Marilla Free Library - 04/17/18 Board Meeting Agenda

- 1. Call to order
- 2. Minutes
- 3. Public Expression
- 4. Reports
 - a. Treasurer's
 - b. Librarian's
 - c. Friends'
 - d. Fundraising Committee
 - e. Town Report
- 5. Unfinished Business
 - a. Restroom Changing Tables
- 6. New Business
 - a. Policy Review: Ethics Policy, Procurement Policy & Rules of Conduct Policy
- 7. Other Business
- 8. Next Meeting: 05/15/18
- 9. Adjournment

Marilla Free Library – 04/17/18 Board Meeting Minutes

- 1. Call to order 6:26pm. *In attendance*: Shannon Thompson, Kristen Matthews, Martha Mummery, Marsha Wingate, Joanne Goellner, Rachelle Walker. *Excused*: Judy Farmer. *Also Present*: Earl Gingerich Jr. (Skip/Town Supervisor) in place of Bonnie Waterman (Town liaison).
- 2. Minutes Previous meeting minutes approved as written. 1^{st} motion Joanne Goellner, 2^{nd} by Shannon Thompson: all in favor with none opposed.
- 3. Public Expression no public expression
- 4. Reports
 - a. Treasurer's (for full account details including all transactions and balances, see the Treasurer's Report on file at the library) Marsha updated the board regarding February's financials since she missed the previous meeting. February & March's reports were reviewed, approved and full details are on file at the library. The CD matures on 05/26, the Board needs to decide what to do with the funds.
 - b. Librarian's (*see Librarian Report below for complete details*) Everything was down for the month. Statistical Information comparing the Marilla Free Library to other libraries can be found at www.buffalolib.org/aboutthelibrary/statistics/index.asp. The Easter egg hunt was successful with good attendance. The Library will hold it again next year. Spring Story hour is ending. A new session will take place as part of summer programming on Mondays at 10:30 am for ages 3-5. The summer theme is: Libraries Rock! A list of performers has been booked. (*see attached report*)

Also:

- For Staff Development Day the library will be closed ½ a day for staff to attend portions of the downtown program.
- The State report was submitted by Shannon.
- The alarm contact list needs updating.
- Marilla Primary second grade artwork is on display at the library.
- The library is trying a "Take 5" approach to increasing circulation. If patrons check out 5 or more items they get entered into a raffle for a gift card.
- The library needs to appoint a bank account to register for vendor status.

Rachelle Walker made a motion to accept the Memorial Checking Account to be registered for use for vendor tax. Motion second by Marty Mummery. All in favor with none opposed.

A motion was made by Joanne Goellner to purchase more STEM Toys (including My First Robot & K'nex) for a younger age range and an iPod for operating toys for a total of \$400 or less. These items will be used for future programs. Second by Rachelle Walker. All in favor and none opposed.

- The library received a check from the state for \$650. Shannon believes it is part of a grant. She is investigating and will report back.
- c. Friends'- The Friends had their meeting on April 10th. Their next meeting in on May 8th at 7pm. They would like someone from the Board to attend their meetings.

Also:

- The group is still figuring out the details of their fall book sale.
- They are discussing and getting opinions about a future luncheon.
- They want to fill the previously removed VP position.
- They received their 501c3 approval letter.
- They are going to try to attend a meeting for Friends Groups that will take place in Hamburg.

d. Fundraising Committee –

May 9th and 10th will be a fundraiser at Kodiak Jack's Restaurant. Patrons who buy dinner or take out and bring a flier will have 15% of their bill donated to the library. Patrons can also win a gift card worth \$25 for Kodiak Jack.

Due to conflicting events at the Community Center, the FC had to cancel the Funfest that was supposed to be July 14th. The committee is exploring the idea of alternate months/times of the year to hold this event.

e. Town Report – The Town Supervisor attended the meeting in place of Bonnie Waterman who was under the weather. He delivered the town contract & check and discussed use of leftover funds at the end of contract year. Skip updated the library on the installation of the elevator in the town hall. He also shared the status of the post office transition, town Community Center space offer & USPS needs.

5. Unfinished Business

a. Restroom Changing Tables – the board previously discussed and made a motion to research to purchase a changing table for the library restroom. Shannon found a changing table on Amazon for \$211.67 with free shipping.

A motion was made to accept the purchase of a changing table from Amazon for the library restroom. First: Marty Mummery. Second: Marsha Wingate. All in favor with none opposed.

6. New Business

a. Policy Review:

- Ethics Policy Adopted by Marilla Free Library Board of Trustees on April 17, 2018. Motions by Joanne Goellner/Rachelle Walker. 5 ayes/0 noes. (*policy attached to minutes*)
- Procurement Policy Adopted by Marilla Free Library Board of Trustees on April 17, 2018. Motions by Rachelle Walker/Marsha Wingate. 5 ayes/0 noes. (policy attached to minutes)
- Rules of Conduct Policy Adopted by Marilla Free Library Board of Trustees on April 17, 2018. Motions by Marty Mummery/Joanne Goellner. 5 ayes/0 noes. (policy attached to minutes)
- 7. Other Business no other business
- 8. Next Meeting: 05/15/18
- 9. Adjournment The meeting adjourned at 8:04pm. *1st motion Rachelle Walker, 2nd by Marty Mummery: all in favor with none opposed.*

Meeting Minutes Respectfully Submitted, May 7th by Joanne Goellner, Secretary.

Librarians Report

April 17, 2018

Operating Budget

Receipts

March Receipts: \$ 338.35 Receipts year to date: \$ 1,639.17

This represents fine/copy/print revenue. This year our revenue commitment is \$4,462.

Expenditures

March: \$ 214.56

Expenditures year to date: \$ 2,037.55. This year our expenditure allotment is \$5,200.

Circulation

March was 3,479. This was down by 219 or -5.9% Year to date is 9,483. This is down by 457 or -4.6%

Computer

March was 97. This was down by 22 or -18.5% Year to date is 266. This is down by 47 or -15%

Laptop Use

March was 2. This was down by 2 Year to date is 6. This is down by 1

Wireless Usage

March was 124. This was down by 7 or -5.3% Year to date is 320. This is down by 35 or -9.9%

Patron Count

March was 1,504. This was down by 109 or -6.8% Year to date is 3,991. This is down by 413 or -9.4%

Statistical Information comparing the Marilla Free Library to other libraries can be found at www.buffalolib.org/aboutthelibrary/statistics/index.asp

Spring Programs

- Story Hour Last session is April 23rd 8 week session (12 children registered)
- Easter Eggstravaganza Saturday, March 24th at 11 am for ages 5 to 12 (13 Children/8 Adults)

Summer Programs 2018

- Theme is Libraries Rock!
- Story Hour with Ms Shannon Mondays at 10:30 am for ages 3-5
- Summer Fun Club Alternating Tuesdays at 2:00 pm for ages 6-11
- Following Performers have been booked:
 - o Buffalo Animal Adventures: Australia Asia Wednesday, July 11th at 1 pm All Ages [\$225]
 - o Buffalo & Erie County Botanical Gardens: Terrariums Tues., July 17th at 2 pm ages 7 & up [\$135]
 - o Paul Antonio Variety Show Wednesday, July 25th at 1 pm All Ages [\$125]
 - o **Buffalo & Brandy –** Wednesday, August 1st at 1 pm All Ages [\$200]
 - Mr. No the Balloon Guy End of Summer Party Wednesday, August 15th at 1 pm [\$200]

Book Club Programs

- Book Club Tuesday 2 pm
 - March 27th Wonder by R.J. Palacio (6 attended)
 - April 24th Jefferson's Daughters by Catherine Kerrison

Other

State Report – Completed and Submitted

- \circ Resolution and Annual Report will be completed for approval at the May Meeting
- Staff Development Day Wednesday, May 9th at Central Library Will be open 1 to 6 pm.
- Discard Sale May 5th May 26th during Library Hours. Half-Price Sale will be May 21st May 26th
- Marilla Primary Art Exhibit Second Grade
- Alarm
- Changing Table
- Take 5 Raffle for the Month of April to celebrate Library Awareness Month
- NY State Tax Vendor Registration
- Makerspace
- State Check



Marilla Free Library Ethics Policy

This policy is for application to the Marilla Free Library.

The Marilla Free Library is dependent on the trust of its community to successfully achieve its mission. Therefore, it is crucial that all Board members and Key Employees, as defined in the Bylaws, conduct business on behalf of the Marilla Free Library and Buffalo & Erie County Public Library System with the highest level of integrity avoiding any impropriety or the appearance of impropriety.

Guiding Principles:

- Board members and Key Employees shall uphold the integrity of the Marilla Free Library and Buffalo & Erie County Public Library System and shall perform their duties impartially and diligently.
- Board members and Key Employees shall not engage in discrimination of any kind including that based on gender, race, color, national origin, ancestry, religion, creed, age, disability, familiar status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law.
- Board members and Key Employees shall protect and uphold library patrons' right to privacy in their use of the library's resources.
- Board members and Key Employees shall not knowingly act in any way that
 would reasonably be expected to create an impression among the public that
 they are engaged in conduct that violates their trust as Board members or Key
 Employees.
- Board members and Key Employees shall not use or attempt to use their position
 with the Marilla Free Library and Buffalo & Erie County Public Library System
 to obtain unwarranted privileges or advantages for themselves or others.
- Board members and Key Employees shall not be swayed by partisan interests, public pressure, or fear of criticism.
- Board members and Key Employees shall not denigrate the organization or fellow Board members or Key Employees in any public arena.

- Board members shall distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the 2 institution, acknowledging the formal position of the Board even if they personally disagree.
- A Board member shall respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.
- Board members shall be prepared to support to the fullest, the efforts of librarians in resisting censorship of library materials by special interest groups or individuals.
- Board members who accept appointment to a library board are expected to perform all the functions of library Board members.
- Board members and Key Employees shall act in accordance with the Conflict of Interest Policy adopted and amended by the Board.

Compliance:

If any Board member appears to be in conflict of the "Guiding Principles" above, he or she will be asked to meet with the Governance Committee to discuss the issue. The Governance Committee will make a recommendation to the full Board based on the findings. Key Employees who are or appear to be in conflict with the "Guiding Principles" will be asked to meet with the Governance Committee, in consultation with the Library Director as appropriate, who will make a determination as to discipline or termination based on his or her findings.

Adopted by Marilla Free Library Board of Trustees on April 17, 2018.

MARILLA FREE LIBRARY PROCUREMENT POLICIES AND PROCEDURES AS REQUIRED UNDER GENERAL MUNICIPAL LAW SECTIONS 103 and 104-B.

STATEMENT OF PURPOSE

The purpose of these policies and procedures is to protect taxpayers by assuring that competition is sought in a reasonable, cost-effective manner for all MARILLA FREE LIBRARY (MFL) procurements where practicable and required by law. Goods and services that are not required by law to be procured pursuant to competitive bidding must be procured in a manner to assure the prudent and economical use of public moneys, to facilitate the acquisition of goods and services of maximum quality at the lowest possible cost and to "guard against favoritism, improvidence, extravagance, fraud and corruption" as required by New York State General Municipal Law (GML) §104-b.

The MFL at its discretion may utilize the services of the Buffalo & Erie County Public Library Public Library Business Office, following Buffalo & Erie County Public Library Procurement Policies, to undertake procurement on behalf of the MFL for some or all of the situations addressed in this policy. The policies and procedures below apply when the MFL itself undertakes a procurement activity.

PROCUREMENT PROCEDURES

(REF., GML §§ 103,104,104-b)

Bidding Procedures

When analyzing a request for acquisition of goods and services, an initial determination must be made as to whether a particular procurement is subject to competitive bidding. Some preliminary issues should be considered: Is the proposed procurement a purchase contract or a contract for public work? Is the amount requested above the applicable limit provided by law? Do any exceptions apply (e.g. state contract, sole source, and/or public emergency)?

Bidding Guidelines

GML §103 requires advertised bidding for procurements over \$20,000 for general commodities/services (Purchase Contract), and \$35,000 for public work. Although not defined in GML §103 the Office of the State Comptroller has expressed the opinion that the term "purchase contract" applies to the procurement of commodities (e.g. equipment, materials, supplies, and some services), while the term "contract for public work" encompasses contracts for services, labor and construction (see 1987 Opns St Comp No. 87-46, p 70: 1979 Opns St Comp No. 79-762, p160). If it is determined that competitive bidding (GML §103) is not applicable for an acquisition, documentation must justify how the decision was reached.

Procurements of commodities/services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 are subject to the informal bid process. Procurements between \$1,000 and \$5,000 may be undertaken using verbal, telephone, fax, written, or single source quotations. Procurements under \$1,000 may be undertaken using the Library requisition for equipment and non-stock items process.

Consideration must be given to acquisitions made of the same or similar items over the course of the fiscal year where the aggregate value may exceed the competitive bidding threshold. Orders that may exceed \$5,000 over the course of the year must follow the informal bid process unless those purchases are made off current available County, State, Federal or other Municipal contracts or for other reasons bidding is not practical. Multiple purchase orders to one vendor will be allowed if that vendor has an existing Contract with the MFL/covering said purchases. All others need to comply with the applicable procedures herewith.

Formal Competitive Bid Process

On purchases of \$20,000 and greater for commodities/services, and contracts for public work greater than \$35,000, the formal sealed bid process must be used. Bid specifications are prepared by the requesting unit and the MFL Manager. Each formal bid is advertised in a newspaper with a circulation of 50,000 or greater covering the MFL's chartered service area. In addition, all formal bids are advertised on the Internet and can be downloaded by interested parties and prospective bidders accordingly.

In determining the necessity for competitive bidding, the aggregate amount to be expended in a fiscal year for an item or commodity to be purchased, or for the same type or similar public work, must be considered. It is established that the purpose of the bidding statutes may not be frustrated or avoided by artificially splitting or breaking up contracts into lesser agreements, or entering into a series of agreements, for sums below the bidding limitations. As a general rule, items or work of the same or similar nature which are customarily provided by the same vendor or contractor should be treated as a single item for the purposes of determining whether the dollar threshold will be exceeded (see, e.g.,1992 Opns St Comp No. 92-46, p115).

Informal Bidding Process

Purchases of commodities and/or services between \$5,000 and \$20,000 and contracts for public work between \$5,000 and \$35,000 will be procured by the MFL's Manager using bids first obtained from three sources where practical. Deviations from this policy must be approved by the Manager in writing, which shall become part of the purchase documentation. Purchase requisitions and/or inquiry bid files or items within this threshold will include a notation indicating the names of at least three vendors who were contacted, the name of the individuals quoting for the firm, the date contacted, and the prices quoted by the vendors. A contract award will be to the lowest responsible bidder. Informal bids may be sealed (written), facsimile (fax), or telephone quotes at the Manager's discretion. Any exceptions to this process must be documented pursuant to the *Responsibilities/Exceptions* section of this policy.

Special Purchase Situations

In other instances where it is determined competitive bidding is not required, such as emergencies, sole source procurements, or professional services, written justification must be attached to the file. The following is a description of procedures for making these types of procurements.

<u>Sole Source (No-Bid) Contracts:</u> When circumstances are presented to the Manager, which serves the public interest indicating valid reasons that a request can be met by only one qualified vendor, the Manager may waive the bidding requirement. Goods and services, which may be procured from only one source, are defined as "sole source" items. It is important to note that there must be a single supplier of the item or service and there are no substantial

equivalents. Sole source situations generally exist when an item is manufactured by only one firm, and a vendor has the exclusive franchise or distributorship for an item.

To initiate a sole source purchase, Manager's staff must be confident that conditions exist in the marketplace such that the requested goods or services are available from only one supplier and no substantial equivalents exist. In making these determinations, the Manager will document the unique benefits to the MFL of the item or service as compared to other products available in the marketplace. (See, gen.,1988 Opns St Camp No. 88-35, p 65)

Even though there is only one source of supply, the Manager's staff must still obtain a quotation for the vendor. Upon receipt of the properly executed quotation (written, fax, e-mail), the staff will then proceed to write the purchase order.

Since market conditions change over the years, a previously substantiated sole source may find new entrants to a formerly monopolized market. All sole sources should be verified. It can be a situation where the staff knows the marketplace has changed or it simply may be the need to verify the marketplace has not changed. It is understood that the mere likelihood that only one firm will bid is insufficient to justify sole source procurement. {1983 Opns St. Comp. No 83-124, p156)

Emergencies: GML 103(4), provides that purchases may be made without competitive bidding in the event that a public emergency arises due to an accident or other unforeseen occurrence. Emergencies do not include situations caused by a lack of planning on the part of the MFL unit. While it will be the MFL unit that requests an emergency purchase, the MFL Manager with approval of the MFL's legal counsel will determine if it qualifies as an actual emergency. MFL legal counsel will determine if the statutory criteria are met on a case-by-case basis. If approved, the MFL Manager may issue an emergency declaration.

When circumstances support an emergency procurement, the requesting unit must submit the required written emergency declaration for the MFL Manager or his/her designee. The requesting unit and/or Manager's staff must then locate a source for the required goods or service. The goal must always be to obtain the lowest price from the vendor who can best meet the delivery requirements. If the item is included in a MFL and/or Buffalo & Erie County Public Library or Erie County contract listing, the contract vendor should be contacted first. Once the sources and price have been established, an emergency purchase order will be processed. It should be noted that in the event of a contract for services, the emergency contract will not exist for a term beyond the reasonable limits of the existence of the emergency situation. Similarly, in the case of an emergency involving the acquisition of commodities, the quantity acquired will be no more than needed to address the emergency situation at the time.

The procurement procedure will be the same as a routine informal or formal bid except that advertising and bidding is not required. The purchase order must state "Emergency purchase approved by (Name), MFL Manager." A copy of the MFL Manager's written emergency declaration must be attached to the purchase order.

<u>Professional Services</u>: Professional, technical or consulting services are not the type of services which may properly be the subject of competition based solely on the compliance with the objective, uniform standards of the bid specification, pursuant to a bid being awarded to the lowest responsible bidder. The determination of whether the professional service exemption is applicable must be made on a case-by-case basis, examining the particular services needed.

Generally professional services include, but are not limited to, the specialized expertise of interpreters, consultants, attorneys, engineers or architects.

Contracts for professional, technical or other consultant services having a value of \$20,000 or more are procured by the use of Requests for Proposals (RFP). The MFL Manager's staff, subject to the review and approval of the Manager, shall advertise the Request for Proposals (RFP), and designate a committee of three to review the proposals and choose a vendor. RFPs are distributed to interested parties and are advertised on the Internet and can be downloaded by interested parties and prospective proposers accordingly. Though not required, the MFL may also advertise in trade publications. The review committee or staff designee will select a vendor from the responses received and create a proposal to submit to the MFL Manager for review and recommendation to the MFL Board of Trustees, which upon review and by Resolution may provide approval to contract.

Contracts for legal counsel and professional, technical or other consultant services related to the MFL legal issues having a value of \$20,000 or more shall be subject to review by the MFL Manager, who may utilize an RFP process or submit written justification for the contract which shall be reviewed by the MFL Board of Trustees, which upon review and by Resolution may provide approval to contract.

Contracts for professional, technical or other consultant services having a value of less than \$20,000 shall be subject to review and approval by the MFL Manager, who may, within the limits of the appropriations provided therefore, contract for said services.

True Lease: Leases for real property shall not be considered a purchase or contract. True lease agreements are neither purchases nor contracts for public works and, thus, are not subject to competitive bidding under GML 103 (Exley v Village of Endicott, 21NY2d 426, 434 NYS2d992). Lease agreements require the MFL Manager's authorization before any procurement activity can begin. Documentation for the leasing versus purchasing decision should be made and should include a cost benefit analysis. Final approval to authorize entering into a lease with an annual value of under \$20,000 shall be by the MFL Manager. Final approval to authorize entering into a lease with an annual value of \$20,000 or more shall be by Resolution adopted by the MFL Board of Trustees. The competitive bidding statutes cannot be circumvented by casting an agreement which is truly a purchase or a contract for public work in terms of a lease.

<u>Insurance</u>: Insurance requirements for vendors are to be reviewed and approved by the MFL's legal counsel on a periodic basis. The purchase of insurance is to be conducted through the MFL Manager or her/his designee in consultation with the MFL's legal counsel.

Second Hand Equipment acquired from other government agencies: The requesting MFL unit must have approval from the appropriate outside government official as well as budgetary approval from the Manager before the purchase of surplus and second hand supplies, material or equipment is initiated. The MFL Manager will verify that the purchase price is fair through market price comparisons via industry publications and other procurement sources. Competitive bidding is not required according to GML §103 (6) (21 Opns St comp, 1965, p 615).

Single Source Purchases (\$1000 to \$5000)

For purchases between \$1000 and \$5000, the MFL Manager has the option to award a purchase order to a single source vendor, usually recommended by the requesting unit. It is the Manager's responsibility to ensure that the purchase price is fair through price comparisons

from available sources. If there is reason to believe that the price quote is not within an acceptable range for the product or products in question, the Manager may request an informal quote or bid using the Informal Bidding Process.

Exempted from GML 103, 104-b

Procurements from Industries for the Blind or Industries for the Disabled (NYSID – See also State Finance Law, §162), New York State Correctional Industries (CORCRAFT – See also Correction Law, §§ 184,186), and Federal, State, or Local contracts are exempted from GML 103 competitive bidding and GML 104-b purchasing policies. Although General Municipal Law exempts these types of purchases from the requirements of written or verbal quotations, use of the exemption must be documented with relevant information and/or copies of Federal, State or Local contracts.

Responsibilities/Exceptions

The Manager is the responsible Purchasing Agent for the MFL. The Manager and MFL staff are responsible for following the policies and procedures described herein and all relevant laws as they pertain to competitive bidding. (GML §104-b (2)(f)). If an award is made to a vendor other than the lowest price offered, written documentation stating the basis for such award and a justification that the award is in the best interest of the MFL, must be provided to and retained by the MFL Manager.

Updating Policies and Procedures

The MFL Board of Trustees shall review this policy and procedures at least annually and shall solicit comments from the MFL Manager (GML §104-b (3),(4)).

Unintentional Failure to Comply

The unintentional failure to comply with the provisions of GML 104-b shall not be grounds to void action taken or give rise to a cause of action against the Marilla Free Library or any officer or employee thereof. (GML §104-b (5))

DOCUMENTATION PROCEDURES

QUOTES - MINIMUM INFORMATION REQUIREMENTS - At a minimum, all quotations should include the date, item description, name of the vendor and vendor's representative, vendor contact information.

VERBAL/TELEPHONE QUOTES - The information is recorded on the purchase order and becomes part of the purchasing document.

SINGLE SOURCE QUOTES - The Manager, or his/her designee, will solicit one written, faxed, or verbal quotation. Written or faxed quotations are attached to the file copy of the purchase order. All verbal quotations will be documented on the purchase order in accordance with the above verbal/telephone quotes procedure.

WRITTEN QUOTES - When utilizing written quotes, where practicable a minimum of three quotations should be solicited and documented. "Request For Quotation" or "Informal Bid Request" forms will be used and attached to the file.

FAX QUOTES - Fax quotes may be accepted for any quotation under \$20,000 for commodities/services and under \$35,000 for contracts for public work.

PRICE VERIFICATION - Manager's staff is required to verify New York State contract pricing when applicable and practical. If price lists are not available through NYS OGS, Manager staff must receive pricing from the vendors and shall include some written affidavit of price validity.

BID LANGUAGE (Extensions/Alternate submissions) - When bids are to be used in multiple time periods and/or for multiple orders requiring the vendor to hold pricing, it is mandatory that language in the bid document states the intention to do the same. The language must be clear and concise and should leave no doubt with respect to its intended use. The same holds true for the alternative bid submissions. The language must be clear and if the alternates are to be accepted, the Manager should make every effort to notify all potential vendors of our acceptance of the same.

POST BID NEGOTIATIONS - Post bid negotiations are the responsibility of the Manager or his/her designee. BFL units are not permitted to assume this responsibility.

REQUEST FOR PROPOSALS - RFPs are used for obtaining professional, technical and consulting services (which may or may not include legal services). The requesting MFL unit is responsible for submitting specifications to the MFL Manager for review. If it is determined that the service is not biddable, the MFL Manager may proceed in accordance with State and local laws. Evaluations are conducted in accordance with process described in the *Professional Services* section of this policy.

Approved April, 17, 2018 by the Marilla Free Library Board of Trustees. This policy supersedes the procurement related stipulations of all previously adopted Board resolutions.



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