

6893

I N S E N A T E

March 26, 2014

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

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 TRUSTEES APPOINTED ON OR AFTER JANUARY 1, 2015
8 SHALL BE APPOINTED FOR A PERIOD OF TWO YEARS, excepting that the mayor,
9 comptroller, public advocate and speaker of the city council of the city
10 of New York and the president of the borough of Queens, shall at all
11 times be members of the board ex-officio AND SUCH EX-OFFICIO MEMBERS MAY
12 DESIGNATE A REPRESENTATIVE TO SERVE EX-OFFICIO IN HIS OR HER PLACE. The
13 trustees shall hereafter be chosen and vacancies occurring in such
14 office filled by an appointment which shall alternate between the mayor
15 of the city of New York and the president of the Borough of Queens;
16 PROVIDED, HOWEVER, THAT TRUSTEES MUST BE EITHER A RESIDENT OF QUEENS OR
17 OWN OR OPERATE A BUSINESS IN QUEENS; AND PROVIDED FURTHER THAT THE
18 APPOINTING PARTY SHALL NOTIFY THE OTHER APPOINTING PARTY OF WHO WAS
19 APPOINTED. THE APPOINTING PARTY SHALL BE AUTHORIZED TO REMOVE A TRUSTEE
20 WHOM SUCH PARTY APPOINTED IF, IN ACCORDANCE WITH THE BY-LAWS ADOPTED BY
21 THE CORPORATION, THERE IS REASONABLE CAUSE FOR SUCH REMOVAL. THE
22 APPOINTING PARTY SHALL NOT BE REQUIRED TO OBTAIN A RECOMMENDATION FROM
23 THE BOARD TO REMOVE A TRUSTEE WHICH SUCH PARTY APPOINTED. A TRUSTEE
24 SUBJECT TO REMOVAL SHALL HAVE AN OPPORTUNITY TO SUBMIT A RESPONSE OR
25 APPEAL TO ANY CAUSE FOR REMOVAL TO THE APPOINTING PARTY AND THE APPOINT-
26 ING PARTY SHALL REVIEW THE REASON FOR REMOVAL AND ANY RESPONSE SUBMITTED

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

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1 TO THE PARTY PRIOR TO THE REMOVAL OF SUCH PERSON. WHEN THE BOARD RECOM-
2 MENDS REMOVAL, THE TRUSTEE SUBJECT TO REMOVAL MAY APPEAL TO BOTH
3 APPOINTING PARTIES AND EITHER APPOINTING PARTY MAY REMOVE THE TRUSTEE
4 WHERE SUFFICIENT CAUSE IS FOUND. WHEN ONE OF THE APPOINTING PARTIES
5 RECOMMENDS REMOVAL OF A TRUSTEE, SUCH APPOINTING PARTY MUST PROVIDE THE
6 SUBJECT TRUSTEE WITH NOTICE AND AN OPPORTUNITY TO APPEAL, PROVIDED,
7 HOWEVER, THAT THE TRUSTEE SUBJECT TO REMOVAL BY AN APPOINTING BODY MAY
8 SUBMIT A WRITTEN APPEAL TO BOTH APPOINTING PARTIES FOR REVIEW AND BOTH
9 PARTIES MUST AGREE ON REMOVAL FOR SUCH REMOVAL TO BE EFFECTIVE. The
10 corporation shall have power from time to time to make such rules and
11 regulations as the trustees thereof shall judge proper for the accom-
12 plishment of the objects of the corporation, for the election of offi-
13 cers, for prescribing their respective functions and the mode of
14 discharging the same, for imposing and collecting dues, fines and
15 contributions, for regulating the times and places of meetings, and
16 generally for the management and direction of the affairs and concerns
17 of the said corporation. The trustees shall have absolute control of the
18 expenditure of all moneys appropriated by the city of New York for the
19 maintenance of libraries conducted, or to be conducted by the corpo-
20 ration in the borough of Queens, and shall have the power to appoint and
21 fix the salaries of such officers and employees as they shall deem
22 necessary, who, unless employed under special contract, shall hold their
23 offices during the pleasure of the trustees, but no trustee shall
24 receive compensation as such, and the authority of the trustees to so
25 make and regulate expenditures for maintenance, and their right to
26 select, employ, fix salaries and discharge employees, shall be absolute
27 under this act, any acts of the legislature of the state of New York to
28 the contrary notwithstanding.

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

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

39 B. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS LIMITING THE TYPE AND
40 EXTENT OF EMPLOYMENT THE EXECUTIVE DIRECTOR AND ANY KEY LIBRARY EXECU-
41 TIVE PERSONNEL MAY ENGAGE IN OTHER THAN HIS OR HER EMPLOYMENT WITH THE
42 LIBRARY. SUCH BY-LAWS SHALL REQUIRE THE EXECUTIVE DIRECTOR AND THE KEY
43 LIBRARY EXECUTIVE PERSONNEL TO REPORT ANY EMPLOYMENT OTHER THAN HIS OR
44 HER EMPLOYMENT WITH THE LIBRARY TO THE BOARD OF TRUSTEES AND SHALL
45 REQUIRE THE BOARD TO APPROVE SUCH EMPLOYMENT.

46 C. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS REGARDING THE APPROVAL
47 FOR HIRING AND ESTABLISHING POLICIES FOR THE COMPENSATION OF KEY LIBRARY
48 EXECUTIVE PERSONNEL.

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

50 A. AN AUDIT COMMITTEE WHICH SHALL OVERSEE THE LIBRARY'S ACCOUNTING AND
51 FINANCIAL REPORTING PROCESSES AND ANNUAL AUDITS. THE AUDIT COMMITTEE
52 SHALL RETAIN AN AUDITOR, REVIEW THE SCOPE AND PLANNING OF ALL AUDITS
53 WITH THE AUDITOR AND REVIEW AND DISCUSS THE RESULTS. THE AUDIT COMMITTEE
54 SHALL CONSIDER THE AUDITOR'S PERFORMANCE AND INDEPENDENCE AND REPORT
55 ANNUALLY ON THE AUDITOR'S ACTIVITIES TO THE BOARD OF TRUSTEES.

1 B. AN EXECUTIVE COMMITTEE WHICH SHALL BE COMPRISED OF A REPRESENTATIVE
2 CROSS-SECTION OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL
3 ABOLISH THE ADMINISTRATIVE COMMITTEE AND ANY ESSENTIAL FUNCTIONS OR
4 DUTIES OF SUCH COMMITTEE SHALL BE TRANSFERRED TO THE EXECUTIVE COMMIT-
5 TEE.

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

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

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

22 S 4. This act shall take effect immediately.