



— TOWN OF —  
**ULSTER**  
PUBLIC LIBRARY

**LIBRARY TRUSTEE BYLAWS**

Amended 2021

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## ARTICLE I

### NAME, PLACE AND PURPOSE OF LIBRARY

**Sec. 1 Name.** The name of the Library shall be the Town of Ulster Public Library.

**Sec. 2 Place.** The Library is located on Ulster Avenue, Town of Ulster, County of Ulster, State of New York.

**Sec. 3 Purpose.** The purpose of the Library shall be to provide library service to the residents of the Town of Ulster.

**Sec. 4 Fiscal.** The fiscal year of the library shall be from January 1 to December 31.

## ARTICLE II

### TRUSTEES

**Sec. 1 Number.** The property, affairs, business and concerns of the Library shall be vested in a Board of Trustees consisting of nine (9) Trustees. To avoid the appearance of nepotism, no relative of a Trustee should have a paid position in the library. The "relative" of any Trustee shall mean any person living in the same household as the Trustee and any person who is a direct descendant of that Trustee's grandparents or the spouse of such descendant. [This definition of "relative" is from NY Public Officers Law Section 73.]

**Sec. 2 Qualification.** Every town resident otherwise qualified to vote at the general town election shall be eligible for election to the Board of Trustees.

**Sec. 3 Vacancies.** A vacancy can occur at the end of a three year term or when a trustee leaves the board before completion of their term. If a vacancy occurs on the Board of Trustees, the Board of Trustees may appoint an individual to serve until the next annual election, at which time the remainder of the term shall be filled by a candidate duly elected at such election. The board is encouraged to advertise vacancies and interview candidates.

#### **Sec. 4 Election & Term:**

- The Trustees of this Library shall be elected at the annual election the first Thursday in September ~~following the first Monday in September.~~
- The Board of Trustees shall be divided into three groups, equal in number, so that upon the expiration of the term of each group of Trustees, new Trustees shall be elected for a term of three years.

- Vacant (full three year term) or appointed to an empty seat to serve until the next election Trustee terms will be filled in the order of highest votes received (most votes, longest term).
- The members of the Board shall upon election enter upon the performance of their duties at the October meeting and shall continue in office until the term of office expires.
- In case of equal number (tie) of votes, the Board shall determine through a random process which candidate(s) shall be seated.

**Sec. 4 Meetings of the Board.** Regular monthly meetings of the Board of Trustees shall be held at a time of the Board determined at the organizational meeting of the Board of Trustees. The President, when he/she deems necessary or at the request in writing of the Executive Committee, issues a call for a special meeting of the Board. A trustee must be physically present or connected via videoconferencing to be able to vote.

**Sec. 5 Quorum.** A majority of the complete board (5) shall constitute a quorum for the transaction of business. In the absence of the President and vice-President, the quorum may choose a chairman for the meeting. If a quorum is not present, a less number may adjourn the meeting to a later day.

**Sec. 6 Absence.** If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he/she shall be deemed to have resigned, and the vacancy shall be filled, pursuant to NY Education Law Section 226.

**Sec. 7 Vacancies.** If a vacancy occurs on the Board of Trustees, the Board of Trustees may appoint an individual to serve until the next annual election, at which time the remainder of the term shall be filled by a candidate duly elected at such election. The board is encouraged to advertise vacancies and interview candidates.

### ARTICLE III

#### POWERS AND DUTIES OF THE TRUSTEES

**Sec. 1** The Board of Trustees shall have general charge and management of the affairs, funds and property of the library. They shall provide ways and means for the maintenance and endowment of the library; provide furniture, books and periodicals for its equipment and provide suitable ~~reading rooms facilities for use by the public.~~

**Sec. 2** The Board of Trustees shall maintain such standards of library service as shall comply with the requirements of the Regents of the State of New York and the library's enabling legislation, L 1989, Ch 211.

**Sec. 3** The Board of Trustees may contract with such agencies whose jurisdiction permits contracting for library service in such areas as the Trustees feel will permit increasing the ability of the Library to serve its primary area of service.

**Sec. 4** The Board of Trustees shall adopt and maintain policies for the convenient and free use of the library by the public.

**Sec. 5** The Board of Trustees shall appoint and fix the salary of a qualified librarian, assistant librarians, and other employees as may be required.

**Sec. 6** The Board of Trustees may vote the appropriation and expenditure of any monies they deem necessary or advisable for the proper maintenance and operation of the library and shall have such other power and perform such other duties as are described for Trustees of a public library by the New York State Education Law.

**Sec. 7** The Board of Trustees at its first meeting in October shall elect or appoint a president and vice-president who shall be members of the Board and a secretary, treasurer and such other officers as they deem necessary.

## ARTICLE IV

### OFFICERS

**Sec. 1 Number.** The officers of the Board of Trustees shall be a President, Vice-President, Secretary, Treasurer, and such other officers as deemed necessary.

**Sec. 2 Method of Election .** At the annual organizational meeting the Board of Trustees shall elect the President and Vice-President who shall be members of the Board and a Secretary, Treasurer and such other officers. These officers shall serve for a period of one year, or until their successors shall have been duly elected. Neither the President or the Vice President may serve more than two consecutive one year terms in the same office.

**Sec. 3 Vacancies.** All vacancies in an office shall be filled by the Board of Trustees without undue delay, at a regular meeting, or at a meeting called specifically for that purpose.

**Sec. 4 Compensation.** The officers who are members of the Board of Trustees shall receive no salary for their services, but may be reimbursed for expenses necessarily incurred in the discharge of their duties with the approval of the Board of Trustees. If the Board so determines, the offices of secretary and treasurer, if held by individuals who are not members of the Board of Trustees, may receive compensation as fixed by resolution of the Board.

**Sec. 5 Duties of Officers.** The duties and powers of the officers of the Board shall be as follows:

### **PRESIDENT**

The President shall preside at all meetings of the Board of Trustees and shall be a member ex-officio with the right to vote, of all committees as he/she or the Board of Trustees shall

consider expedient or necessary. He/she shall communicate to the Board of Trustees such matters and make such suggestions as may in his/her opinion tend to promote the interest and welfare and increase the usefulness of the library and shall perform such other duties as are necessarily incident to the office of President. The President shall represent/speak for the Board of Trustees and shall act on-behalf of the Board of Trustees to manage the affairs, funds and property of the library.

## **VICE-PRESIDENT**

In the case of disability or absence of the President, or of his/her inability for any cause to act, the Vice-President shall preside and assume the duties of the President.

## **SECRETARY**

The Secretary shall keep true and accurate minutes of all meetings of the Library Board and carry into execution all orders, votes, and resolutions of the Board of Trustees not otherwise committed to any committee and perform such other duties as may be required by the President or the Board of Trustees.

## **TREASURER**

The Treasurer shall oversee the maintenance of all receipts and monies of the Library, the depositing of them in the name of the Library in the bank or banks, or trust company approved by the Board of Trustees and the disbursing of funds as ordered or approved by the Board of Trustees. He/she shall oversee the accounts of the receipts and disbursements and approve monthly financial reports to the Board of Trustees or whenever called upon by the President.

Funds may be drawn upon the signature of the Treasurer and any other duly authorized person designated by the Board of Trustees. The funds, books, and vouchers shall at all times be under the supervision and control of the Board of Trustees.

The Treasurer shall, if required by the Board of Trustees, give to the Library such bond as the Board may direct.

## ARTICLE V

### LIBRARIAN

**Sec. 1 Appointment.** The Librarian shall be appointed at a salary to be fixed by the Board of Trustees.

**Sec. 2. Qualifications.** The Librarian shall have such qualifications as may be required by the State Education Department.

**Sec. 3 Duties.** The Librarian, under the direction of the Board of Trustees shall have charge of the operation of the library and all its facilities; shall direct and control the activities of the assistant librarians and the custodian of the building and shall render such professional and technical services as are generally incident to the office of the librarian. The Librarian shall also attend meetings of the Board of Trustees and shall render monthly reports to the Board.

## **COMMITTEES**

**Sec. 1 Committees.** At the first meeting of the Board of Trustees after the election, or as soon after as practicable, the President shall appoint such committees as are necessary to conduct the business of the library. At this time an Executive Committee will be formed, defined by the President and approved by the Board.

**Sec. 2 Special Committees.** The President may, at any time, appoint other committees on any matter on which there are no standing committees, with the approval of the Board. These committees shall serve until the completion of their tasks, or until recalled by the Board.

**Sec. 3 Committee Quorum.** A majority of the committee shall constitute a quorum for the transaction of committee business.

**Sec. 4 Committee Vacancies.** The President shall fill any vacancy occurring in any committee.

**Sec. 5 Power .** No committee shall have other than advisory powers, unless , by suitable action of the Board, it is granted specific power to act.

## ARTICLE VII

### BOARD MEETINGS

**Sec. 1 Frequency.** Meetings shall be held monthly, the date and hour to be set by the Board.

**Sec. 2. Special Meetings.** A special meeting of the Board may be called at any time by the President or upon the request of four trustees for a specific purpose. No business may be transacted at such meetings except the stated business.

**Sec. 3 Organizational Meeting.** The annual organizational meeting shall be held in October of each year. The business transacted at this meeting shall include the election of the new officers.

**Sec. 4 Proposed budget.** The proposed budget for the subsequent calendar year shall be presented at a regular meeting in July for a public vote in the September election.

**Sec. 5 Quorum.** A majority of the complete board shall constitute a quorum for the conducting of all business.(See note below) If a quorum is not present at a regular meeting, the attending members may set a date for another meeting to be held within one week, and the presiding officer shall notify the absent members of this special meeting.

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Note on the definition of "quorum".

In the Handbook for Library Trustees of New York State it states

*"...it is important to note that, under New York State Law, no action can be approved without a "majority of the whole". In other words, should your Board consist of seven members; an affirmative vote of four is always required for a motion to pass, regardless of the number of trustees in attendance. Tie votes defeat the motion."*

The term "quorum" is also defined in §41 of the General Construction Law, which has been in effect since 1909. The cited provision states that:

*"...not less than a majority of the whole number may perform and exercise such power, authority or duty. For the purpose of this provision the words "whole number" shall be construed to mean the total number which the board, commission, body or other group of persons or officers would have were there no vacancies and were none of the persons or officers disqualified from acting."*

The Town of Ulster Public Library's "whole number" is 9 which would translate into 5 yes votes to pass a motion.

ARTICLE VIII

COMPLIANCE

**Sec.1 Compliance with State Laws.** The intent of these bylaws is to comply with all applicable state laws. Should there be a conflict with any state law, the applicable state law will prevail.

## **AMENDMENTS**

**Sec. 1 Proposed Amendments.** Amendments to these Bylaws may be proposed at any regular meeting and shall be voted on at the next regular meeting. Written notice of the proposed amendment shall be sent to all absent members at least ten days prior to the voting session. A two third majority of the full Board shall be required for the adoption of an amendment.

## **PROCEDURE**

**Sec. 1 Procedures not specified.** All procedures not specified herein shall be in accord with Robert's Rules of Order, Revised.