



**Bylaws Of The**  
**Wells Branch Community Library District**

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**ARTICLE I**  
**Demographics**

**SECTION 1 – Name**

The name of the political subdivision shall be Wells Branch Community Library District (the “District”) as approved on the 8th day of August, 1998, by the voters who reside within the boundaries of the District.

The governing body shall be known as the Board of Trustees of the Wells Branch Community Library (the “Board”).

**SECTION 2 – Location**

The District Administration office shall be at 15001 Wells Port Drive, Austin, Texas, 78728.

**SECTION 3 – Purpose**

The purpose of the District, as established by Chapter 326 of the Local Government Code (the “Act”), is to establish, equip, and maintain one or more public libraries within the boundaries of the District to provide access to reference, reading materials, and programs in the form of print or other media to people within the Wells Branch Community and neighboring areas.

**ARTICLE II**  
**Meetings**

**SECTION 1 – Regular Meetings**

The regular meetings shall be held at least quarterly on the day of the month decided by the Board at the first meeting after the annual election of new Trustees or as amended at subsequent meetings, at the District's administrative office being the Wells Branch Community Library located at 15001 Wells Port Drive, Austin, Texas at 7:00 p.m., or at such other time and place as set by the Board.

## SECTION 2 – Special Meetings

Special meetings may be called by the President or at the call of any two members of the Board, provided that notice thereof be given to the public and all Board members.

A written notice of all meetings which are not regular meetings shall be emailed or hand delivered to each Trustee at least three days prior to the date of the meeting. This notice shall generally describe the business to be transacted. The members of the Board may waive in writing the provision as to notice and purpose. Waiver by the Trustees shall not abrogate the posting and notice requirements of the Open Meetings Act.

## SECTION 3 – Agenda

The agenda at any meeting shall outline all business to be transacted and no other business of the District shall be transacted, except citizen input or as agreed to by a quorum of the Board.

## SECTION 4 – Voting

A majority of the members shall constitute a quorum at all meetings of the Board.

All questions presented for a vote of the Board shall be decided by a simple majority of the quorum, including the vote of the President.

## SECTION 5 – Conduct of Meetings

Robert's Rules of Order, Newly Revised, shall govern in the parliamentary procedure of the Board, in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

All meetings shall be posted in accordance with the Open Meetings Act.

# **ARTICLE III** **Board of Trustees**

## SECTION 1 – Election and Term

The Board is elected by the qualified voters within the boundaries of the District. No person may be elected to the Board unless the person is a resident of the District and is a registered voter of Travis County, Texas. The Board is the governing body of the District created under the Act. The members of the Board shall serve for a term of two years and until their successors are appointed and qualified.

Upon creation of the District, and pursuant to agreement among the Trustees, two Trustees were elected to serve until the November 1999 uniform election date and three Trustees were elected to serve until the November 2000 uniform election date.

## SECTION 2 – Powers and Duties

Legal responsibility for the operation of the Library is vested in the Board of Trustees, which is the policy-forming body of the institution. Subject to existing statutes and laws, the Board has the power to determine rules and regulations governing library services. The Board has control over and shall manage the affairs of the District. Board members shall:

- a) Abide by the Constitution of the State of Texas and applicable ordinances of the County of Travis;
- b) Employ any person, firm, partnership, or corporation the Board considers necessary for conducting the affairs of the District;
- c) Determine the term of office and compensation of any employee and consultant by contract or by resolution of the Board;
- d) Appoint a Director who shall carry out Board policy and shall control the administration of the library subject to the Board's review. The Board shall delegate management responsibility to the Director. The Board shall monitor the Director's effectiveness in carrying out the Board's policies and in providing library service to the community. The Director's review will be conducted by the President and Vice President, or another trustee as determined by the Board.
- e) Determine the compensation of the Library Director;
- f) Appoint the Library Director or an employee as assistant to the Board Secretary to assist the Secretary in certifying the authenticity of any record of the District;
- g) Provide for and administer a workers' compensation, health benefit, retirement, disability, or death compensation plan for the employees of the District;
- h) Adopt reasonable rules and policies to accomplish the purposes of the District;
- i) Approve policies to govern the operation of the Library;
- j) Set monetary charges in reasonable amounts and /or other penalties for the violation of a District rule or policy;
- k) Exclude from the use of the Library a person who willfully violates a rule or policy adopted by the Board; Library privileges may be suspended for the persistent and willful violation of the Library's posted rules, for damaging or stealing Library property, for physically threatening or harming staff or patrons, and for other

violations of the law. Suspensions will apply to all Library facilities. Patrons who attempt to enter a Library facility while their Library privileges are suspended will be reported to the police for criminal trespass.

- l) Plan and give guidance for expansion of Library facilities.
- m) Encourage in every possible way the development and advancement of the public library. Serve as an advocate for the library to see that the image is as positive as it can be. Be informed on local, state and national issues and legislation that may affect libraries. Advocate, support, defend, and speak out about library issues with citizens, government leaders, and elected officials; and
- n) Suspend any employee at will for up to two weeks with the consent of the President and one additional board member.

### SECTION 3 – Oath

Each of the Trustees must take the official oath required of members of the Texas Legislature before beginning the Trustee's duties.

### SECTION 4 – Vacancies

Vacancies in office shall be handled as follows:

- a) Trustees shall be appointed by majority of the Board for the unexpired portion of the incumbent's term.
- b) In the event of resignation or incapacity of the President, the Vice-President shall become the President for the unexpired portion of the term
- c) Vacancies in offices other than the President shall be filled for the unexpired term by an election of Board

### SECTION 5 – Resignation

Upon at least thirty (30) days written notice to the District, a Trustee may tender his resignation as a Trustee subject to the provisions of Article XVI, Section 17, of the Texas Constitution, which states that all officers of the state shall continue to perform the duties of their office until their successors shall be duly qualified. The resignation of the Trustee shall be effective upon acceptance by the District.

### SECTION 6 – Officers

Officers shall be elected and take office at the first regular meeting after new Board members have been appointed and sworn in or at such other time and place as set by the Board.

These officers shall consist of President, Treasurer, and Secretary, and may consist of Vice President and assistant Secretary/Parliamentarian.

a) President -- who shall be the chief executive officer of the District and, in general, will supervise and control all of the business and officers of the District. Specifically, the President shall:

1. Preside over Board meetings, both scheduled and special, and be the chief executive officer of the District;
2. Preserve order and decorum.

In the case of disturbance or disorderly conduct, the President shall have the power to (1) remove the offenders, (2) clear the board room of all spectators, or (3) suspend or adjourn the meeting.

3. Approve the agenda and provide supplemental material for Board meetings, and include agenda items requested by any Board member;
4. Serve as spokesperson for the Board in dealings with library staff, the residents of the District and other persons or entities;
5. Represent the Board at public functions;
6. Assign tasks relating to Board functions to Board members and monitor the progress of assigned tasks through reports by Board members;
7. Recommend special committees for Board approval;
8. Sign, with the Secretary or another proper officer of the District approved by the Board, any deeds, mortgages, bonds, contracts, or other instruments that the Board has authorized to be executed, except in cases in which the signing and execution of documents is delegated by Trustee resolution, these bylaws, or by applicable statute or regulation to some other officer or agent of the District; and,
9. Have such other authority and perform such other duties as may be prescribed from time to time by the Board.

b) Vice President – who shall assist the President in directing the affairs of the district, and, in the absence or unavailability of the President, assume the duties of President and perform such other duties as may be assigned by the President or by the Board.

c) Secretary – who shall:

1. Serve as President in the absence of both the President and Vice President;
2. Be responsible for the accuracy of the minutes of the Board meeting and bring any correction to the attention of the Board at its next meeting;
3. Sign the approved minutes and file in Record Book;
4. Ensure that all records and books of the District are properly kept;
5. Perform such other duties as may be assigned by the President or by the Board.

- d) Treasurer – who shall:
1. Maintain all financial records of income and expense;
  2. Conduct all District financial business with banks and other financial institutions;
  3. Authorize all payments and expenditures approved by the Board;
  4. Deliver a report of the District's financial status at each regular Board meeting; and,
  5. In the absence of an appointed investment officer, the Treasurer will serve as investment officer.
- e) Assistant Secretary/Parliamentarian -- who shall assure that the Board adheres to Robert's Rules of Order, Newly Revised in conducting meetings, and, in the absence or unavailability of the Secretary, assume the duties of Secretary. This position also serves as Liaison to the Friends of the Library.

## **ARTICLE IV**

### **Committees**

Committees not having or exercising the authority of the Board in the management of the District may be designated by a resolution adopted by a majority of the Trustees present at a meeting at which a quorum is present.

All committees will have at least one (but no more than two) Library Board member serving on them. These committees are automatically dissolved upon completion of assignment.

The Board may remove any committee member or persons authorized to appoint such member whenever in their judgment the best interests of the District will be served by such removal.

The standing committee established by the Board is:

- a) Finance: prepare and report on budget (including suggested adjustments), audit, grant solicitation and compliance, fundraisers, etc.

## **ARTICLE V**

### **Library Director**

#### **SECTION 1 – Role of Library Director**

- a) The Library Director (the “Director”) shall be an ex-officio member of the Board. In the absence of the Director, the designated librarian may serve in this capacity.

- b) The Director shall report directly to the Board and shall be authorized to develop the library program, establish the organizational structure, purchase materials, and undertake such other activities as may be necessary for the library's operation, subject to the policies established by the Board. The Director shall be responsible for the care of the buildings and equipment; for the employment and direction of the staff; for the efficiency of the library's service to the public; and for the operation of the library under the financial conditions contained in the annual budget.
- c) The Director shall make reports at the meetings of the Board in such form and on such subjects as the Board may direct. The Director shall render and submit to the Board recommendations of such policies and procedures, which, in the opinion of the Director, will improve efficiency and quality of library service. The Director shall attend all Board meetings except the portion of the Meeting at which the Director's appointment or salary is to be discussed or decided.
- d) Except as limited herein, the Director shall have such other authority and perform such other duties as may be prescribed by the Board.

## **ARTICLE VI**

### **Powers of the District**

#### **SECTION 1 – Summary of Powers**

A Library District is a political subdivision of the state and has full authority to carry out the objects of its creation, including establishment and maintenance of public libraries.

A Library District may:

- a) Acquire, purchase, hold, lease, manage, occupy and sell real and personal property or any interest in that property;
- b) Enter into and perform any necessary contracts;
- c) Appoint or employ necessary officers of the Board, agents and employees;
- d) Sue and be sued;
- e) Impose and receive sales and use taxes as prescribed by the Act;
- f) Accept and receive donations;
- g) Lease, own, and maintain real property, improvements, and fixtures to house and maintain library facilities and equipment;
- h) Borrow money, give security therefore and contract with other entities, including other districts or municipalities, to make library facilities and services available to the District;
- i) Administer any trust declared or created for any library operated or maintained by the District and receive by gift, devise, bequest, transfer or assignment of any existing trusts, and hold in trust or otherwise property situated in this state or

elsewhere and, if not otherwise provided, dispose of such property for the benefit of the District;

- j) Establish policy to govern the running of the library or libraries of the District; and,
- k) Perform other acts necessary to carry out the intent of the Act.

### SECTION 2 – Adoption of a Plan Operation

The District shall adopt a plan to accomplish the purposes for which it was created.

## **ARTICLE VII**

### **Boundaries of the District**

The boundaries of the District shall encompass the area described in Exhibit “A”, which is attached hereto and incorporated herein for all purposes.

These boundaries may be expanded only by election of a majority of voters in the area to be annexed .

## **ARTICLE VIII**

### **Contracts for Services**

The District shall have the authority to enter into service contracts with groups or individuals in order to provide the best possible services for the residents of the District.

Any contract into which the District becomes a party must be approved by a majority of the Board after careful evaluation, a review of references, and, if the total amount exceeds \$5,000, a review of no less than two written bids. Contracts over \$5,000 must be approved by two board members with signatory authority.

## **ARTICLE IX**

### **Financial Matters**

#### SECTION 1 – Fees

The District may impose any necessary charges or fees for providing services of the District.

#### SECTION 2 – Taxes

The District shall levy and collect sales and use taxes in accordance with the requirements of the Act.

#### SECTION 3 – Specific Duties Reserved to the Board

The Board shall perform the following duties:

- a) Adopt an annual operating budget to be administered by the Library Director;



- b) Approve all investments of District funds;
- c) Approve investment of any Trust funds under control of the District;
- d) Approve a capital budget, if any;
- e) Establish bank accounts and approve those authorized to expend funds therefrom;
- f) Adopt reasonable policies to accomplish the purposes of the District;
- g) Authorize all contractual obligations;
- h) Approve all contracts; and,
- i) Authorize the borrowing of any funds.

#### SECTION 4 – Financial Oversight

In addition to other duties, the Director is administratively responsible for financial duties not specifically reserved to the Board. The Board recognizes that many of these responsibilities require specialized training or experience.

At least annually, the Board will assess the capability of the Director and/or other staff members to ensure that these financial duties are properly executed. Should the Board decide that additional financial experience is necessary; the Director will be directed to secure such additional expertise within the guidelines established in Article VIII.

#### SECTION 5 – Audit

At the end of each fiscal year, beginning the first fiscal year in which sales and use tax revenues are received, the District shall have an audit of the affairs of the District performed by an independent certified public accountant. The auditor shall be appointed by the Board and shall report to the Board. A signed copy of the audit report shall be delivered to each Trustee not later than the 120<sup>th</sup> day after the closing date of each fiscal year.

A copy of the audit report shall be kept on file at the District office and shall be made available for inspection by any interested person during regular business hours.

#### SECTION 6 – Fiscal Year

The fiscal year for the District shall be January 1 to December 31.

### **ARTICLE X** **Conflicts**

If any article or section of these bylaws is deemed to be in conflict with the Act, the wording of the Act shall prevail.

## **ARTICLE XI**

### **Amendments**

These bylaws may be amended by a majority vote of the Board at any regular meeting, or at a special meeting held for that purpose, notice of which has been given by the Secretary to each member at least 72 hours in advance of the meeting, whether regular or special.