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I N   A S S E M B L Y

April 1, 2014

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Introduced by M. of A. AUBRY, BRAUNSTEIN, COOK, DenDEKKER, SCARBOROUGH, TITUS, CLARK, GOLDFEDER, HEVESI, MARKEY, MILLER, SIMOTAS, ROZIC -- Multi-Sponsored by -- M. of A. SIMANOWITZ -- read once and referred to the Committee on Libraries and Education Technology -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 164 of the laws of 1907 relating to the incorporation of the Queens Borough Public Library, in relation to the membership and duties of the board of trustees and the oversight of the executive director and key library executive personnel

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 3 of chapter 164 of the laws of 1907 relating to  
2     the incorporation of the Queens Borough Public Library, as amended by  
3     chapter 561 of the laws of 2002, is amended to read as follows:  
4     S 3. The corporation shall organize by the adoption of by-laws and the  
5     election of officers. The by-laws shall provide for the terms of office  
6     of the trustees of the corporation, not to exceed the period of five  
7     years, PROVIDED, THAT ANY TRUSTEE APPOINTED TO A NEW TERM ON OR AFTER  
8     JANUARY 1, 2015 SHALL BE APPOINTED FOR A PERIOD OF THREE YEARS, except-  
9     ing that the mayor, comptroller, public advocate and speaker of the city  
10    council of the city of New York and the president of the borough of  
11    Queens, shall at all times be members of the board ex-officio AND SUCH  
12    EX-OFFICIO MEMBERS MAY DESIGNATE A REPRESENTATIVE TO SERVE EX-OFFICIO IN  
13    HIS OR HER PLACE. The trustees shall hereafter be chosen and vacancies  
14    occurring in such office filled by an appointment which shall alternate  
15    between the mayor of the city of New York and the president of the  
16    Borough of Queens; PROVIDED, HOWEVER, THAT ANY TRUSTEE APPOINTED TO A  
17    NEW TERM OR FILLING A VACANCY ON OR AFTER JUNE 1, 2014 MUST BE EITHER A  
18    RESIDENT OF QUEENS OR OWN OR OPERATE A BUSINESS IN QUEENS; AND PROVIDED  
19    FURTHER THAT THE APPOINTING PARTY SHALL NOTIFY THE OTHER APPOINTING  
20    PARTY OF WHO WAS APPOINTED. THE APPOINTING PARTY SHALL BE AUTHORIZED TO  
21    REMOVE A TRUSTEE WHOM SUCH PARTY APPOINTED FOR MISCONDUCT, INCAPACITY,  
22    NEGLECT OF DUTY, OR WHERE IT APPEARS TO THE SATISFACTION OF THE APPOINT-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 ING PARTY THAT THE TRUSTEE HAS FAILED OR REFUSES TO CARRY INTO EFFECT  
2 ITS EDUCATIONAL PURPOSE. THE APPOINTING PARTY SHALL NOT BE REQUIRED TO  
3 OBTAIN A RECOMMENDATION FROM THE BOARD TO REMOVE A TRUSTEE WHICH SUCH  
4 PARTY APPOINTED. A TRUSTEE SUBJECT TO REMOVAL SHALL HAVE AN OPPORTUNITY  
5 TO SUBMIT A RESPONSE OR APPEAL WITHIN SEVEN BUSINESS DAYS TO ANY CAUSE  
6 FOR REMOVAL TO THE APPOINTING PARTY AND THE APPOINTING PARTY SHALL  
7 REVIEW THE REASON FOR REMOVAL AND ANY RESPONSE SUBMITTED TO THE PARTY  
8 PRIOR TO THE REMOVAL OF SUCH PERSON. WHEN THE BOARD RECOMMENDS REMOVAL,  
9 THE TRUSTEE SUBJECT TO REMOVAL MAY APPEAL TO BOTH APPOINTING PARTIES AND  
10 EITHER APPOINTING PARTY MAY REMOVE THE TRUSTEE WHERE SUFFICIENT CAUSE IS  
11 FOUND. WHEN ONE OF THE APPOINTING PARTIES RECOMMENDS REMOVAL OF A TRUS-  
12 TEE, SUCH APPOINTING PARTY MUST PROVIDE THE SUBJECT TRUSTEE WITH NOTICE  
13 AND AN OPPORTUNITY TO APPEAL, PROVIDED, HOWEVER, THAT THE TRUSTEE  
14 SUBJECT TO REMOVAL BY AN APPOINTING BODY MAY SUBMIT A WRITTEN APPEAL TO  
15 BOTH APPOINTING PARTIES FOR REVIEW AND BOTH PARTIES MUST AGREE ON  
16 REMOVAL FOR SUCH REMOVAL TO BE EFFECTIVE. The corporation shall have  
17 power from time to time to make such rules and regulations as the trus-  
18 tees thereof shall judge proper for the accomplishment of the objects of  
19 the corporation, for the election of officers, for prescribing their  
20 respective functions and the mode of discharging the same, for imposing  
21 and collecting dues, fines and contributions, for regulating the times  
22 and places of meetings, and generally for the management and direction  
23 of the affairs and concerns of the said corporation. The trustees shall  
24 have absolute control of the expenditure of all moneys appropriated by  
25 the city of New York for the maintenance of libraries conducted, or to  
26 be conducted by the corporation in the borough of Queens, and shall have  
27 the power to appoint and fix the salaries of such officers and employees  
28 as they shall deem necessary, who, unless employed under special  
29 contract, shall hold their offices during the pleasure of the trustees,  
30 but no trustee shall receive compensation as such, and the authority of  
31 the trustees to so make and regulate expenditures for maintenance, and  
32 their right to select, employ, fix salaries and discharge employees,  
33 shall be absolute under this act, any acts of the legislature of the  
34 state of New York to the contrary notwithstanding.

35 S 2. Chapter 164 of the laws of 1907 relating to the incorporation of  
36 the Queens Borough Public Library is amended by adding three new  
37 sections 4-a, 9-b and 9-c to read as follows:

38 S 4-A. A. THE EXECUTIVE DIRECTOR AND KEY LIBRARY EXECUTIVE PERSONNEL  
39 SHALL COMPLY WITH FINANCIAL DISCLOSURE REQUIREMENTS WHEN PUBLIC MONEY IS  
40 USED TO FUND STAFF SALARIES. FOR THE PURPOSES OF THIS SECTION, "PUBLIC  
41 MONEY" SHALL MEAN MONEY FROM THE STATE OR COUNTY OR A TOWN, VILLAGE, OR  
42 CITY. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS REQUIRING MANDATORY  
43 ANNUAL FINANCIAL DISCLOSURES FROM THE EXECUTIVE DIRECTOR AND OTHER KEY  
44 LIBRARY EXECUTIVE PERSONNEL.

45 B. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS LIMITING THE TYPE AND  
46 EXTENT OF EMPLOYMENT THE EXECUTIVE DIRECTOR AND ANY KEY LIBRARY EXECU-  
47 TIVE PERSONNEL MAY ENGAGE IN OTHER THAN HIS OR HER EMPLOYMENT WITH THE  
48 LIBRARY. SUCH BY-LAWS SHALL REQUIRE THE EXECUTIVE DIRECTOR AND THE KEY  
49 LIBRARY EXECUTIVE PERSONNEL TO REPORT ANY EMPLOYMENT OTHER THAN HIS OR  
50 HER EMPLOYMENT WITH THE LIBRARY TO THE BOARD OF TRUSTEES AND SHALL  
51 REQUIRE THE BOARD TO APPROVE SUCH EMPLOYMENT.

52 C. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS REGARDING THE APPROVAL  
53 FOR HIRING AND ESTABLISHING POLICIES FOR THE COMPENSATION OF KEY LIBRARY  
54 EXECUTIVE PERSONNEL.

55 S 9-B. THE BOARD OF TRUSTEES SHALL APPOINT:

1 A. AN AUDIT COMMITTEE WHICH SHALL OVERSEE THE LIBRARY'S ACCOUNTING AND  
2 FINANCIAL REPORTING PROCESSES AND ANNUAL AUDITS. THE AUDIT COMMITTEE  
3 SHALL RETAIN AN AUDITOR, REVIEW THE SCOPE AND PLANNING OF ALL AUDITS  
4 WITH THE AUDITOR AND REVIEW AND DISCUSS THE RESULTS. THE AUDIT COMMITTEE  
5 SHALL CONSIDER THE AUDITOR'S PERFORMANCE AND INDEPENDENCE AND REPORT  
6 ANNUALLY ON THE AUDITOR'S ACTIVITIES TO THE BOARD OF TRUSTEES.

7 B. AN EXECUTIVE COMMITTEE WHICH SHALL BE COMPRISED OF A REPRESENTATIVE  
8 CROSS-SECTION OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL  
9 ABOLISH THE ADMINISTRATIVE COMMITTEE AND ANY ESSENTIAL FUNCTIONS OR  
10 DUTIES OF SUCH COMMITTEE SHALL BE TRANSFERRED TO THE EXECUTIVE COMMIT-  
11 TEE.

12 C. A LABOR RELATIONS COMMITTEE TO ADDRESS LABOR ISSUES AND OVERSEE THE  
13 CONTRACTING OUT OF SERVICES.

14 S 9-C. THE BOARD OF TRUSTEES SHALL ESTABLISH BY-LAWS PROHIBITING A  
15 PERSON WITH A CONFLICT OF INTEREST FROM BEING PRESENT AT OR PARTICIPAT-  
16 ING IN ANY DELIBERATIONS OR VOTING ON THE MATTER GIVING RISE TO THE  
17 CONFLICT. THE BY-LAWS SHALL ALSO PROHIBIT THE PERSON WITH THE CONFLICT  
18 FROM IMPROPERLY INFLUENCING THE DELIBERATION OR VOTING ON SUCH MATTER.  
19 ANY CONFLICTS OF INTEREST BROUGHT TO THE ATTENTION OF THE BOARD OF TRUS-  
20 TEES OR THE AUDIT COMMITTEE SHALL BE DOCUMENTED IN THE MINUTES OF ANY  
21 MEETING AT WHICH SUCH CONFLICT WAS DISCUSSED.

22 S 3. The board of trustees of the Queens Borough Public Library shall  
23 engage an outside consultant with the requisite expertise to conduct and  
24 complete a comprehensive executive compensation study within ninety days  
25 of the date this act shall have become a law. Such study shall include,  
26 but not be limited to, a review of acceptable fringe benefits, including  
27 car allowances and tuition reimbursements.

28 S 4. This act shall take effect immediately.