

Toulon Public Library District  
Board of Trustees  
**BY-LAWS**

Article I  
Name

The name of this organization shall be the Toulon Public Library District Board of Trustees.

Article II  
Purpose

The Toulon Public Library District Board of Trustees supports the development of effective library service for all people in the Toulon Public Library District. The purpose of the Toulon Public Library District Board of Trustees is to administer the affairs and monies of the Toulon Public Library District as governed by the State of Illinois.

Article III  
Election

Election for Toulon Public Library District Board of Trustees shall be governed by 75 ILCS 16/1-35 (formerly Chapter 81, Sec. 1006 of the Illinois Revised Statutes).

Article IV  
Officers and Duties

1. The officers of the Toulon Public Library District shall be President, Vice-President, Secretary, and Treasurer.
2. The officers shall be elected every two (2) years at the June meeting in odd numbered years.
3. The term of office shall be two (2) years. The president may serve (2) consecutive terms. One term of the office must lapse after the 2<sup>nd</sup> expired term before re-election to the presidency.
4. Duties of the president:
  - a. Preside at all meetings. In the president's absence, the Vice-President will preside at the meeting.
  - b. Appoint all committees. Serve on all committees.
  - c. Authorized to sign checks in case of the treasurer's unavailability.
  - d. Perform such other duties as normally associated with the office or may be assigned him by the board.
5. Duties of the vice-president.
  - a. In the absence of the president, preside over the meeting.

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6. Duties of the secretary:

- a. Keep a record of the proceedings at business meetings.
- b. Record votes.
- c. Perform such other duties as may be assigned by the president.
- d. In the case of the secretary's absence, the president shall appoint a secretary pro tem.

7. Duties of the treasurer:

1. Keep a record of all financial transactions of the board.
2. Shall be bonded to write checks and otherwise function within the duties of the office.

8. Vacancies – In the event of a resignation or inability to function of any officer, the board shall elect another board member to fill the unexpired term. In the event of a resignation of any other board member, the board will appoint someone to fulfill the unexpired term.

Article V  
Meetings

1. A meeting is a gathering of a majority (3) of a quorum (4) of the members for the purpose of discussing public business. The regular meeting of the Board of Trustees of the Toulon Public Library District shall be held on the second Monday of each month at 7:00 p.m. at the library. Time and place of the regular meetings shall be posted at the beginning of each fiscal year. All meetings are open to the public as provided in 75 ILCS 16/1-35 (formerly Chapter 102, Sect. 41-44 of the Illinois Statutes).

2. Minutes of any closed meetings or portions of meetings that were closed shall be kept and those minutes shall be reviewed at a minimum of twice each year as to whether they should remain confidential or whether they can be released into the Library's general public record and minutes.

3. Special meetings may be held at any time at the call of the president or any four (4) members of the board, provided that a notice with the agenda of the special meeting be posted at least 48 hours prior to the meeting. Regular meeting dates may be changed ten (10) days prior to the meeting provided that notice and purpose be given.

4. Public Comments are subject to TPLD public comment policy. See attached.

5. The Toulon Public Library follows the general provisions of the Open Meetings Act (5ILCS120/).

6. A quorum at any meeting shall consist of a majority (4) of the members of the board.

7. Agenda

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- a. Call to Order
- b. Approval of Agenda
- c. Secretary, Treasurer, Director and Committee Reports
- d. Special Orders (if any)
- e. Unfinished Business
- f. New Business
- g. Adjournment

8. Robert's Rules of Order Revised shall govern the parliamentary procedures of the board except as specified herein.

Article VI  
Voting

1. Unless otherwise required by law, a simple majority of the board is necessary for passage.
2. The president may vote upon and may move or second a proposal before the board.
3. Revisions or amendments to these by-laws may be proposed at any regular meeting of the board and become effective as and if adopted by a majority vote of the board at a subsequent meeting.

Article VII  
Library Director

1. The board shall hire a qualified Library Director who shall have charge of the administration of the staff and library under the direction of the Board of Trustees. This includes administering the policies adopted by this board.
2. The Board shall do an evaluation of the Library Director annually.
3. The Library Director shall carry out all duties as outlined in the previously written job description.
4. The Library Director shall attend all board meetings and prepare an agenda in conjunction with the president and make monthly reports.

Article VIII  
Committees

1. There shall be the ability for form committees, as needed, by the president.
2. The committees shall be appointed by the president.

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3. All committees shall make a progress report to the board at the monthly board meeting following the committee meeting.
4. No committees will have other than advisory power unless, by special action of the board, it is granted power to act.

Article IX  
New Trustees

Each new trustees of this board shall receive a trustee packet with copies of the following papers for an orientation to the procedures of the library and the board: Library policies, by-laws, other procedural documents of this library and Illinois Library Laws.

The Director shall meet with each new trustee to examine the properties and review the services and procedures of the library.

Article X

The by-laws and policies shall be reviewed biennially by the Board of Trustees.

Article XI

Board of Trustees shall abide by 75 ILCS 16/1-1 et. seq. (formerly Chap. 81 of the Illinois Revised Statutes).

Revised

November 1994  
June 2000  
March 2001  
June 2001  
July 2007  
March 2010  
June 2013

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**Public Participation at Toulon Public Library Board Meetings and Petitions to the Board:**

At each regular and special open meeting the members of the public and library employees may comment on or ask questions of the Board, subject to reasonable constraints.

Individuals appearing before the Toulon Public Library Board are expected to follow the following Guidelines:

1. Address the Board only at the appropriate times as indicated on the agenda and when recognized by the Board President.
2. Identify oneself by full name and address, and be brief. Ordinarily such comments shall be limited to Five minutes. In unusual circumstance, and when the person has given advance notice of the need to speak for a longer period of time, such person may be allowed to speak for more than five minutes.
3. The Board President may shorten or lengthen a person's opportunity to speak. The President may also deny the opportunity to speak to a person who has previously addressed the board on the same subject within the past two months.
4. No more than 20 minutes shall be allowed to each subject under discussion, except with unanimous consent of the Board.
5. The Board President shall have the authority to determine procedural matters regarding public participation not otherwise defined in Board policy.

Petitions or written correspondence to the Board shall be presented to the Board at the next regularly scheduled Board Meeting.

## **GENERAL PROVISIONS**

### **(5 ILCS 120/) Open Meetings Act.**

(5 ILCS 120/1) (from Ch. 102, par. 41)

Sec. 1. Policy. It is the public policy of this State that public bodies exist to aid in the conduct of the people's business and that the people have a right to be informed as to the conduct of their business. In order that the people shall be informed, the General Assembly finds and declares that it is the intent of this Act to ensure that the actions of public bodies be taken openly and that their deliberations be conducted openly.

The General Assembly further declares it to be the public policy of this State that its citizens shall be given advance notice of and the right to attend all meetings at which any business of a public body is discussed or acted upon in any way. Exceptions to the public's right to attend exist only in those limited circumstances where the General Assembly has specifically determined that the public interest would be clearly endangered or the personal privacy or guaranteed rights of individuals would be clearly in danger of unwarranted invasion.

To implement this policy, the General Assembly declares:

(1) It is the intent of this Act to protect the citizen's right to know; and

(2) The provisions for exceptions to the open meeting requirements shall be strictly construed against closed meetings.

(Source: P.A. 88-621, eff. 1-1-95.)

(5 ILCS 120/1.01) (from Ch. 102, par. 41.01)

Sec. 1.01. This Act shall be known and may be cited as the Open Meetings Act.

(Source: P.A. 82-378.)

(5 ILCS 120/1.02) (from Ch. 102, par. 41.02)

Sec. 1.02. For the purposes of this Act:

Officials and Employees Ethics Act.  
(Source: P.A. 95-245, eff. 8-17-07; 96-31, eff.  
6-30-09.)

(5 ILCS 120/1.05)

Sec. 1.05. Training. Every public body shall designate employees, officers, or members to receive training on compliance with this Act. Each public body shall submit a list of designated employees, officers, or members to the Public Access Counselor. Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, the designated employees, officers, and members must successfully complete an electronic training curriculum, developed and administered by the Public Access Counselor, and thereafter must successfully complete an annual training program. Thereafter, whenever a public body designates an additional employee, officer, or member to receive this training, that person must successfully complete the electronic training curriculum within 30 days after that designation.  
(Source: P.A. 96-542, eff. 1-1-10.)

(5 ILCS 120/2) (from Ch. 102, par. 42)

Sec. 2. Open meetings.

(a) Openness required. All meetings of public bodies shall be open to the public unless excepted in subsection (c) and closed in accordance with Section 2a.

(b) Construction of exceptions. The exceptions contained in subsection (c) are in derogation of the

the

use of the public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired.

(6) The setting of a price for sale or lease of property owned by the public body.

(7) The sale or purchase of securities, investments, or investment contracts.

(8) Security procedures and the use of personnel and

equipment to respond to an actual, a threatened, or a reasonably potential danger to the safety of employees, students, staff, the public, or public property.

(9) Student disciplinary cases.

(10) The placement of individual students in special

education programs and other matters relating to individual students.

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be recorded and entered into the minutes of the closed meeting.

(12) The establishment of reserves or settlement of

claims as provided in the Local Governmental and Governmental Employees Tort Immunity Act, if otherwise the disposition of a claim or potential claim might be prejudiced, or the review or discussion of claims, loss or risk management information, records, data, advice or communications from or with respect to any



under the Experimental Organ Transplantation Procedures Act.

(20) The classification and discussion of matters classified as confidential or continued confidential by the State Government Suggestion Award Board.

(21) Discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

(22) Deliberations for decisions of the State Emergency Medical Services Disciplinary Review Board.

(23) The operation by a municipality of a municipal utility or the operation of a municipal power agency or municipal natural gas agency when the discussion involves (i) contracts relating to the purchase, sale, or delivery of electricity or natural gas or (ii) the results or conclusions of load forecast studies.

(24) Meetings of a residential health care facility resident sexual assault and death review team or the Executive Council under the Abuse Prevention Review Team Act.

(d) Definitions. For purposes of this Section:

"Employee" means a person employed by a public body whose relationship with the public body constitutes an employer-employee relationship under the usual common law rules, and who is not an independent contractor.

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State.

more other locations in a public building, which may include other of its offices, through an interactive video conference and the public body provides public notice and public access as required under this Act for all locations, then members physically present in those locations all count towards determining a quorum. "Public building", as used in this Section, means any building or portion thereof owned or leased by any public body. The requirement that a quorum be physically present at the location of an open meeting shall not apply, however, to State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action.

A quorum of members of a public body that is not (i) a public body with statewide jurisdiction or (ii) a public body that is an Illinois library system with jurisdiction over a specific geographic area of more than 4,500 square miles must be physically present at the location of a closed meeting. Other members who are not physically present at a closed meeting of such a public body may participate in the meeting by means of a video or audio conference.

(Source: P.A. 96-664, eff. 8-25-09.)

(5 ILCS 120/2.02) (from Ch. 102, par. 42.02)

Sec. 2.02. Public notice of all meetings, whether open or closed to the public, shall be given as follows:

(a) Every public body shall give public notice of the schedule of regular meetings at the beginning of each calendar or fiscal year and shall state the regular dates, times, and places of such meetings. An agenda for each regular meeting shall be posted

the building in which the meeting is to be held. In addition, a public body that has a website that the full-time staff of the public body maintains shall post notice on its website of all meetings of the governing body of the public body. Any notice of an annual schedule of meetings shall remain on the website until a new public notice of the schedule of regular meetings is approved. Any notice of a regular meeting that is posted on a public body's website shall remain posted on the website until the regular meeting is concluded. The body shall supply copies of the notice of its regular meetings, and of the notice of any special, emergency, rescheduled or reconvened meeting, to any news medium that has filed an annual request for such notice. Any such news medium shall also be given the same notice of all special, emergency, rescheduled or reconvened meetings in the same manner as is given to members of the body provided such news medium has given the public body an address or telephone number within the territorial jurisdiction of the public body at which such notice may be given. The failure of a public body to post on its website notice of any meeting or the agenda of any meeting shall not invalidate any meeting or any actions taken at a meeting.

(Source: P.A. 94-28, eff. 1-1-06.)

(5 ILCS 120/2.03) (from Ch. 102, par. 42.03)

Sec. 2.03. In addition to the notice required by Section 2.02, each body subject to this Act must, at the beginning of each calendar or fiscal year, prepare and make available a schedule of all its regular meetings for such calendar or fiscal year, listing the times and places of such meetings.

film or other means. The authority holding the meeting shall prescribe reasonable rules to govern the right to make such recordings.

If a witness at any meeting required to be open by this Act which is conducted by a commission, administrative agency or other tribunal, refuses to testify on the grounds that he may not be compelled to testify if any portion of his testimony is to be broadcast or televised or if motion pictures are to be taken of him while he is testifying, the authority holding the meeting shall prohibit such recording during the testimony of the witness. Nothing in this Section shall be construed to extend the right to refuse to testify at any meeting not subject to the provisions of Section 8-701 of the Code of Civil Procedure.

(Source: P.A. 94-1058, eff. 1-1-07.)

(5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

Sec. 2.06. Minutes.

(a) All public bodies shall keep written minutes of all their meetings, whether open or closed, and a verbatim record of all their closed meetings in the form of an audio or video recording. Minutes shall include, but need not be limited to:

(1) the date, time and place of the meeting;

(2) the members of the public body recorded as either present or absent and whether the members were physically present or present by means of video or audio conference; and

(3) a summary of discussion on all matters proposed, deliberated, or decided, and a record of any votes taken.

(b) The minutes of meetings open to the public

of this amendatory Act of the 94th General Assembly, shall not cause the written minutes or related verbatim record to become public or available for inspection in any judicial proceeding, other than a proceeding involving an alleged violation of this Act, if the public body, within 60 days of discovering its failure to strictly comply with the technical requirements of this subsection, reviews the closed session minutes and determines and thereafter reports in open session that either (1) the need for confidentiality still exists as to all or part of the minutes or verbatim record, or (2) that the minutes or recordings or portions thereof no longer require confidential treatment and are available for public inspection.

(e) Unless the public body has made a determination that the verbatim recording no longer requires confidential treatment or otherwise consents to disclosure, the verbatim record of a meeting closed to the public shall not be open for public inspection or subject to discovery in any administrative or judicial proceeding other than one brought to enforce this Act. In the case of a civil action brought to enforce this Act, the court, if the judge believes such an examination is necessary, must conduct such in camera examination of the verbatim record as it finds appropriate in order to determine whether there has been a violation of this Act. In the case of a criminal proceeding, the court may conduct an examination in order to determine what portions, if any, must be made available to the parties for use as evidence in the prosecution. Any such initial inspection must be held in camera. If the court determines that a complaint or suit brought for noncompliance under this Act is valid it may, for the purposes of discovery, redact from the minutes of the meeting closed to

proper notice under this Act has been given, the body may, without additional notice under Section 2.02, hold a closed meeting in accordance with this Act. Only topics specified in the vote to close under this Section may be considered during the closed meeting.

(Source: P.A. 88-621, eff. 1-1-95; 89-86, eff. 6-30-95.)

(5 ILCS 120/2b)

Sec. 2b. (Repealed).

(Source: Repealed by P.A. 88-621, eff. 1-1-95.)

(5 ILCS 120/3) (from Ch. 102, par. 43)

Sec. 3. (a) Where the provisions of this Act are not complied with, or where there is probable cause to believe that the provisions of this Act will not be complied with, any person, including the State's Attorney of the county in which such noncompliance may occur, may bring a civil action in the circuit court for the judicial circuit in which the alleged noncompliance has occurred or is about to occur, or in which the affected public body has its principal office, prior to or within 60 days of the meeting alleged to be in violation of this Act or, if facts concerning the meeting are not discovered within the 60-day period, within 60 days of the discovery of a violation by the State's Attorney.

Records that are obtained by a State's Attorney from a public body for purposes of reviewing whether the public body has complied with this Act may not be disclosed to the public. Those records,

for review with the Public Access Counselor established in the Office of the Attorney General not later than 60 days after the alleged violation. The request for review must be in writing, must be signed by the requester, and must include a summary of the facts supporting the allegation.

(b) Upon receipt of a request for review, the Public Access Counselor shall determine whether further action is warranted. If the Public Access Counselor determines from the request for review that the alleged violation is unfounded, he or she shall so advise the requester and the public body and no further action shall be undertaken. In all other cases, the Public Access Counselor shall forward a copy of the request for review to the public body within 7 working days. The Public Access Counselor shall specify the records or other documents that the public body shall furnish to facilitate the review. Within 7 working days after receipt of the request for review, the public body shall provide copies of the records requested and shall otherwise fully cooperate with the Public Access Counselor. If a public body fails to furnish specified records pursuant to this Section, or if otherwise necessary, the Attorney General may issue a subpoena to any person or public body having knowledge of or records pertaining to an alleged violation of this Act. For purposes of conducting a thorough review, the Public Access Counselor has the same right to examine a verbatim recording of a meeting closed to the public or the minutes of a closed meeting as does a court in a civil action brought to enforce this Act.

(c) Within 7 working days after it receives a copy of a request for review and request for production of records from the Public Access Counselor, the public body may, but is not required to, answer the

a violation of this Act has occurred, the public body shall either take necessary action as soon as practical to comply with the directive of the opinion or shall initiate administrative review under Section 7.5. If the opinion concludes that no violation of the Act has occurred, the requester may initiate administrative review under Section 7.5.

(f) If the requester files suit under Section 3 with respect to the same alleged violation that is the subject of a pending request for review, the requester shall notify the Public Access Counselor, and the Public Access Counselor shall take no further action with respect to the request for review and shall so notify the public body.

(g) Records that are obtained by the Public Access Counselor from a public body for purposes of addressing a request for review under this Section 3.5 may not be disclosed to the public, including the requester, by the Public Access Counselor. Those records, while in the possession of the Public Access Counselor, shall be exempt from disclosure by the Public Access Counselor under the Freedom of Information Act.

(h) The Attorney General may also issue advisory opinions to public bodies regarding compliance with this Act. A review may be initiated upon receipt of a written request from the head of the public body or its attorney. The request must contain sufficient accurate facts from which a determination can be made. The Public Access Counselor may request additional information from the public body in order to facilitate the review. A public body that relies in good faith on an advisory opinion of the Attorney General in complying with the requirements of this Act is not liable for penalties under this Act, so long as the facts upon which the opinion is based have been fully and fairly disclosed to the Public Access



Sec. 7. Attendance by a means other than physical presence.

(a) If a quorum of the members of the public body is physically present as required by Section 2.01, a majority of the public body may allow a member of that body to attend the meeting by other means if the member is prevented from physically attending because of: (i) personal illness or disability; (ii) employment purposes or the business of the public body; or (iii) a family or other emergency. "Other means" is by video or audio conference.

(b) If a member wishes to attend a meeting by other means, the member must notify the recording secretary or clerk of the public body before the meeting unless advance notice is impractical.

(c) A majority of the public body may allow a member to attend a meeting by other means only in accordance with and to the extent allowed by rules adopted by the public body. The rules must conform to the requirements and restrictions of this Section, may further limit the extent to which attendance by other means is allowed, and may provide for the giving of additional notice to the public or further facilitate public access to meetings.

(d) The limitations of this Section shall not apply to (i) closed meetings of public bodies with statewide jurisdiction or that are Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles or (ii) open or closed meetings of State advisory boards or bodies that do not have authority to make binding recommendations or determinations or to take any other substantive action. State advisory boards or bodies and public bodies with statewide jurisdiction or that are Illinois library systems with jurisdiction over a specific geographic area of more than 4,500 square miles, however, may permit members to