

TOWN OF HAMPDEN

EDYTHE L. R. DYER COMMUNITY LIBRARY

ORDINANCE

ADOPTED May 16, 1983

EFFECTIVE June 15, 1983

TABLE OF CONTENTS

Enactment	1
SECTION I ESTABLISHMENT	1
SECTION II ORGANIZATION AND ADMINISTRATION	1
SECTION III VALIDITY; REPEALER AND EFFECTIVE DATE	3

EDYTHE L. R. DYER COMMUNITY LIBRARY ORDINANCE

Enactment: Pursuant to the provisions of the charter of the Town of Hampden, Article II, Section 212, and Article III, Section 302, THE TOWN OF HAMPDEN HEREBY ORDAINS that there is established a public library, to be known as the Edythe L. R. Dyer Community Library, to be organized, administered and governed in accordance with the following provisions:

SECTION I - ESTABLISHMENT

The Edythe L. R. Dyer Community Library is established as a department of the town, and shall be administered consistent with its role as such.

SECTION II - ORGANIZATION AND ADMINISTRATION

Section 2.1 - Town Librarian

- a. Position - There is hereby authorized and established the position of Town Librarian. This position shall be included in the Personnel Classification and Compensation Plan for the Town of Hampden.
- b. Appointment - The Town Librarian shall be appointed by the Town Manager in consultation with the Board of Trustees, subject to confirmation by the Town Council and consistent with the personnel rules of the Town and the Town Charter.
- c. Duties - The Town Librarian shall have the responsibility for the daily operation and management of the Library as a department of the Town and consistent with the personnel rules of the Town and the Town Charter. The Town Librarian shall make a periodic report to the Town Manager at such frequency as he directs as to the business of the Library for the period since the last report. The town library shall be operated and managed subject to the directives of the town manager and consistent with the policies and rules and regulations promulgated by the Board of Trustees.

The Town Librarian shall be a member, ex-officio of the Board of Trustees.

Section 2.2 - Board of Trustees

- a. Appointment; Term - The Board of Trustees of the library shall consist of 15 persons, at least eleven

of whom shall be residents of the Town of Hampden, appointed by the Town Council. The trustees shall serve staggered three (3) year terms, except that the members of the first board shall be appointed to the following terms: four members shall serve one year terms; three members shall serve two year terms; and four members shall serve three years terms. No member of the Town Council may serve on the Board of Trustees.

- b. Duties; Function - The Board of Trustees shall have the responsibility for establishing Library policies, authorizing the expenditures of Library funds and, consistent with the position of the Library as a town department, shall otherwise assume responsibility for operation and administration of the Library. The Board of Trustees shall have the power to adopt such reasonable rules and regulations for the management and administration of the Library as it deem appropriate, including the power to establish fines and penalties for violation of said rules and regulations. The Board shall adopt its own by-laws and at an annual meeting shall elect a chairman, vice-chairman, secretary and treasurer. The Board may also create an executive committee, consisting of three members of the Board of Trustees, one of which shall be chairman, to which certain of the responsibilities of the Board may be delegated. Such rules or regulations for management and administration of the Library as the Board adopts shall be promptly reported to the Town Manager.

The Town Manager and Town Mayor are members ex-officio of the Board of Trustees, and in the event the Board chooses to create an executive committee, the Town Manager shall be an ex-officio member of said committee. The Board of Trustees shall also make recommendations to the Town Manager as to nominations for membership to the Board.

The Board of Trustees shall have the authority to name various persons to the Board of Trustees as honorary members of the Board as it deems appropriate, but only by a majority vote of the membership of the entire Board. Honorary trustees may participate in meetings of the full Board of Trustees but may not vote and shall have no authority as to the administration of the Library which is hereby granted to the Board of Trustees.

At least once a year, or at the request of the Town Manager, the Board of Trustees shall file a report with the Town Council containing an itemized statement of the previous year's expenditures and the expenses anticipated for the coming year, together with such other information as the Town Council or the Town Manager may require.

The Board of Trustees may also accept gifts and donations to the Library either in trust or outright, and may act as trustee of any donations or gifts in trust. In the event the Board accepts any gifts or donations in trust it shall at all times be consistent with the terms of the trust or gift. The responsibility of the Board for gifts or donations in trust may not be delegated to a lesser committee of the Board.

SECTION III - VALIDITY, REPEALER AND EFFECTIVE DATE

Section 3.1 - Validity; Conflict of Laws; Effective Date

- a. Validity - Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, such determination of invalidity shall not invalidate or affect any other section or provision of this ordinance, and to that end the provisions of this ordinance are declared to be severable.
- b. Repealer - All ordinances, resolutions, orders and votes of the Town of Hampden, by whatever governing body enacted, and which relate to the creation of a public library in the Town of Hampden, are hereby repealed to the extent they are inconsistent with this ordinance.
- c. Effective Date - The effective date of this ordinance shall be thirty (30) days after adoption by the Town Council.

Introduced by Councilor _____ at the regular Council meeting on _____, 1983.

Published in the Bangor Daily News on _____, 1983.

Adopted by the Town Council at the regular Council meeting on _____, 1983.

Effective _____, 1983 (thirty days after adoption).

Edythe L. R. Dyer Community Library Endowment Fund Ordinance

RECITALS:

WHEREAS, the Trustees of the Edythe L. R. Dyer Community Library conducted an endowment campaign for the purpose of establishing an endowment fund to provide a source of supplemental revenue for the provision of programming, books, periodicals, or library materials for the benefit of the Library and its patrons; and

WHEREAS, donors to the endowment fund made their donations based on the representation that the fund would be used solely to provide supplemental funding for programming, books, periodicals, or library materials for the Library, said supplemental items to be over and above those provided by the Town of Hampden as part of its annual municipal budget; and

WHEREAS, since its inception, the endowment fund has been managed and administered by the Trustees; and

WHEREAS, the Town's auditor has included the endowment fund in the annual audit for the Town of Hampden; and

WHEREAS, it is the intention of the Town Council to formalize the original intent and the historical operation of the endowment fund and to protect and enhance the integrity of its original purpose.

NOW, THEREFORE, the Town of Hampden hereby ordains as follows:

SECTION I - Establishment of Edythe L. R. Dyer Community Library Endowment Fund.

The Edythe L.R. Dyer Community Library Endowment Fund is hereby established as a dedicated fund of the Town of Hampden, which fund shall be managed, administered and governed in accordance with the provisions of this Ordinance. The Fund shall include all principal and income earned thereon currently existing in the endowment fund(s) established as part of the endowment campaign, as well as all subsequent and future donations thereto or income earned thereon.

SECTION II - Purpose of Fund.

The purpose of the Fund is to provide a source of supplemental funding for programming, books, periodicals, or library materials over and above those provided by the Town of Hampden as part of its annual municipal budget. The principal of the fund, including future donations thereto, as well as all income earned thereon, shall be dedicated to the exclusive purposes set forth in this Ordinance.

SECTION III - Administration of Fund.

The management and administration of the Fund shall be exclusively vested in the Board of Trustees of the Edythe L. R. Dyer Community Library. The authority of the Board shall include, but not be limited to, investment management (including the authority to engage the services of an investment advisor or manager), acceptance of gifts or donations, establishment of policies and procedures, and the determination of the appropriate utilization of and disbursements from the Fund for the purposes set forth in Section II. The Board shall maintain and keep records of its activities, and shall make the records available to town officials and the public.

SECTION IV - Ratification of Prior Acts.

All prior acts of the Board of Trustees concerning the management and administration of the fund are hereby ratified and reaffirmed, including, but not limited to, its engagement of investment advisors or managers.

SECTION V - Miscellaneous.

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such determination of invalidity shall not invalidate or affect any other section or provision of this Ordinance.

Adopted : 1/21/97

BY-LAWS
Board of Trustees
Edythe L. R. Dyer Community Library

ARTICLE I

- Sect. 1 Authorization. The Board of Trustees exists by virtue of the provisions of the Edythe L. R. Dyer Community Library Ordinance enacted by the Hampden Town Council on May 16, 1983, and shall exercise the powers and authority and assume the responsibilities delegated to it under said ordinance and any amendments enacted thereto.

ARTICLE II

Amended 11/14/07

- Sect. 1. Members. The Board of Trustees shall consist of no fewer than nine (9) or more than fifteen (15) members the majority of whom shall be residents of the Town of Hampden. All board members shall be appointed by the Hampden Town Council. There shall be no requirement to fill more than the minimum number (9) of seats. Members shall serve staggered three (3) year terms. The Hampden Town Manager, the Mayor of Hampden, and the Librarian shall be ex-officio members of the board.
- Sect. 2. Vacancies. When board vacancies occur, the board shall make recommendations to the Hampden Town Manager as to possible nominations to fill the vacancies.
- Sect. 3. Honorary Members. By majority vote of the entire board membership, the board may, as it deems appropriate, name various persons to honorary membership on the Board of Trustees. Honorary trustees may participate in meetings of the full Board of Trustees, but they may not vote and they shall have no authority as to the administration of the library granted to the Board of Trustees by Hampden Town Ordinance.

ARTICLE III

- Sect. 1. Officers. The officers shall be chairman, vice-chairman, secretary, and treasurer elected from among the appointed trustees at the annual meeting.
- Sect. 2. Nominations. The chairman shall appoint a nominating committee at least two (2) months prior to the annual meeting. Said committee will present a slate of officers for the annual meeting, having first obtained the consent of the nominees. Additional nominations may be made from the floor at the annual meeting.
- Sect. 3. Term of Office. Officers shall serve a term of one year from the annual meeting at which they were elected and until their successors are duly elected.

ARTICLE IV

- Sect. 1. Chairman. The chairman shall preside at all meetings of the board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the board, serve as ex-officio, voting member of all committees except the nominating committee, and generally perform all duties associated with that office.
- Sect. 2. Vice-Chairman. The vice-chairman shall have such powers and duties as the board and/or the chairman shall designate. In the absence or desirability of the chairman, or of a vacancy in that office, the vice-chairman shall assume and perform the duties and functions of the chairman.
- Sect. 3. Secretary. The secretary shall keep a true and accurate record of all meetings of the board; shall, in conjunction with the librarian, issue notice of all regular and special meetings; and shall perform such duties as are generally associated with that office.

Sect. 4. Treasurer. The treasurer shall advise the librarian in the preparation of budgets and financial reports, and, in the absence of the librarian, present these budgets and financial reports at meetings.

Sect. 5. Vacancies. In the absence or disability of the vice-chairman, secretary, or treasurer, his/her duties shall be performed by such other members of the board as the board may designate.

ARTICLE V

Amended 11/14/07

Sect. 1. Regular Meetings. The board shall hold regular monthly meetings, excepting during July and August, at a date and hour to be set by the board at the annual meeting.

Sect. 2. Annual Meeting. The annual meeting for the purpose of the election of officers shall be held at the time of the regular meeting in the month of May.

Sect. 3. Special Meetings. Special meetings may be called by the secretary and/or librarian at the direction of the chairman, or at the request of three (3) board members for the transaction of business as stated in the call for the meeting.

Sect. 4. Quorum. Fifty (50) percent of the sitting board members including at least one officer shall constitute a quorum. In the event the number of sitting board members is even then a quorum shall consist of fifty (50) percent plus one (1).

Members	Quorum
15	8
14	8
13	7
12	7
11	6
10	6
9	5

- Sect. 5. Procedure. All meetings shall be governed by *Robert's Rules of Order*, latest edition.
- Sect. 6. Notice of the Annual Meeting. Written notice of the annual meeting shall be sent to each board member by the secretary and/or librarian at least seven (7) days prior to the meeting stating the day and hour of the meeting and the purpose for which the meeting is called.
- Sect. 7. Notice of Monthly Meetings. Written notice of and the agenda for monthly board meetings shall be sent to each board member by the secretary and/or librarian at least five (5) days prior to the meeting, stating the date and time of the meeting.

ARTICLE VI

- Sect. 1. Committees. The chairman shall appoint committees for specific purposes as the business of the board may require. All committees shall make progress reports to the board as requested by the chairman. No committee shall have other than advisory powers, unless the board votes it specific power.

ARTICLE VII

- Sect. 1. Amendments. These By-laws may be amended, altered, or repealed by a vote of the majority of members of the board at any annual or regular meeting, provided that each board member is provided notice of the wording of the proposed alterations thirty (30) days prior to the meeting.

Adopted by the Board of Trustees 6/21/95
Amended by the Board of Trustees 6/13/07
Amended by the Board of Trustees 11/14/07