

6893--B

I N S E N A T E

March 26, 2014

Introduced by Sens. GIANARIS, SANDERS, ADDABBO, PERALTA, SAMPSON, SMITH, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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. THE QUEENS BOROUGH
35 PUBLIC LIBRARY SHALL BE SUBJECT TO ARTICLE SIX OF THE PUBLIC OFFICERS
36 LAW.

37 S 2. Chapter 164 of the laws of 1907 relating to the incorporation of
38 the Queens Borough Public Library is amended by adding four new sections
39 3-a, 4-a, 9-b and 9-c to read as follows:

40 S 3-A. A. THE TRUSTEES SHALL HOLD ANNUAL PUBLIC BUDGET HEARINGS,
41 PROVIDE A THIRTY DAY PUBLIC COMMENT PERIOD PRIOR TO ADOPTION OF THE
42 BUDGET AND REPORT ALL REVENUE SOURCES OF FUNDING FOR THE BUDGET, BOTH
43 PUBLIC AND PRIVATE.

44 B. THE TESTIMONY PRESENTED AT SUCH PUBLIC BUDGET HEARING MAY BE
45 PRESENTED IN WRITING OR ORALLY, PROVIDED THAT THE TRUSTEES MAY MAKE
46 RULES DESIGNED TO EXCLUDE REPETITIVE, REDUNDANT OR IRRELEVANT TESTIMONY.
47 THE TRUSTEES SHALL MAKE A RECORD OF ALL TESTIMONY AT THE PUBLIC BUDGET
48 HEARINGS. FOR PURPOSES OF THIS SECTION "PUBLIC BUDGET HEARING" MEANS A
49 PUBLIC FORUM AT A PHYSICAL LOCATION, ATTENDED BY TRUSTEES AND THE
50 LIBRARY'S EXECUTIVE DIRECTOR OR THEIR DESIGNEES, WHERE ORAL TESTIMONY IS
51 ACCEPTED AND WRITTEN TESTIMONY MAY BE SUBMITTED FOR INCLUSION IN THE
52 RECORD. SUCH FORUM SHALL BE OPEN TO THE GENERAL PUBLIC FOR THE PRESENTA-
53 TION OF COMMENTS. SUCH HEARING SHALL BE COMMENCED UPON PROPER NOTICE TO
54 THE PUBLIC AT LEAST THIRTY DAYS PRIOR TO THE SCHEDULED HEARING DATE.
55 NOTICE OF THE PUBLIC BUDGET HEARING SHALL BE PROVIDED ON THE LIBRARY'S
56 WEBSITE, ON FLIERS POSTED INSIDE THE LIBRARY'S MAIN LOCATION AND IN EACH

1 OF ITS BRANCH LOCATIONS, AND IN ANY OTHER ALTERNATIVE MANNER CHOSEN BY
2 THE TRUSTEES.

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

10 B. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS LIMITING THE TYPE AND
11 EXTENT OF EMPLOYMENT THE EXECUTIVE DIRECTOR AND ANY KEY LIBRARY EXECU-
12 TIVE PERSONNEL MAY ENGAGE IN OTHER THAN HIS OR HER EMPLOYMENT WITH THE
13 LIBRARY. SUCH BY-LAWS SHALL REQUIRE THE EXECUTIVE DIRECTOR AND THE KEY
14 LIBRARY EXECUTIVE PERSONNEL TO REPORT ANY EMPLOYMENT OTHER THAN HIS OR
15 HER EMPLOYMENT WITH THE LIBRARY TO THE BOARD OF TRUSTEES AND SHALL
16 REQUIRE THE BOARD TO APPROVE SUCH EMPLOYMENT.

17 C. THE BOARD OF TRUSTEES SHALL ADOPT BY-LAWS REGARDING THE APPROVAL
18 FOR HIRING AND ESTABLISHING POLICIES FOR THE COMPENSATION OF KEY LIBRARY
19 EXECUTIVE PERSONNEL.

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

21 A. AN AUDIT COMMITTEE WHICH SHALL OVERSEE THE LIBRARY'S ACCOUNTING AND
22 FINANCIAL REPORTING PROCESSES AND ANNUAL AUDITS. THE AUDIT COMMITTEE
23 SHALL RETAIN AN AUDITOR, REVIEW THE SCOPE AND PLANNING OF ALL AUDITS
24 WITH THE AUDITOR AND REVIEW AND DISCUSS THE RESULTS. THE AUDIT COMMITTEE
25 SHALL CONSIDER THE AUDITOR'S PERFORMANCE AND INDEPENDENCE AND REPORT
26 ANNUALLY ON THE AUDITOR'S ACTIVITIES TO THE BOARD OF TRUSTEES.

27 B. AN EXECUTIVE COMMITTEE WHICH SHALL BE COMPRISED OF A REPRESENTATIVE
28 CROSS-SECTION OF THE BOARD OF TRUSTEES. THE BOARD OF TRUSTEES SHALL
29 ABOLISH THE ADMINISTRATIVE COMMITTEE AND ANY ESSENTIAL FUNCTIONS OR
30 DUTIES OF SUCH COMMITTEE SHALL BE TRANSFERRED TO THE EXECUTIVE COMMIT-
31 TEE.

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

34 S 9-C. THE BOARD OF TRUSTEES SHALL ESTABLISH BY-LAWS PROHIBITING A
35 PERSON WITH A CONFLICT OF INTEREST FROM BEING PRESENT AT OR PARTICIPAT-
36 ING IN ANY DELIBERATIONS OR VOTING ON THE MATTER GIVING RISE TO THE
37 CONFLICT. THE BY-LAWS SHALL ALSO PROHIBIT THE PERSON WITH THE CONFLICT
38 FROM IMPROPERLY INFLUENCING THE DELIBERATION OR VOTING ON SUCH MATTER.
39 ANY CONFLICTS OF INTEREST BROUGHT TO THE ATTENTION OF THE BOARD OF TRUS-
40 TEES OR THE AUDIT COMMITTEE SHALL BE DOCUMENTED IN THE MINUTES OF ANY
41 MEETING AT WHICH SUCH CONFLICT WAS DISCUSSED.

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

48 S 4. This act shall take effect immediately.