

**BYLAWS OF THE
San Marcos Public Library**

ARTICLE 1. NAME.

The name of the board is Library Board

ARTICLE 2. PURPOSE AND DUTIES.

The purpose of the board is to:

- (1) Act in an advisory capacity to the city council for the continued development and improvement of the public library. (Sec 2.298)
- (2) Promote close communication between the city and all private citizens in order to secure the greatest degree of public benefit from library resources and services. (Sec 2.298)
- (3) Advise in the formulation of reasonable policies governing the use of library facilities and resources based upon recommendations of the library director. (Sec 2.298)

ARTICLE 3. MEMBERSHIP.

- A. The board is composed of seven members. The director of the public library will serve as an ex officio member of the library board. The members of the library board are appointed by the city council. (Sec 2.292)
- B. A member serves at the pleasure of the city council and may be removed if not in compliance with these bylaws. The library board will adopt bylaws for the operation of the board and the conduct of its business. These bylaws will not be in conflict with this division or any ordinance of the city. (Sec. 2.297)
- C. Qualifications: At least five members of the library board will be city residents (Sec 2.293).
- D. Board members serve for a term of three years beginning March 1st on the year of appointment. The terms are staggered. (Sec 2.295) If a member is appointed to fill a vacancy, that member will serve for the unexpired portion of the term to which they are appointed. All members must complete required orientation and training as applicable prior to their first meeting.
- E. Prior to taking office all newly appointed members shall attend an orientation. This orientation will include, but may not be limited to, a review of Bylaws, Specific Board Ordinance and Charge, Open Meetings Act, Public Information Act, Ethics, parliamentary procedure, how to run a meeting, and procedures on how to file a complaint with the city.

- F. All vacancies shall be filled in accordance with Section 2.071, Vacancies of the City Code and posted on the city council agenda.
- G. Except as specifically duly authorized by their respective board or the City Council, an individual board member may not:
 - 1) act in an official capacity on behalf of the board.
 - 2) make any representations to third party or any governing body before which such member appears that the member is authorized to speak for or on behalf of the board (or commission); or
 - 3) participate through written or public comment on a matter being considered by another board or commission or the city council that is an appeal of the decision of or succeeds the recommendation of the board or commission member's respective board or commission.
- H. Attendance at board meetings shall conform to the requirements outlined in Section 2.069 - Absence from meetings of the City Code.
- I. A member who seeks to resign from the board shall submit a written resignation to the president of the board and the staff liaison, who shall notify the city clerk's office. If possible, the resignation should allow for a thirty-day notice.
- J. Members must comply with Chapter 2, Article 5, Code of Ethics, of the San Marcos City Code of Ordinances. If, in connection with a decision or matter before the board or commission, a conflict of interest or appearance of impropriety as to a board or commission member is identified, the affected member shall:
 - 1) notify the staff liaison who shall provide a conflict of interest disclosure form to the member;
 - 2) complete and submit the conflict of interest disclosure form;
 - 3) when the matter is taken up by the board or commission, announce the nature of the conflict or appearance of impropriety;
 - 4) thereafter, leave the room until consideration of the matter is concluded; and
 - 5) abstain from any participation in the matter whether before the board or commission, a city department, another board or commission or the city council until the matter is finally concluded.
- K. In accordance with Chapter 36 of the Texas Penal Code, members of the board (or commission) shall not accept gifts from persons in connection with the member's official duties and responsibilities.

ARTICLE 4. OFFICERS.

- A. The officers of the board shall consist of a President, Vice-President, and Secretary. (Sec 2.296)

- B. Officers shall be elected annually by a majority vote of the board at the first regular meeting on or after March 1 during the agenda item posted for this purpose.
 - 1) In accordance with Section. 12.09 of the City Charter, if the previous president continues on the board or commission they will preside over the meeting and conduct the election.
 - 2) If the previous president is no longer on the board and the vice president continues on the board, the vice president will preside over the meeting and conduct the election.
 - 3) If neither the president nor the vice president remain on the board the secretary will preside over the meeting and conduct the election.
 - 4) If none of the officers remain on the board, the staff liaison shall conduct the election of the president, at which point the newly elected president will preside over the remainder of the meeting, including the election of the vice-president and secretary.
- C. In the event of a vacancy of any of the officers during the term, the board may hold an election at the next regular meeting.
- D. The term of office for all officers shall be one year, beginning the first day of March and ending the last day of February.
- E. A member may not hold more than one office at a time.

ARTICLE 5 DUTIES OF OFFICERS.

- A. The president shall be in person at the meeting location, preside at board meetings, review each final meeting agenda, and execute approved meeting minutes.
- B. In the absence of the president, the vice-president may preside, if in person, and shall perform all duties of the president.
- C. In the absence of both the president and the vice-present at the meeting location, the board should elect a temporary chair for that meeting, or until the president or vice-president arrives. The staff liaison may conduct the election of a temporary chair, who shall serve only for the current meeting. The temporary chair must be present at the meeting location.
- D. The president is responsible for promoting and maintaining order in meetings. The president should ensure adherence to the agenda for the meeting.
- E. The president should control discussion to ensure that it focuses on the issue and not on any person. Personal remarks and attacks are not permitted. See also Article 7 (B).
- F. The president will sign, as authorized by the library board, correspondence and documents, including those required by the state library. (Sec 2.296)

ARTICLE 6. AGENDAS.

- A. Agenda items must comply with Article 2. PURPOSE AND DUTIES.
- B. The following general order of business should be used for regular meetings of the board.
 - 1. Call to order

2. Roll call
 3. Citizen Comments – 3 minutes per speaker
 4. Consent Agenda (includes routine items which normally do not need separate discussion such as minutes from the previous meeting,)
 5. Presentations by city staff or outside entities invited by the board (or commission.)
 6. Public Hearings as needed
 7. Items for action or discussion/direction
 8. Reports (report items should be listed individually as needed to comply with Open Meetings Act requirements)
 9. Executive Session (in accordance with Open Meetings Act exceptions)
 10. Question and Answer Session.
 11. Adjournment
- C. The board may only discuss or consider an item on the agenda that is stated within the assigned scope of work or charge of the board as provided in Article 2.
- D. The president or two or more members may place a discussion item on an agenda for a regular board meeting no later than 10 business days prior to the meeting. If two or more members wish to place a discussion item on a meeting agenda, they must separately contact the staff liaison and the president in writing or by email with the specific topic. The agenda item must comply with Article 2 PURPOSE AND DUTIES.
- E. After first consulting with and receiving input from the staff liaison, the president shall review each final meeting agenda as prepared by the staff liaison. The president may not remove an item placed on an agenda by the staff liaison, prior direction of the board under subsection (B) above or placed on an agenda as a discussion item by two members under subsection (C) above.
- F. The staff liaison will submit the meeting agenda, and packet as applicable, to the City Clerk's Office for posting no later than 72 hours before the meeting. If the 72 hour deadline should fall on a weekend or holiday it is the responsibility of the staff liaison to provide the meeting agenda to the City Clerk's Office by noon on the last business day before the weekend or holiday.
- G. Posting of the agenda must comply with Texas Government Code Chapter 551 (Texas Open Meetings Act).

ARTICLE 7. MEETINGS.

- A. The board meetings shall comply with Texas Government Code Chapter 551 (Texas Open Meetings Act) in that discussion and action is limited to the items listed on the agenda for this meeting.
- B. If a quorum (a majority of the voting members) does not convene within fifteen minutes of the posted time for the meeting, then the meeting may be cancelled. If there is not a quorum, no business can be conducted, no votes or action can be taken, and there are no minutes.

- C. The board will conduct its meetings by the rules of common courtesy and procedure identified in Article 10.
- D. The president should introduce each item as it appears on the agenda, and in the order in which it appears on the agenda. The president may allow items to be considered out of order with the informal consent of the board.
- E. The following types of actions may be taken or motions can be made during a meeting:
1. **Approval** - Means the item is approved as proposed.
 2. **Conditional approval** - Means approval for the item will take effect upon the occurrence of the conditions.
 3. **Approval as amended** - Means the item is approved with changes from the original proposal.
 4. **To Table** - Means to temporarily delay the consideration of the item while another item is brought up for consideration.
 5. **Remove from Table** – Means to bring back the previously delayed item for consideration.
 6. **Postpone** - Means postponement of consideration of the item, either until a definite date or event, or indefinitely. Action on the item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
 7. **Reconsider** - Means to reopen discussion of an item that was already acted upon. Reconsideration may only occur at the same meeting, or at the next meeting after the one at which the original action occurred. A motion to reconsider may only be made by a person who voted on the prevailing side on the original action. Reconsideration of an item at a subsequent meeting requires the item to be placed on the agenda for that meeting.
 8. **Withdraw** - Made by the person who made the motion. Does not require a formal vote unless a member objects to the withdrawal.
 9. **Close debate ("calling for the question")** – Requires a motion and second and 2/3 vote. If it passes, a vote is then taken on the motion that was under discussion, without further debate. If it fails, debate resumes on the motion that was being discussed.
 10. **Amend** - Usually consists of striking out, inserting, adding, or substituting words, sentences or paragraphs to the subject of the original motion. This motion is voted upon separately from the original motion.
 11. **Recess** - A temporary break in a meeting may be called by the president. This does not require a formal vote unless a member objects to the recess.
 12. **Limited discussion or debate** - The president may establish a reasonable time limit for consideration of an item, or a reasonable time limit on each person addressing the board, or upon each board member who comments on an issue. This does not require a formal vote unless a member objects to the limits.
- F. The board shall meet monthly for ten months of the year. There will be no meeting in December and one month in the summer. In April, the board shall decide which month will not include a meeting.
- G. Special meetings of the board shall be called by the staff liaison to comply with a statutory deadline or a deadline established by Council or by a vote by the board. A special meeting

may be called upon the written request of the president or three members of the board, no more often than once a quarter.

- H. Executive sessions are permitted only when they have been posted in advance and conform to those requirements of the Texas Government Code Chapter 551 (Texas Open Meetings Act) which pertain to executive sessions.
- I. A majority of the voting membership of the board members constitute a quorum regardless of vacancies.
- J. To be effective, a board action must be adopted by an affirmative vote of the number of members necessary to provide a quorum.
- K. All votes shall be conducted by roll call rather than simple voice vote.
- L. The president has the same voting privilege as any other member. The voting privileges of members is defined in the Ordinance defining that board.
- M. The board will allow citizens to address the board during a period of time set aside for citizen communications during their regular meeting. Each speaker will be limited to three minutes, may speak only once per time period, and may not yield time to others. *See* Section 2.045 of the City Code for details.
- N. The secretary shall prepare the meeting minutes. The minutes of each board meeting must include the vote of each member on each item before the board and indicate whether a member voted in favor, against, abstained or is absent. Example:
For: Member 1, Member 2, Member 3, Member 4
Against: Member 6
Absent: Member 5 (line only needed if someone is absent)
Recused: Member 7 (line only needed if someone has recused)
- O. The city clerk shall retain agendas, approved minutes, internal review reports and bylaws. The library board liaison shall retain all other board documents. The documents are public records under Texas Local Government Code Chapter 552 (Texas Public Information Act).
- P. The president shall adjourn a meeting not later than 10 p.m., unless the board votes to continue the meeting.

ARTICLE 8. RECOMMENDATIONS and GENERAL DUTIES

- A. The board is encouraged to provide the city council with advisory recommendations on matters of city policy within their purpose and duties provided in Article 2 as necessary. The library board will act in an advisory capacity to the city council for the continued development and improvement of the public library. (Sec 2.298)
- B. In order to communicate recommendations by a board to the City Council, the board must develop a recommendation resolution. If the recommendation resolution is approved by a majority of the membership, the staff liaison must submit the recommendation resolution to

the city clerk and city manager for distribution to the city council within 30 days. In addition, the staff liaison will prepare a cover memo including Staff Recommendations for Implementation which may include budget impacts, staff time required, and/or other considerations.

- C. The library board will promote close communication between the city and all private citizens in order to secure the greatest degree of public benefit from library resources and services (Sec. 2.298)
- D. The library board will advise in the formulation of reasonable policies government the use of library facilities and resources based upon recommendations of the library director. (Sec 2.298)
- E. The library director shall, with the approval of the library board, set incidental fees. (Sec 58.127)
- C. The library board liaison will submit an annual report to the city clerk by February 28 of each year. (Sec 2.299)

ARTICLE 9. COMMITTEES.

- A. The library board does not have any standing committees, but may create ad hoc committees as necessary.
- C. Each committee must be established by an affirmative vote of the board. Each committee shall consist of at least two, maximum of three board members approved by the board. A staff member shall be assigned to each committee by the director of the library.
- D. A committee may choose the chair, with the members' consent, but is not required to do so.
- E. Quorum requirements do not apply to committees.
- F. Committees are not required to post their meetings in accordance with the Texas Government Code Chapter 551 (Texas Open Meetings Act). A quorum of the membership is not allowed to be present.
- G. Each committee shall update the board at least quarterly on their work.

ARTICLE 10. RULES OF COMMON COURTESY AND PROCEDURE.

- A. During meetings, members shall preserve order and decorum, and shall not interrupt or delay proceedings. Board meetings will adhere to Section. 2.046. - Rules of Decorum for City Council and City Board and Commission Meetings of the City Code.
- B. Members shall demonstrate respect and courtesy to each other, to city staff members, and to members of the public appearing before the board.

- C. Members shall refrain from rude and derogatory remarks and shall not belittle staff members, other board members, or members of the public.
- D. The president should exercise control over persons who abridge this policy or disrupt a meeting in the following ascending order of action:
 - 1. Call the person to order, advising the person of the infraction.
 - 2. Advise the person that the infraction must cease immediately, or the person will be ordered to leave the meeting.
 - 3. Order the person to leave the meeting. If the offending person is a member of the board, the president shall call for a vote on the expulsion of the member from the meeting.

ARTICLE 11. GENERAL POWERS AND DUTIES

- A. Personnel Issues: Personnel matters are not within the purview of the Board and are not appropriate for posting on an agenda, discussion at a meeting, or as a subject for a board recommendation. Neither the Board nor any of its members shall recommend, instruct, or request the City Manager or any of the City Manager’s subordinates to change the job qualifications for a current employee, appoint, or remove any person from, office or employment. The Board and its members are prohibited from giving order to subordinates of the City Manager either publicly or privately.
- B All Boards and Commissions shall adhere only to their specific general powers and duties within their Ordinance, as provided in Article 2.

ARTICLE 12. AMENDMENT OF BYLAWS.

A bylaw amendment is not effective unless approved by the Council Finance and Audit Committee.

The bylaws were approved by the library board at their meeting held on

_____ *Adopted September 23, 2024*

Board Liaison Signature