

**BYLAWS  
(REVISED SEPTEMBER 2019)  
OF  
MASSAPEQUA PUBLIC LIBRARY**

**Mission Statement** – The mission of the Massapequa Public Library is to provide paths to life-long learning through diverse programs and resources for our community. This is accomplished by promoting the joy of reading, the use of technologies and a sense of cultural awareness.

**Article I - Identification**

**Section 1.**

The name of this Board is the “Board of Trustees of the Massapequa Public Library” hereinafter referred to as “the Board”, a corporation created under New York State Education Law Section 255, and is governed by the laws of New York State, the regulations of the Commissioner of Education and the following Bylaws.

**Section 2.**

The Massapequa Public Library will be hereinafter referred to as “the Library”.

**Section 3.**

The geographical boundaries of the Library and taxed library district defined by the Massapequa Union Free School District 23.

**Article II – Authority and Purpose**

The general purpose and intent of the Board is to support quality library services for the Massapequa Union Free School District 23 by providing general advisory oversight, including but not limited to budget, policy and planning review, advocacy and fostering a closer relationship between the Library and our community.

**Section 1.**

The Board will govern the Library, a municipal corporation organized under the applicable provisions of the Education Law of the State of New York Section 253, 254 and 255 according to the purposes and authority set forth in Nassau County

legislation and other New York State and federal laws as affect the operation of the Library.

## **Section 2.**

The Board will engage legal counsel as needed for legal advice. The Chairperson or the Library Director may request the legal opinions of legal counsel for any matter, which comes within the jurisdiction of the Board, and will report the opinion to the Board. In the absence of both, the Assistant Director may request the legal opinions of legal counsel for any matter, which comes within the jurisdiction of the Board, and will report the opinion to the Board.

## **Article III - Members**

### **Section 1.**

The Library will govern by a Board of Trustees. The Board of Trustees will consist of five (5) duly elected and certified Members, one of whom will be elected annually in May for a term of five (5) years, at the annual vote of the Massapequa Union Free School District 23. The Laws of the State of New York Section 260 (2) govern the Member's election.

### **Section 2.**

Candidates for the office of Trustee of the Board will be nominated by petition under the jurisdiction of the Massapequa Union Free School District 23.

All Trustees must reside within the Massapequa Union Free School District 23.

### **Section 3.**

Newly elected Members will take office at the July Meeting. Upon taking office, the elected Board will take and sign an Oath of Office for the State of New York, a copy of which will be forwarded to the Nassau County Clerk and a copy of which will be maintained with the Library's records.

### **Section 4.**

All Board Trustees will serve without compensation. A Board Trustee may not serve as a paid employee of the Library.

## **Article IV – Trustees of the Board**

### **Section 1.**

The Officers of the Board will be a Chairperson, Vice Chairperson, Financial Officer and Secretary. An independent Treasurer will be appointed/hired by the

Trustees under the provisions of the Education Law 259 (1) (a) and is not a voting member of the Board.

## **Section 2.**

Officers of the Board will be elected for a term of one (1) year at the annual reorganizational meeting in July. An Officer may continue beyond the one-year term if necessary until the Trustee's successor is elected and qualified. No Trustee may hold two offices simultaneously.

## **Section 3.**

The powers of the Trustees are set forth in New York State Education Law Section 260.

## **Section 4.**

Absence without notice from three (3) consecutive meetings will constitute an automatic dismissal from the Board unless the Board defers this dismissal by majority vote in accordance with the Regulations of the Commissioner of Education and Education Law 226 (4). The Chairperson shall inform the absent Trustee in writing that the individual is no longer on the Board. If dismissal is deferred by Board action the Chairperson will inform the absent Trustee in writing the conditions of this deferral.

## **Section 5.**

The Board may remove a Trustee at any regular meeting or special meeting for misconduct, incapacity, neglect of duty or refusal to carry into effect the Library's educational purposes as provided in Education Law 226 (8). A majority vote of the entire Board is required.

## **Section 6.**

In the event any Trustee should resign, or cease to be a qualified voter of the Massapequa Union Free School District 23, or in the event of death, or the removal of a Trustee, the Trustee position will be declared vacant. Such a vacancy will be filled until the next annual election of Trustees (as provided in Education Law 226 (4)) by an interested individual appointed by the remaining members of the Board.

At the next annual Massapequa Union Free School District 23 election, the annual elected Trustee and the open Trustee position will be filled as follows: the individual with the highest vote count will be elected to the full term Trustee position of five (5) years and the next highest number will be elected to fill the remaining term of the open Trustee position.

**Section 7.**

The duties of the Trustees will be such as custom and law and the rules of the Board usually devolve upon such Trustees in accordance with their titles. Among the duties set by custom, law and rules are:

- a. To create and develop the mission of the Library.
- b. To establish policies for the management and operations of the Library.
- c. To adopt the Bylaws.
- d. To oversee the management of the Library to insure that it is being conducted in a manner consistent with applicable laws, regulations and policies established by the Board.
- e. To exercise fiduciary responsibility for the use of public funds.
- f. To plan and evaluate the Library's service program based on the community needs.
- g. To conduct open and public monthly meetings, the time and place to be decided by the Board.
- h. To establish the operating budget and oversee its execution, including approving expenditures.
- i. To promote the Library in the local community.
- j. To employ, direct and evaluate the Library Director and such other employees as the Library Director may recommend in accordance with the Civil Service Law.
- k. To remove a Library Director from office if necessary by Section 75 of the NYS Civil Service Law and requires a 4/5 vote of the entire Board.
- l. To employ, direct and evaluate the independent Treasurer.
- m. To remove the independent Treasurer if necessary by a 4/5 vote of the entire Board.

**Section 8.**

Each Trustee has one (1) vote, irrespective of office held.

**Section 9.**

A Trustee must be present at a meeting to have the individual's vote counted. Two way video conferencing is acceptable to be counted as present at the meeting in order to vote. Proxies do not meet the requirements of the law.

**Section 10.**

The Chairperson presides at Board meetings, appoints committees deemed necessary, authorizes calls for Special Meetings, signs all major capital funds/capital expenditures for the payment of money authorized by the Board, enforces the observance of these rules, and performs such duties and rulings as pertain to the office of the Chairperson.

**Section 11.**

The Vice Chairperson performs the duties of the Chairperson in the absence or disability of the latter.

**Section 12.**

During the absence or disability of both the Chairperson and the Vice Chairperson, the remaining trustees may elect one of Trustees to temporarily perform all the duties of the Chairperson.

**Section 13.**

The Financial Officer will keep account of the Library funds and review financials prepared by the Treasurer.

**Section 14.**

The Treasurer is an independent financial professional who is approved and appointed/hired by the Board for a one-year term. The independent Treasurer may be reappointed annually. The Treasurer is required to take and sign an Oath of Office for the State of New York, a copy of which will be forwarded to the Nassau County Clerk and a copy of which will be maintained with the Library's records.

The Treasurer reviews all financials, the check register, the General Ledger, and bank reconciliation on a monthly basis.

The Treasurer will be authorized to sign checks.

The Treasurer may be required to prepare special financial reports from time to time.

The Junior Accountant keeps detailed account of receipts and expenditures for monthly reports and an annual report of receipts and expenditures.

**Section 15.**

All Board Trustees and/or the Library Director, Assistant Library Director or Library Treasurer will be authorized to sign checks, accounts payable and payroll checks.

Checks \$1,999.99 and under will require one (1) signature from within the Library. The signature would be the Treasurer or Library Director or the Assistant Library Director. If the Treasurer or Library Director or the Assistant Library Director is unavailable, a Board Trustee will sign.

Checks \$2,000.00 and over will require two (2) signatures. The signatures must be the Treasurer or Library Director or the Assistant Library Director and a Board Trustee.

Vouchers for payment of bills will be reported and reviewed at each meeting and approved by the Board.

#### **Section 16.**

The Secretary will review, sign and attest to the accuracy of the minutes of the meetings and proceedings evidencing actions of the Trustees and any committees of the Trustees. The Secretary ensures that all notices are duly given in accordance with the provisions of these Bylaws or as required by law. The meeting minutes will be taken by a designated individual assigned to the task and are kept in the Library.

The Secretary may call the meeting to order in the absence of the Chairperson or Vice Chairperson.

The Secretary will, in general, perform such tasks as from time to time that may be assigned by the Chairperson or by the Trustees. The Secretary in the absence or disability of the Chairperson or Vice Chairperson may be appointed by the remaining Trustees to exercise the powers and perform the duties of the Chairperson.

#### **Section 17.**

The Library Director has custody of the seal and responsibility for maintenance of the Board Minutes and other records of the Board within the Library.

#### **Section 18.**

Necessary travel and/or meal expenses of any Trustee incurred in the interest and business of the Library may be reimbursed out of Library funds, per policy or Board resolutions. Such travel on behalf of the Library will be approved by the Board.

### **Article V – Personnel**

#### **Section 1.**

The Board will select and appoint a Library Director from the Civil Service Candidates List. The candidate will hold a certificate to serve as the Library Director of the Library. The selection will be made solely upon the basis of the candidate's training and proficiency in the science of library administration and in compliance with Education Department Regulation (8NYCRR) 90.8 governing minimum qualifications. The Board will fix the compensation of the Library Director. The Library Director, as the administrative head of the Library, is responsible for the management and operation of the Library.

**Section 2.**

The Library Director will have the power to write and enforce administrative regulations or procedures governing the Library, which logically stem from adopted and approved Board policies. Such regulations and procedures will be consistent with the policies of the Board.

**Section 3.**

The Library Director will render and submit to the Board reports and recommendations of such policies and procedures, which, in the opinion of the Library Director, will improve efficiency and quality of library services.

**Section 4.**

The Library Director will manage the business affairs of the Library under the direction and review of the Board, and will be responsible for the maintenance of the proper records of account, including purchases, inventory, payroll and personnel, and will prepare the Annual Budget. The Library Director will schedule and supervise the custodians in their activities in the care and maintenance of the buildings, and equipment. Regulation of the meeting rooms, loan of Library materials, planning and scheduling programs, discipline and other matters will be made and altered subject to the Board's approval, by the Library Director.

**Section 5.**

The Library Director will be held responsible for the employment and direction of staff, for the efficiency of the Library's service to the public, for the administration of the long-range plan and short-term goals, and for the operation of the Library under the financial conditions set forth in the annual budget.

**Section 6.**

The Library Director will have the authority to determine such emergency closing as might be necessary. The Library Director will notify the Chairperson of the Board of all emergency closings.

**Section 7.**

The Library Director will attend all Library Board meetings, except those at which the Library Director's appointment, salary, or performance is to be discussed or decided or Board Meetings where the Library Director is excused.

**Section 8.**

The Assistant Director, if any, will be appointed by the Board on the recommendation of the Library Director and will assist the Library Director and perform such duties as may be designated by the Library Director or Board. In the absence or disability of the Library Director, the Assistant Library Director will perform the duties of the Library Director as Acting Library Director. The

Assistant Library Director will attend all Board meetings except those from which the Board excuses the Assistant Director.

### **Section 9.**

The Library Director will designate staff members who will exercise authority in the absence of the Library Director or Assistant Library Director subject to review by the Board in its discretion.

### **Section 10.**

Public Employee Fair Employment Act.

- a. The purpose of this Bylaw is to establish a uniform procedure to implement Article 14 of the Civil Service Law, which became effective September 1, 1967.
- b. Each position for employment, full time and part time, except for the Library Director; Assistant Library Director; Secretary to the Library Director, Junior Accountant; Principal Account Clerk; Senior Account Clerk; and Account Clerk will be included with a community of interest areas.
- c. The areas of community interest will be determined from time to time by resolution of the Board with due regard for recommendations of employees, employee organizations and supervisory personnel.
- d. Until otherwise determined by resolution of the Board, the community of interest areas will be the following categories:
  - Professional employees other than the Library Director; Assistant Library Director; Secretary to the Library Director; Junior Accountant; Principal Account Clerk; Senior Account Clerk; and Account Clerk.
  - Clerical employees, typists and library clerks.
  - Service employees, custodians and cleaners.
- e. After determination of the community of interest areas by resolution of the Board, due notice thereof will be given to employees.

## **Article VI – Meetings**

### **Section 1.**

Regular meetings of the Board will be held monthly on the second Monday of each month at 7:45 PM EST, at the Bar Harbor Building unless an alternative date, place, and time are agreed to at the previous meeting.

Under the provisions of the Open Meeting Law (Education Law 260-a and Public Officers Law, art. 7), all meetings will be open to the public. Notice of the time and place will be available to the public. Minutes will be taken, stored, and made available to the public. All actions taken by the Board will be clearly noted in the Minutes.



**Section 2.**

The Board may determine to change the time or date of the Regular Meetings during the course of the year, but such changes must be made by formal resolution at a regular scheduled public meeting of the Trustees.

**Section 3.**

Special Meetings of the Board may be called by the Chairperson, or upon the written request of any three (3) Trustees, for the transaction of business stated in the call for the meeting. Such meetings must provide notice to all members and the public, through the Library website, postings at the Library and local online media, at least 72 hours in advance of the special meeting unless otherwise provided by law. If a special meeting is to be held without the required notice, it must be on waiver by all Trustees. Action at Special Meetings will be reported at the next Regular Meeting and no business may be transacted at such special meeting except the stated business.

**Section 4.**

Emergency Meetings may be called by the Chairperson or Vice Chairperson or three (3) Trustees. Emergency action will be confirmed at the next Regular Meeting. An Emergency Meeting may be called with less than 72 hours notice.

**Section 5.**

The Annual Reorganization Meeting will be held in July of each year. The business transacted at this meeting will include the election and swearing in of new Trustees and new Officers.

**Section 6.**

The Fiscal Year starts on July 1 and ends on June 30 of the following year.

**Section 7.**

All Board meetings will be open to the general public. Notices of all meetings will be given in accordance with Section 104 of the Public Offices Law of the State of New York and Section 260a. The Board may hold Executive Sessions within an open Meeting in accordance with Section 105 of the Public Offices Law of the State of New York.

**Section 8.**

At all meeting of the Board, a majority of the Trustees in office at the time of the meeting will be necessary and sufficient to constitute a quorum for the transaction of business, and the act of a majority of the Trustees present at any meeting at which there is a quorum will be the act of the Board except as may be specially provided by statute or by these bylaws. A quorum will consist of three (3) Trustees of the Board. If only three (3) Trustees are present, a unanimous vote is required.

If at any meeting there is less than a quorum present, a majority of those present may adjourn the meeting from time to time without further notice to any absent Trustee.

**Section 9.**

The Board of Trustees is legally empowered to act only at a public meeting through a majority of its' members.

**Section 10.**

Audio and/or video recordings are not permitted at any Board Meeting.

**Section 11.**

Order of Business:

Call to Order

Pledge of Alliance to the Flag

Reading/Consideration and Approval of the Minutes

Reading/Consideration and Approval of Financial Report

Review/Consideration and Approval of Schedule of Bills

Report of the Library Director

Report of the Assistant Library Director

Committee Reports

Communications

Unfinished Business

New Business

Public Input

Adjournment

**Section 12.**

No Trustee can speak for the Board nor act for the Board unless specifically empowered to do so.

**Article VII – Committees**

**Section 1.**

Standing Committees will be appointed by the Chairperson, with the approval of the Board, and will serve until the regular July meeting following the individual's appointment. The Standing Committees may include but are not limited to:

- Budget
- Building & Maintenance
- Personnel
- Planning
- Public Relations

**Section 2.**

Temporary Committees for the study and investigation may be appointed by the Chairperson, with the approval of the Board, to serve until the final report of the work for which the committees were appointed has been filed at a regular Board meeting.

**Section 3.**

No committee will have other than advisory power, unless by suitable action of the Board, it is granted specific power to act. All committees' reports and/or recommendations will be submitted in writing upon request.

**Section 4.**

The Chairperson of the Board will serve on all committees. Committees must have at least one (1) Trustee or more, and may include also the Library Director, any staff members or citizen member whose skill or experience may benefit the Library.

**Section 5.**

The Board has the power to create or dissolve standing or temporary committees and to increase or decrease the duties of each committee. The Board will supervise the function of each committee.

**Article VIII– Conflict of Interest****Section 1.**

Trustees, in the capacity of trust imposed upon them, will observe ethical standards with absolute truth, integrity and honor.

**Section 2.**

Trustees will promote a high level of service while observing ethical standards.

**Section 3.**

Trustees will avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues or the Library.

**Section 4.**

Trustees will not use the Library for personal advantage or personal advantage of friends or relatives.

**Section 5.**

Trustees will declare any conflict of interest between their personal life and their position on the Board and avoid voting on issues that appear to be a conflict of interest. It is incumbent upon any Board member to disqualify or recuse himself/herself from voting immediately upon the appearance of a conflict of interest exists.

**Article IX – Nepotism**

The Library will not employ relatives of any Trustee of the Board, the Library Director and Assistant Library Director.

**Article X – Indemnification of Board**

The Board will indemnify any person who was or is a party or threatened to be a party, to any threatened, pending or completed action, suit, or proceeding (including actions by or in right of the corporation to procure a judgment in its favor) by reason of the fact that the person is or was a representative of the Board, or is or was serving at the request of the Board as a representative of another Board or organization against expenses (including attorney's fees), judgment, fines, and amounts paid in settlement actually and reasonably incurred, if such person has been successful on the merits or otherwise in any such action or, upon a determination in the specific case that such indemnification is in proper circumstances because the person met the standard of conduct of defense as incurred rather than subsequent to the legal proceedings.

The Board may purchase and maintain insurance for the purpose of indemnification on behalf of any persons to the full extent permitted under New York State and local laws.

**Article XI – Policies, Rules, Plans, and Regulations****Section 1.**

In addition to operating in accordance with these Bylaws and the laws of the State of New York and the County of Nassau, the Board adopts policies, plans, rules, and regulations to govern its operations, and may affirm policies, plans, rules, and regulations by the Library Director for the management and administration of the Library.

**Section 2.**

All of these policies, plans, rules, and regulations will be complied and organized in manuals to be known as the “Massapequa Public Library Employee Policy Manual Standard Operating Procedures” and the “Massapequa Public Library Policies.”

**Section 3.**

Policies and regulations for the guidance of personnel not inconsistent with these Bylaws will be established by the Library Director from time to time with the approval of the Board and will be published and updated in the “Massapequa Public Library Employee Policy Manual.” Proposed changes to any policy will be reported to the Board at a regular Board Meeting and all such policies will be subject to the review, alteration, and approval of the Board prior to implementation.

**Section 4.**

The Library Director will submit a preliminary proposed budget prepared by the Library Director and staff, to the Board of Trustees at the February meeting. Simultaneously, the Library Director will submit to the Board any changes in salary scales and number of personnel involved in the preliminary proposed budget.

**Section 5.**

The Library Director will prepare and submit a proposed budget to the Board at the March meeting and the proposed budget will be placed for action on the April Board of Trustee meeting along with the report of the Personnel Committee or related matters. The Budget will cover the fiscal year of July 1 to June 30 of the following year.

**Section 6.**

The Board Approved Budget will be published at least 30 days prior to the Annual vote of the Massapequa Union Free School District. A public hearing will be held on such budget at a time and place fixed by the Board prior to such Massapequa Union Free School District Annual vote.

**Article XII – Rules of Order Procedure**

Currently accepted standard Robert’s Rules of Order will be used to govern procedures not addressed by these Bylaws.

### **Article XIII– Amendments**

The Board of Trustees will have power to make, alter, amend, and repeal the Bylaws of the Massapequa Public Library by affirmative vote of the majority of the Trustees provided the amendment was stated in the call of the meeting.

The Chairperson will appoint a Bylaws Committee every five (5) or earlier to review and, if necessary, report on proposed revisions of the Bylaws.

These Bylaws will be effective on the date approved by the Board.

**Approved on:**