

Merrimack Public Library

Board of Trustees

Bylaws

Preface

The Merrimack Public Library was officially established by vote of Town Meeting on March 14, 1892. In 1989, Town Meeting increased the number of library trustees from three to five.

Article I: Name

This organization shall be called the “Board of Trustees of the Merrimack Public Library,” existing by virtue of RSA 202 of the laws of the State of New Hampshire, exercising the powers and authority and assuming the responsibilities delegated to it under the statute, and ensuring openness in the conduct of the library business under RSA 91-A: 1.

Article II: Membership

Section 1. The Board of Trustees shall be composed of five (5) members, elected according to RSA 202-A: 6.

Section 2. In accordance with RSA 202-A: 10 and RSA 669:75, any vacancies on the Board will be filled as prescribed.

Section 3. The Board of Trustees may, at its pleasure, request that the Merrimack Town Council appoint up to three (3) individuals to serve as alternate members, as authorized by RSA 202-A: 10.

Article III: Officers & Their Duties

Section 1. The officers shall be a Chair, Treasurer, and Secretary. The officers of the Board of Trustees shall be elected from among the elected trustees at the first Board meeting after town meeting and serve until their successors are duly seated.

Section 2. The Chair shall issue the agenda for and preside at all meetings of the Board, authorize calls for special meetings of the Board, appoint all committees, serve as ex officio member of all committees, execute all documents authorized by the Board, be an authorized signature on all trustee accounts, and perform all duties associated with the office.

Section 3. The Treasurer shall be the disbursing officer of the Board, be an authorized signature on all trustee accounts, and shall perform such other duties as are

associated with the office. In the absence or inability of the Treasurer, these duties may be performed by other members as the Board designates.

Section 4. The Secretary shall keep a true and accurate record of all meetings of the Board, see that all minutes are on permanent file at the library and sent to all members of the Board five days before the next meeting, and perform such other duties as are generally associated with the office. In the absence or inability of the Secretary, these duties may be performed by other such members as the Board designates.

Article IV: Duties of the Board

Section 1. The Board shall establish policies and procedures for its own transaction of business and the government of the library. The Director will recommend and the Board shall review and approve library policies. These policies shall be reviewed regularly.

Section 2. The Board shall appoint a Director and, in consultation with the Director, approve the appointment of all library employees.

Section 3. The Board, in consultation with the Director, shall prepare and present the proposed annual budget to the appropriate municipal authorities and town meeting. The trustees shall oversee the management of the approved budget and the expenditure of monies raised and appropriated or received as income from library trust funds.

Section 4. The Board shall establish and manage a non-lapsing account to hold monies received from fines and income generating equipment. At its discretion, the Board may establish other financial accounts and shall manage them. Further, the Board will accept gifts of money or personal property in accordance with RSA 202-A: 4-d.

Article V: Meetings

Section 1. Regular meetings shall be held each month at a time and place to be determined by the Board. Except for nonpublic session, all meetings shall be open to the public.

Section 2. A meeting may enter into nonpublic session only for specific purposes as described in RSA 91-A and the session should be confined to the matter set out in the motion. The same procedures apply to nonpublic sessions that apply to public ones.

Section 3. Special meetings may be held at any time at the call of the Chair, or any three Board members, for the conduct of business as stated in the call for the meeting.

Section 4. Emergency meetings may be called when immediate undelayed action is deemed imperative. The nature of the emergency shall be clearly spelled out in the meeting minutes.

Section 5. The Chair, in consultation with the Director, will insure that a copy of the regular meeting agenda is sent to each trustee at least five days before the meeting. Any other relevant material will be attached.

Section 6. In the absence of the Chair, the Treasurer will preside at Board meetings. The Secretary shall preside in the event both the Treasurer and Chair are absent.

Section 7. A quorum for the transaction of business at any meeting shall consist of three (3) members of the Board being present. An affirmative vote of the majority of all members present at the time will approve any action before the Board unless otherwise directed by these bylaws.

Section 8. In the event of consecutive absence(s) by elected Board member(s), alternate member(s) of the Board of Trustees will be used to insure that a quorum is present at a scheduled meeting. Alternates cannot outnumber elected members of the Board of Trustees. The Chair will exercise this responsibility.

Section 9. Any Trustee, including the presiding officer, may move or second and vote on any proposal before the Board.

Section 10. Any rule or motion passed by the Board, including these bylaws, may be temporarily suspended in connection with the business at hand by a majority vote of all Board members, as long as these actions are in accordance with all pertinent RSAs.

Section 11. The latest edition of Robert's Rules of Order shall govern in the parliamentary procedures of the Board.

Article VI: Library Director

Section 1. The Board shall employ a library director who shall be the chief operating officer of the library. This person shall be responsible to and report only to the Board.

Section 2. The scope of the Director's functions and responsibilities includes, but is not limited to, staff, collections, services, facilities, buildings, grounds, and activities.

Section 3. The Director shall carry out Board instructions and library policies and procedures.

Section 4. The Director shall recommend to the Board the appointment of library staff. In the case of part-time or temporary employees, the Director may make interim appointments and such appointments shall be reported to the Board at its next regular scheduled meeting.

Section 5. The Director shall manage the library in accordance with the budget and will recommend to the Board the annual budget for review and approval prior to submission to the town.

Section 6. The library entry for the town's annual report will be prepared by the Director and coordinated with the Board prior to submission.

Section 7. The Director shall present a report of monthly activities at each regular monthly meeting. This report will be in such format as the Board may prescribe.

Article VII: Committees

Section 1. The Chair shall appoint committees of one or more members for such specific purposes as the business of the Board may require from time to time.

Section 2. Committees will make regular reports on their progress to the Board. It will be discharged after it has given a final report to the trustees.

Section 3. No committee shall have other than advisory powers unless it is granted specific authority to act by suitable action of the Board.

Article VIII: Review and Amendment

Section 1. These bylaws shall be reviewed bi-annually in even numbered years for any amendments or to be reaffirmed.

Section 2. A majority vote of all members of the board at any regular meeting of the trustees shall amend these bylaws, providing that all proposed changes have been submitted to all trustees in writing at least ten days prior to the meeting at which such action is proposed.

Appendix A: Authorities

1. LIBRARY TRUSTEES

RSA 202-A: 6 states “The library trustees shall have the entire custody and management of the public library and all of the property of the town relating thereto, except trust funds held by the town.”

2. BYLAWS

RSA 202-A: 11; 1 states that the board of library trustees shall adopt bylaws, rules and regulations for its own transaction of business and for the government of the library.

3. ADDITIONAL FUNDS

Annual Town Meeting, May 8, 1984, authorizes the board to retain and use money from the library’s income-generating equipment as provided in RSA 202-A: 11-a.

4. ACCEPTING MONEY

Article 25 of the warrant for Annual Town Meeting, May 17, 1994, authorizes the board to apply for, accept and expend certain governmental funds and funds from private sources as provided in RSA 202-A: 4-c providing it holds a prior public hearing on the action to be taken.

5. PROPERTY DONATIONS

Article 26 of the warrant for Annual Town Meeting, April 8, 1997 authorizes the board to accept donations of personal property, other than money, as provided in RSA 202-A: 4-d.

6. ALTERNATE LIBRARY TRUSTEES

RSA 202-A:10 provides for appointed alternate board members to substitute for elected members unable to attend a board meeting. An amendment to the Town Charter allowing alternate library trustees was approved on April 12, 2016.

** While it is intended that these bylaws be in compliance with all RSA provisions, certain pertinent provisions of the RSA, like those affecting frequently occurring activities and significant matters, are only called out in these bylaws as a convenience, and the RSA should be checked in all matters as they are the overarching authority.