

BALDWINVILLE PUBLIC LIBRARY BY-LAWS

Article I – Name

This organization is and shall be known as the Baldwinsville Public Library, existing by virtue of the provisions of Charter Number 449 granted by the Regents of the University of the State of New York on August 13, 1975, exercising the power and authority, and assuming the responsibilities delegated to it under the said charter.

An “absolute charter,” Number 17,024, was granted by the University of the State of New York Board of Regents on January 22, 1980.

*Amended 1/14/1981
Amended 6/7/2007*

Article II – Membership of the Board of Trustees

Section A – Number and Qualifications

The membership of the Board of Trustees of the Baldwinsville Public Library shall be composed of seven (7) persons who are residents of and qualified voters in the Baldwinsville Central School District. They serve without financial compensation.

Amended 1/3/1979

Chapter 477 New York State Laws of 1977 will allow the number of Trustees of Public Libraries established by a municipality or school district to vary from five (5) to eleven (11). Appropriate legal action would need to be followed in order to make a change.

Board of Trustees members of the Baldwinsville Public Library must meet the following qualifications:

- A citizen of the United States
- Eighteen (18) years of age or older
- Able to read and write
- A legal resident one (1) year prior to the election
- Cannot be an employee of the Baldwinsville Public Library
- The only member of their family on the Baldwinsville Public Library Board
- May not simultaneously hold another incompatible public office
- Must not have been removed from a public office within one year of the election.

Amended 6/7/2007

Section B – Powers and Duties of Library Board

- Create and develop the mission of the library;
- Select and hire a qualified library director;
- Secure adequate funding for the library’s service program;
- Exercise fiduciary responsibility for the use of public and special funds held;
- Adopt policies and rules regarding library governance and use;
- Regularly plan and evaluate the library’s service program;
- Maintain a facility that meets the library’s and community’s needs;
- Promote the library in the local community and in society in general;
- Conduct the business of the library in an open and ethical manner in compliance with all applicable laws and regulations.

From Handbook for Library Trustees of New York State, 2005 Edition

Specifically, the Board of Trustees of the Baldwinsville Public Library shall:

- appoint a Secretary, a Treasurer of the Public Funds, and a Treasurer of the Special Funds Held;
- keep minutes of all meetings, filing a copy of same with the Clerk and Treasurer of the School District during each year in which the School District does the Library accounting;
- meet monthly to authorize payment of bills subject to the review and approval of the internal claims auditor of the Baldwinsville Central School District and to consider other business necessary to the successful operation of the Library;
- appoint an Attorney;
- designate an official newspaper.

Amended 6/7/2007

Section C – Nomination Procedure

Nomination of candidates for vacancies on the Board of Trustees of the Library will be governed by the Education Law of New York State, a synopsis of which follows:

Petitions nominating candidates for the office of library trustee must be filed in the Office of the Clerk of the School District between the hours of 9:00 a.m. and 4:00 p.m., not later than the 30th day preceding the election.

Effective January 1, 1979 (Chapter 159, Laws of 1978) nominating petitions must be signed by at least twenty-five qualified voters of the district or two percent (2%) of the voters who voted in the previous annual election, whichever is greater. Each petition must state the address of each signer.

The petition must state the specific vacancy for which the candidate is nominated, including length of term of office, and name of last incumbent.

(NOTE: The voters of the annual election may adopt a proposition, that in all subsequent elections, vacancies on the Board of Trustees need not be considered a separate specific office, and that the nominating petition shall not describe any specific vacancy for which the candidate is nominated. Such procedure would then be followed until and unless the voters of a regular election repealed the same.)

Amended 1/3/1979

Amended 6/7/2007

Section D – Term of Office

The term of office shall begin on July 1 and continue for a period of five (5) years or until replaced by a duly elected successor.

Section E – Oath of Office

Each trustee upon election shall take an Oath of Office pursuant to Section Two of the Public Officers Law, within 30 days after commencement of the term of office for which the trustee is chosen. The signed Oath shall be filed in the Office of the Onondaga County Clerk.

Amended 6/7/2007

Section F – Election Procedures

At least one member shall be elected each year, and the election shall be held on the fourth Thursday of April.

All eligible voters of the Baldwinsville Central School District shall be eligible to vote for Library Trustees.

Qualifications for voting are:

- Citizen of the United States
- 18 years of age
- Resident of the School District for 30 days preceding the meeting

*(See Article IV – Meetings: Section A – Annual Meeting.)
Amended 6/7/2007*

Section G -- Vacancies

Vacancies which occur between annual meetings shall be filled by appointment of the Board of Trustees until the next annual meeting, at which time the vacancy shall be filled for the remainder of the normal term by regular election procedures.

The departing Board member is not responsible for finding a replacement for his/her seat.

The entire Board should, as soon as possible after notification that a current Board member will be unable to complete his/her term, discuss possible candidates prior to contacting them. Discussion should focus on the expertise needed to enhance the functioning of the Board and on balancing the backgrounds of Board members to ensure representation of all community groups.

Any Trustee failing to attend three (3) consecutive meetings of the Board without excuse acceptable as satisfactory to the Trustees shall be deemed to have resigned as a Trustee and be notified in writing by the President of the Board of Trustees.

*Amended 6/7/2007
Revised 2/9/2011*

Section H – Conflict of Interest

1. Any employee of the Baldwinsville Public Library shall be ineligible to hold office as a Trustee of said library.
2. Trustees or members of their immediate families shall not be employed by the library or engage in business with the Library during the Trustee's term of office.
3. Former Trustees and members of their immediate families, including spouse, parent, child, and sibling, may not be employed by the Library within 6 months of serving on the Board.
4. All other behaviors of the trustees are governed by New York State Municipal Law 80.

Amended 6/7/2007

Article III – Officers of the Board of Trustees

Section A – Names of Officers

The officers of the Board of Trustees shall be President, Vice-President.

Section B – Term of Office

The President and the Vice-President shall be elected from the Board of Trustees for the term of one (1) year at the first regular meeting of the year. The Secretary and Special Funds Treasurer will be appointed by the Board. The Public Funds Treasurer will be the School District Treasurer.

Section C – Duties

1. The President shall preside at all meetings of the Board, authorize calls for any special meetings, appoint all committees, execute all documents authorized by the Board, serve as an ex-officio voting member of all committees, and have such other duties as provided by law, or by these By-Laws, or by action of the Board, and generally shall perform all duties associated with that office.
2. The Vice-President shall preside at meetings in the absence of the President and shall assist the President in other duties. The Vice-President shall succeed the President in that office in the event it becomes vacant.
3. In the absence of both President and the Vice-President, the members present shall elect a temporary chairperson.
3. The Secretary shall keep a true and accurate record of all meetings of the Board, and shall perform such other duties as may properly belong to that office or be delegated by the President.
4. In the event of a vacancy in the Office of President, Vice-President, Secretary, or Special Funds Treasurer, the Board shall select a replacement.

Amended 8/8/201

Article IV – Meetings

Section A – Annual Meeting

Procedures for the Annual Meeting will be in accordance with the Education Law of New York State, a synopsis of which is attached.

See Addendum II

Section B – Regular Meeting

The Board of Trustees shall hold monthly meetings on a regular basis, the night to be chosen annually at the organizational meeting in July. At the request of the Public Funds Treasurer the chosen meeting night should not occur earlier than the second week of the month. Notice of the time and place of every meeting should be mailed not less than five (5), nor more than then (10) days before the meeting.

Amended 1/14/1981

1. Minutes shall be taken at all open meetings of public boards, as required by the New York Freedom of Information Law, “which shall consist of a record or summary of all motions, proposals, resolutions, and any other matter formally voted upon and the vote thereon.” The minutes shall be posted on the library website within two weeks of each board meeting, even if not yet approved.
2. Public notice of the time and place of scheduled Library Board meetings shall be submitted at least one week prior to the news media, including the official newspaper, and shall be conspicuously posted in one or more designated public locations and on the library website at least seventy-two hours before such meeting.

NYS Public Officers Law, section 104

3. A quorum will be required to conduct any business. That quorum will consist of a majority of the total membership of the Board. In order for any resolutions to be passed, when only a quorum is present, the vote must be unanimous.

4. Videoconferencing may be used to conduct a meeting provided that the public is informed that videoconferencing will be used, the locations for the meeting are identified and state that the public has the right to attend the meeting at any of the locations.

NYS Public Officers Law, section 104

Section C – Executive Session

1. Executive sessions may only be held following a majority vote of its total membership at an open meeting “pursuant to a motion identifying the general area or areas of the subject or subjects to be considered” with the further provision that “no action by formal vote shall be taken to appropriate public monies” at such Executive Sessions.

NOTE: Total membership now seven.

2. The purposes for which Executive Sessions are permitted include: matters that will imperil the public safety; possible disclosure of law enforcement agent or informant; matters relating to the investigation or prosecution of criminal offense which would imperil effective law enforcement, if disclosed; discussions regarding proposed, pending or current litigation; collective bargaining negotiations; the medical, financial, credit or employment history of any person or corporation; matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of any person or corporation; proposed acquisition, sale or lease of real property, but only when publicity would substantially affect the value of the property.
3. Minutes shall be taken at Executive Session of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon, “provided, however, that such summary shall not include any matter which is not required to be made public by the Freedom of Information Law.”

To prevent invasion of privacy it is not required to record items of a personal nature, when disclosure would result in economic or personal hardship to the subject party, and when such records are not relevant or essential to the ordinary work of the agency.

Section D – Organizational Meeting

The first regular monthly meeting occurring after July 1 shall be designated the organizational meeting.

Section E – Special Meetings

Special meetings may be held at the call of the President, or on the request of a majority of the total Board of Trustees for the transaction of business as stated in the call for the meeting.

Article V – Committees of the Board of Trustees

Section A – Nominating Committee

A nominating committee shall be appointed by the President three months prior to the Annual Meeting and will present a slate of officers. Additional nominations may be made from the floor.

Section B – Special Committees

The President may appoint such special committees as may be required, with the approval of the Board of Trustees.

Section C

The President shall be an ex-officio member of all committees unless otherwise designated a member.

Article VI – Director

The Board shall appoint a Director who shall be the executive officer of the policies of the Board and shall have charge of the administration of the library under the direction and review of the Board. The Director shall be responsible for the care of the buildings and equipment; for the employment and direction of the staff; for the efficiency of the library's service to the public; and for the operation of the library under the financial conditions contained in the annual budget.

The Director shall render and submit to the Board reports and recommendations of such policies and procedures, which, in the opinion of the Director, will improve efficiency and quality of library service. The Director shall attend all Board meetings except the portion of the meeting at which the director's appointment or salary is to be discussed or decided.

Article VII – Gifts

In all cases the Library reserves the privilege of deciding whether or not the acceptance of the gift is appropriate.

Section A – Money Gifts

All gifts of money shall be recorded by the Special Funds Treasurer giving the name of the donor, date and amount. These monies shall be deposited in the Special Funds Account by the ~~Private~~ Special Funds Treasurer and will be dispersed at the discretion of the Board.

Section B – Property Gifts

Gifts of property shall be appraised by a qualified authority, acknowledged by the President, recorded by the Secretary in the minutes of that month and held or disposed of as directed by the Board of Trustees.

Section C

All gifts (property and monies) must be recorded in a central ledger giving the date, name of donor, and description; it is essential that the Library have a complete record of gifts, and all in one place. However, if a gift is restricted then such conditions shall be noted in the central ledger.

Section D

Memorial Plates will not be perpetuated when the original donated books are replaced or withdrawn.

Article VIII – Memorandum of Understanding with Onondaga County Public Library

The Memorandum of Understanding (MOU) between the Onondaga County Public Library (OCPL) and the Baldwinsville Public Library reflects an understanding of the major responsibilities of OCPL and the member libraries. Any changes in the MOU will be submitted to the libraries and the MOU must be authorized by a majority vote of a full quorum of the trustees at each library.

Article IX – Agreement Between the Baldwinsville Central School District and the Baldwinsville Public Library

The agreement between the Baldwinsville Central School District and the Baldwinsville Public Library shall be reviewed and approved on an annual basis.

Article X

Section A

These By-laws may be amended by vote of the majority of the total membership of the Board of Trustees at any regular or special meeting, provided written notice of proposed amendments shall have been mailed to all Board members at least ten (10) days prior to the meeting at which such action is proposed to be taken.

Amendments to By-Laws

Addendum I -(See article II – Section E – Oath of Office)

I, _____, do hereby solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of New York, and to the best of my ability I will perform the duties and accept the responsibilities of Trustee of the Baldwinsville Public Library, and that I will observe all laws relating to said office of Trustee now in force or which may hereafter be enacted during my term of office.

Signed: _____

Subscribed and sworn to before me on this day of _____.

Signed: _____
President, Board of Trustees
Baldwinsville Public Library

Addendum II - (See Article IV - Section A - Annual Meeting)

The following outline of procedures for an annual meeting for the purpose of electing trustees and approval of the proposed budget is accurate for the year 1978. Before using this outline for any future years, reference should first be made to the appropriate statutes for amendments and additions to the law.

The amount to be raised by the School District for library purpose need not be submitted to the voters each year if the amount to be raised remains unchanged.

If a resolution to raise a greater amount for library purposes is defeated, the District continues to raise the amount authorized at the last affirmative vote:

1. Date of Annual Meeting

The Board must decide and publish the date of the Annual Meeting, which must be held before July 1, but after April 1.

2. Notice of the Annual Meeting

a. School District Public Library Trustees may opt to call, give notice, and conduct their own election and budget vote meetings, rather than require the Board of Education to do so. The cost of all such meetings shall be a charge to the library, rather than to the District.

b. Should the Board of Trustees of the library determine, in its discretion, not to notice and conduct such a meeting, then the election and budget vote will be noticed and conducted by the Board of Education of the school district as part of its annual meeting.

c. Notice shall be published four (4) times within the seven weeks preceding the meeting, with the first publication being at least forty-five (45) days before said meeting in two (2) newspapers having general circulation in the district.

d. Notice shall include:

1. Candidates for Library Trustee. Petitions nominating candidates for the office of Library Trustee must be filed in the office of the Clerk of the District between the hours of 9:00 a.m. and 5:00 p.m., not later than the 30th day preceding the meeting.
2. The hours during which the election shall take place. Such election shall be held at least six (6) consecutive hours between 7:00 a.m. and 9:00 p.m. at least two (2) hours of which shall be after 6:00 p.m.
3. The place where the election is to be held.
4. That a copy of the budget may be obtained by any taxpayer in the district during certain designated hours on each day other than a Saturday, Sunday, or holiday during the seven (7) days immediately preceding the meeting at the Library. (Note: Copies of the budget must also be available at the meeting.)

3. Procedure of Election to be followed:

- a. The Board of Trustees shall appoint a qualified voter of the district as permanent chairperson. The chairperson shall declare the polls open and closed at the appropriate time, and no motions shall be in order.
- b. The clerk of the district shall serve as clerk of the election. If he is unable to serve, the Board of Trustees shall appoint a qualified voter as acting clerk. The clerk or acting clerk shall keep a true and accurate written record of all the proceedings of the election and shall file such written record with the clerk of the district within 24 hours after the election.
- c. A poll list containing the name and legal residence of every person who votes shall be kept by the clerk of the election.
- d. All qualified voters who are in the place where the election is held at or before time of closing must be permitted to vote.
- e. The chairperson shall declare the result of each ballot.
- f. The clerk of the election shall record the result of each ballot as declared by the chairperson.
- g. The clerk of the district shall serve written notice either personally or by mail upon each person declared elected.

NOTE: Voting machines may be used and procedures are set forth in the law for such use.

4. Challenge of Voter

If a person asking to vote shall be challenged as unqualified by any legal voter in the district, the chairperson shall require the person attempting to vote to make the following declaration: "I do declare and affirm that I am, and have been, for the 30 days last past, an actual resident of this school district and that I am qualified to vote at this meeting." Every person making such a declaration shall be permitted to vote on all questions proposed at such election; but if such person shall refuse to make such declaration, his vote shall be rejected.