



CONSTITUTION AND BY LAWS OF THE MOUNTAIN REGIONAL LIBRARY SYSTEM

CONSTITUTION

References hereinafter to the “board” or “Board,” “Board of Trustees,” “Board of Library Trustees,” “Library Board,” “Regional Board,” “Regional Board of Trustees,” “Regional Library Board,” “Mountain Regional Library Board,” or “Mountain Regional Library System Board,” shall mean the Board of Trustees of the Mountain Regional Library System.

References hereinafter to “boards of trustees,” “county board,” “county library board,” “County Board of Trustees,” “local Board,” “local County Library Board,” or “local library board” shall mean the Board of Trustees of one or more participating member counties of the Mountain Regional Library System.

ARTICLE I. NAME

The name of the system shall be the Mountain Regional Library System.

ARTICLE II. HEADQUARTERS

The headquarters for the Mountain Regional Library System shall be the Mountain Regional Library in Young Harris, Georgia in Towns County.

ARTICLE III. PURPOSE

The Purpose of the Mountain Regional Library System shall be to furnish library service to the people of the region under the regulations governing libraries as set forth by the State of Georgia in the Official Code of Georgia Annotated (O.C.G.A.) § 20-5-1, et. seq.

The Mountain Regional Library System shall offer a full program of library services to all citizens of the participating counties to meet their informational, educational, and recreational needs; acquire and purchase library materials; circulate materials to the public through the member libraries or by other appropriate means of library extension; develop existing libraries and establish and develop member libraries and other services as appropriate to the needs of the service area; build a special collection adequate to provide current and reliable information of a research nature as demanded by the needs of the communities comprising the areas served; acquire and maintain state of the art technology and related infrastructure to provide access to electronic resources and materials; and promote the use of library resources by means of instruction, library-centered programs, exhibits, and other public relations media.

ARTICLE IV. CONSTITUENCY

The Mountain Regional Library System shall serve all citizens of Fannin, Towns, and Union Counties and other such counties or municipalities as may become part of the region, through the headquarters library, branch libraries and other extension services. Membership in the Mountain Regional Library System provides the citizens of Fannin, Towns, and Union Counties with reciprocal borrowing privileges in all libraries in the system.

Any county adjoining any county that is a member of the Mountain Regional Library System, may become a part of the Mountain Regional Library System either by contract or agreement with the Regional Library's Board of Trustees, or by paying the cost of providing the service in said county and by the provisions of Article 40, Chapter 5, Title 20 of the Official Code of Georgia Annotated. Existing member libraries are located in the cities of Blue Ridge (Fannin County Public Library), Hiawassee (Towns County Public Library), and Blairsville (Union County Public Library), with the headquarters in Young Harris (Mountain Regional Library).

Each member county shall have its respective advisory County Board of Trustees. The number of trustees and the days and times of meetings for the advisory boards shall be determined by each respective advisory board. Each advisory board shall be required to meet at least four times each fiscal year.

ARTICLE V. LEGAL AUTHORITY

The legal authority for public libraries and boards of trustees is described in Article 41, Chapter 5, Title 20, of the Official Code of Georgia Annotated, amended December 31, 1998. No individual on the board possesses the authority to act on the board's behalf unless that authority is delegated by the board.

All policies not addressed by the Regional Board of Trustees shall be delegated to the respective library's advisory Board of Trustees.

ARTICLE VI. GOVERNING BODY

Section 1. The governing body of the Mountain Regional Library System shall consist of a Regional Board of Library Trustees composed of trustees serving on member county Library Boards of Trustees who are appointed to the Regional Library Board of Trustees by each members' advisory Library Board of Trustees as specified in the By-laws and the State law. The operation of the regional library system is legally vested in the Board under the provisions of the Official Code of Georgia Annotated, Articles 41 through 43, Chapter 5, Title 20. The Board shall be composed of the following members:

Fannin County:

Four (4) appointed members representing the Fannin County Library Board of Trustees shall be chosen by the local Board of Trustees to serve on the Mountain Regional Library Board of Trustees.

Towns County:

Four (4) appointed members representing the Towns County Library Board of Trustees shall be chosen by the local Board of Trustees to serve on the Mountain Regional Library Board of Trustees.

Union County:

Four (4) appointed members representing the Union County Library Board of Trustees shall be chosen by the local Board of Trustees to serve on the Mountain Regional Library Board of Trustees.

Section 2. The term of office for appointed trustees shall be three years, with starting and ending dates corresponding to the state fiscal year or ceases, for any reason, to be a member of his/her local library board. No appointed member may serve on this board for more than two successive three-year terms of office (6 years).

Section 3. Board members shall receive no compensation. They may be reimbursed for any reasonable and necessary expenses incurred in the performance of library business, or if stipulated in terms of any bequest or gift. Membership dues or fees for individual membership of board members in state, regional and national library associations may be paid from operating funds.

Section 4. Vacancies shall be filled in the same manner as appointments are made. If a vacancy occurs prior to the expiration of a Trustee's term, the new appointee shall complete the unexpired term.

Members appointed to fulfill incomplete terms shall be considered to have served a full term if the date of appointment is 24 months or more before the ending date of the term. Members appointed to fulfill incomplete terms who serve 23 months or less of the term shall be considered not to have served a full term, and therefore is eligible to be reappointed for the maximum number of terms.

Section 5. Additional representatives may be added from any member library which may affiliate with the Mountain Regional Library System in the future.

ARTICLE VII. OFFICERS

Section 1. The Officers of the Board of Trustees shall be a Chair, and Vice-Chair. The Regional Board of Trustees shall appoint a Secretary, who may be a member of the Regional Library Board or the Regional Library Director. The Secretary shall be appointed by the Regional Board of Trustees at the time other officers are elected, with no limit to the number of terms he/she may serve in succession unless his or her terms as a Trustee are expired. These officers shall perform the duties prescribed by the By-laws and by the parliamentary authority adopted by the Regional Board.

Section 2. Officers shall be elected at the fourth quarter meeting to serve for two years or until their successors are elected. Their term of office shall begin July 1 or at the close of the meeting at which they are elected if they are fulfilling an unexpired term. An officer may not serve a third consecutive year unless the officer is fulfilling an unexpired term with less than 12 months remaining.

Section 3. The Director and any member of the staff authorized to handle library funds shall be bonded for an amount commensurate with the amount of funds handled, determined by the Board of Trustees and entered in the minutes, and a copy of the bond filed with the Georgia Public Library Services of the Board of Regents of the University System of Georgia as described in O.C.G.A. § 20-5-50.

ARTICLE VIII. EXECUTIVE COMMITTEE

An Executive Committee, composed of the officers of the Regional Board of Trustees, shall be entrusted to govern in the name of the Regional Board of Trustees between Regional Board meetings in times of need. In the event the Director is appointed as Secretary, a third Trustee shall be appointed to the Executive Committee by the Board Chair. The term of the appointment shall be consistent with the term of a Board officer.

ARTICLE IX. COMMITTEES

Section 1. Committees shall be appointed by the Regional Board Chair. Each committee shall consist of at least three members, one who will serve as Chair. If possible, one representative will represent each county. Matters that require more detailed consideration than can readily be given by the full Board shall be referred to the appropriate committee. The Regional Board Chair shall serve as an ex-officio member of all committees.

Section 2. The Personnel Committee develops standards for evaluating the library director's performance; and annually reviews the director's performance. It shall be available to hear personnel grievances which arise from the employee appeals procedure as needed. It will be a standing committee.

Section 3. The Nominating Committee shall be charged with making nominations of officers. It will be a standing committee.

Section 4. Ad hoc committees such as a Finance and Budget Committee shall be appointed by the Chair as needed.

ARTICLE X. INTERLIBRARY LOAN COOPERATION

The Mountain Regional Library System may enter into cooperative endeavors with other library systems for the purpose of sharing personnel, materials, and services by confederation or by merger as seen fit by the governing bodies of the library systems. Such cooperative endeavors must be within the limits of funds available to the Boards of Trustees, conducive to mutual growth and development of library services, and not in violation of state or federal laws, regulations, or other agreements, contracts, or Library Board policies.

ARTICLE XI. CONTRACTS

The Mountain Regional Library System is authorized to make and enter into such contracts or agreements, for all or any part of the Regional Library System as are deemed necessary and desirable under the provisions of Article 49, Section 5, Title 20 of the Official Code of Georgia Annotated.

ARTICLE XII. CONFLICT OF INTEREST

Any conflict of interest on the part of any Trustee shall be disclosed to the Regional Board when the interest becomes a matter of Regional Board action. Any Trustee having a conflict of interest shall not vote or use his/her personal influence on the matter, and shall not be counted in determining the quorum for the meeting for that vote. The minutes of the meeting shall reflect a disclosure was made, the abstention from voting, and the quorum situation. Any new Trustee will be advised of this policy upon assuming the duties of office. Failure to disclose any conflict of interest by a trustee is grounds for removal from the Regional Board of Trustees and the respective Local Board of Trustees.

No Trustee or his/her family member shall benefit financially from the Trustee's membership on the Board, or create the appearance of a conflict of interest, conflict of commitment, or of any impropriety. A Trustee must disclose to the full Board that he or she has a conflict of interest.

Section 1. To avoid any potential claims of conflict of interest, no person affiliated with a company with a direct financial interest with Mountain Regional Library System may serve on the Board of Trustees.

Section 2. To avoid any potential claims of conflict of interest, no current employee of Mountain Regional Library System may serve on the Board of Trustees.

Section 3. To avoid any potential claims of conflict of interest, no former employee of Mountain Regional Library System with fewer than three years from last date of employment to first date of appointment may serve on the Board of Trustees.

ARTICLE XII. AMENDMENT OF CONSTITUTION AND BYLAWS

This Constitution and Bylaws may be amended at any regular meeting of the Board of Trustees by a two-thirds vote of the members present, provided that notice is made in writing at least two weeks prior to the meeting, and provided that a quorum is present. All amendments to the Constitution and Bylaws will be filed with the Georgia Public Library Services of the Board of Regents of the University System of Georgia immediately upon adoption.

BY LAWS

ARTICLE I. DUTIES AND RESPONSIBILITIES OF BOARD MEMBERS

The Regional Board of Trustees is the legal governing body of the Mountain Regional Library System. It shall be the duty and responsibility of Members of the Board of Trustees:

(a) To employ a Director for the Regional Library System who meets state certification and other such employees as necessary upon the recommendation of the Regional Library System Director. The Board of Trustees shall have the full responsibility of overseeing his/her performance in his/her capacity and shall have the right of dismissal, should sufficient cause for such action become apparent. Authority for the technical administration and supervision of the libraries in the system shall be vested in the Regional Library System Director.

(b) To review and approve budgets prepared by the Regional Library System Director and, together with the local Boards of Trustees, assume responsibility for the presentation of the library system's fiscal needs to the supporting agencies.

(c) To attend board meetings and adopt bylaws for board procedures

(d) To establish policies governing library programs and procedures on the advice and guidance of the Regional System Director.

(e) To set policy for the receipt and administration of gifts of money and property.

(f) To present financial and progress reports to governing officials and to the public.

(g) To notify the Regional Library System Director in advance of all meetings of the Regional Board or Committees.

ARTICLE II. DUTIES OF THE OFFICERS

Section 1. The Chair shall preside at all regular or called board meetings.

Section 2. The Vice-Chair shall preside in the absence of the Chair. All other duties of the Vice-Chair shall be assigned by the Chair.

Section 3. The Secretary shall record the official actions of the Board, keep a record of attendance at Board meetings. The official books shall be housed in the Regional Library System headquarters. He/She shall notify the proper appointing local member library Boards of vacancies which may occur on the Regional Library Board. He/She shall report changes of membership to the Georgia Public Library Services of the Board of Regents of the University System of Georgia.

ARTICLE III. DUTIES OF THE DIRECTOR

Section 1. The Director of the Regional Library System must hold at least a Grade 5(b) Librarian's Professional Graduate Certificate as defined by the State Board for the Certification of Librarians.

Section 2. The Director shall be administrative head of the library system under the direction and review of the Board.

Section 3. It is the duty and responsibility of the Director:

(a) To employ or terminate all staff members, as necessary, in compliance with applicable laws and the availability of funds;

(b) To attend all meetings called by the office of Georgia Public Library Services of the Board of Regents of University System of Georgia or send an authorized substitute

(c) To prepare any local, state, or federal annual budgets.

(d) To notify the Board of Trustees and the office of Georgia Public Library Services of the Board of Regents of University System of Georgia of any failure to comply with:

(1) Policies of the Board

(2) Criteria for State Aid

(3) State and Federal rules and regulations

(4) All applicable local, state, or federal laws.

(e) To recommend changes to and administer the total library program, including all member libraries, in accordance with policies adopted by the Regional Board of Trustees

(f) To attend all meetings of the Boards of Trustees of the Regional Library and of the member libraries in the region, or designate a person to attend in his/her place.

(g) To speak upon matters under discussion by a Board or Committee, but he/she shall not have the right to vote.

ARTICLE IV. MEETINGS

Section 1. The Regional Library Board shall hold no less than four regular meetings during each fiscal year, including no less than one each calendar quarter. Meetings shall be scheduled at dates, times, and locations convenient to members. The schedule of meetings shall be determined annually during the fourth quarter meeting.

Section 2. Special meetings may be called by the Director, Regional Chair, or upon the written request of three Trustees, for the transaction of business stated in the call for the meeting. No business other than that for which the meeting was called may be discussed or conducted at a called meeting.

Section 3. One week prior to each regular meeting, the Director shall notify each trustee of the date, time, and place of the Regional Board meeting.

Section 4. Meetings of the Executive Committee may be called by the Chair to transact any business requiring attention between regular meetings of the full Regional Board.

Section 5. All meetings must be open to the public and the news media. The Regional Board may, however, enter into a closed session for the discussion of proposed or pending litigation, deliberation on acquisition or sale of real property, or hearings or discussions on the evaluation, appointment, discipline or dismissal of an individual employee, without restricting the employee's right to a public hearing if requested. If the Board enters into a closed session, no formal action will be taken. All decisions must be formally moved and adopted in an open Board meeting to be legally binding. Notice of the time, place, and date of any regular meeting must be given to the general public at least one week in advance and should be posted in a conspicuous place at the regular meeting place of the library board as well as on the library's website, if applicable. Special meetings can be held with at least 24 hours given notice in the same manner as a regular meeting..

Section 6. The latest edition of Robert's Rules of Order (revised), when not in conflict with this Constitution and Bylaws, shall govern the proceedings of the Board of Trustees of the Mountain Regional Library System.

Section 7. Each member of the Regional Board shall have one vote. The Chair shall not vote except in the event of a tie vote, at which time the Chair shall vote to break the tie.

Section 8. Seven (7) appointed members of the Board of Trustees constitute a quorum. No official business may be conducted without a quorum. Except as stated elsewhere in these documents, a simple majority affirmative vote of the members present and voting shall be necessary to approve any action before the Board.

Section 9. Trustees may attend meetings via audio/videoconference or any other similar method only under emergency conditions or when a member cannot attend in person because of health reasons or absence from the jurisdiction, pursuant to O.C.G.A. § 50-1-5(a). As clearly stated in O.C.G.A. § 50-14-1(b), all votes must be taken in public.

Section 10. Citizens desiring to present items to the Board must request, in writing, to be placed on the agenda at least two days prior to the scheduled meeting. Presentations by citizens will be limited to 10 minutes unless approval by the Chair allows for an extension of time beyond the 10 minute time period.

ARTICLE V. REPORTS

The Regional Library System is responsible for all reports deemed necessary by local and state funding agencies. An annual report of activities, income and expenditures shall be filed with each funding agency. All other reports necessary to obtain funds or meet requirements of the law shall be filed with the Georgia Public Library Services of the Board of Regents of the University System of Georgia.

ARTICLE VI. ATTENDANCE

Section 1. An appointed Trustee can be removed for cause or failure to attend three consecutive regularly-scheduled meetings. Such removal from the Regional Board of Trustees will also constitute removal from the County Board of Trustees to which the trustee was originally appointed.

Section 2. A letter reporting the removal and specifying the cause shall be sent to the affected Trustee and to the local board responsible for his/her appointment. The local board shall be asked to appoint another representative to fill that Trustee's unexpired term.

ARTICLE VII. PENALTIES

Employees or official representative agents of the Mountain Regional Library System may cause the arrest, fine, and imprisonment of persons who borrow, and fail to return, books and other property owned by the Mountain Regional Library System; deface, damage, steal, or otherwise improperly use and/or abuse library property; or commit other violations as described in the Official Code of Georgia Annotated, Articles 52 through 55, Chapter 5, Title 20.

ARTICLE VIII. VIOLATION OF BUSINESS DISCLOSURE

Any Trustee knowingly and willfully discussing business from a lawful Executive Session with anyone outside of the Executive Session can be removed from the Board.

ARTICLE VIV. DISSOLUTION OF OR WITHDRAWAL FROM THE REGIONAL LIBRARY SYSTEM

Section 1. The Regional Library System may be dissolved by reversal of the procedure followed in its original organization as described in Article 51, Section 5, Title 20 of the Official Code of Georgia Annotated. A dissolution of the system would require at least two-thirds of all active Regional Board Trustees voting in favor of the dissolution.

Section 2. A member county may withdraw from the system if a majority of the local Board of Trustees members vote to do so. Notice of withdrawal must be sent to the Chair of the Regional Board of Trustees and the Regional Library Director at least six months prior to the end of the state fiscal year. This notice must include reasons for the withdrawal and the method by which the decision was reached. The Georgia Public Library Services of the Board of Regents of the University System of Georgia must be notified of the receipt of this letter of intent within five working days.

Section 3. The Regional Board of Trustees may elect to expel a member county upon the following conditions:

- (a) Failure of the member county to support and adhere to the Regional Library System's most recent system participation agreement; or
- (b) Failure of the member county to meet criteria which may jeopardize the system's eligibility for state or federal funds.

Section 4. Notice of expulsion shall be sent within five working days of the determination of the above [Section 3 (a) and/or (b)] by the Regional Library Board to the Chairs of the member Boards of Trustees, all funding agencies that participate in funding the expelled county's member libraries, the Director of the Mountain Regional Library System, and the office of Georgia Public Library Services of the Board of Regents of the University System of Georgia. Expulsion shall take place on a date to be determined by the Director and the Regional Library Board of Trustees, taking into consideration the termination of sufficient funds for the operation of the member library.

Section 5. In the event of the withdrawal of a member county from the Mountain Regional Library System, all equipment and materials purchased with local, state or federal funds for use in the library or libraries in that county or city library shall remain in those libraries. After the notice of withdrawal has been received by the Regional Library

Board, there is no obligation on the part of the Regional Library System to purchase books, equipment, supplies, or other items for the use of the library or libraries in the withdrawing county, other than the fair share of items in the existing Maintenance and Operations budgets for the current year. Any reserved or unreserved fund balance owed to the withdrawing member shall be paid to the withdrawing member within 30 days after the date of separation.

Section 6. In the event of the expulsion of a member county from the Mountain Regional Library System, any furnishings, equipment and materials purchased with local, state or federal funds for use in the library or libraries in that member library may be retained by the governing Board of Trustees, and shall be placed in other libraries in the Mountain Regional Library System where they shall be used for general public library services. If there is no further use for an item, it can be declared surplus and disposed of according to the MRLS Finance Policy or allowed to remain with the expelled library at the discretion of the Regional Board. After the notice of expulsion has been sent by the Regional Library Board, there is no obligation on the part of the Regional Library System to purchase books, equipment, supplies, or other items for the use of the library or libraries in the withdrawing county or city. Any unreserved or reserved fund balance will remain property of the Regional Board of Trustees.

Section 7. If a library has been expelled from the System, no employee working in that library shall displace an employee from another library in MRLS. Employees of that library shall be given priority in filling any vacant positions in MRLS for which they are qualified.

ARTICLE X. AMENDMENTS

These bylaws may be amended at any regular or called meeting of the Regional Board of Trustees by a two-thirds vote of the members present, provided that notice is made in writing at least two weeks prior to the meeting and provided that a quorum is present. All amendments to these Bylaws shall be filed with the Office of Georgia Public Library Services of the Board of Regents of the University System of Georgia.

All amendments must be consistent with provisions of the Constitution of the Regional Library System and applicable state laws and regulations.

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