

GREENFIELD  
PUBLIC LIBRARY

BOARD OF TRUSTEES  
BYLAWS

AS REVISED  
May 2012

**GREENFIELD PUBLIC LIBRARY  
BOARD OF TRUSTEES  
BYLAWS**

**ARTICLE I. NAME AND AUTHORIZATION.**

This organization shall be called "The Board of Trustees of the Greenfield Public Library", existing by virtue of the provisions of Chapter 78, Sections 10-13, and 21 of the General Laws of Massachusetts, and exercising the powers and authority and assuming the responsibilities delegated to it under the said statute.

**ARTICLE II. TRUSTEES**

The governing Board of the Library is composed of seven members appointed by the Mayor and approved by the Town Council.

Individual Trustees are appointed for terms of three years and are to serve until their successors are appointed.

Any member of the Board of Trustees may resign by written notice filed with the Chairperson or Secretary, and the Mayor. The Mayor, in consultation with the Board of Trustees, shall appoint a new member, with approval from the Town Council, to serve for the remainder of the original term of office.

Board members shall not receive a salary or other compensation for services as a member of the Board, however, necessary traveling and subsistence expenses actually incurred may be paid.

**ARTICLE III. POWERS AND DUTIES OF THE BOARD OF TRUSTEES**

The Board of Trustees has the custody and management of the library and of all property of the Town devoted to library purposes. All funds raised or appropriated by the Town for the support and maintenance of the library will be expended under the direction of the said Board subject to the approval of the Mayor.

The Trustees shall, in addition, have the following powers and duties;

- To attend all Board meetings.
- To select a competent and qualified library director upon the recommendation of the Mayor and such director shall be charged with the day to day administration of the library subject to the personnel policies of the Town and the direction of the Mayor.

- To determine the needs of the library and secure adequate funding to meet those needs.
- To review and approve an annual operating budget and an annual capital improvement budget prepared by the library director.
- To set all policies for the internal operation of the library.
- To adopt both long and short term goals for the library.
- To prepare recommendations for approval of the Mayor, including physical repairs and alterations to the building.
- To control all library trust funds and gift accounts in accordance with state law.
- To speak and act as advocates for the library in the community and participate in an active public relations program.

The Board of Trustees shall act in conformance with general municipal policies and procedures.

The Board of Trustees shall study and support legislation, which will benefit the library, and the larger library community of which it is a part.

The Board makes all decisions as a collective body. No individual member may make decisions or act or speak for the Board unless specifically authorized to do so by a vote of the membership of the Board and duly noted in approved meeting minutes.

The Board of Trustees shall have all of the other powers and duties as may be provided by general law, by charter, by ordinance or otherwise.

#### **ARTICLE IV. OFFICERS.**

The officers of the Board shall be a Chairperson, a Vice-Chairperson, and a Secretary. The officers shall not be elected to more than three successive terms. The Board shall elect the officers at the annual meeting of the Board. They shall continue to hold offices until the next annual meeting of the Board and until their respective successors are elected.

The Chairperson shall preside at all meetings of the Board, call special meetings of the Board, serve ex officio as a member of all committees of the Board, and serve as spokesperson to the community for the Board.

The Vice-Chairperson shall perform the duties of the Chairperson of the Board at his/her request or in his/her absence.

The Secretary shall keep a true and accurate record of all meetings of the Board, to issue due notice of all regular and special meetings and perform such other duties as are generally associated with that office. The Chair may appoint a substitute in the event the Secretary is absent.

## **ARTICLE V. MEETINGS.**

The Library Board shall meet on a monthly basis, or unless otherwise agreed upon by the Board at the Greenfield Public Library or at the place designated at the preceding meeting. The November meeting shall be the annual meeting for the purpose of election of officers.

Special meetings of the Board may be called by the Chairperson, or upon written request of two members, for the transaction of business as stated in the meeting request. Notice stating the time and place of any special meeting and the purpose for which it is called shall be given each member of the Board of Trustees at least five days in advance of the special meeting.

A quorum for transaction of business shall consist of a simple majority.

All meetings of the Board shall be subject to the state's open meeting law, as contained in Massachusetts General Laws, Chapter 39, Sections 23A-23C. In particular all meetings will be open to the public unless held in executive session under the terms of the law. A notice of all meetings, except in case of emergency, will be filed with the Town Clerk at least 48 hours beforehand and a copy of the notice will be posted in the Town Hall. Further, all records of minutes of meetings will be available for public inspection.

## **ARTICLE VI. COMMITTEES**

The Chairperson shall appoint committee members for such specific purposes as the business of the Board may require from time to time. Each committee shall have at least two members, one of whom shall be a Trustee. The committee shall be considered to be discharged upon the completion of the purpose for which it was appointed and after the final report is made to the Board.

All committees shall make a progress report to the Library Board at each of its meetings.

No committee will have other than advisory powers unless by suitable action of the Board it is granted specific power to act.

## **ARTICLE VII. LIBRARY DIRECTOR**

The Board shall appoint a qualified Library Director upon recommendation of the Mayor, to perform such duties as shall be included in the official job description of the Library Director. The Library Director shall consult and advise the Board of Trustees at each regular and special meeting of the Board of Trustees to enable the trustees to perform their duties as set forth herein and as changed by applicable state law and local ordinance. The Board of Trustees shall advise the Library Director with regard to any and all issues relating to the duties of the Board as set forth herein or as charged by state law or local ordinance. The Board shall, upon request of the Mayor, advise and consult with regard to the hiring, evaluation or termination of the Library Director.

## **ARTICLE VIII. PARLIAMENTARY RULES.**

Except as provided for in these bylaws, the current-edition of Roberts Rules of Order shall govern.

## **ARTICLE IX. AMENDMENTS.**

These bylaws may be amended at any regular meeting of the Board with a quorum present, by a majority vote of the members present, provided that a motion presenting the amendment was made and seconded at the preceding regular meeting.

### **CODE OF ETHICS FOR PUBLIC LIBRARY TRUSTEES**

- Trustees, when in the capacity of serving the library, shall act in conformance with general municipal policies and procedures
- Trustees, when in the capacity of serving the library, shall observe ethical standards with absolute truth, integrity and honor
- Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the situation
- Trustees must disqualify him/herself immediately whenever the appearance or actual conflict of interest exists
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree
- Trustees must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information
- Trustees must be prepared to support to the fullest the effort of librarians in resisting censorship of library materials by groups or individuals
- Trustees who accept library board responsibilities are expected to perform all of the functions of library trustees

Greenfield Public Library, Board of Trustees Bylaws, Amended May 1992; Revised December 2008; Revised May 2012.

# GENERAL LAWS OF MASSACHUSETTS

## Chapter 78

### PUBLIC LIBRARIES.

#### **Section 7. Public libraries; establishment by cities and towns; records.**

Section 7. A town may establish and maintain public libraries for its inhabitants under regulations prescribed by the city council or by the town, and may receive, hold and manage any gift, bequest or devise therefor. The city council of a city or the selectmen of a town may place in such library the books, reports and laws which may be received from the commonwealth. That part of the records of a public library which reveals the identity and intellectual pursuits of a person using such library shall not be a public record as defined by clause Twenty-sixth of section seven of chapter four. Library authorities may disclose or exchange information relating to library users for the purposes of interlibrary cooperation and coordination, including but not limited to, the purposes of facilitating the sharing of resources among library jurisdictions as authorized by clause (1) of section nineteen E or enforcing the provisions of sections ninety-nine and one hundred of chapter two hundred and sixty-six. *(Amended by 1988, 180, Sec. 2.)*

#### **Section 8. Use of facilities by non-residents.**

Section 8. Any free town public library may loan its books or other library material to any other such library or to citizens of other towns or non-residents, under such written conditions and regulations as may be made by the board of trustees or other authority having control of the library so loaning. Any town may raise money to pay the expenses of so borrowing books and other library material from the library of any other town.

#### **Section 9. Return of unwanted state publications.**

Section 9. If the trustees of any town library shall vote not to keep or receive any of the books and reports which the state secretary is authorized to send thereto, the secretary, at the request of the supervisor of public records, may discontinue sending them. Any of said books and reports in the custody of any town library may be returned at its expense to the state library, or, with the sanction of the board of library commissioners, may otherwise be exchanged or disposed of.

#### **Section 10. Town libraries; selection of trustees and officers.**

Section 10. A town which raises or appropriates money for the support of a free public library, or free public library and reading room, owned by the town, shall, unless the same has been

acquired entirely or in part through some gift or bequest which contains other conditions or provisions for the election of its trustees, or for its care and management, which have been accepted by the town, elect by ballot at a meeting a board of trustees consisting of any number of persons, male or female, divisible by three, which the town determines to elect. When such board is first chosen, one third thereof shall be elected for one year, one third for two years and one third for three years, and thereafter one third shall be elected annually for a term of three years. The board shall, from its own number, annually choose a chairman and secretary and, if the town so votes, a treasurer, who shall give a bond similar to that given by the town treasurer, in an amount and with sureties to the satisfaction of the selectmen. Until the town otherwise directs the town treasurer shall act as treasurer of the board of trustees.

#### **Section 11. Board of trustees; powers and duties.**

Section 11. The board shall have the custody and management of the library and reading room and of all property owned by the town relating thereto. All money raised or appropriated by the town for its support and maintenance shall be expended by the board, and all money or property which the town may receive by gift or bequest for said library and reading room shall be administered by the board in accordance with the provisions of such gift or bequest. The board of any library, for the purpose of improving the services of said library, may enter into an agreement with the board or boards of any neighboring library or libraries, to pay for services in common, or to manage a facility to be operated jointly by more than one municipality, such payments to be shared in accordance with terms of such agreement.

#### **Section 12. Annual report of trustees.**

Section 12. The board shall make an annual report to the town of its receipts and expenditures and of the property in its custody, with a statement of any unexpended balance of money and of any gifts or bequests which it holds in behalf of the town, with its recommendations.

#### **Section 13. Applicability of sections relating to trustees.**

Section 13. The three preceding sections shall not apply to library associations, nor to a library organized under a special act.

#### **Section 21. Inapplicability of certain sections to cities.**

Section 21. Sections ten to twelve, inclusive, and sections sixteen to eighteen, inclusive, shall not apply to cities.

[Includes all amendments to the General Laws passed before **July 1, 1998.**]

# GENERAL LAWS OF MASSACHUSETTS

## Chapter 39:

### **Section 23A. Definitions applicable to secs. 23B and 23C.**

Section 23A. The following terms as used in sections twenty-three B and twenty-three C shall have the following meanings:-

"Deliberation", a verbal exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

"Emergency", a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

"Executive session", any meeting of a governmental body which is closed to certain persons for deliberation on certain matters.

"Governmental body", every board, commission, committee or subcommittee of any district, city, region or town, however elected, appointed or otherwise constituted, and the governing board of a local housing, redevelopment or similar authority; provided, however, that this definition shall not include a town meeting. (*Amended by 1988, 116, Sec. 3.*)

"Made public", when the records of an executive session have been approved by the members of the respective governmental body attending such session for release to the public and notice of such approval has been entered in the records of such body.

"Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"Quorum", a simple majority of a governmental body unless otherwise defined by constitution, charter, rule or law applicable to such governing body.

### **Section 23B. Open meetings of governmental bodies.**

Section 23B. All meetings of a governmental body shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided by this section.

No quorum of a governmental body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as provided by this section.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given, a majority of the members have voted to go into executive session and the vote of each member is recorded on a roll call vote and entered into the minutes, the presiding officer has cited the purpose for an executive session, and the presiding officer has stated before the executive session if the governmental body win reconvene after the executive session.

Nothing except the limitation contained in this section shall be construed to prevent the governmental body from holding an executive session after an open meeting has been convened and a recorded vote has been taken to hold an executive session. Executive sessions may be held only for the following purposes:



(1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.

(c) to speak in his own behalf

(2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. A governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

(a) to be present at such executive session during discussions or considerations which involve that individual.

(b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation.

(c) to speak in his own behalf.

(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, to conduct strategy sessions in preparation for negotiations with nonunion personnel, to conduct collective bargaining sessions or contract negotiations with nonunion personnel.

(4) To discuss the deployment of security personnel or devices.

(5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

(6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.

(7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

(8) To consider and interview applicants for employment by a preliminary screening committee or a subcommittee appointed by a governmental body if an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee or a subcommittee appointed by a governmental body, to consider and interview applicants who have passed a prior preliminary screening.

(9) To meet or confer with a mediator, as defined in section twenty-three C of chapter two hundred and thirty-three, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or body, provided that: (a) any decision to participate in mediation shall be made in open meeting session and the parties, issues involved and purpose of the mediation shall be disclosed; and (b) no action shall be taken by any governmental body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open meeting after such notice as may be required in this section.

This section shall not apply to any chance meeting, or a social meeting at which matters relating to official business are discussed so long as no final agreement is reached. No chance meeting or social meeting shall be used in circumvention of the spirit or requirements of this section to discuss or act upon a matter over which the governmental body has supervision, control, jurisdiction or advisory power.

Except in an emergency, a notice of every meeting of any governmental body shall be filed with the clerk of the city or town in which the body acts, and the notice or a copy thereof shall, at least forty-eight hours, including Saturdays but not Sundays and legal holidays, prior to such meeting, be publicly posted in the office of such clerk or on the principal official bulletin board of such city or town. The secretary of a regional school district committee shall be considered to be its clerk and he shall file the notice of meetings of the committee with the clerk of each city or town within such district and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town and such secretary shall post such notice in his office or on the principal official bulletin board of the district. If the meeting shall be of a regional or district governmental body, the officer calling the meeting shall file the notice thereof with the clerk of each city and town within such region or district, and each such clerk shall post the notice in his office or on the principal official bulletin board of the city or town. The notice shall be printed in easily readable type and shall contain the date, time and place of such meeting. Such filing and posting shall be the responsibility of the officer calling such meeting.

A governmental body shall maintain accurate records of its meetings, setting forth the date, time, place, members present or absent and action taken at each meeting, including executive sessions. The records of each meeting shall become a public record and be available to the public; provided, however, that the records of any executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer. All votes taken in executive sessions shall be recorded roll call votes and shall become a part of the record of said executive sessions. No votes taken in open session shall be by secret ballot.

A meeting of a governmental body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or by means of videotape equipment fixed in one or more designated locations determined by the governmental body except when a meeting is held in executive session; provided, that in such recording there is no active interference with the conduct of the meeting.

Upon qualification for office following an appointment or election to a governmental body, as defined in this section, the member shall be furnished by the city or town clerk with a copy of this section. Each such member shall sign a written acknowledgement that he has been provided with such a copy.

The district attorney of the county in which the violation occurred shall enforce the provisions of this section.

Upon proof of failure by any governmental body or by any member or officer thereof to carry out any of the provisions for public notice or meetings, for holding open meetings, or for maintaining public records thereof, any justice of the supreme judicial court or the superior court sitting within and for the county in which such governmental body acts shall issue an appropriate order requiring such governmental body or

member or officer thereof to carry out such provisions at future meetings. Such order may be sought by complaint of three or more registered voters, by the attorney general, or by the district attorney of the county in which the city or town is located. The order of notice on the complaint shall be returnable no later than ten days after the filing thereof and the complaint shall be heard and determined on the return day or on such day thereafter as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders with respect to any of the matters referred to in this section may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of this section. In the hearing of such complaints the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by section eleven A1/2 of chapter thirty A, by section nine G of chapter thirty-four or by this section. All processes may be issued from the clerk's office in the county in which the action is brought and, except as aforesaid, shall be returnable as the court orders.

Such order may invalidate any action taken at any meeting at which any provision of this section has been violated, provided that such complaint is filed within twenty-one days of the date when such action is made public.

Any such order may also, when appropriate, require the records of any such meeting to be made public, unless it shall have been determined by such justice that the maintenance of secrecy with respect to such records is authorized. The remedy created hereby is not exclusive, but shall be in addition to every other available remedy. Such order may also include reinstatement without loss of compensation, seniority, tenure or other benefits for any employee discharged at a meeting or hearing held in violation of the provisions of this section.

Such order may also include a civil fine against the governmental body in an amount no greater than one thousand dollars for each meeting held in violation of this section.

The rights of an individual set forth in this section relative to his appearance before a meeting in an executive or open session, are in addition to the rights that an individual may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements, and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

### **Section 23C. Regulation of participation by public in open meetings.**

Section 23C. No person shall address a public meeting of a governmental body without permission of the presiding officer at such meeting, and all persons shall, at the request of such presiding officer, be silent. If, after warning from the presiding officer, a person persists in disorderly behavior, said officer may order him to withdraw from the meeting, and, if he does not withdraw, may order a constable or any other person to remove him and confine him in some convenient place until the meeting is adjourned.

[Includes all amendments to the General Laws passed before **July 1, 1998.** ]