laws.

**BY-LAWS**  
**Of the**  
**BOARD OF TRUSTEES OF THE BOZEMAN PUBLIC LIBRARY**

To comply with [Section 22-1-301 of the Montana Code Annotated 2015](#) and [Section 2.05.350 of the Bozeman Municipal Code](#), the following by-laws are adopted.

**ARTICLE I – Officers**

Section 1: The regular officers of the Board shall be the Chair, the Vice Chair, and the Secretary. The Board may select other officers if they deem it appropriate.

Section 2: Elections and terms of office. Board officers shall be elected at the first regular meeting of the Board following July 1 of each year. The Chair and the Vice Chair shall be appointed members of the Board and shall hold offices for one year or until their successors are named. The Library Director shall serve at the pleasure of the Board as Secretary.

Section 3 Vacancies: A vacancy in the office of Chair, Vice Chair, or Secretary prior to the expiration of an office holder's terms may be filled by the Board at any regular or special meeting of the Board by appointment in case of Chair or Vice Chair from the remaining Board members of the duly appointed Board or, in case of the Secretary, by appointing the Library Director. Said appointee shall hold office for the remaining portion of said current term.

Section 4 Duties: The Chair, or in his/her absence the Vice Chair, shall preside at all meetings. The presiding officer and any Board meeting may vote upon and may move or second a proposal before the Board.

The Secretary shall keep, or cause to be kept, accurate minutes of the Board meetings, and upon request, make them available to the public, except when decisions are unanimous, the record shall show how each Board member voted on motions put before it.

## **ARTICLE II – Meetings of the Board**

Section 1 Regular Meetings: The Board shall meet monthly in the Bozeman Public Library.

Dates and times of such meetings are set quarterly.

Section 2 Special Meetings: Special meetings may be called by the Chair or upon the request of any two members of the Board for the transaction of business as stated in the call for the meeting.

Section 3 Notice: The Secretary shall issue to all Board members written notice of all regular and special meetings. Such notice shall be no less than three days or more than fifteen days before the meeting and shall include the proposed agenda. In an effort to assure adequate notice and assist in public participation, the Board Agenda will be posted publicly and published on the Library website. Said notice shall specify the time, date, place and subject matter of the meeting.

Section 4 Quorum: A quorum shall consist of three or more members of the Board, one of whom shall be the Chair or the Vice Chair, and shall be empowered to take official action for the Board.

Section 5 Procedure: Board meetings shall be conducted according to Robert's Rules of Order, except when they conflict with these By-Laws or the ordinances of the City of Bozeman. When this happens, the latter shall prevail.

## **ARTICLE III – Library Director**

Section 1 The Board of Trustees shall appoint and set the compensation of the Library Director who shall serve at the pleasure of the Board.

Section 2 Accountability: In carrying out his/her duties, the Library Director shall be responsible to both the City Manager in administrative matters and to the Board of Trustees, which sets Library policy.

Section 3 Reports: The Library Director shall submit periodic reports to the Board not less than monthly on such matters as the condition of the Library, the circulation, budget standing, relations

with other agencies and libraries, and shall make such recommendations as he/she deems appropriate to implement Board policies.

## **ARTICLE IV – Membership**

Section 1 The Board of Trustees of the public Library of the city shall be under the Department of Public Welfare. The Board shall be composed of five persons, and shall be appointed by the Mayor with the advice and consent of the commission and shall serve without pay. The Trustees shall hold their office for the term of five years, and one Trustee shall be appointed annually at the beginning of each fiscal year for the term of five years, and until his/her successor is appointed and qualifies. Trustees shall serve no more than two full terms in succession. The power and duties of the Board shall be those prescribed by the laws of the state and the ordinances of the city.

Section 2 When a member fails to attend three successive regularly scheduled meetings or fulfill Board responsibilities without reasonable excuse or explanation, the Chair of the Board of Trustees, in consultation with the remaining Board members, shall advise the Mayor and request prompt appointment of a replacement. The replaced Trustee shall receive written notification of such replacement from the Clerk of the City Commission.

Section 3 Vacancies. A vacancy on the Board of Trustees prior to the expiration of his/her term shall be filled by the Mayor with advice and consent of the City Commission.

## **ARTICLE V – Amendments**

Section 1 These By-Laws may be altered, amended, or repealed by a majority vote of all members of the Board provided that written notice of such intended action shall have been mailed to all members at least 10 days prior to the meeting at which such vote is to be taken. A current copy of the By-Laws shall be filed with the Clerk of the City Commission.

## **Municipal Code Corporation and the City of Bozeman, Montana 2011**

- DIVISION 3. - LIBRARY BOARD OF TRUSTEES

- Sec. 2.05.350. - Appointment; composition and organization.

The board of trustees of the Bozeman Public Library shall be composed of five persons, and shall be appointed by the mayor with the advice and consent of the commission, and shall serve without pay. The trustees shall hold their office for the term of five years, and one trustee shall be appointed annually at the beginning of each fiscal year for the term of five years, and until such trustee's successor is appointed and qualifies. Trustees shall serve no more than two full terms in succession. The powers and duties of the board shall be those prescribed by the laws of the state and the ordinances of the city.

(Code 1982, § 2.56.010(A); Ord. No. 1094, § 1, 1982; Ord. No. 1163, 1984)

- Sec. 2.05.360. - Powers and duties.

The trustees of the Library board shall perfect their own organization, and select such officers for such board as they may deem advisable. The chair and vice-chair of the board shall be one of their numbers. They shall have power to select librarians and other employees as they may determine. They shall have power to receive books from all sources for the use and benefit of the Library and to purchase books therefore with any money available for that purpose, and power to prescribe all rules and regulations for the use of books and the preservation of the same. The board shall keep a record of its transactions, and shall make a report to the city commission at the close of each calendar year, covering the business transacted by it during the year.

(Code 1982, § 2.56.010(B); Ord. No. 1094, § 1, 1982; Ord. No. 1163, 1984)

# Montana Code Annotated 2015

**22-1-301. Definitions** Unless otherwise provided, the following definitions apply in this part:

- (1) "City" means city or town.
- (2) "Commission" means the state Library commission.
- (3) "Public Library" means a Library created under:
  - (a) [22-1-303](#) through [22-1-317](#) that provides Library services to the public by means of central facilities, branch facilities, or bookmobiles; or
  - (b) Title 7.

**History:** En. Sec. 11, Ch. 260, L. 1967; R.C.M. 1947, 44-227; amd. Sec. 8, Ch. 670, L. 1989; amd. Sec. 1, Ch. 356, L. 1991; amd. Sec. 1, Ch. 47, L. 2009.

**22-1-303. Creation of public Library.** A public Library may be established in any county or city in any of the following ways:

(1) The governing body of any county or city desiring to establish and maintain a public Library may pass and enter upon its minutes a resolution to the effect that a free public Library is established under the provision of Montana laws relating to public libraries.

(2) A public Library may be established by a petition that is signed by not less than 10% of the resident taxpayers whose names appear upon the last-completed assessment roll of the city or county and that is filed with the governing body requesting the establishment of a public Library. The governing body of a city or county shall set a time of meeting at which it may by resolution establish a public Library. The governing body shall give notice of the contemplated action in a newspaper of general circulation for 2 consecutive weeks giving the date and place of the meeting at which the contemplated action is proposed to be taken.

(3) (a) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election, the governing body shall submit to a vote of the qualified electors at the next general election the question of whether a free public Library is to be established.

(b) If a petition is submitted for a city, the petition must be signed by resident taxpayers of the city.

(c) If a petition is submitted to the county commissioners of a county asking for the establishment of a county Library, the petition must be signed by resident taxpayers of the county who reside outside the corporate limits of an incorporated city that is located in the county and that may already have established a free public Library for the city.

(d) If the petition specifically asks that a special election be called and the petition is signed by 35% of the resident freeholders affected by the petition, then the governing body shall, upon receipt of the petition, immediately set a date for a special election. The special election must be held in conjunction with a regular or primary election.

(e) If at the election a majority of the electors voting on the question vote in favor of the establishment of a Library, the governing body shall immediately take the necessary steps to establish and maintain the Library or to contract with any city or county for Library service to be rendered to the inhabitants of the city or county.

**History:** En. Sec. 2, Ch. 260, L. 1967; amd. Sec. 1, Ch. 263, L. 1969; R.C.M. 1947, 44-219; amd. Sec. 65, Ch. 387, L. 1995

**22-1-304. Tax levy -- special Library fund -- bonds.** (1) Subject to [15-10-420](#), the governing body of a city or county that has established a public Library may levy in the same manner and at the same time as other taxes are levied a tax in the amount necessary to maintain adequate public Library service.

(2) (a) The governing body of a city or county may by resolution submit the question of imposing a tax levy to a vote of the qualified electors at an election as provided in [15-10-425](#). The resolution must be adopted at least 85 days prior to the election at which the question will be voted on, and, pursuant to the deadline in [13-1-504](#), the election may not be held less than 85 days after the resolution is adopted.

(b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the governing body shall submit to a vote of the qualified electors at an election conducted as provided in [15-10-425](#) the question of imposing the mill levy. The petition must be delivered to the governing body at least 85 days prior to the election at which the question will be voted on.

(3) The proceeds of the tax constitute a separate fund called the public Library fund and may not be used for any purpose except those of the public Library.

(4) Money may not be paid out of the public Library fund by the treasurer of the city or county except by order or warrant of the board of Library trustees.

(5) Bonds may be issued by the governing body in the manner prescribed by law for the following purposes:

(a) building, altering, repairing, furnishing, or equipping a public Library or purchasing land for the Library;

(b) buying a bookmobile or bookmobiles; and

(c) funding a judgment against the Library.

**History:** En. Sec. 3, Ch. 260, L. 1967; R.C.M. 1947, 44-220; amd. Sec. 1, Ch. 431, L. 1983; amd. Sec. 39, Ch. 250, L. 1985; amd. Sec. 1, Ch. 333, L. 1999; amd. Sec. 123, Ch. 584, L. 1999; amd. Sec. 31, Ch. 495, L. 2001; amd. Sec. 128, Ch. 574, L. 2001; amd. Sec. 16, Ch. 453, L. 2005; amd. Sec. 232, Ch. 49, L. 2015.

**22-1-305. Library depreciation reserve fund authorized.** The governing body of any city or county or a combination of city and county in Montana may establish a Library depreciation reserve fund for the replacement and acquisition of property, capital improvements, and equipment necessary to maintain and improve city, county, or city-county Library services.

**History:** En. 44-229 by Sec. 1, Ch. 78, L. 1975; R.C.M. 1947, 44-229.

**22-1-306. Moneys for Library depreciation reserve fund.** Moneys for the Library depreciation reserve fund are those funds which have been allocated to the Library in any year but which have not been expended by the end of the year. Such moneys include but are not limited to city or county or city-county appropriations, federal revenue sharing funds, and public and private grants.

**History:** En. 44-230 by Sec. 2, Ch. 78, L. 1975; R.C.M. 1947, 44-230.

**22-1-307. Investment of fund.** The moneys held in the Library depreciation reserve fund may be



invested as provided by law. All interest earned on the fund must be credited to the Library depreciation reserve fund.

**History:** En. 44-231 by Sec. 3, Ch. 78, L. 1975; R.C.M. 1947, 44-231

**22-1-308. Public Library -- board of trustees.** (1) Upon the establishment of a public Library under the provisions of this part, the mayor, with the advice and consent of the city council or city commissioners, shall appoint a board of trustees for the city Library and the presiding officer of the board of county commissioners, with the advice and consent of the board, shall appoint a board of trustees for the county Library.

(2) The Library board must consist of five trustees. Not more than one member of the governing body may be, at any one time, a member of the board.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from Library funds.

(4) Trustees shall hold their office for 5 years from the date of appointment and until their successors is appointed. Initially, appointments must be made for 1-, 2-, 3-, 4-, and 5-year terms. Annually thereafter, there must be appointed before July 1 of each year, in the same manner as the original appointments for a 5-year term, a trustee to take the place of the retiring trustee. Trustees may not serve more than two full terms in succession.

(5) Following the appointments, in July of each year, the trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms. Vacancies in the board of trustees must be filled for the unexpired term in the same manner as original appointments.

**History:** En. Sec. 4, Ch. 260, L. 1967; R.C.M. 1947, 44-221; amd. Sec. 348, Ch. 56, L. 2009.

**22-1-309. Trustees -- powers and duties.** The Library board of trustees shall have exclusive control of the expenditure of the public Library fund, of construction or lease of Library buildings, and of the operation and care of the Library. The Library board of trustees of every public Library shall:

(1) adopt bylaws and rules for its own transaction of business and for the government of the Library, not inconsistent with law;

(2) establish and locate a central public Library and may establish branches thereof at such places as are deemed necessary;

(3) have the power to contract, including the right to contract with regions, counties, cities, school districts, educational institutions, the state Library, and other libraries, to give and receive Library service, through the boards of such regions, counties, and cities and the district school boards, and to pay out or receive funds to pay costs of such contracts;

(4) have the power to acquire, by purchase, devise, lease or otherwise, and to own and hold real and personal property in the name of the city or county or both, as the case may be, for the use and purposes of the Library and to sell, exchange or otherwise dispose of property real or personal, when no longer required by the Library and to insure the real and personal property of the Library;

(5) pay necessary expenses of members of the Library staff when on business of the Library;

(6) prepare an annual budget, indicating what support and maintenance of the public Library will be required from public funds, for submission to the appropriate agency of the governing body. A separate budget request shall be submitted for new construction or for capital improvement of existing Library property.

(7) make an annual report to the governing body of the city or county on the condition and operation of the Library, including a financial statement. The trustees shall also provide for the keeping of such records as shall be required by the Montana state Library in its request for an annual report from the public libraries and shall submit such an annual report to the state Library.

(8) have the power to accept gifts, grants, donations, devises, or bequests of property, real or personal, from whatever source and to expend or hold, work, and improve the same for the specific purpose of the gift, grant, donation, devise, or bequest. These gifts, grants, donations, devises, and bequests shall be kept separate from regular Library funds and are not subject to reversion at the end of the fiscal year.

(9) exercise such other powers, not inconsistent with law, necessary for the effective use and management of the Library.

**History:** Ap. p. Sec. 5, Ch. 260, L. 1967; Sec. 44-222, R.C.M. 1947; Ap. p. Sec. 1, Ch. 47, L. 1927; re-en. Sec. 5668.17, R.C.M. 1935; Sec. 11-1006, R.C.M. 1947; R.C.M. 1947, 11-1006(part), 44-222.

**22-1-310. Chief librarian -- personnel -- compensation.** The board of trustees of each Library shall appoint and set the compensation of the chief librarian who shall serve as the secretary of the board and shall serve at the pleasure of the board. With the recommendation of the chief librarian, the board shall employ and discharge such other persons as may be necessary in the administration of the affairs of the Library, fix and pay their salaries and compensation, and prescribe their duties.

**History:** En. Sec. 6, Ch. 260, L. 1967; R.C.M. 1947, 44-223.

**22-1-311. Use of Library -- privileges.** Every Library established under the provisions of this part shall be free to the use of the inhabitants of the city or the county supporting such Library. The board may exclude from the use of the Library any and all persons who shall willfully violate the rules of the Library. The board may extend the privileges and use of the Library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.

**History:** En. Sec. 7, Ch. 260, L. 1967; R.C.M. 1947, 44-224.

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**22-1-312. Cooperation and merger.** Library boards of trustees, boards of other educational institutions, Library agencies, and local political subdivisions are hereby empowered to cooperate, merge, or combine in providing Library service.

**History:** En. Sec. 8, Ch. 260, L. 1967; R.C.M. 1947, 44-225.

**22-1-313. Existing tax-supported libraries -- notification -- exemption from county taxes.** After the establishment of a county free Library as provided in this part, the governing body of any city which has an existing tax-supported public Library may notify the board of county commissioners that such city does not desire to be a part of the county Library system. Such notification shall exempt the property in such city from liability for taxes for county Library purposes.

**History:** En. Sec. 9, Ch. 260, L. 1967; R.C.M. 1947, 44-226.

**22-1-314. Continued existence of all public libraries.** All public libraries heretofore established shall continue in existence, subject to the changes in administration provided herein.

**History:** En. Sec. 12, Ch. 260, L. 1967; R.C.M. 1947, 44-228.

**22-1-315. City Library may assume functions of county Library.** (1) Instead of establishing a separate county free Library, the board of county commissioners may enter into a contract with the board of Library trustees or other authority in charge of the free public Library of any incorporated city, and the board of Library trustees or other authority in charge of such free public Library is hereby authorized to make such a contract.

(2) Such contract may provide that the free public Library of such incorporated city shall assume the functions of a county free Library within the county with which such contract is made, and the board of county commissioners may agree to pay out of the county free Library fund into the Library fund of such incorporated city such sum as may be agreed upon.

(3) Either party to such contract may terminate the same by giving 6 months' notice of intention to do so.

**History:** En. Sec. 11, Ch. 45, L. 1915; re-en. Sec. 4573, R.C.M. 1921; re-en. Sec. 4573, R.C.M. 1935; R.C.M. 1947, 44-211.

**22-1-316. Joint city-county Library.** (1) A county and any city or cities within the county, by action of their respective governing bodies, may join in establishing and maintaining a joint city-county Library under the terms of a contract agreed upon by all parties.

(2) The expenses of a joint city-county Library must be apportioned between or among the county and cities on the basis agreed upon in the contract.

(3) Subject to [15-10-420](#), the governing body of any city or county entering into a contract may levy a special tax as provided in [22-1-304](#) for the establishment and operation of a joint city-county Library.

(4) The treasurer of the county or of a participating city within the county, as provided in the contract, has custody of the funds of the joint city-county Library, and the other treasurers of the county or cities joining in the contract shall transfer quarterly to the designated treasurer all money collected for the joint city-county Library.

(5) The contract must provide for the disposition of property upon dissolution of the joint city-county Library.

**History:** En. Sec. 1, Ch. 273, L. 1973; R.C.M. 1947, 44-219.1; amd. Sec. 124, Ch. 584, L. 1999.

**22-1-317. City-county Library -- board of trustees.** (1) A joint city-county Library must be governed by a board of trustees composed of five members chosen as specified in the contract, with terms not to exceed 5 years.

(2) Trustees may not serve more than two full terms in succession.

(3) Trustees shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from Library funds.

(4) Trustees shall meet and elect a presiding officer and other officers that they consider necessary, for 1-year terms.

(5) The board of trustees has the same powers and duties as the board of trustees of a city Library or a county Library.

**History:** En. Sec. 2, Ch. 273, L. 1973; amd. Sec. 3, Ch. 3, L. 1977; R.C.M. 1947, 44-219.2; amd. Sec. 349, Ch. 56, L. 2009

## **Public Participation**

The Bozeman Public Library Board welcomes public input at its meetings. Each agenda item (unless specified otherwise) will be open for public input before the Board deliberates on that item. In an effort to assure adequate notice and assist in public participation, the Board Agenda will be posted publicly and published on the Library website. The agenda will be posted at least seven (7) days before the meeting.

Generally the Board meets monthly on the third Wednesday of each month in the Library Board room. On occasion the Board may call a special meeting or need to change the time and date of the monthly meeting. Notice of such changes will be given at least forty-eight (48) hours before the changes are made.

While it is recommended that anyone wishing to address the Board notify the Library director at least forty-eight (48) hours before the meeting so that time may be reserved for such input, it is not absolutely necessary.

Since time is limited, the Board Chair reserves the right to set reasonable time limits for public input on each topic. Normally, a person will be limited to three (3) minutes per agenda item. Comments may be given orally or in writing. Written comments should be submitted to the Library director at least twenty-four (24) hours prior to the meeting.

During Board deliberation, the public is asked not to make any comments unless responding to a specific question asked by the Board chair.

The Library appreciates public interest in the Library and the Board and in keeping our meetings orderly.