

BLACK GOLD COOPERATIVE LIBRARY SYSTEM

BYLAWS

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BYLAWS
OF THE
BLACK GOLD COOPERATIVE LIBRARY SYSTEM

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BYLAWS

OF THE

BLACK GOLD COOPERATIVE LIBRARY SYSTEM

PREAMBLE

These several independent public libraries, having formed the Black Gold Cooperative Library System under terms of the California Library Services Act, do hereby accept the following Bylaws for governing the structure, operation and management of the System.

ARTICLE I

NAME

The name of this organization shall be the "Black Gold Cooperative Library System."

ARTICLE II

OBJECTIVES

The objectives of this organization shall be to implement and achieve the Plan of Service agreed upon by the member libraries consistent with the provisions of the California Government Code, sections 6500-6579 (Joint Exercise of Powers). A further objective is to engage in other agreed upon programs that extend and enhance the resource sharing capabilities of the individual libraries in the System.

ARTICLE III

MEMBERSHIP

The membership of the Black Gold Cooperative Library System shall be limited to those libraries that are officially accepted and recognized as members by the California Library Service Board, having met the requirements set forth in the California Education Code, Sections 18700-18766 (California Library Services Act), and the California Administrative Code (Chapter 2, Public Library Services). Additional membership requirements may be established by the Administrative Council.

ARTICLE IV

SYSTEM ADMINISTRATIVE COUNCIL

Section 1.

The Black Gold Cooperative Library System shall be governed by an Administrative Council composed of one voting representative from each member jurisdiction.

Section 2.

- a. Each member library shall have one vote.
- b. In case of unavoidable absence from a meeting, the voting representative may designate an alternate to attend the meeting who shall have full voting power for the member jurisdiction.

ARTICLE IV, SYSTEM ADMINISTRATIVE COUNCIL, continued

Section 3.

The System Administrative Council shall serve the System as defined in Article 5, Section 18747, Paragraph (a), of the California Library Services Act.

Section 4.

The Administrative Council shall have all powers necessary to determine the short and long range objectives and policies of the System and to implement the Plan of Service agreed upon and the further objectives of the System.

ARTICLE V OFFICERS AND DUTIES

Section 1.

OFFICERS

- a. The officers shall be a Chairperson and a Vice-Chairperson. The Chairperson of the Administrative Council is established according to a rotation schedule which automatically moves the Chairpersonship northward geographically throughout the System.
- b. The Vice-Chairperson is established according to the same rotation schedule and is designated as the next person on the list.
- c. The schedule is as follows:
 - Santa Paula
 - Santa Barbara
 - Goleta
 - Lompoc
 - Santa Maria
 - San Luis Obispo
 - Paso Robles
- d. The System Director shall be the Secretary of the Administrative Council.
- e. These officers shall perform all duties prescribed by these Bylaws, the Amended Joint Powers Agreement and by the parliamentary authority adopted by the System.

Section 2.

DUTIES

- a. The Chairperson shall preside at all meetings of the Administrative Council.
- b. The Chairperson shall appoint members to committees authorized by the Administrative Council.
- c. The Chairperson shall serve as the representative of the Administrative Council, to the Gold Coast Library Network.
- d. Vice-Chairperson shall serve as Chairperson in the absence of the Chairperson.
- e. The Secretary shall be responsible for the minutes of the meeting, reports and correspondence.

ARTICLE V, OFFICERS AND DUTIES, continued

Section 3.

The System Director, as Treasurer of the System, shall keep proper financial records, make and account for all receipts and disbursements as approved by the Administrative Council, make financial reports and perform all other duties set forth in the Bylaws and as required in the implementation of the California Library Services Act of the State of California.

Section 4.

The Chairperson and Vice-Chairperson of the System shall assume office at the first meeting of each fiscal year and shall serve for one (1) fiscal year.

Section 5.

If the office of Chairperson becomes vacant, the Vice-Chairperson shall serve for the unexpired term. If the office of Vice-Chairperson becomes vacant, the office shall be rotated according to the schedule set out in Section 1 of this Article.

ARTICLE VI MEETINGS AND QUORUM

Section 1.

The System Administrative Council shall meet no fewer than 6 times throughout the fiscal year. The Executive Committee shall meet on an ad hoc basis.

Section 2.

The Administrative Council may also meet upon call of the Chairperson or upon petition of a majority of the members.

Section 3.

A majority of the members of the Administrative Council shall constitute a quorum.

Section 4.

Notice and agenda of each meeting of the Administrative Council shall be in writing and transmitted at least five (5) days prior to each meeting.

Section 5.

The affirmative vote of the majority of the voting members present, providing a quorum exists, shall be necessary for all action taken, with three exceptions:

- a. For approval of the budget there must be an affirmative vote of a majority of the entire Administrative Council.
- b. For amendment of the Bylaws there must be an affirmative vote of a majority of the entire Administrative Council.
- c. For addition of a System member there must be an affirmative, unanimous vote of the entire Administrative Council.

ARTICLE VII COMMITTEES

Section 1.

The Administrative Council shall establish the Executive Committee with the following objectives and responsibilities.

- Executive Committee: The Committee will provide guidance, direction, and oversight to the ED in matters related to Human Resources, Finance and other policy matters.
 - The Committee will provide the ED with performance feedback and establish goal-setting process in collaboration with the ED.
 - The Committee will help formulate and provide direction on financial strategies and structure, review budgets and provide input on financial and personnel policies.
- a) The Committee shall be comprised of the Council Chair, the Vice Chair, and the Past Chair, plus one At-Large member.
 - b) The current Council Chair shall chair the committee.

Section 2.

The Administrative Council shall establish the following standing member libraries staff committees, indicating their objectives and responsibilities.

- a. ATS Operations Committee
- b. Reference and Adult Services Committee
- c. Youth Services Committee

Section 3.

The Administrative Council shall authorize such ad hoc committees and task force groups as it deems necessary.

ARTICLE VIII SYSTEM STRUCTURE AND ORGANIZATION

Section 1.

HEADQUARTERS

The Administrative Council shall designate a location as the official headquarters of the Black Gold Cooperative Library System.

Section 2.

SYSTEM DIRECTOR

The System Director shall be Secretary and Treasurer of the Administrative Council and shall be responsible for the planning, organizing, coordinating, reporting and budgeting functions of System Administration. The Director shall report and be responsible to Administrative Council. The System Director shall serve as an ex officio member on all Council and member staff committees.

ARTICLE IX PARLIAMENTARY AUTHORITY

Except as otherwise provided herein and by State Law, the latest edition of Robert's Rules of Order shall govern the conduct of business at meetings of this Council.

ARTICLE X AMENDMENTS

These Bylaws may be amended at any meeting of the Administrative Council by a majority of the entire Administrative Council, providing that the amendment has been submitted to the members at least five (5) working days in advance and is part of the call for the meeting.

ARTICLE XI ADMINISTRATION OF THE SYSTEM

Subject to the supervision, policies and advice of the Administrative Council, the System shall be administered in the following manner:

Itemized billings shall be submitted and records shall be subject to review and audit as provided in the Amended Joint Powers Agreement.

The administrative staff shall be under the supervision of the System Director. All records shall be subject to review and audit as provided in the Amended Joint Powers Agreement. The Administrative Office shall be responsible for those duties outlined in Article VIII, Section 2, of these Bylaws.

An Automation and Technical Services department (ATS) shall be maintained. The purpose of Automation and Technical Services shall be to coordinate a system-wide program of automated services including, but not limited to, circulation control, public catalogs, interlibrary loan online, database creation and maintenance, and other online services for use by the member libraries.

The employees of ATS, as authorized in the budget, shall be employed by the Black Gold Cooperative Library System. The employees of Black Gold Automation & Technical Services (ATS), as authorized in the budget shall be supervised by the System Director.

ARTICLE XII BUDGET

Prior to January 30 of each year the Administrative Council shall adopt a tentative budget for the expenditures of the System during the succeeding fiscal year and shall make the tentative budget available to local jurisdictions for budget review. After March 1, but prior to April 1 of each year, acting upon the results of the review, the Administrative Council shall adopt a preliminary budget for the expenditures of the System during the succeeding fiscal year. Prior to July 1 of each year the Administrative Council shall adopt a final budget for the expenditures of the System during the fiscal year. The final budget shall be based on the preliminary budget and the total contribution required from all member agencies shall not exceed the amount specified in the preliminary budget; provided, however, that the final budget may be augmented for monies received after its adoption. When significant funding changes take place after adoption of the final budget, an adjusted final budget shall be adopted by the Administrative Council.

ARTICLE XIII HANDLING OF FUNDS

The System shall maintain a separate interest bearing trust account or accounts for all funds received for the System.

Separate ledger accounts shall be maintained for the funds submitted by the member libraries participating in Automation and Technical Services (ATS). Interest earned by the System shall be prorated and a portion of said interest shall be credited to the ATS ledger accounts in accordance with ATS revenue. ATS revenue shall be expended only on ATS costs and in furtherance of the purposes of the ATS program. System funds shall be expended only in furtherance of the purposes of the System. There shall be no crossover between the General and the Special (ATS) funds.

Standard accounting practices shall be used to account for funds received and disbursed for the System and account books shall be open at all times during normal business hours to the inspection of any authorized representative of any party to this agreement, the authorized representative of any official of a government agency that grants or disburses funds to the System for the purposes of this agreement. The System shall be operated on a fiscal year basis beginning July 1 of each calendar year and continuing through June 30 of the succeeding calendar year. A qualified certified public accountant shall be selected by the Administrative Council to conduct the annual audit. The certified public accountant selected shall perform an annual audit of the operations of the System and shall prepare a statement of assets and liabilities, a statement of receipts and disbursements, and such other statements and reports as may be required by the Administrative Council. All parties shall cooperate in supplying the information necessary for the audit. A copy of the audit shall be distributed to the parties to this agreement.

ARTICLE XIV PROTECTION OF PROPERTY

Any party who is entrusted with System property or System funds shall provide an official bond or a public employees' fidelity bond in an amount satisfactory to the Administrative Council, unless this requirement for such bond is waived by the Administrative Council.

The System carries Public Employee Dishonesty insurance coverage. Each party entrusted with System property shall be charged with the duty of its day-to-day maintenance. The decision to repair or replace seriously damaged or destroyed property shall be left to the discretion of the Administrative Council, and such repair and replacement shall be at System's expense.

ARTICLE XV

ATS FUNDING CONTRIBUTION FORMULA

Approved by the Administrative Council on October 10, 2018

Contributions from the member jurisdictions are necessary for the support and operation of Automation & Technical Services (ATS). System members who share in the benefits of Automation & Technical Services (ATS) pay for the program. The determination of which libraries are participants in the program in a given fiscal year shall be made at the time of the tentative budget. The cost of operating the ATS includes all services defined as Core, plus equipment, including hardware, software, maintenance, communication lines, staff and supplies associated with ATS services. Some services may be classified as Supplemental and a separate fee may be charged for them at a rate determined by Council. First, the budget expenditures are determined, then the funds expected from CLSA for Communication & Delivery plus any grants, LAIF interest and any other revenue stream from third parties are totaled and subtracted from the budgeted expenditures. This remaining balance will be supported by the BG members through local funds.

Contribution allocations will be calculated for these local funds according to the following formula:

Base fee = 20% of the local funds to be provided (excluding e-content purchases and subscriptions) and will be shared equally among all Members

Resource fee = Remaining shared local funds (excluding e-content purchases and subscriptions) and shall be allocated to Members based on the following formula:

25% Circulation (reported at the end of the prior fiscal year--excluding downloadable titles)

50% Population (reported by State Library for the prior year end)

25% Network Devices (excluding public internet devices)

E-Content fee = Shareable costs of e-content purchases and subscriptions and is allocated to each Member by % of total usage

Usage fee = Actual Hoopla usage costs (estimated usage will be pre-billed quarterly and then reconciled at the end of each quarter. Additional billing or reimbursement will be made to the member at that time)

Upon adoption of the final budget, contributions shall be payable in equal installments quarterly; the first installment being due August 1 of the year for which contributions are being made. Funds shall be placed in the System's interest-bearing trust account(s) until needed for support of operations.

Every two years the Council examines the contribution formula and decides what changes, if any, are needed. In addition, a review of Core and Supplemental/Fee services and associated costs should be done at the same time.

ARTICLE XVI

3-TIERED CLSA BASE MEMBERSHIP

Libraries wishing to join Black Gold as CLSA members, but not participate in ATS services may opt to join via a CLSA Base Membership, with cost based on Operating Expenditure and Population served. Costs for this membership level are:

TIERS	OPERATING EXPENDITURE	POPULATION SERVED	BASE MEMBERSHIP FEE
1	\$500,000 - \$999,999	25,000 - 49,999	\$500
2	\$1,000,000 - \$2,999,999	50,000 – 199,999	\$1,000
3	\$3,000,000 +	200,000 +	\$2,000
If conflict, tier by Operating Expenditure.			

Base Membership Fee Benefits:

Library CLSA benefits, e.g., universal borrowing

Any system services/programs/training funded with state funds thru CLSA, e.g.

Delivery

Basic administration

Does not include participation in ILS system or cataloging.

Does not include participation in any fee based services, e.g., downloadable services or databases.

ARTICLE XVII

BLACK GOLD DATA BASE, CATALOGS AND SERVICES

It is agreed that the System will maintain a database containing titles possessed by members of ATS. Black Gold system members have access to the network of online services provided by the System subject to the rules and guidelines adopted by the Administrative Council.

Any ATS member library may obtain copies of the database by paying the cost of such copies. Upon approval of the Administrative Council, copies of the Black Gold database may be obtained by non ATS members by paying additional cost to the System for producing the database copies. Upon approval of the Administrative Council, updates to the Black Gold database may be obtained by purchasers of the database by paying the additional cost to the System of producing copies of the updates.

Article XVIII CREDITING BUDGET SURPLUS TO MEMBERS

At the end of each fiscal year, if there is a budget surplus, the surplus may be credited back to members the following fiscal year. At a meeting of the Budget, Finance and Insurance Committee, the members will review the following parameters in order to make a decision for that year:

1. All reserves must be fully funded;
2. If budget money is taken from Reserves for a special project and not used in full, those funds will be returned to Reserves and not be eligible for credits;
3. Credit would be given after annual audit is complete and the surplus would be calculated from that report;
4. Funds would be split and credited equally the last two quarters of the FY according to the BG formula after the audit is complete.

Approved by Administrative Council June 6, 2014.