

# **MAHOPAC PUBLIC LIBRARY BYLAWS**

**ADOPTED BY THE BOARD OF TRUSTEES  
JUNE 15, 2005  
REVISED BY THE BOARD OF TRUSTEES  
OCTOBER 28, 2009**

**MAHOPAC PUBLIC LIBRARY**  
**BYLAWS**

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**MAHOPAC PUBLIC LIBRARY  
BYLAWS**

**ARTICLE I**

**NAME, AUTHORITY, LOCATION AND PURPOSE**

**Section 1: Name:**

The name of this organization shall be MAHOPAC PUBLIC LIBRARY, (hereinafter referred to as the "Library").

**Section 2: Authority:**

(a) The Library operates as a school district library and derives its authority from a charter issued provisionally by the University of the State of New York Education Department on November 17, 1961, amended on February 27, 1964, amended on June 23, 1971 and made absolute on July 24, 1987.

(b) The Library is governed by Section 255 of the New York State Education Law, by all other applicable New York State laws, the Rules of the Board of Regents, the Regulations of the Commissioner of Education, and these bylaws.

**Section 3: Location:**

The Library shall be located in the Town of Carmel, County of Putnam, State of New York within the boundaries of the Mahopac Central School District. The Library is currently located at 668 Route 6.

**Section 4: Purpose:**

The purpose of the Library is to provide library services for public use to the residents of the Mahopac School District, the Town of Carmel, the County of Putnam and members of the mid-Hudson Library System.

**ARTICLE II**

**BOARD OF TRUSTEES**

**Section 1: Duties:**

The Board of Trustees (hereinafter referred to as the "Board") is entrusted with the governance of the Library. It shall adopt and revise bylaws, establish such policies as will ensure the District's purpose and objectives, appoint a Library Director, discharge all responsibilities as are provided for under Article I, Section 2, and exercise such other responsibilities as may be appropriate.

**Section 2: Number:**

The number of Trustees shall be no fewer than five (5) and no more than fifteen (15), as specified by New York State law. The number may be changed by resolution of a majority of the total membership of the Board and concurrence of the Education Department of the University of the State of New York and such change shall become effective at the next general election following adoption and approval of such resolution.

**Section 3: Term:**

The term shall be five (5) years. If a Trustee does not complete a 5-year term, then an interim Trustee shall be appointed within ninety (90) days by a majority vote of the Board until the next election.

**Section 4: Election:**

(a) Trustees shall be elected by the eligible voters of the Mahopac Central School District. The election shall be held annually after April 1<sup>st</sup> and before July 1<sup>st</sup> in the Library building during normal business hours. Due legal notice shall be provided prior to the election.

(b) Board members are elected either to full terms (5 years) or to complete the remainder of an unexpired term. Trustees receiving the greatest number of votes shall receive the longest terms.

**Section 5: Eligibility:**

Trustees shall be eligible voters in the Mahopac Central School District.

**Section 6: Vacancy:**

A vacancy occurs at the completion of a 5-year term or in the event of a Trustee's death, resignation, refusal to act, removal from office, or any other cause specified in the charter, or as otherwise provided by law (NYS Public Officers Law § 30).

**Section 7: Removal:**

The Board may declare a vacancy if a Trustee fails to attend three (3) consecutive regular meetings without cause acceptable to the Board.

**Section 8: Code of Ethics:**

- Trustees must promote a high level of library service while observing ethical standards.
- Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the library.
- It is incumbent upon any Trustee to disqualify himself or herself immediately whenever the appearance of a conflict of interest exists.
- Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the library, acknowledging the formal position of the Board even if they personally disagree.
- A Trustee must respect the confidential nature of library business while being aware of, and in compliance with, applicable laws governing freedom of information.

- Trustees must be prepared to support to the fullest extent the efforts of librarians in resisting censorship of library materials by groups or individuals.
- Trustees who accept appointment to the Library Board are expected to perform all the functions of the Library Trustees.

**Section 9: Board Member Authority**

Members of the Board are locally-elected officials engaged in carrying out the duties imposed upon them by the bodies named in Article I, Section 2 (a) and (b). Members have legal authority for the conduct of the Library only when acting as a body in a properly convened session. Board members acting as individuals have no authority over personnel or Library affairs.

Members of the Board are free to speak to individuals on Library affairs outside of Board meetings but such public expression is not to be construed as Board policy. Information from executive sessions must remain confidential at all times, unless release is appropriately authorized. The Board will not be bound in any way by any individual's statement or action unless the Board, through an adopted policy or by a majority vote of Board membership, has delegated this authority to the individual member.

**ARTICLE III**

**OFFICERS AND DUTIES**

**Section 1: Board Member Officers:**

- (a) Officers shall be elected from among the Board membership, annually at the July Board reorganization meeting, to serve a term of one fiscal year.
- (b) The officers and their duties shall be as follows:
- **President:** The President shall preside at all meetings of the Board and shall serve as a voting member of the Board and of all committees. The President shall sign official documents and minutes, report at each regular Board meeting, appoint the chairs for all committees, and exercise such powers as are authorized in these bylaws and by the Board. The President may sign checks of the Library jointly with the Treasurer or Assistant Treasurer.
  - **Vice-President/Parliamentarian:**
    - In the absence of the President or in the event of the President's inability to act, the Vice-President shall perform the duties of the President.
    - May sign checks of the Library jointly with the Treasurer or Assistant Treasurer
    - Serves as Parliamentarian, using the current edition of Robert's Rules of Order as his/her guide.
  - **Secretary:**
    - Secretary sends and receives all correspondence of the Library Trustees and maintains a file of such correspondence.
    - Secretary carries into execution all orders, votes, and resolutions of the Trustees not otherwise committed.

- Secretary maintains files in accordance with Article VII (c).
  - Financial Director:
    - Financial Director chairs the Finance Committee.
    - Shall have general supervision of the financial affairs of the Library.
    - Shall supervise the development of the annual budget and submit it to the Board for approval.
    - Shall report at each regular meeting of the Board.
    - May sign checks of the Library jointly with the Treasurer or Assistant Treasurer.
- (c) The President and the Vice-President/Parliamentarian may serve in the same office for no more than three (3) consecutive fiscal years.
- (d) If an office becomes vacant, the Board shall elect a replacement at the next regular meeting of the Board.

**Section 2: Appointed Non-Board Member Officers:**

- (a) The appointed officers shall be non-Board members, and shall be approved by the Board, annually at the July Board reorganization meeting, to serve a term of one fiscal year.
- (b) The appointed officers and their duties shall be as follows:
- Treasurer: The Treasurer may sign checks of the Library jointly with either the President, Vice-President or Financial Director; receives all monies belonging to the Library and deposits same. The Treasurer is a paid member of the Library staff.
  - Assistant Treasurer may sign checks of the Library jointly with either the President, Vice-President or Financial Director. In the absence of the Treasurer or in the event of the Treasurer's inability to act, the Assistant Treasurer shall perform the duties of the Treasurer. The Assistant Treasurer is a paid member of the Library staff.
  - Recorder: The Recorder attends all Board meetings, takes the minutes of the meetings, transmits a draft copy of the meeting minutes and notice of the next Board meeting to the Trustees, and signs the final approved copy of the minutes.

**ARTICLE IV**

**COMMITTEES**

**Section 1: Executive Committee:**

The Executive Committee consists of the officers and the immediate past President, if still a Board member.

**Section 2: Standing Committees:**

- **Bylaws and Policy** Committee shall conduct an annual review of the bylaws and Library policy. The Committee shall recommend appropriate amendments to the bylaws and new policies or revisions as needed.

- **Finance** Committee shall monitor all income and expenditures of the Library in consultation with the Library Director. Committee shall recommend fiscal policy and monitor compliance, review format and adequacy of financial reports, ensure adherence to regulatory requirements, and monitor investments and adherence to investment policy.
- **Long-Range Planning** Committee shall conduct an annual review of the long-range plan in consultation with the Library Director and recommend appropriate revisions no later than the January meeting of the Board.
- **Board Development and Nominating** Committee shall identify potential candidates for the Board, provide candidates with information about the Library and about the Board's responsibilities, and shall nominate a slate of officers at the July reorganization meeting.
- **Personnel** Committee shall consult with the Library Director annually to review the Personnel Handbook and recommend policy revisions to the Board as needed. Personnel Committee shall present to the Board for vote, all staff appointments and resignations recommended by the Library Director.
- **Advancement and Public Relations** Committee shall support the programs and services of the Library through advocacy and public awareness and by identifying and raising non-tax revenue for special programs and services that are beyond what is allocated in the Library's budget.

**Section 3: Special Committees:**

The Trustees may establish Special Committees to perform special functions. Within fifteen (15) days of his/her appointment, the Chair of a Special Committee shall notify the Secretary of the committee's membership. A Special Committee shall continue to function until discharged by vote of the Trustees.

**Section 4: Committee Composition:**

- (a) The President shall appoint all committee chairs.
- (b) Each committee chair shall designate other Trustees to serve on the committee and notify the Secretary of the membership of the committee.
- (c) In any fiscal year no Trustee shall chair more than two (2) Standing Committees or be a member of more than three committees.
- (d) Any Trustee who is not serving as a chair for a Standing Committee must serve as a member of at least two committees.
- (e) Non-Trustees may serve on special committees with the approval of the Board.

**Section 5: Committee Reports:**

Each committee chair shall report at each Board meeting.



## ARTICLE V

### MEETINGS

#### Section 1: Regular Meetings:

A regular meeting of the Board shall be held in the Library at 7:30pm on the fourth Wednesday of each month. The President has the authority to cancel or reschedule regular meetings, provided the Board meets at least once per quarter.

#### Section 2: Annual Meeting:

The annual meeting shall be held the day before the annual election of Trustees and the budget vote.

#### Section 3: Reorganization Meeting:

The reorganization meeting of the Board shall be held on the 2<sup>nd</sup> Wednesday of July and shall be the meeting at which the Trustees take the constitutional oath of office, reorganize and elect officers, make all necessary appointments and official designations, and adopt procedures pertinent to the fiscal year. This meeting shall be chaired by the most senior officer present.

#### Section 4: Special Meetings:

Special meetings may be called by the President, and shall be called by the President at the request of three (3) Trustees, for the transaction of business as stated in the call for the meeting. The President, or designee, shall preside at special meetings.

**Section 5: Executive Session:** Upon the adopted motion of any Trustee at any meeting, the Board may adjourn to Executive Session for such purposes as are authorized by law.

#### Section 6: Quorum and Board Action:

- (a) A majority of the entire Board shall constitute a quorum at all meetings.
- (b) All actions shall be passed by a majority vote of those present, except where other provisions of these bylaws require a larger affirmative vote. In the event of a tie vote, the proposal shall be defeated.

#### Section 7: Proxy

No proxy may be utilized at any Board meeting.

#### Section 8: Notice:

- (a) All meetings shall be publicized and held in accordance with the stipulations of the New York State Open Meetings Law.
- (b) Board members shall be notified of regular meetings not fewer than seven days prior to the meeting. Such notification shall include a copy of the agenda for the meeting.
- (c) Board members shall be given as much notice as possible when a special meeting has been called. That notice must include the reason for the meeting.

## **ARTICLE VI**

### **LIBRARY DIRECTOR**

The Board shall hire a Library Director to manage the daily affairs of the Library as prescribed under the Regulations of the Commissioner of Education (8 N.Y.C.R.R. § 90.8), and grant her or him the powers necessary to do so. The Library Director shall attend all meetings of the Board and may take part in the deliberations but may not vote.

## **ARTICLE VII**

### **FISCAL YEAR, BUDGET, AND RECORDS**

- (a) The Library's fiscal year is July 1 to June 30.
- (b) The budget for the subsequent fiscal year must be adopted at or before the March Board meeting. Approval of the annual Library budget requires an affirmative vote of a majority of the total membership of the Board.
- (c) All official records of the Library shall be maintained at the Library and in accordance with New York State law. Access to such records will be in accordance with prevailing law. The Library Director shall serve as the Records Management Officer and the Records Access Officer for the Library.
- (d) Financial records shall be maintained in accordance with generally accepted accounting practice. An independent audit of Library records shall be performed annually.

## **ARTICLE VIII**

### **INDEMNIFICATION OF TRUSTEES**

There shall be no personal liability on the part of any Trustee, the Library Director, or the Board as a whole, except for gross negligence, bad faith or violation of any local, state or federal statute. To the fullest extent permitted by law, each Trustee shall be indemnified and held harmless by the Library against all liabilities, costs and expenses, including reasonable attorneys' fees, arising out of or relating to any claim or proceeding against the Library or such Trustee in his or her capacity as a Trustee.

## **ARTICLE IX**

### **AMENDMENT PROCEDURE**

#### **Section 1: Amendment Proposals**

- (a) A written petition for any proposed amendment to these bylaws, signed by at least three (3) Trustees, shall be submitted to the Chair of the Bylaws and Policy Committee.

Such petition shall set forth the specific reasons why the proposed amendment should be adopted.

(b) The Bylaws and Policy Committee, upon its own initiative, may propose amendments to these bylaws.

**Section 2: Notice of Proposed Amendment**

Notice of a proposed amendment shall be included in the notice for the next Board meeting.

**Section 3: Recommendation**

At the next regular meeting of the Board or at a special meeting called for that purpose, the Bylaws and Policy Committee shall report on any proposed amendment(s) with its recommendation to adopt, reject, modify, or otherwise change said proposal.

**Section 4: Adoption**

Upon affirmative vote of a majority of the total membership of the Board, an amendment shall be considered adopted.

Adopted by the Board of Trustees  
June 15, 2005  
Revised by the Board of Trustees  
October 28, 2009