



Governance Manual for the Board of Trustees

Approved in its entirety on November 7th, 2019 by the
Cape Girardeau Public Library Board of Trustees

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Bylaws of the Board of Trustees of the Cape Girardeau Public Library

ARTICLE I

NAME AND OFFICES

The municipal library district of the city of Cape Girardeau, Missouri shall be called the Cape Girardeau Public Library. The Cape Girardeau Public Library is located at 711 North Clark Street in Cape Girardeau, Missouri. The principal office of the Cape Girardeau Public Library shall be located within the Library. The Cape Girardeau Public Library may have offices at such other places within the municipal library district of the City of Cape Girardeau as the Board of trustees may from time to time determine.

ARTICLE II

FREE LIBRARY USE

The Cape Girardeau Public Library shall be forever free to the use of the residents of the Cape Girardeau municipal library district, subject to such reasonable rules and regulations as the Board of Trustees may adopt in order to render the use of the Library of the greatest benefit to the greatest number. The Board of trustees may exclude from the use of the Library any and all persons who willfully violate such rules. The Board of Trustees may extend the privileges and use of the Library to persons residing outside of the municipal library district, upon such terms and conditions as the Board of Trustees, from time to time, by its regulations, may prescribe.

ARTICLE III

BOARD OF TRUSTEES

SECTION 1: GENERAL POWERS

Subject to the limitation of these Bylaws and the statutes of the State of Missouri, all powers of the Board of Trustees shall be exercised by or under the authority of the Board of Trustees, and the management, affairs and policies of the Cape Girardeau Public Library shall be controlled by the Board of Trustees. The Board of Trustees shall have all such powers which it may deem expedient and necessary for the proper government of the Library and not inconsistent with RSMO Sections 182.140 to 182.301. The Board of Trustees shall specifically have those powers set forth in RSMO Section 182.200.

SECTION 2: LIBRARY DIRECTOR

The Board of Trustees shall appoint a properly qualified librarian who shall be the Director of the Library and who shall serve as its chief administrative officer.

SECTION 3: NUMBER OF TRUSTEES

The number of members of the Board of Trustees shall be nine (9).

SECTION 4: QUALIFICATIONS.

Membership as a trustee is open to all persons over the age of eighteen (18) years and who reside within the municipal library district of the City of Cape Girardeau and who are interested

in furtherance of the purposes of the Cape Girardeau Public Library. No member of the city government shall be a member of the Board of Trustees.

SECTION 5: TERM OF MEMBERSHIP

A term of membership as a trustee shall be three (3) years.

SECTION 6: APPOINTMENT TO BOARD

The mayor of the City of Cape Girardeau, with the approval of the Cape Girardeau City Council, shall appoint the members of the Board of Trustees. Such appointment shall be made with reference to the prospective candidate's fitness for office. Board members shall submit names of prospective candidates for appointment at the April meeting of the Board of Trustees. The executive committee of the Board of Trustees shall select two (2) persons for each vacancy on the Board of Trustees. The qualifications of each of the prospective candidates shall be discussed at the May meeting of the Board of Trustees and, if the prospective candidates are approved for membership, then their names shall be recommended to the mayor for consideration for appointment to the Board of Trustees.

SECTION 7: REAPPOINTMENT TO BOARD

No member of the Board of Trustees shall serve for more than three (3) successive full terms and shall not be eligible for further appointment to the board until two (2) years after the expiration of the third term. The Board shall recommend to the mayor that no person who has failed to attend two-thirds (2/3) of the scheduled Board meetings be reappointed to the library Board of Trustees.

SECTION 8: NO COMPENSATION

No trustee shall receive compensation as such, and no person shall be employed by the Board who is related either by blood or by marriage to any trustee of the Board.

ARTICLE IV

MEETINGS

SECTION 1: ANNUAL MEETINGS

Annual Meeting. There shall be an annual meeting of the Board of Trustees on a date designated by the Board each year, at the site chosen each year by vote of the Trustees.

SECTION 2: REGULAR MEETINGS

Regular meetings of the Board of Trustees shall be held at least ten times per year at the Cape Girardeau Public Library unless otherwise posted. The secretary of the Board of Trustees, or a designated appointee, shall provide notice of the regular meetings in accordance with the statutes of the State of Missouri.

SECTION 3: SPECIAL MEETINGS

Special meetings of the Board of Trustees may be called by the president of the Board of Trustees, or upon request of any four (4) trustees, for the transaction of such special business. The person or persons authorized to call special meetings of the Board of Trustees may fix a reasonable time and place for holding them. The secretary of the Board of Trustees, or a designated appointee, shall be responsible for the issuance of all notices of special meetings and the notice shall state the special business that is to come before the meeting.

SECTION 4: NOTICE AND WAIVER

Notice of any special meeting shall be given at least three (3) days prior thereto by written notice to each trustee in person, or by mail at his address, or by fax or e-mail, according to the recipient's preference. If mailed, such notice shall be deemed to be delivered when deposited in the United States Mail with postage prepaid. Any trustee may waive notice of any meeting, either before, at, or after such meeting by signing a waiver of notice. The attendance of a trustee at a meeting shall constitute a waiver of notice of such meeting and a waiver of any and all objections to the place of such meeting or the manner in which it has been called or convened, except when a trustee states at the beginning of the meeting any objection to the transaction of business because the meeting is not lawfully called or convened.

SECTION 5: QUORUM AND VOTING

Each trustee of the Board of Trustees shall be entitled to one (1) vote on each matter submitted to a vote at a meeting of the Board of Trustees. Every trustee entitled to vote at a meeting of the Board of Trustees may authorize another trustee or trustees to act for him by proxy. Every proxy shall be in writing and shall be signed by the trustee or his otherwise duly authorized attorney-in-fact and shall be executed in front of either the Director or the Administrative Assistant. (See Appendix for Proxy Form) Under extenuating circumstances, an emailed proxy will also suffice. A majority of trustees in office appearing in person or by proxy shall constitute a quorum for the transaction of business. The vote of a majority of trustees at a meeting at which a quorum is present shall constitute the action of the Board of Trustees. The Board of trustees may permit any trustee (or any member of a committee designated by the board) to participate in a regular or special meeting of the board or a committee thereof through the use of any means of communication by which all directors participating in the meeting can hear each other during the meeting. A trustee participating in a meeting in this manner is deemed to be present in person at the meeting. If less than a quorum is present, then a majority of those trustees present may adjourn the meeting from time to time without notice until a quorum is present. (Amended April, 6, 2023)

SECTION 6: VACANCIES

Any vacancy occurring in the Board of Trustees shall be filled by appointment by the mayor of the City of Cape Girardeau. A trustee appointed to fill a vacancy shall hold membership only for the unexpired term of the member creating the vacancy.

SECTION 7: REMOVAL

Three consecutive unexcused absences may result in dismissal from the Board of Trustees. An unexcused absence shall be defined as any absence unaccompanied by a proxy. Any trustee or

trustees may also be removed from the Board of Trustees for misconduct or neglect of duty. This removal is the duty of the mayor of the City of Cape Girardeau or other proper official, by and with the consent of the Cape Girardeau City Council.

SECTION 8: PRESUMPTION OF ASSENT

A trustee who is present at a meeting of the Board of Trustees at which action on any matter is taken shall be presumed to have assented to the action taken unless the trustee votes against such action or abstains from voting because of an asserted conflict of interest.

SECTION 9: LIBRARY DIRECTOR

The Director of the Library should be present at all meetings of the Board of Trustees, except at those times when his or her status or salary is discussed, in which case the Board shall take all necessary steps to immediately notify the Director of the action of the Board. (Amended October 7, 2021.)

SECTION 10: ORDER OF BUSINESS

The order of business shall always include the following items:

- Acceptance of minutes of last meeting*
- Presentation of financial report and monthly expenditures*
- Monthly report of Director*
- Communications*
- Committee reports*
- Unfinished business*
- New business*
- Adjournment*

The Director of the Library shall prepare an agenda for each meeting of the Library Board and make a copy available to each member of the Board of Trustees present at the beginning of each meeting. (Amended February 3, 2022)

SECTION 11: MINUTES OF MEETINGS

The minutes of all regularly scheduled and open meetings of the Board of Trustees shall be mailed to all members of the Board of Trustees, all members of the Cape Girardeau City Council and to the Cape Girardeau City Manager, prior to the next regularly scheduled meeting.

SECTION 12: ELECTRONIC/TELEPHONIC MEETINGS

One or more trustees may participate in a meeting of the Board of Trustees, or of a Committee of the Board, by means of a conference telephone or similar communications equipment.

ARTICLE V

OFFICERS

SECTION 1: OFFICERS

The officers of the Board of Trustees shall be a president, a vice-president, a secretary and a treasurer, each of whom shall be elected by the Board of Trustees. Other officers and assistant officers as may be deemed appropriate may be elected by the Board of Trustees from time to time. No person may hold more than one (1) office at any time. A failure to elect any of the above-referenced officers shall not affect the existence of the Board of Trustees.

SECTION 2: ELECTION AND TERM OF OFFICE

The officers of the Board of Trustees shall be elected annually and installed at the first Board of Trustees meeting held after the beginning of the fiscal year. Each officer shall hold office until the next annual meeting or until his successor shall have been duly elected and shall have qualified, or until his death, or until he shall resign or shall have been removed in the manner herein provided. (Amended 11/05/2020)

SECTION 3: REMOVAL

Any officer may be removed from office at any time on the affirmative vote of a majority of the Board of Trustees whenever, in its judgment, the best interests of the Board of Trustees will be served thereby.

SECTION 4: VACANCIES

Vacancies in offices, however occasioned, may be filled at any time by election by the Board of Trustees for the unexpired terms of such offices.

SECTION 5: DUTIES

The president shall preside at all meetings, appoint special committees as needed, authorize calls for any special meeting, and sign all papers, documents, and contracts of the Board of Trustees as authorized to do so by action of the Board of Trustees, these Bylaws or the statutes of the State of Missouri. The president shall be the chief executive officer of the Board of Trustees.

The vice-president shall assume the duties of the president in the latter's absence. In the absence of both the president and vice-president, the trustees present shall elect a president pro tem.

The secretary, or a designated appointee, shall be responsible for the keeping and maintenance of a true and accurate account of all meetings of the Board of Trustees and shall have custody of the minutes of the Board of Trustees. The secretary shall sign all papers, documents and contracts of the Board of Trustees as authorized by action of the Board of Trustees, by these Bylaws, or by the statutes of the State of Missouri.

The treasurer, or a designated appointee, shall be responsible for keeping the Board of Trustees advised regarding the fiscal condition of the Library, shall make such reports as may be requested or required, and shall execute a good and sufficient bond as may be established and approved by the Board of Trustees. The treasurer shall sign all papers, documents and contracts of the Board of Trustees as authorized to do so by action of the Board of Trustees, by these Bylaws, or by the statutes of the State of Missouri.

Subject to the foregoing, the officers of the Board of Trustees shall have such powers and duties as usually pertain to their respective offices and such additional powers and duties specifically

conferred by law, by these Bylaws, or as may be assigned to them from time to time by the Board of Trustees.

ARTICLE VI

EXECUTIVE AND OTHER COMMITTEES

SECTION 1: CREATION OF COMMITTEES

The Board of Trustees may, by resolution passed by a majority of the whole board, designate an Executive Committee, certain standing committees and one or more other committees.

SECTION 2: EXECUTIVE COMMITTEE

The Executive Committee shall be comprised of the officers of the Board of Trustees and shall consult with and advise the Board of Trustees in the management of the Library's affairs and shall have and may exercise, to the extent provided in the resolution of the Board of Trustees creating such Executive Committee, such powers of the Board of Trustees as can be lawfully delegated by the Board. The Executive Committee shall also serve as the Grievance Committee.

SECTION 3: STANDING COMMITTEES

The following standing committees shall be appointed by the president for a one (1) year term:

- 1. Budget Committee*
 - a. The purpose of this committee is to create an annual budget to present to the Board of Trustees for approval.*
- 2. Personnel Committee*
 - a. The purpose of this committee is to managing the hiring process of the Library Director and subsequent annual reviews.*
- 3. Bylaws and Policy Committee*
 - a. The purpose of this committee is to review, amend, and/or adopt new changes to the governing documents of the Cape Girardeau Public Library*
- 4. Community Relations Committee*
 - a. The purpose of this committee is to assist the Library staff with marketing efforts and community outreach.*
- 5. Building and Grounds Committee*
 - a. The purpose of this committee is to assist the Library staff with management of the building(s) and grounds of the Cape Girardeau Public Library. This committee will identify needed updates and plan for future expansions or remodels. This committee should meet with the Budget and Personnel Committee to ensure large capital expenditures are budgeted and resources are available when needed.*
- 6. Strategic Planning Committee*
 - a. The purpose of this committee is to facilitate the creation of and updates to the Library's Strategic Plan that will enable the Library to attain its vision. The committee will inform the Board of Trustees as to the progress being made towards the Strategic Plan Goals and Objectives.*

The president is an ex-officio member of each of the appointed standing committees.

Amended February 4, 2021; November 3, 2022.

SECTION 4: NOMINATING COMMITTEE

The president shall appoint a nominating committee at the April regular meeting. The nominating committee shall meet and shall recommend a slate of officers to the Board of Trustees at the May regular meeting. The officers of the Board of Trustees shall be elected at the June regular meeting and shall be installed at first Board of Trustees meeting held after the beginning of the fiscal year. (Amended 11/05/2020)

SECTION 5: OTHER COMMITTEES

The president may appoint such other committees and shall have such functions and may exercise such power of the Board of Trustees as can be lawfully delegated and to the extent provided in the resolution or resolutions creating such committee or committees. Such committees shall serve until the completion of the work for which they were created or until the next annual meeting of the Board of Trustees.

SECTION 6: MEETINGS

Regular meetings of the Executive Committee and other committees may be held at such time and at such place as shall from time to time be determined by the Executive Committee or such other committees. The Secretary of the Board of Trustees, or a designated appointee, shall provide notice of the meetings in accordance with the statutes of the State of Missouri.

SECTION 7: VACANCIES

Vacancies on the Executive Committee shall be filled by the Board of Trustees and vacancies on other committees shall be filled by the president at any regular or special meeting of the Board of Trustees.

SECTION 8: QUORUM

At all meetings of the Executive Committee or other committees, a majority of the committee's members then in office shall constitute a quorum for the transaction of business.

SECTION 9: MANNER OF ACTING

The acts of a majority of the members of the Executive Committee or other committees present at any meeting at which there is a quorum shall be the act of such committee.

SECTION 10: MINUTES

The Executive Committee and the other committees shall keep regular minutes of their proceedings and report the same to the Board of Trustees when required. A copy of all minutes will be kept on file in the Administrative Office.

ARTICLE VII

BOOKS, RECORDS AND REPORTS

SECTION 1: DIRECTOR'S ANNUAL REPORT

The Director of the Library shall make, within eight (8) weeks after the end of the fiscal year of the Library, an annual report to the Board of Trustees, stating the condition of the Library and its services on the last day of the fiscal year, the various sums of money received from all sources, and how the monies have been expended and for what purposes, and such other statistics, information and suggestions as may be of general interest. The report shall include a balance sheet as of the close of the fiscal year and a revenue and disbursement statement for the year ending on such closing date. The financial statements shall be prepared from and in accordance with the books of the library, and in conformity with generally accepted accounting principles applied on a consistent basis. This report shall be transmitted by the Board of Trustees to the proper official and governing body of the City of Cape Girardeau and a copy shall be transmitted at the same time to the Missouri State Library.

SECTION 2: INSPECTION OF LIBRARY RECORDS

Any person shall have the right, for any purpose and at any reasonable time, on written demand, to examine and make copies from the relevant books and records of accounts, minutes and records of the Board of Trustees. The cost of the copies shall be governed by the applicable version of the Sunshine Law of the State of Missouri.

SECTION 3: OPERATING BUDGET

At the regularly scheduled meeting of the Board of Trustees in May, the Director of the Library shall present to the Board of Trustees a proposed budget for the ensuing fiscal year, with projections for the two subsequent years. At the regularly scheduled meeting of the Board of Trustees in June, consideration of the budget shall be the first order of business, with the Budget and Personnel Committee's report. The budget, as changed or amended by the Board of Trustees, shall be declared adopted by a majority vote of the Board of Trustees. The budget may be changed at any regular or special meeting of the Board of Trustees provided such change is not inconsistent with the statutes of the State of Missouri. (Amended 04/07/2022)

SECTION 4: CAPITAL IMPROVEMENT PLAN

The Building and Grounds Committee shall develop, and annually update, a capital improvement plan for the library's physical plant, excluding the collection. This plan shall include a list of assets, including their useful life, remaining life, and cost to replace or repair. The plan shall also clearly indicate the amount of money that the library should have in a sinking fund so that future replacement costs of assets is budgeted for, and funds saved for, the specific purpose of maintaining or replacing the assets of the library. This updated plan shall be used by the Director and the Budget and Personnel Committee to recommend how capital improvement monies should be allocated in the upcoming three Operating Budgets. This recommendation should include monies for building a sufficient sinking fund, in addition to any immediate, un-forecasted expenses.

At the regularly scheduled meeting of the Board of Trustees in October, the Director of the Library shall present to the Board of Trustees a proposed capital improvement plan for the ensuing three fiscal years. At the regularly scheduled meeting of the Board of Trustees in November, consideration of the capital improvement plan shall be the first order of business, with the Budget and Personnel Committee's report. The capital improvement plan, as changed

or amended by the Board of Trustees, shall be declared adopted by a majority vote of the Board of Trustees. The capital improvement plan may be changed at any regular or special meeting of the Board of Trustees provided such change is not inconsistent with the statutes of the State of Missouri.

All monies generated annually from the temporary property tax (\$.13) adopted by taxpayers in 2007 shall be first used to pay the obligations taken by the library for the financing of the library expansion. Any funds in excess of this obligation shall be reflected in a dedicated capital improvement sinking fund account. This account shall be separate from the library's general operating account. This fund shall be maintained at a level that ensures the library has, or is on track to have, sufficient funds saved to satisfy the maintenance, repair, or replacement of the items on the capital improvement plan.

For financial reporting purposes, the Library capitalizes the cost of all capital assets that exceed \$2,000. Depreciation on assets is provided on the straight-line method over the following estimated useful lives: Buildings: 20-50 years; Improvements: 20 years; Equipment and Fixtures: 5-10 years.

Adopted by the Board of Trustees April 7, 2022. Amended September 1, 2022.

SECTION 5: PROCUREMENT POLICY

The Director or the Director's designee shall solicit bids on all purchases costing more than \$5,000. Whenever feasible, at least three bids shall be solicited on each purchase subject to bidding.

In determining the best bid, consideration will be made in addition to price. These factors shall include, but not be limited to: the trade-in value of specific makes of equipment as opposed to another; the life expectancy of the items to be purchased; the maintenance and total ownership costs; the experience and reputation of the bidder and manufacturer, and any previous business dealings which the bidder has had with the Library; the Library taxing district of the bidder; and the quality and adaptability of the supplies, equipment, or contractual services which are bid to the particular use required.

The Director or the Director's designee may reject any or all bids if he/she determines that acceptance of the bids would not be in the best interest of the Library.

Items exempted from competitive bidding include the following:

- 1. Professional services as outlined in Section 182.630 RSMO*
- 2. Works of art*
- 3. Purchases made cooperatively with other units of government*
- 4. Purchases from federal, state, or other local governmental units*
- 5. Books, periodicals, microfilm, electronic resources, and audio-visual materials, and general other materials intended for the Library's collection*
- 6. Only-source items*
- 7. Emergency purchases, with emergency situations defined as situations in which operation of the Library would be seriously hampered, or when protection and*

preservation of public properties would not be possible by using the usual purchasing procedures

The Director or the Director's designee will make best efforts to secure Board approval for any non-budgeted purchase over \$10,000.

Adopted by the Board of Trustees September 1, 2022.

ARTICLE VIII

FISCAL YEAR

The fiscal year of the Cape Girardeau Public Library shall be the period selected by the Board of Trustees as the fiscal year of the Library.

ARTICLE IX

INDEMNIFICATION

The Cape Girardeau Public Library shall indemnify each trustee of the Board of Trustees against any and all liabilities incurred as trustees. The Board of Trustees shall purchase and maintain, at the expense of the Library, a good and sufficient policy of liability insurance for each of the trustees, individually, against any and all liabilities incurred as trustees.

ARTICLE X

AMENDMENTS

These Bylaws may be altered, amended or replaced and new Bylaws may be adopted by the Board of Trustees; provided, that any Bylaws or amendments thereto as adopted by the Board of Trustees may be altered, amended or repealed by a majority vote of the trustees, or a new bylaw in lieu thereof may be adopted by a majority voted of the trustees. Any change in these Bylaws shall be adopted only when a quorum is present and a majority of the trustees cast votes in favor thereof.

ARTICLE XI

LAW CONTROLS

It is the purpose and intention of the Board of Trustees that these Bylaws be consistent with all laws and statutes of the state of Missouri. In the event any provision of these Bylaws is determined by the Board of Trustees, at a later date, to be inconsistent with the laws and statutes of the State of Missouri, then the laws and statutes of the State of Missouri shall control and these Bylaws shall be deemed amended in accordance therewith and the inconsistent provision shall be deemed severed from these Bylaws. A determination that a particular provision is inconsistent with the laws and statutes of the State of Missouri shall in no way affect the validity of any other provision and it shall not invalidate the remainder of the provisions of these Bylaws.

ADOPTED by the Board of Trustees of the Cape Girardeau Public Library September 28th, 2000.

Code of Ethics & Public Disclosure

Section 1: Declaration of Policy

The proper and ethical operation of the Cape Girardeau Public Library requires that officials and employees be independent, impartial and responsible to the people; that decisions and public policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of the Library's operation. In recognition of these goals, there is hereby established a policy for disclosure by certain officials and employees of private financial or other interests in matters affecting the Library.

Section 2: Conflicts of Interest

Members of the Board of Trustees having a substantial personal or private interest, as defined by state law, in any policy, or decision made by the Board shall disclose within the Board minutes the nature of the member's interest and shall be disqualified from voting on any matters relating to this interest.

Section 3: Disclosure Reports

The following information shall be included as a public record of the Library:

Each transaction in excess of five hundred dollars (\$500) during the calendar year between a Trustee or Library Director, including any persons related within the first degree by consanguinity or affinity to such persons, and the Library, excluding compensation received as any employee, or payment of any fine, tax, fee or penalty due the Library, and other than transfers for no consideration to the Library. This shall include the dates and identities of the parties to the transactions.

Each transaction in excess of five hundred dollars (\$500) during the calendar year between any business entity in which such individuals have a substantial interest and the Library excluding any payment of tax, fee or penalty due to the Library or payment for providing utility service to the Library, and other than transfers for no consideration to the Library. This shall include the dates and identities of the parties in the transactions.

The Library Director also shall disclose by May 1 for the previous calendar year the following information:

- 1. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000) or more was received during the year covered by the statement.*
- 2. The name and address of each sole proprietorship that is owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which the individual was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership in which the person owned ten percent or more of any class of the outstanding stock or limited partnership units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two percent or more of any class of outstanding stock, limited partnership units or other equity interest.*

3. *The name and address of each corporation for which such person served in the capacity of a director, officer, or receiver.*

Section 4: Filing of Reports

The report form provided by the Missouri Ethics Commission shall be filed annually by the Library Director as a representative of the Board of Trustees, Cape Girardeau Public Library.

Such reports will be made available at the office of the Library for public inspection and copying during normal business hours. The Library shall retain reports for five years.

Section 5: Definitions

First degree of consanguinity or affinity includes father, mother, spouse, son or daughter by virtue of a blood relationship or marriage.

Substantial interest is ownership by the individual, his or her spouse, or dependent children, either singularly or collectively of ten percent or more of any business entity or an interest having a value of ten thousand dollars (\$10,000) or more, or the receipt of a salary, gratuity, or other compensation of five thousand dollars (\$5,000) or more from any individual, partnership, organization, or association within any calendar year.

Section 6. Force and Effect

This policy shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Trustees, Cape Girardeau Public Library.

Adopted June 7, 2018; Reviewed May 5, 2022. Reviewed June 6, 2023.

Trustee Ethics Statement Form

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community. As such every Trustees will sign the Ethics Statement on a yearly basis. A copy of the Ethics Statement can be found in the Appendix.

Reviewed by the Library Board of Trustees 05/06/2021. Reviewed 05/04/2023.

Open Meetings & Open Records

In compliance with RSMo sections 610.010-610.200 of the Open Meetings and Records law, commonly known as the Sunshine Law, the meetings, records and votes of the Cape Girardeau Public Library, its Board and any Board committees (herein referred as CGPL Board) are to be open to the public unless otherwise provided by law. For example, the CGPL Board may close any meeting, record or vote as allowed by the above referenced law or RSMo sections 182.815 and 182.817.

Open Meetings

- 1. The body shall give notice of the time, date, place and tentative agenda of each meeting. The notice shall be placed on the designated bulletin board at the Cape Girardeau Public Library at least 24 hours, exclusive of weekends and holidays when the facility is closed, prior to the meeting, unless for good cause such notice is impossible or impractical, in which case as much notice as is reasonably possible shall be given.*
- 2. Each meeting shall be held at a place reasonably accessible to the public, and at a time reasonably convenient to the public, unless for good cause such a place or time is impossible or impractical. When it is necessary to hold a meeting on less than 24 hours notice, or at a place that is not reasonably accessible to the public, or at a time that is not reasonably convenient to the public, the nature of the good cause justifying that departure from the normal requirement shall be stated in the minutes.*
- 3. The CGPL Board may close meetings to the public as allowed by RSMo 610. Before closing a meeting to the public, a majority of a quorum of the CGPL Board must vote to do so in a public roll-call vote. The vote of each member of the CGPL Board on the question of closing a meeting or vote and the reason for closing the meeting by reference to a specific exception shall be announced at a public meeting and entered into the minutes. The CGPL Board shall give notice of the time, date and place of a closed meeting and the reason for holding it by reference to a specific exception. The notice shall comply with the procedures set forth in (1) above except a tentative agenda is not required. No other business may be discussed in a closed meeting that does not directly relate to the specific reason announced to close the meeting to the public. When closing a meeting, the CGPL Board must close only an existing portion of the meeting facility necessary to house the members of the CGPL Board in the closed session, allowing members of the public to remain to attend any subsequent open session held by the CGPL Board following the closed session.*
- 4. The CGPL Board shall allow for the recording by audiotape, videotape or other electronic means of any open meeting. The CGPL Board may restrict the manner in which such recording is conducted so as to minimize disruption to the meeting. No audio recording of any meeting, record or vote closed pursuant to the provision of section 610 shall be permitted without permission of the CGPL Board; any person who violates this provision shall be guilty of a class C misdemeanor.*

Open Records

- 1. All records that may be closed as allowed by law hereby are deemed closed records unless the CGPL Board votes to make them public.*
- 2. The Director, or Director's Designee, and the Executive Administrative Assistant shall be the custodian of records and will be responsible for maintenance and control of all records. The custodian shall provide public access to all public records. A request for such access shall be acted upon as soon as possible but no later than the third business day following the date the request is received by the custodian. If immediate access is not granted, the custodian shall give*

a detailed explanation for the delay and the place and earliest time and date the record will be available for inspection. This period for document production may exceed three days for reasonable cause.

- 3. If a request for access is denied, the custodian shall provide, upon request, a written statement of the grounds for such denial. Such statement shall cite the specific provision of law under which access is denied and shall be furnished to the requestor no later than the end of the third business day following the date the request for the statement is received.*
- 4. If a member of the CGPL Board transmits an e-mail relating to public business to at least four other members of the body so that, when counting the sender, a majority of members are copied, a copy of the e-mail shall be sent to either the custodian of records, or the member's public office computer. Any such message, received by the custodian or at the member's office computer shall be a public record subject to the exceptions above.*
- 5. The custodian shall charge the rate allowed by RSMO Sec. 610.026 per page for paper copies not larger than 9" by 14", an hourly fee for duplicating time, not to exceed the average hourly rate of pay for clerical staff, and the actual cost of research time. The custodian may require payment prior to duplicating copies.*

Fees for providing access to public records maintained on computer facilities, recording, tapes or disks, videotapes or films, pictures, maps, slides, graphic, illustrations or similar audio or visual items or devices,

and for paper copies larger than 9 by 14 inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public body required for making copies and programming, if necessary, and the cost of the disk, tape or other medium used for the duplication. Fees for maps, blueprints or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints or plats. If programming is required beyond the customary and usual level to comply with a request for records or information, the fees for compliance may include the actual costs of such programming.

*Approved by the Board of Trustees of the Cape Girardeau Public Library this 22nd day of October, 2009.
Amended June 30, 2022.*

Public Communication with the Board of Trustees

The following are avenues of public participation that operate within the framework of the scheduled meetings.

Communication in Writing

Written correspondence may be directed to the Board for consideration at meetings. Statements of two pages or less are encouraged. The correspondence may be provided to the library director, the library administrative assistant, or directly to the Board via email at board@capelibrary.org.

Public Comment at Board Meetings

The public is invited to attend all meetings of the Cape Girardeau Public Library Board except those designated as an executive (closed) session.

Members of the public are welcome to address comments to the Board as set forth below:

1. *Public comment is allowed at regular meetings of the Board of Trustees unless otherwise noted on the agenda.*
 - a. *A “Public Comments” section will be included on the agenda and is an opportunity for the members of the public to speak.*
 - b. *All comments must be relevant to the operation of the Cape Girardeau Public Library.*
 - c. *The Board may schedule a special listening session(s) designated for community input if a large number of requests to address the Board are received.*
2. *Each person desiring to be heard shall complete the sign in sheet at the meeting. The form shall include the speaker’s name, home address, telephone number, and subject matter of their comment. The Board President may use the sign-in sheet to manage the public comment time at the meeting.*
 - a. *Priority of comments is given to:*
 - i. *Library Cardholders*
 - ii. *Residents of the Library District*
 - iii. *Residents of the City of Cape Girardeau*
 - iv. *All other individuals wishing to address the Board.*
 - b. *At no time will the Board hear personnel comments during the public comments portion of a business meeting because personnel matters are generally confidential. Please contact the Board via email or otherwise in writing regarding personnel comments.*
3. *Each person may speak up to three (3) minutes.*
 - a. *The goal of this public comment time is not to exclude voices but to ensure an orderly meeting that respects the time of the volunteer Board members.*
 - b. *The Board President will start the timer when the speaker begins and the speaker should conclude their remarks in the allotted amount of time.*
 - c. *The total time devoted to public comment shall not exceed 15 minutes.*
 - d. *Each speaker may only speak once per meeting and may not yield or credit their time to another speaker.*

4. *Speakers are asked to be courteous in their presentation. Persons displaying disruptive behavior will be asked to leave or be removed from the meeting.*
5. *The Board of Trustees does not generally respond to public comments during the course of the meeting. The public comments portion of the meeting is intended as an opportunity for the public to make the Board members aware of public concerns and issues but is not intended for the Board to conduct a dialogue or debate with the public.*

These rules may be suspended by motion and majority vote of the Board.

*Approved by the Board of Trustees of the Cape Girardeau Public Library on December 2nd, 2021.
Amended March 2, 2023.*

Board Proxy Form

**Proxy for
The Cape Girardeau Public Library Board of Trustees**

I, _____ assign my proxy to _____

for the meeting of the Cape Girardeau Public Library Board of Trustees on _____.

This proxy shall apply to all issues requiring a vote or be limited to the items listed below:

Signature: _____

Date: _____

CAPE GIRARDEAU PUBLIC LIBRARY TRUSTEE

ETHICS STATEMENT

Public library Trustees are accountable for the resources of the library as well as to see that the library provides the best possible service to its community.

Every Trustee makes a personal commitment to contribute the time and energy to faithfully carry out his/her duties and responsibilities effectively and with absolute truth, honor and integrity.

- Trustees shall respect the opinions of their colleagues and not be critical or disrespectful when they disagree or oppose a viewpoint different than their own.
- Trustees shall comply with all the laws, rules and regulations that apply to them and to their library.
- Trustees, in fulfilling their responsibilities, shall not be swayed by partisan interests, public pressure or fear of criticism.
- Trustees shall not engage in discrimination of any kind and shall uphold library patrons' rights to privacy in the use of library resources.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging and supporting the formal position of the Board even if they disagree.
- Trustees must respect the confidential nature of library business and not disclose such information to anyone. Trustees must also be aware of and in compliance with Freedom of Information laws
- Trustees must avoid situations in which personal interests might be served or financial benefits gained as a result of their position or access to privileged library information, for either themselves or others.
- A Trustee shall immediately disqualify him/herself whenever the appearance of or a conflict of Interest exists.
- Trustees shall not use their position to gain unwarranted privileges or advantages for themselves or others from the library or from those who do business with the library.
- Trustees shall not interfere with the management responsibilities of the director or the supervision of library staff.
- Trustees shall support the efforts of librarians in resisting censorship of library materials by groups or individuals.

Signature _____ Date _____