

Monday, May 23, 2022

5:30 p.m.

I. Call to Order and Roll Call

Attendance was taken. Committee members present in person were Christine Fenne, Al Herbach and Board President Laurie Metanchuk. Library Director Betsy Adamowski, IT/Facilities Manager Ed Sirovatka and Lisa Christell-Sandri, Finance/Business Office Manager and recording secretary for this meeting were also present in person.

II. Citizens to Be Heard

None

III. Discussion on Review of Wheaton Public Library Bylaws

Mrs. Adamowski began with an update. She stated that a lot of work is going into this; it is important to have an understanding of Home Rule. She also stated that the City has historically been responsible with their use of Home Rule. Mrs. Adamowski has provided City Manager Mike Dzugan with information gathered from several different sources including a City Library Networking meeting in which 24 city libraries participated to discuss bylaws and Home Rule. She noted that, if the City Council and Mayor choose to approve the Library's by-laws, they will be the only city to do so.

The committee outlined a list of what they believe are acceptances and exceptions to the proposed city code amendments under Division 4. Library Board, Section 2-307. Powers and duties.

- 1.) Changes initially suggested to **Article III, Section 8 on Electronic Participation in Meetings**, members are in favor of the changes suggested for this section in order to bring Electronic Participation in Meetings in line with what the City will have.
- 2.) For **Article IV, Section 1 on Specific Powers and Duties, Part 1**, members absolutely think it's important to be consistent with the Illinois Local Library Act throughout the Library's Bylaws.
- 3.) For **Article X, Review of the Bylaws**, the members cannot support the proposed change to allow the City to approve the Library's Bylaws. Among the powers and duties noted in the Illinois Local Library Act, 75 ILCS 5/4-7 is:

Each board of library trustees of a city, incorporated town, village or township shall carry out the spirit and intent of this Act in establishing, supporting and maintaining a public library or libraries for providing library service and, in addition to but without limiting other powers conferred by this Act shall have the following powers:

(1) To make and adopt such bylaws, rules and regulations, for their own guidance and for the government of the library as may be expedient, not inconsistent with this Act.

The Wheaton Public Library's Bylaws reflect this in Article IV, Section 1 on Specific Powers and Duties:

The Powers and Duties of the Board of Trustees shall be those defined by the Illinois Local Library Act 75 ILCS 5/4-7, as applicable, including but not limited to the following: (1) To make and adopt such bylaws, rules and regulations for their own guidance and for the government of the Library not inconsistent with the Illinois Local Library Act.

They will ask the City and Council to reconsider.

4.) **City Code, Exhibit A, Article V, Boards, Commissions and Committees**, members would like to request the following clarifications, corrections and/or exemptions stated for the Library Board, based on the Illinois Local Library Act and the Bylaws of the Wheaton Public Library. These should be therefore noted within **City's Exhibit B, Division 4. Library Board, under Sec. 2-301, Powers and Duties**:

- **Section 2-258. Organization; Officers; Use of City Staff; Adoption of Bylaws:** The City proposes that elections shall take place following January 1 of each calendar year. However, Library elections are held in July. Members would like the following exception noted within Exhibit B, Section 2-307:
 - Per the Library's Bylaws, Article IV, Section 4: Election and Term of Office: Officers shall be elected at the July meeting of the Board of Trustees, shall take office at the July meeting, and shall serve a term of one (1) year until June 30 of the next year or until their successors are duly elected.
- **Also, in City section 2-258, the City proposes** "The chairperson shall serve for a term of one year or until their successor is elected. The chairperson shall serve in the same capacity for no more than two consecutive one-year terms." The Library does not have a chair/vice chair structure. It has a president/vice president structure (ref: 75 ILCS 5/4-6). The following should be noted in the City's Exhibit B:
 - Per the Library's Bylaws, Article IV, Section 3: Officers. The officers of the Library shall consist of a President, a Vice-President, a Secretary and a Treasurer.

This section refers to term limits for the Board president. The Board of Trustees is not opposed to term limits for the president; however, limiting the Board president to two consecutive one-year terms is unnecessarily brief. Members would be in favor of a term limit of five consecutive years as president.

- **In City section 2-258**, members have no objection to the modifications noted in part (a) regarding coordination of meeting agendas.
- **For part (b) Use of City Staff**, it states the board members "do not have authority over the work program of city staff and may not direct city staff in performance of board, commission, or committee related activities, nor assign projects or direct the work of staff." It goes on to further say that all requests to work with the city must run through the city manager's office. The Library Director reports directly to the Library Board of Trustees. The members will request exemptions be noted in Exhibit B, Division 4, Section 2-307 Powers and Duties. The Library Board of Trustees works directly with the Library Director and her staff. It is, in fact, part of the Library Board's Specific Powers and Duties listed in Article IV, Section 1, Part 7 of the Library's Bylaws are: To appoint and fix the compensation of a qualified librarian, who shall have the authority to hire such other employees as may be necessary, to fix their compensation, and to remove such appointees, subject to the approval of the board..." as directly referenced in 75 ILCS 5/4-7 Part 7.
- Additionally, in **Article I, Section 12** Library Director, the Library's Bylaws expressly state:
 - *The Library Director shall be an exempt (salaried) position and shall be hired or terminated by the Board of Trustees. The Library Director shall report to and take direction from the Board of Trustees, pursuant to the provisions of the Illinois Local Library Act, 75 ILCS 5/1-0.1 et seq. The Library Director shall make a monthly and annual report to the Board. The Library Director shall perform all other roles and responsibilities as detailed in the job description on file. The Library Director shall have the authority to execute contracts on behalf of the Library within the parameters established by the Board of Trustees. The Library Director shall certify bills incurred and make a monthly and annual report to the Board of Trustees. The Library*

Director may carry out the duties of the Secretary of the Library and may carry out the duties of the Treasurer. The Library Director shall employ and may terminate the employment of staff members as necessary to carry out the work of the Library and shall perform such other duties as may be specified by the Board of Trustees.

The members will request that the City's Part (b) on Use of City Staff be exempted for the Library Board of Trustees with regard to Library business, and that the above be fully noted in Exhibit B.

- **In part (c)**, the City again proposes that Bylaws and/or amendments thereto shall be approved by the City Council. Members cannot support this request as it would be inconsistent with the Illinois Local Library Act, Chapter 75 ILCS 5/4-7 Part 1.
- Members had no objection to the proposed changes to **City Sec. 2-259 on Meetings; Quorum Established; Official Minutes.**
- Members had no objection to the proposed changes to **City Sec. 2-260 on Order of Business.**
- Regarding **City Section 2-261 on Financial/budget; donations**, members had no objection to part (a).
- Regarding **part (b)**, members felt some exemptions were required. Proposed City changes state that donations shall be solicited "in the name of the City of Wheaton" and made to "the City of Wheaton." However, the powers and duties of the Board of Trustees as defined by the Illinois Local Library Act 75 ILCS 5/4-7, Part 2, state that Library Trustees of a City have: *exclusive control of the expenditure of all moneys collected for the Library and deposited to the credit of the Library Fund.* Per the Library's Bylaws, in Article IV, Section 1, Part 15, the Board of Trustees has the ability: To invest funds pursuant to the Public Funds Investment Act. Additionally, per Article VI, Contracts, Checks, Deposits and Funds, Bonding, Sections 1-5. All of the aforementioned sections should be noted as exemptions in the City's Exhibit B, Division 4, Sec. 2-307.
- Regarding the following **City Sections 2-262 on Removal of Members; Vacancies; Section 2-263 on Other Duties; Section 2-264 on Nonpolitical Status; and Section 2-265 on Annual Report**, members had no objections to these proposed changes.

With the help of the members, Mrs. Metanchuk will draft a response to Mr. Dzukan's letter explaining the proposed amendments. When the list of exceptions is complete, Mrs. Adamowski will speak to Mr. Dzukan and request a draft to be presented at the June Library Board meeting for approval.

IV. **Adjournment**

Mr. Herbach moved to adjourn and Mrs. Fenne seconded. A voice vote was taken and the motion for adjournment was carried at 7:06 p.m.

Respectfully Submitted,

Lisa Christell-Sandri
Finance/Business Office Manager