

**COOK MEMORIAL PUBLIC LIBRARY DISTRICT
413 N. MILWAUKEE AVENUE
LIBERTYVILLE, ILLINOIS 60048**

June 30, 2020

Virtual Board Meeting
6:30 p.m.

A special meeting of the Board of Library Trustees of the Cook Memorial Public Library District has been scheduled for Tuesday, June 30, 2020 and will be held virtually as authorized by Illinois Governor Executive Order No. 5, dated March 16, 2020.

To join the meeting via computer or smart device, click on this link:

<https://us02web.zoom.us/j/88363475875>

To join the meeting via telephone, dial (312) 626-6799 and enter Meeting ID: 883 6347 5875

For technical assistance accessing this meeting via Zoom, please call 847-231-2117 beginning 15 minutes prior to the start of the meeting until its conclusion.

1. Call to order.
2. Roll call.
3. Public Comment.
4. Election of Board President and Any Vacant Officer Seat.
5. Discussion of Application Process to Fill Vacant Trustee Seat.
6. Initial Review and Discussion of By-Laws.
7. Library Service Updates.
8. Adjournment.

Board of Library Trustees

June 26, 2020



Cook Memorial Public Library District

SPECIAL BOARD MEETING AGENDA SUPPLEMENT

MEETING DATE: June 30, 2020

FROM: David Archer, Library Director

AGENDA ITEM: Initial Review and Discussion of By-Laws

The attached proposed revisions to the By-Laws were provided by the library attorney several months ago. Most notably, the revisions contain recommended changes to Article II, Section 2 (Membership) based on changes to The Public Library District Act of 1991. Additional recommended revisions by the attorney include:

- Article II, Section 4
- Article II, Section 10, 12
- Article V, Section 2
- Article VII

Article X of the By-Laws establish that changes to the By-Laws may be made at any regular meeting of the Board of Trustees by majority vote of those Trustees present provided ten (10) days written notice of the text of the proposed changes is distributed to all trustees.

**BY-LAWS OF THE
COOK MEMORIAL PUBLIC LIBRARY DISTRICT
LAKE COUNTY, ILLINOIS**

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**BY-LAWS OF THE BOARD OF TRUSTEES OF THE
COOK MEMORIAL PUBLIC LIBRARY DISTRICT
LAKE COUNTY, ILLINOIS**

Article I Name.

The name of the District shall be the "Cook Memorial Public Library District."
(Circuit Court of Lake County, Illinois, General No. 73MC13)

Article II Board of Library Trustees.

Section 1 Name.

The governing body of the Library shall be known as "The Board of Library Trustees of the Cook Memorial Public Library District, Lake County, Illinois," hereinafter referred to as the "Board" (75 ILCS 16/30-35)

Section 2 Membership.

[A.] Seven trustees constitute the Board. ~~Trustees~~ **[who each]** serve four year terms **[(75 ILCS 16/30-10)].**

[B. Candidates] ~~Trustees~~ must be **[a qualified elector]** ~~residents~~ of the Library District **[and have resided in the Library District at least one year at the time nomination papers are filed or declaration of intent is made to become a write-in candidate or is presented for appointment (75 ILCS 16/30-20d)].**

[C. Candidates must not be in arrears in the payment of a tax or other indebtedness due to the Library District or have been convicted in any court in the United States of any infamous crime, bribery, perjury, or other felony (75 ILCS 16/30-20e)]

~~They must be at least 18 years of age at the time of election.~~

[D.] Three or four trustees are elected in April of each odd-numbered year, in accordance with the Election Code **[(75 ILCS 16/30-10)].**

[E.] Nomination of candidates for election as Trustees shall be by petition, signed by at least fifty **[qualified]** voters residing within the District, and shall be filed with the Secretary within the time provided by the Election Code. No party affiliation may appear on such petition or on the ballot **[(75 ILCS 16/30-20)].**

[F.] The oath of office **[shall]** ~~may~~ be administered by the Secretary of the Board or by a notary public.

[G.] Terms of elected office commence on or after the third Monday of the month next following the election and extend until a successor is elected and qualified **[(75 ILCS 16/30-10)].**

[H.] Vacancies declared by the Board shall be filled by appointment by the remaining Trustees until the next Trustee election as provided by law. (75 ILCS ~~16/30-10, 16/30-20,~~ 16/30-25) ~~, and 16/30-35.~~

Section 3 Statement of Economic Interest.

All Library District Trustees are required to file a "Statement of Economic Interest" with the County Clerk on or before May 1 each year. Candidates for the office of Trustee must also file such a statement. (5 ILCS 420/4A-101 *et seq.*)

Section 4 Powers of the Board.

A district library "shall be forever for the use of residents and taxpayers of the district in which it is located, subject to reasonable rules and regulations as the board adopts to render the use of the library of the greatest benefit to the greatest number of those residents and taxpayers." (75 ILCS 16/1-10). The Board has powers set forth in 75 ILCS 16/30-55. Among the powers conferred upon the Board by statute are the following:

- A. To enact ordinances and to make and adopt such By-Laws, rules, and resolutions for their own guidance and for the government of the Library as may be expedient. (75 ILCS 16/30-55.5) Any person who violates any ordinance of the District which provides for a penalty is guilty of a petty offense and shall be fined not less than \$25.00 nor more than \$100.00 for such offense. (75 ILCS 16/1-20)
- B. To have the exclusive control of the expenditure of all moneys collected for the Library and deposited to the credit of the appropriate funds. (75 ILCS 16/30-55.10)

[C. To make purchases related to the furtherance of library-related services and activities (75 ILCS 16/30-55.12). Said purchases shall be made pursuant to the Local Government Prompt Payment Act (50 ILCS 505/1).]

- ~~C~~**[D.]** To have the exclusive control of the construction of any library building and of the supervision, care and custody of the grounds, rooms, or buildings constructed, leased or set apart for that purpose. (75 ILCS 16/30-55.15)
- ~~D~~**[E.]** To purchase or lease real or personal property to construct an appropriate building or buildings for the use of the Library. (75 ILCS 16/30-55.20)
- ~~E~~**[F.]** To remodel or reconstruct a building erected or purchased by the Board, when such building is in need thereof or is not adapted to its purposes and needs. 75 ILCS 16/30-55.25)
- ~~F~~**[G.]** To sell or otherwise dispose of real or personal property that it deems no longer necessary or useful for Library purposes, and to lease to others any

real property not immediately useful to the District but for which plans for ultimate use have been adopted. (75 ILCS 16/30-55.30)

- G[H]. To appoint and fix the compensation of a qualified librarian to act as administrator of the District's daily operation **[("Library Director")]** and to retain legal counsel and professional consultants as needed. (75 ILCS 16/30-55.35)
- H[I]. To contract with any public or private entity for the purpose of providing or receiving library services. (75 ILCS 16/30-55.40)
- ~~H~~[J]. To join with the board or boards of one or more public libraries within this State, in maintaining libraries, or for the maintenance of a common library or common library services for the participants upon such terms and conditions agreed upon by the participating library boards. (75 ILCS 16/30-55.45)
- J[K]. To enter into contracts and may take title to any property acquired by it for Library purposes. (75 ILCS 16/30-55.50)
- K[L]. To exclude from the use of the Library any person who willfully violates an ordinance or regulation prescribed by the Board. (75 ILCS 16/30-55.55)
- ~~L~~[M]. To extend the privileges and use of the Library to persons residing outside of **[the]** District, upon such terms and conditions as the Board may from time to time by its regulations prescribe, and to impose a nonresident fee according to a formula prepared by the State Library in accordance with law for such service. (75 ILCS 16/30-55.60 and 75 ILCS 16/30-55.65).
- M[N]. To provide by ordinance, fines and penalties for persons committing injury to any book or other library material or to any real or personal property belonging to or in custody of the Library and for failure to return any book or material or personal property belonging to the Library. (75 ILCS 16/30-55.70)
- N[O]. To invest funds pursuant to the Public Funds Investment Act (75 ILCS 16/30-55.75)
- Ø[P]. To exercise the power of eminent domain. (75 ILCS 16/30-55.80, 30-55.82)
- P[Q]. To reserve funds for self-insurance. (75 ILCS 16/30-55.85)
- Ø[R]. To join associations for the benefit of the Library. (75 ILCS 16/30-55.90)
- R[S]. To levy for the maintenance and support of the Library. (75 ILCS 16/35-5)

- §[T]. To dissolve the District if so ordered by the court. Such an order would be the result of a dissolution referendum passing by a simple majority that had been initiated by petition of 25% of the voters. (75 ILCS 16/25-5 *et seq.*)
- ¶[U]. To participate in the maintenance of a historical museum. (75 ILCS 16/30-55.100)
- ⊕[V]. To enact such other ordinances, perform such other duties and have such other powers as may be provided by law.

Section 5 Compensation.

Trustees shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. (5 ILCS 16/30-30)

Article III Meetings.

Section 1 Regular Meetings.

Meetings shall be open to the public and conducted in accordance with the Illinois Open Meetings Act. (5 ILCS 120/1 *et seq.*) The Board shall call not less than five regular meetings in each fiscal year. The time, day, date and place of all regular meetings shall be established by ordinance at the May meeting of the Board for the ensuing fiscal year. A certified copy of the ordinance shall be posted in the Library and supplied to any news medium that has filed an annual request for such notice. In the absence of such a request, a certified copy of the ordinance shall be supplied to a newspaper of general circulation in the District. (75 ILCS 16/30-50a), (5 ILCS 120/2.02)

Section 2 Changing Regular Meeting Arrangements.

If a change is made in the date, time or place of regular meetings as set forth in the annual meeting ordinance by Board action after the original schedule of meetings is published, then at least ten days notice of the change must be given by publication in a newspaper of general circulation in the District and by posting the change in the Library. A copy of the notice shall be delivered to any news medium requesting such notice.

Section 3 Rescheduling a Regularly Scheduled Meeting.

If a previously scheduled meeting is rescheduled, a notice of the change and a meeting agenda shall be posted in the Library and provided to any news medium requesting such notice 48 hours before the meeting.

Section 4 Reconvened Meetings.

If a meeting is to be reconvened within 24 hours, and if oral notice of the date, time and place is given at the original meeting and there is no change in the agenda, no other notice is required. Otherwise, 48 hour notice of the reconvened

meeting, along with an agenda, shall be posted in the Library and supplied to any news medium requesting such notices. (75 ILCS 120/2.02a)

Section 5 Special Meetings.

Special meetings may be called by the President or the Secretary, or by any four Trustees. Notice of the special meeting and an agenda shall be posted in the Library and delivered to any news medium requesting such notice no later than 48 hours preceding the special meeting. The best notice possible will be given in the case of a stated emergency.

Section 6 Quorum.

A quorum shall consist of four Trustees. (75 ILCS 16/30-50b)

Section 7 Participation by Electronic Means.

Participation by electronic means is permitted in accordance with the Electronic Participation in Board/Committee Meetings Policy.

Section 8 President Pro-Tem.

In the absence of the President and Vice President, any trustee may call the meeting to order. The trustees present shall elect one of their ~~number~~ **[members]** to be President pro-tem for the meeting.

Section 9 Voting.

A majority of those Trustees present and constituting a quorum shall determine the passage of any motion, resolution or ordinance unless a larger majority is required by law. All voting shall be by ayes and nays. Absences and abstains shall be noted but shall not be counted for or against the question being voted upon. The expenditure of money requires a roll call vote. The names and votes of each Trustee voting and the vote shall be recorded. (75 ILCS 16/30-50 (b),(c))

Section 10 Closed Session.

Closed sessions of the Board may be called by majority vote of Trustees present to deliberate matters as permitted by law. **[Attendance at closed sessions of the Board shall be limited to the Board of Library Trustees, the Library Director (except those portions of the meeting at which their appointment of salary is to be dicussed or decided) and others specially invited to attend for specific reasons, at the request of the President with the concurrence of the Board.]**

No final action may be taken in closed session. (5 ILCS 120/2(e)) The Board shall review the minutes of closed sessions semi-annually to determine the continued need to keep minutes of closed meetings confidential. Audio ~~tape~~ recordings shall be made of closed sessions which shall be kept for 18 months and are subject to judicial review in certain circumstances. Closed session ~~tapes~~ **[recordings]** may be ~~erased~~ **[deleted]** after 18 months pursuant to Board action, provided minutes of the closed sessions have been approved. (5 ILCS 120/2.06)

Section 11 Email Communications.

Use of email by trustees shall be in accordance with the Board of Trustees' Email Communications Policy and Administrative Procedures.

Section 12 Addressing the Board.

~~Persons attending a public meeting of the Board may not address the Board unless invited to do so by the President except as provided for on the agenda. The President may establish rules under which the public may address the Board.~~

Attorney Comment: The Open Meetings Act provides the following: 2.06(g) Any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.

The Attorney General has interpreted this Section to mean that all public bodies must at every meeting have a section of the meeting that is dedicated to citizen's comments. The President does not have the discretion to permit or not permit public comment. The Board should adopt a rule regarding public comment that limits the time of the comment (3 minutes for example).

[The Board shall allow members of the public three minutes each to address the Board during a designated Public Comment portion of the meeting. Persons wishing to address the Board during the Public Comment portion of any regular Board or committee meeting are requested to give their names on a sign-up sheet prior to the beginning of the meeting. Each speaker will be limited to three minutes, with the presiding officer having the authority to lengthen or shorten the time allowed each speaker depending upon the number of public participants desiring to speak.]

Section 13 Order of Business.

The normal order of business at regular meetings of the Board shall be as follows:

- Call to order
- Pledge of Allegiance
- Roll call
- Public comment
- Approval of the minutes
- Approval of the bills
- Report of the ~~Librarian~~ **[Library Director]**
- Report of the President
- Reports of the committees
- Other business
- Closed Session if necessary
- Communications
- Public Questions
- Adjournment

The President shall have complete authority over the order of business.

Section 14 Robert's Rules of Order.

The President shall decide all questions of order in accordance with this article and otherwise by rules set down in Robert's Rules of Order, the current revision.

Failure to follow Robert's Rules of Order shall not invalidate an otherwise valid decision.

Article IV Fiscal Year.

The fiscal year for the Library extends from July 1 through June 30.

Article V Officers.

Section 1 Election and Term of Office.

Within 74 days after the Trustee election, the incumbent and new Trustees shall elect from among the members of the new Board a President, Vice President, Treasurer and Secretary. This will be the first item of business at the meeting of the Board in May. Officers shall serve for 2-year terms ending on the third Monday in May of each odd-numbered year or until their successors are duly elected by the Board, normally in May. Election will be by majority of Trustees present. A vacancy in any office shall be filled by the Board for the unexpired term. (75 ILCS 16/30-40(e)).

Section 2 President.

The President shall preside over all meetings, **[call such special meetings as necessary,]** appoint members of committees, appoint representatives to other entities and perform other duties specified by the District's regulations, ordinances or other appropriate action. The President shall not have or exercise veto powers. **[The President shall preserve order and decorum and decide questions on order. In the President's absence, the Vice President shall preside. If the Vice President is also absent, the Secretary shall preside. In the absence of all three of these members, the Treasurer will preside.]** (75 ILCS 16/30-45(b))

Section 3 Vice President.

In the President's absence, the Vice President shall preside at meetings. (75 ILCS 16/30-45(c))

Section 4 Secretary.

The Secretary shall keep and maintain appropriate records of the District during ~~his or her~~ **[their]** term of office and shall include in those records the minutes of all meetings, including the date, time and place of the meetings, the names of those in attendance, the ordinances enacted, the resolutions, and regulations adopted, a summary of discussion on all matters proposed, deliberated or decided, a record of any votes taken and all other pertinent written matter affecting the operation of the District. (75 ILCS 30-45(g)), (75 ILCS 16/30-50) The Secretary shall perform all other duties as set forth in the Illinois Library District Act, including but not limited to Sections: 75 ILCS 16/30-20 (certification of candidates for office); 75 ILCS 16/30-65 (reports and audits); and 75 ILCS 16/30-85 (filing of Budget and Appropriation Ordinance and Levy Ordinance). Under the Illinois Election Code, 10 ILCS 5/1-3(10) the Secretary of the Board shall serve as the Local Election

Official and is responsible for those actions required of the District under the Election Code. (10 ILCS 5/1-1 et seq.) The Secretary may delegate ~~his/her~~ [their] duties under the Election Code in writing to the Library Director and/or a designee approved by the Secretary.

Section 5 Treasurer.

The Treasurer shall be responsible for the maintenance of accounts and records of the District during the Treasurer's term of office. Indicated in those records shall be a record of all receipts and disbursements and balance in any funds. The records of the Treasurer shall be audited at the end of each fiscal year. The Treasurer shall be responsible for the receipt of all tax distributions. The Treasurer shall be bonded for faithfully discharging the duties of the office and to account to the District for all District funds be coming into the Treasurer's hands. The minimum amount of the bond shall be 1/2 of the total funds received by the District in the previous year. As provided by statute (75 ILCS 16/30-450, as an alternative to the Treasurer's Bond, the Library District may secure an insurance policy with coverage for negligent or intentional acts by District officials and employees. The insurance coverage shall be in an amount at least equal to 50% of the average amount of the District's operating fund from the prior three fiscal years. The Treasurer shall be responsible for the investment of Library funds within the limitations of the Illinois Statutes. (75 ILCS 16/30-45 (d),(e) (50 ILCS 310/1 et. seq.)

Article VI Committees and Representatives.

Section 1 Appointments and Terms of Appointments.

The President shall appoint all Board committee members and ~~chairmen~~ [chairperson] with the exception of the ~~Chairman~~ [Chairperson] of the Finance and Employee Practices Committee, who will always be the Treasurer. The President shall also appoint all official representatives of the Board to other organizations. Appointments will normally be made at the regular meeting of the Board in June. Appointments of committee members will be for two year terms expiring at the June meeting. Committee members may be replaced at any time by the President.

Section 2 Powers.

No committee or representative shall have other than advisory powers unless granted specific power by suitable Board action.

Section 3 Standing Committees.

The standing committees of the Board shall be as follows:

A. Finance and Employee Practices.

The Committee shall establish and review the bookkeeping and other financial practices of the Library at the discretion of the Board. The Committee shall review and revise the operating budget, the Budget and Appropriation Ordinance and the Levy Ordinance after preparation by the Library Director.

It shall periodically review the salary schedule, wage changes, employee practices, and personnel administration of the Library.

B. Resources and Services/Long Range Planning.

The Committee shall continuously evaluate existing Library services in relation to community needs. The Committee shall keep abreast of developing patterns of land use, population, transportation and political incorporation in order to present recommendations to the Board regarding annexation of land to the District and the extension of services within the District. The Committee shall keep abreast of developments in library services and the service needs of District patrons. The Committee shall present needed changes in the service pattern to the Board.

C. Building and Grounds.

The Committee shall have charge of matters relating to the maintenance, repair, improvement and insurance of the library building, its furnishings and surrounding grounds.

C. Policy Review Committee.

The Committee shall establish a schedule for reviewing the By-Laws and all policies and shall be responsible for the review and revision of said policies, as detailed in the schedule and in accordance with the Policies and Procedures Policy.

E. Development Committee.

The Committee shall continually explore, evaluate, and recommend additional sources of revenue to benefit the Library District.

F. Technology Committee

The Committee shall consider the impact and opportunities of new and emerging technologies and support their effective integration into the Library's established technology systems. The Committee shall periodically meet with relevant library staff to review and discuss current technology trends and the Library's needs, and serve as an advocate in communicating technology enhancements to the full Board of Trustees. The Committee will contribute to technology planning to ensure resources are spent responsibly and in a manner that further enhances services to the District's patrons.

Section 4 Audit Committees.

The President shall appoint two Trustees to the Secretary's Audit Committee at the June Meeting each year to carry out their duties as established by law. This committee shall be dissolved upon the acceptance of the audit report by the Board. (75 ILCS16/30-65(c))

Section 5 Appointed Representatives.

Representatives shall represent the Library at regular meetings of the governing body of the organization to which they are appointed. The representatives

communicate the policies and services of the Library to these organizations and are expected to keep the Board regularly informed.

Representatives shall be appointed by the President to the following organizations:

- A. The Libertyville-Mundelein Historical Society.
The Library Director and one appointed member of the Board of Library Trustees are ex-officio members of the Libertyville Mundelein Historical Society Board.
- B. Reaching Across Illinois Library System (RAILS)
One appointed member of the Board of Trustees shall serve as the representative to RAILS.
- C. Friends of **[the]** Cook **[Memorial Public]** Library **[District]**
The Library Director and one appointed member of the Board of Library Trustees are ex-officio members of the Friends of **[the]** Cook **[Memorial Public]** Library **[District]**.

Section 6 Special Committees and Representatives.

The President may appoint special committees and representatives as may be required.

Article VII Library Director.

The Library Director serves as the chief operational officer of the Board of Trustees **[, and shall serve at the will of the Board]**. The Library Director is responsible for advising the Board regarding the objectives and overall policies of the Library for which the Board is directly responsible. Further, the Library Director is responsible for the administration of the Library within the guidelines established by the Board in its objectives and policies and within the limitations of the Budget. As administrator, the Library Director develops and supervises the library program; establishes the organizational structure; hires, discharges and administers staff; and purchases needed material and equipment subject to review by the Board. The Library Director shall supply periodic reports to the Board regarding the operation of the Library and shall certify as to the correctness of all the bills. A summary report including an overall assessment of the Library shall be submitted to the Board prior to September 30 each year. The Library Director shall attend all committee meetings and general meetings of the Board except executive sessions where the Library Director is the subject of consideration. The Library Director is responsible for assembling and presenting all reports required of the Board or its Officers. (75 ILCS 16/30-55.35(a))

Article VIII Library Attorney.

The Library Attorney shall review such official actions of the Board; draft or review such ordinances; review such Board Minutes, By-Laws, Ordinance Book

and written policies and procedures as directed by the Board. The Library attorney shall answer all legal questions related to the operation of the Library directed to the attorney by the Board or the Library Director. (75 ILCS 16/30-55.35)

Article IX Libertyville-Mundelein Historical Society.

In the event that the Libertyville-Mundelein Historical Society is dissolved, title to its historical material and all assets will revert to the Board of Library Trustees of the Cook Memorial Public Library District which shall hold same in trust custody and shall be maintained or disposed of as considered in the best interest of the Library Board. (By-Laws, Libertyville-Mundelein Historical Society)

Article X Amendments.

These By-Laws may be changed or amended at any regular meeting of the Board of Trustees by majority vote of those Trustees present provided ten (10) days written notice of the text of the proposed changes is distributed to all trustees. By-Laws may be waived or suspended for a meeting by majority vote of trustees present.

Article XI Acknowledgement of Applicable Law.

The Trustees understand and acknowledge that By-Laws are:

- A. Designed to assist the Board with procedures and guidelines governing Library District affairs and operations.
- B. Subject to and do not supercede other laws applicable to Library District affairs and business.
- C. Automatically amended, by operation of law, to the extent of any conflict between the By-Laws and other applicable laws.
- D. Intended to be updated by the Trustees periodically in an effort to maintain consistency between the By-Laws and other applicable laws.

Date

Secretary

Adopted: 4/20/76

Revised: 4/21/98

Revised: 3/20/01

Revised: 4/17/01

Revised: 8/19/03

Revised: 8/22/06

Revised: 3/20/07

Revised: 11/16/10

Revised: 09/17/13

Revised: 08/18/15

Revised: 04/19/16

Revised: 04/17/18

[Revised: 00/00/20]