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RAPID CITY PUBLIC LIBRARY BOARD OF TRUSTEES  
 LIBRARY BOARD BYLAWS & RULES

Revised ~~February 12, 2018~~December 9, 2019.  
 Revised February 12, 2018; November 13, 2017; July 11, 2016; July 13, 2015; Adopted July 9, 2012

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## **STATUTORY PROVISIONS – SOUTH DAKOTA CODIFIED LAWS**

The Rapid City Public Library Board of Trustees is governed by South Dakota State Laws under § 14-2, especially § 14-2-35, § 14-2-36, § 14-2-40, § 14-2-41, § 14-2-42, and § 14-2-47.

### **~~§ 14-2-35. Board of public library trustees—Appointment and terms of members.~~**

~~Any public library established under subdivision § 14-2-29(1) shall be governed by a board of public library trustees. The governing body shall appoint five competent citizens broadly representative of the population of the local governmental unit. One of the citizens shall be appointed for one year, two for two years, and two for three years and annually thereafter reappointments or new appointments shall be for a term of three years or to complete an unexpired term. In addition to the five appointees, the governing body may appoint one of its own members to serve as a full voting member of the public library board of trustees during that member's term of office.~~

### **~~§ 14-2-36. Contract with established library—Annual appointment of additional trustees—Number proportional to contributed funds.~~**

~~If a governing body contracts with an established public library under subdivision 14-2-29(2), it may annually appoint additional members to the contracted public library board of public library trustees; provided, that the number of trustees appointed shall be in proportion to its part of the total funds made available during each year by both parties for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of public library quarters.~~

### **~~§ 14-2-40. Duties of trustees.~~**

~~Each board of public library trustees shall:~~

- ~~1) Appoint a librarian to serve at the pleasure of the board. Any paid librarian shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule, if such schedule exists. If no such schedule exists, the salary shall be set by the local governing body;~~
- ~~2) Adopt bylaws for the conduct of their business and adopt policies for the selection of public library materials, the governance of the library, and the use of public library services and materials;~~
- ~~3) Prepare and submit an annual budget request to its governing body;~~
- ~~4) Adopt a final annual budget within those funds certified to it as being appropriated in the annual budget of its governing body;~~
- ~~5) Meet at least once during each quarter of the year;~~
- ~~6) Prepare and submit an annual report to its governing body and to the South Dakota State Library on such forms as may be provided by the State Library.~~

**~~§ 14-2-41. Powers of trustees.~~**

~~Each board of public library trustees may:~~

- ~~1) Accept any gift, grant, devise, or bequest made or offered by any person, private agency, agency of state government, the federal government, or any of its agencies, for library purposes. Each donation shall be administered in accordance with its terms.~~
- ~~2) Establish a special public library gift fund. The moneys in such fund shall be derived from all or any part of any gift, bequest, or devise, including the interest thereon. Such gift fund shall be a separate and continuing fund and no moneys in such fund shall revert to the general fund of any local governmental unit;~~
- ~~3) Enter into an interstate library agreement pursuant to § 14-7-12, Article VI;~~
- ~~4) Establish a collection of public library materials to be loaned on a pay basis and make reasonable charge for use thereof;~~
- ~~5) Enter into any contracts for the provision of or for the improvement of public library services.~~

**~~§ 14-2-42. Duties of librarians.~~**

~~Each librarian shall:~~

- ~~1) Serve as secretary to the board of public library trustees and keep all its records;~~
- ~~2) Prepare such reports, budgets, and other documents as are required by the board of public library trustees or are required of the board by its governing body;~~
- ~~3) Appoint such staff as are necessary to operate the public library within its budgetary limitations. Library employees shall receive any employee benefits provided all other employees of the local governmental unit and shall be compensated at rates determined by the governing body's compensation schedule. If no such schedule exists, the salary shall be set by the library board;~~
- ~~4) Select and purchase all public library materials for use by the library in its provision of public library services within policies established by the board of public library trustees;~~
- ~~5) Publish and enforce the policies of the board of public library trustees;~~
- ~~6) Execute all contracts and agreements approved by the board of public library trustees;~~
- ~~7) Keep an accurate account of the financial transactions of the public library; and~~
- ~~8) Carry out any other activities authorized by law that the board of public library trustees consider appropriate in the development, improvement, and provision of public library services.~~

**~~§ 14-2-47. Expenditures for public library services, materials and facilities.~~**

~~A governing body may appropriate funds for the provision of public library services, for the purchase of public library materials, and for the provision and maintenance of quarters for the public library.~~

## BYLAWS OF THE RAPID CITY PUBLIC LIBRARY BOARD OF TRUSTEES

### ARTICLE I: MEMBERS

1. The membership of the Board shall consist of six persons who are appointed by the mayor of Rapid City. One appointment will be a voting member of the Rapid City Council and will serve as liaison between the Council and the Board and shall have a term as determined by the Mayor.
2. The standard term for the remaining five members shall be three years. The terms of the Board shall be staggered so that one-third of the Trustees are appointed at each annual meeting.
3. Terms on the Board are limited to two full three-year terms.
  - a. If a Board member is appointed to fill a partial vacancy, that member is eligible for two terms upon completion of the initial appointment.
- ~~2.4.~~ New appointments will be seated at the annual meeting unless an appointment for a partial term is necessary.
- ~~3.5.~~ The Library Director of the Rapid City Public Library shall be a non-voting member of said Board of Trustees.
- ~~4.6.~~ A board member may be appointed by Pennington County pursuant to SDCL § 14-2-36.

### ARTICLE II: MEETINGS

1. Regular meetings of the Rapid City Public Library Board of Trustees shall be held monthly at a time and location determined by the current membership.
2. The annual meeting will be held each January.
3. All Rapid City Public Library Board of Trustees' meetings shall be open to the public, except as herein provided.
4. The Board may go into executive or closed session only for one or more of the permissible purposes listed in SDCL §1-25-2.1. The motion to go into executive session shall cite one or more of these purposes and shall be adopted at an open meeting. A motion based on SDCL §1-25-2 shall also state the name or citation of the law that renders the information to be discussed privileged or confidential.
5. Special meetings may be called by the Chair or upon request of two members to consider only such matters as shall be mentioned in the call for such hearing, by written notice thereof given to each Board member.
6. Attendance at meetings is essential for the welfare of the library. If a member is not able to attend a scheduled meeting, including committee meetings, that member will notify the Chair of the Board and the library business office to be excused from that meeting. After the second unexcused absence during a calendar year, the Chair of the Board will contact the member involved for clarity. After three unexcused absences during a calendar year, the Chair of the Board will bring the matter to the attention of the Mayor. It is expected a minimum number of meetings will be missed and any concern of attendance shall be discussed between the Chair and member and the Secretary.

**ARTICLE III: OFFICERS**

1. The officers shall be chosen from among the Trustees at the annual meeting.
2. The Library Director, or designee, shall serve as Secretary to the Board.
3. Chair: The Chair shall preside at all meetings, appoint all committees, authorize call for any special meetings, and perform the duties of a presiding officer.
4. Vice-Chair: In the absence, disability or under the direction of the chair, the Vice-Chair shall be vested with all the powers and perform all the duties of the Chair and shall have such additional powers and perform such additional duties as shall be ordered by the Board of Trustees.
5. Secretary: The Secretary shall keep an accurate record of all proceedings of Board meetings; shall issue notices of all regular and special meetings; shall have custody of the minutes and other records of the Board; and shall notify the Mayor of Rapid City of any vacancies on the Board of Trustees.
6. Foundation Board Liaison: The Board shall appoint one representative to serve as Liaison to the Rapid City Library Foundation Board to represent the library's interests and needs to the Foundation and to report Foundation information back to the Board.

**ARTICLE IV: COMMITTEES**

The Board, to accomplish a specific task within a limited time frame, may create ad hoc or special committees. The Board may appoint standing committees.

**ARTICLE V: QUORUM**

A quorum for the transaction of business shall consist of four members of the Board.

**ARTICLE VI: AMENDMENTS**

These bylaws may be amended at any regular meeting of the Board with a quorum present, by affirmative vote of two-thirds of the members present, provided the amendment was stated in the call for the meeting.

## RULES OF THE RAPID CITY PUBLIC LIBRARY BOARD OF TRUSTEES

### AGENDAS

1. **Order of Business.** Items shall be placed on the agenda according to the order of business. The order of business for each regular meeting shall normally be as follows:
  - a. Roll Call and Determination of Quorum
  - b. Additions or Corrections to the Agenda
  - c. Introduction of Staff
  - d. Public Comment
    - i. A time for the members of the public to discuss or express concerns to the Board on any issue, not limited to items on the agenda. Action will not be taken at the meeting on any issue not on the agenda, except by placement on the agenda by unanimous vote of the Board members present. The Chair may impose a three minute time limit per speaker.
  - e. Bid Awards
  - f. Consent Calendar Items
    - i. Items are placed on the Consent Calendar for final action to be taken on all items by a single vote; any item may be removed from the Consent Calendar by the Director, a Board member, or a citizen, for separate consideration.
      1. Items on the Consent Calendar include Minutes, and Financial Report and Bill List
      2. Request by Board members for removal of items
      3. Vote on remaining consent items
      4. Discussion and vote by Board on items removed from agenda
    - ii. End of Consent Calendar
  - g. Administrative Reports
  - h. Finance Committee Items
  - i. Building Committee Items
  - j. Policy Committee Items
  - k. Items from Board Members/Liaison Reports
  - l. Adjourn

Once a proposed agenda has been adopted, a two-thirds vote is required to change the agenda.

2. **Consent calendar recommendations by standing committees.** Each standing committee may report an uncontested action out of committee with the recommendation that it be placed on the consent calendar. As used in this rule, an "uncontested action" is any action which receives a do-pass or do-pass-as-amended recommendation from the committee to which it is referred, by unanimous vote of the members present.
3. **Consent calendar.** A matter requiring a two-thirds vote of the members may not be voted on the consent calendar.

## CONDUCT OF MEETINGS

- 1. Consent calendar items - questions, voting.** Items on the consent calendar are not debatable. The presiding officer shall allow a reasonable time for questions from the members. Immediately before voting on the first item on the consent calendar, the presiding officer shall call to the attention of the members the fact that the next roll call will be the roll call on the items on the consent calendar. Approval of the consent calendar by a majority of the members of the Board is considered final disposition of all matters on the consent calendar.
- 2. Public address to the Board.** Any individual or group who wishes to address the Board shall make a request to be on the agenda on forms provided. Each speaker ~~may~~ will be limited to three (3) minutes per individual with a maximum of ten (10) minutes per side (pro and con), unless otherwise ordered by the Board by a majority vote. The Board retains the right to determine not to hear public testimony and may designate the specified times on the agenda for public input.
- 3. Regular meetings.** The regular meetings of the Board shall be on the second Monday of each month, at the downtown public library or at an alternate location designated by the Board, at such hour as the Board shall fix from time to time. If a regular meeting day falls upon a holiday observed by the City, the regular meeting shall be held on the business day after to the regular meeting unless another time is set by the Board.
- 4. Open to public - addressing.** The meetings of the Board shall be open to the public except such executive sessions as may be allowed by law. No person shall interfere in any way with the deliberation of the Board at such meetings. No person not a member of the Board shall address or deliver any remarks to the Board at such meetings without first asking for and receiving the privilege of so doing. Questions may, however, be directed by the Board to staff or a member of the public through the presiding officer at any time.
- 5. Minutes.** Full and accurate minutes of the Board proceedings shall be kept, which shall include a summary of the discussion and issues raised by the members. These minutes shall be open to inspection by the public, except as otherwise provided in this rule. The exact wording of each motion and the results of each vote shall be recorded in the minutes, and on the request of any member of the Board, the entire Board shall be polled by name on any vote. Members' and other persons' comments may be included in the minutes.

## RULES OF ORDER

- 1. Cellular telephones prohibited.** Cellular telephones may not be used while the Board is in session, except that a member may use a cellular telephone upon majority vote of the members present.
- 2. Duty to vote. Conflict of interest.** All members of the Board present at a meeting shall cast their vote. No member may abstain unless he or she has a conflict of interest that prevents their impartiality or that results from their having a direct or indirect personal financial interest in the outcome. The basis for the conflict of interest shall be stated on the record.

3. **Entertainment of motions.** No motion may be entertained and debated until it is seconded. Following the second of a debatable motion, the presiding officer shall first recognize the member making the motion. Any member, except the presiding officer, may make a motion.
4. **Withdrawal of motions.** After a motion is stated by the presiding officer, it may not be withdrawn except by withdrawal by the motion maker and a majority vote of the members present.
5. **Motion to postpone as final action.** A motion to defer indefinitely requires the vote of a majority of the members.
6. **Motion to rescind or repeal.** The Board may vote at any time to rescind actions it has previously taken or to repeal items that it has previously adopted. The motion is not in order if rescission or repeal of an action is forbidden by law.
7. **Authorization of the Director and Board Chair to hire or promote.** The Director, with the prior consent of the Board Chair, may hire or promote employees at the rate deemed appropriate under the circumstances, up to the compensation scale step allowed by City policy. If such a hiring occurs, the Board Chairperson shall promptly provide notice to the Board. If the Board Chairperson does not approve Director's request to hire a new employee at the proposed rate, the Director may bring the request to the Board for its approval of the hire.

If Director desires to hire a new employee above the allowable step of the applicable compensation scale, the Board must provide specific approval of the hire. In such a case, the Director shall make any job offer contingent upon Board approval.

All decisions to hire new employees shall comply with all applicable agreements, union contracts, policies, and laws.

8. **Authorization of the Director to sign contracts.** The Board delegates to the Director the ability to sign contracts and purchase orders as identified in South Dakota Codified Laws 5-18A-11(3), City Ordinance §3.04.030 and City Ordinance §3.04.090, provided those contracts are within the scope of the budget.

## AMENDMENT OF RULES

1. **Rule adoption.** A motion to adopt the rules of the Board shall be decided by a majority of the members, subject to debate.
2. **Rule amendment.** No rule may be amended without the concurrence of a two-thirds majority of the members, subject to debate. The final vote on any amendment may not be taken at the same meeting it was offered. The Board may not amend provisions of the rules imposed by law or state regulation.
3. **Rule suspension.** A rule may be temporarily suspended at a meeting of the Board by a two-thirds vote of the members. The Board may not suspend provisions of the rules imposed by law or state regulation, and any suspension shall expire at the end of the meeting.
4. **Proceedings governed by Roberts Rules of Order.** The latest revision of Roberts Rules of Order governs the proceedings of the Board in all cases not covered by these rules, state law, or policies.