

III. EXECUTIVE LIMITATIONS POLICIES

Executive Limitations policies tell the CEO what the Board will not tolerate; they are boundary setters. These policies describe what boundaries the organization's operational practices must be conducted within.

Policy Type: Executive Limitations

III-A Policy Title: Global Executive Constraint

Approved: 6/17/09

The Library Director will not cause or allow any practice, activity, decision, or organizational circumstance that is either unlawful, imprudent, or in violation of commonly accepted business and professional ethics.

Accordingly, he or she may not:

1. Endanger the organization's public image or credibility, particularly in ways that would hinder its accomplishment of mission.
2. Fail to support a climate of trust and collaboration throughout the organization.

Policy Type: Executive Limitations
III-B Policy Title: Management Practices
Amended: 9/8/10

The Library Director may not cause or allow management practices to occur which do not reflect contemporary management best practices and legal requirements, and may not cause or allow management practices to be applied inconsistently in a manner that is to the detriment of an employee(s).

Accordingly, he or she will not:

1. Fail to implement collaborative management practices that support a climate of trust throughout the organization.
1. Operate without written personnel rules that conform to contemporary management practices and legal requirements and that provide for effective handling of grievances.
 - a. An employee represented by the collective bargaining unit may not submit a grievance on an issue addressed in the collective bargaining agreement using the process outlined in these policies and/or the District's Administrative Rules.
 - b. The grievance process will provide aggrieved employees the opportunity to appeal decisions of alleged violations of District procedures and/or administrative rules to the Director.
 - c. The grievance process will provide aggrieved employees the opportunity to appeal grievances involving decisions of alleged violations of Board policy to the Board except in those instances in which Board has specifically exempted a Board policy from the grievance process.
 - d. The grievance process will provide aggrieved employees the opportunity to appeal decisions on alleged violations of state law and/or regulations or federal law and/or regulations to the Board.
2. Discriminate against any staff member for the expression of dissent within District protocols.
3. Fail to acquaint staff with their rights under this policy.

Policy Type: Executive Limitations

III-C Policy Title: Community Relations

Approved 3/10/10

1. With respect to interactions with the community, the Library Director shall not cause or allow conditions, procedures, or decisions that endanger the organization's public image or credibility, particularly in ways that would hinder its accomplishment of mission.

Accordingly, he or she will not:

1. Fail to enter into partnerships whenever such partnerships would be cost-effective and of mutual benefit.
2. Fail to seek public input on operational issues as appropriate.
3. Fail to be visible in the community and present a positive image of the library District.

Policy Type: Executive Limitations
III-D Policy Title: Financial Planning and Budgeting
Amended: 06/17/09

Financial planning for any fiscal year or the remaining part of any fiscal year will not deviate materially from the Board's Results priorities, risk fiscal jeopardy, or fail to be derived from a multiyear plan.

Accordingly, the Library Director will not prepare and present a budget that:

1. Is inconsistent with priorities identified by the Board in the Results policies or as part of the January/February Results monitoring process.
2. Contains insufficient information to enable credible projection of revenues and expenses, separation of capital and operational items, cash flow and disclosure of planning assumptions.
3. Plans the expenditure in any fiscal year of more funds than are conservatively projected to be available in that period.

Policy Type: Executive Limitations

III-E Policy Title: Financial Condition and Activities

Approved: 06/17/09

With respect to the actual, ongoing financial condition and activities, the Library Director will not cause or allow the development of fiscal jeopardy or actual expenditures that significantly deviate from Board priorities established in Results polices.

Accordingly, the Library Director will not:

1. In debt the organization in an amount greater than can be repaid by the end of the fiscal year.
2. Use any long-term reserves not approved by the Board.
3. Conduct interfund shifting in amounts greater than can be restored to a condition of discrete fund balances by certain, otherwise unencumbered revenue by the end of the fiscal year.
4. Fail to meet payroll and settle debts in a timely manner.
5. Reduce the current liquid assets at any time to less than the amount required to meet liabilities for the next forty-five days.
6. Make a single purchase or commitment of greater than \$25,000 without prior Board approval, with the following exceptions:
 - a. The Library Director has the authority to approve the purchase of multiple items with an aggregate cost exceeding \$25,000 when the purchase was specifically budgeted during the annual budget process and as long as the total cost does not exceed the budget allocation. (Examples: book purchases, payroll costs, computers.)
 - b. The Library Director has the authority to approve a purchase or commitment that was previously approved by the Board as part of a contract award. (Example: construction costs.)
 - c. The purchase of emergency services or materials that exceed \$25,000 may be approved by the Board President with the limitation that the purchases must comply with Oregon Revised Statutes and may not exceed the budgeted allocation for the pertinent expenditure category.
7. Contract for the services of legal counsel without the approval of the Board.
8. Issue a check that is not signed by the President, or the authorized President Pro-Tem, and the Secretary, or the authorized Secretary Pro-Tem unless is it authorized by a warrant signed by the President, or the authorized President Pro-Tem, and the Secretary, or the authorized Secretary Pro-Tem.
 - a. In instances in which the District is legally required to issue a check within a prescribed time period, and when the President or President Pro-Tem is not available, the Secretary and Secretary Pro-Tem may issue a check or warrant so long as the signature of the President or President Pro-Tem is obtained in the form of a warrant and attached to the check at the first opportunity.

9. Acquire, encumber, or dispose of real property without prior Board approval.
10. Fail to aggressively pursue receivables after a reasonable grace period.
11. Fail to track revenues and expenditures against the budget.
12. Fail to prepare a resolution for the first meeting of the District's year, or whenever it becomes necessary to change the authorizations for signing checks or warrants, which designates the President Pro-Tem(s) and Secretary Pro-Tem(s), and establishes the priorities by which they will be utilized.

Policy Type: Executive Limitations
III-F Policy Title: Asset Protection
Amended: 06/17/09

The Library Director will not allow the assets to be unprotected, inadequately maintained, or unnecessarily risked.

Accordingly, he or she may not:

1. Fail to insure against theft and casualty losses to at least 80 percent of replacement value and against liability losses to Board members, staff, and the organization as required by Oregon Revised Statutes.
2. Allow unbonded personnel access to material amounts of funds.
3. Subject facilities to improper use or insufficient maintenance.
4. Unnecessarily expose the organization, its Board, or staff to claims of liability.
5. Make any purchase (1) wherein normally prudent protection has not been given against conflict of interest; (2) of over \$500 without having obtained comparative prices and quality; (3) of over \$5,000 without evaluating a balance of long-term quality and cost.
6. Fail to protect intellectual property, information, and files from loss or significant damage.
7. Receive, process, or disburse funds under controls that are insufficient to meet the Board-appointed auditor's standards.
8. Fail to follow state law regarding the investment of capital assets in secure instruments.

Policy Type: Executive Limitations
III-G Policy Title: Compensation and Benefits
Approved: 6/17/09

With respect to employment, compensation, and benefits to employees, consultants, contract workers, and volunteers, the Library Director will not cause or allow jeopardy to fiscal integrity or public image.

Accordingly, he or she may not:

1. Change his or her own compensation and benefits.
2. Promise or imply permanent or guaranteed employment.
3. Create compensation obligations over a longer term than revenues can be safely projected, in no event longer than one year, and in all events subject to the effects of losses in revenue.
4. Fail to maintain appropriate levels of compensation and benefits sufficient to attract and retain capable employees, subject to fiscal limitations and availability within the labor market. This policy is not subject to the District's grievance process.
5. Enter into a contract for personal services (1) wherein normally prudent protection has not been given against conflict of interest; (2) of over \$500 without having obtained comparative prices and quality; (3) of over \$5,000 without evaluating a balance of long-term quality and cost.

Policy Type: Executive Limitations

III-H Policy Title: Communication and Support to the Board

Approved: 06/17/09

The Library Director will not permit the Board to be uninformed or unsupported in its work.

Accordingly, he or she may not:

1. Neglect to submit monitoring data required by the Board (see policy on Monitoring Library Director Performance) in a timely, accurate, and understandable fashion, directly addressing provisions of Board policies being monitored.
2. Fail to make the Board aware of current and anticipated trends, and adverse media coverage, material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.
3. Fail to inform the Board of any serious organizational situations that could result in impairment of the delivery of library services and a negative image by the stakeholders.
4. Fail to advise the Board if, in the Library Director's opinion, the Board is not in compliance with its own policies on Governance Process and Board-Library Director Linkage, particularly in the case of Board behavior that is detrimental to the work relationship between the Board and the Library Director.
5. Fail to marshal for the Board as many staff and external points of view, issues, and options as needed for fully informed Board choices.
6. Present information in unnecessarily complex or lengthy form or in a form that fails to differentiate among information of three types: monitoring, decision preparation, and other.
7. Fail to provide a mechanism for official Board, officer, or committee communications.
8. Fail to deal with the Board as a whole except when (a) fulfilling individual requests for information or (b) responding to officers or committees duly charged by the Board.
9. Fail to report in a timely manner an actual or anticipated noncompliance with any policy of the Board.
10. Fail to supply for the consent agenda all items delegated to the Library Director yet required by law or contract to be Board-approved, along with the monitoring assurance pertaining thereto.
11. Fail to release support materials for regularly scheduled Board meetings no fewer than six days prior to the Board meeting.
12. Fail to post a notice of Board meetings at all branch facilities in a timely fashion.
13. Fail to provide access to current District Policies.

Policy Type: Executive Limitations

III-I Policy Title: Treatment of Library Users

Approved: 6/17/09

With respect to interactions with library users or those applying to be library users, the Library Director will not cause or allow conditions, procedures, or decisions that are unsafe, undignified, unnecessarily intrusive, or that fail to provide appropriate confidentiality or privacy.

Accordingly, he or she will not:

1. Use application forms that elicit information for which there is no clear necessity.
2. Use methods of collecting, reviewing, transmitting, or storing client information that fail to protect against improper access to the material elicited.
3. Maintain facilities that fail to provide a reasonable level of privacy, both visual and aural.
4. Fail to establish with consumers a clear understanding of what may be expected and what may not be expected from the service offered.
5. Fail to inform library users of this policy, or to provide a grievance process to those who believe they have not been accorded a reasonable interpretation of their rights under this policy.
6. Fail to provide mechanisms for users to provide input and provide timely response when possible.
7. Fail to comply with the propositions and policies expressed in the American Library Association Bill of Rights and the American Library Association Freedom to Read Statement.
8. Fail to make a copy of Board policies available for inspection and use by the public at the District's main business office and at each branch library during regular business hours.

Policy Type: Executive Limitations

III-J Policy Title: Emergency Library Director Succession

Approved: 06/16/04

In order to protect the Board from sudden loss of Library Director services, the Library Director may have no fewer than two other managers familiar with Board and Library Director issues and processes.

Accordingly, he or she may not:

1. Fail to prepare at least two managers who are proficient at the director level in financial management, human resources, and Board governance issues.

Policy Type: Executive Limitations
III-J Policy Title: Collection Development
Amended: 06/17/09

The Library Director will not operate without a Collection Development Administrative Policy that supports the Board's Results priorities.

Accordingly, the Library Director will not:

1. Fail to develop and apply a policy that:
 - a. Clearly defines collection goals that support the achievement of District Results Policies.
 - b. Establishes procedures that are consistent with professional standards for the selection, acquisition, maintenance, evaluation and disposal of materials in the collection.
 1. Applies relevant selection criteria including, but not limited to, the following:
 - Relationship to interests and needs of individuals in the community
 - Permanent value as source material or as an interpretation of source material
 - Vitality and originality of thought
 - Contemporary significance
 - Artistic excellence
 - Entertaining presentation
 - Accuracy and objectivity
 - Suitability of physical form for library use
 - Suitability of the format for the message or for the intended use of the material
 - Skill, competence, and purpose of the author
 - Relationships to other materials, and to existing areas of coverage, as they contribute to maintaining a well-balanced collection
 - Value for the expenditure; by comparing the cost of the item with that of similar, alternative materials
 - Technical quality (non-book material)
 - c. Provides for diversity of viewpoints and expressions.
 - d. Does not allow materials to be excluded or removed because of partisan or doctrinal disapproval.
 - e. Does not allow materials to be excluded or removed because of the origin, background, or views of those contributing to their creation.
 - f. Excludes materials which are legally obscene as defined by Oregon Revised Statutes: ORS 167.087 (2) (2003 edition)
"matter is obscene if:
 1. It depicts or describes in a patently offensive manner sadomasochistic abuse or sexual conduct;
 2. The average person applying contemporary state standards would find the work, taken as a whole, appeals to the prurient interest in sex; and
 3. Taken as a whole, it lacks serious literary, artistic, political or scientific value"
 - g. Establishes procedures for a resident to appeal to the Board a selection decision that has been appealed to, and upheld by, the Library Director.
 1. Each appeal must be submitted and signed by an individual who resides within Deschutes County. Groups or organizations may not submit appeals.
 2. The Board reserves the right to deny consideration of appeals that the Board determines lacks sufficient merit.
 3. The Board reserves the right to deny consideration of multiple appeals of the same item, by one or more individuals, when the Board determines that such appeals would create an unreasonable workload.

4. The Board reserves the right to deny consideration of multiple appeals of different items by a single individual when such appeals would create an unreasonable workload.
5. The Board will review an appeal of a selection decision as follows:
 - a. The Board will determine if the selection decision is in compliance with a reasonable interpretation of this document. The Board will make such a determination by:
 - i. reviewing the specific objections contained in the appeal
 - ii. judging items as whole works and not solely based on random or selected parts
 - iii. reading reviews in professional publications
 - iv. considering the analysis presented by the Library Director
 - b. The Board will issue a determination no later than the second regular Board meeting after the meeting at which the appeal was presented, unless the Board, by formal action, extends the consideration period by some reasonable amount.
 - c. Board decisions are final and are not subject to additional appeal.
2. Fail to provide a copy of the Board Collection Development Executive Limitations Policy to residents of Deschutes County who say that they are considering contesting a selection that has been upheld by the Library Director.

