S T A T E O F N E W Y O R K

8074

2015-2016 Regular Sessions

I N A S S E M B L Y

June 5, 2015

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Libraries and Education Technology

AN ACT to amend the New York city charter, and chapter 164 of the laws of 1907 relating to the incorporation of the Queens Borough Public Library, in relation to the membership of the board of trustees

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

Section 1. Subdivisions 2 and 19 of section 2601 of the New York city charter, as added by a vote of the people of the city of New York at the general election held in November of 1988, are amended to read as follows:

2. "Agency" means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the board of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development corporation, and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a [public library,] museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

19. "Public servant" means all officials, officers and employees of the city, including members of community boards [and], members of advisory committees, EXECUTIVE DIRECTORS AND KEY LIBRARY EXECUTIVE PERSONNEL OF THE QUEENS BOROUGH PUBLIC LIBRARY, except unpaid members of advisory committees shall not be public servants.

S 2. Section 3 of chapter 164 of the laws of 1907 relating to the incorporation of the Queens Borough Public Library, as amended by chapter 45 of the laws of 2014, is amended to read as follows:

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

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S 3. The corporation shall organize by the adoption of by-laws and the election of officers. The by-laws shall provide for the terms of office of the trustees of the corporation, not to exceed the period of five years, provided, that any trustee appointed to a new term on or after January 1, 2015 shall be appointed for a period of three years, excepting that the mayor, comptroller, public advocate and speaker of the city council of the city of New York [and], the president of the borough of Queens AND AN EMPLOYEE REPRESENTING THE QUEENS BOROUGH PUBLIC LIBRARY SYSTEM, shall at all times be members of the board ex-officio and such ex-officio members may designate a representative to serve ex-officio in his or her place. THE EMPLOYEE REPRESENTING THE QUEENS BOROUGH PUBLIC LIBRARY SYSTEM WHO IS A MEMBER OF THE BOARD EX-OFFICIO SHALL BE APPOINTED BY THE EXECUTIVE DIRECTOR OF THE EMPLOYEE REPRESENTATIVE ORGANIZATION, OR HIS OR HER DESIGNEE. The trustees shall hereafter be chosen and vacancies occurring in such office filled by an appointment which shall alternate between the mayor of the city of New York and the president of the Borough of Queens; provided, however, that any trustee appointed to a new term or filling a vacancy on or after June 1, 2014 must be either a resident of Queens or own or operate a business in Queens; and provided further that the appointing party shall notify the other appointing party of who was appointed. The appointing party shall be authorized to remove a trustee whom such party appointed for misconduct, incapacity, neglect of duty, or where it appears to the satisfaction of the appointing party that the trustee has failed or refuses to carry into effect its educational purpose. The appointing party shall not be required to obtain a recommendation from the board to remove a trustee which such party appointed. A trustee subject to removal shall have an opportunity to submit a response or appeal within seven business days to any cause for removal to the appointing party and the appointing party shall review the reason for removal and any response submitted to the party prior to the removal of such person. When the board recommends removal, the trustee subject to removal may appeal to both appointing parties and either appointing party may remove the trustee where sufficient cause is found. When one of the appointing parties recommends removal of a trustee, such appointing party must provide the subject trustee with notice and an opportunity to appeal, provided, however, that the trustee subject to removal by an appointing body may submit a written appeal to both appointing parties for review and both parties must agree on removal for such removal to be effective. The corporation shall have power from time to time to make such rules and regulations as the trustees thereof shall judge proper for the accomplishment of the objects of the corporation, for the election of officers, for prescribing their respective functions and the mode of discharging the same, for imposing and collecting dues, fines and contributions, for regulating the times and places of meetings, and generally for the management and direction of the affairs and concerns of the said corporation. The trustees shall have absolute control of the expenditure of all moneys appropriated by the city of New York for the maintenance of libraries conducted, or to be conducted by the corporation in the borough of Queens, and shall have the power to appoint and fix the salaries of such officers and employees as they shall deem necessary, who, unless employed under special contract, shall hold their offices during the pleasure of the trustees, but no trustee shall receive compensation as such, and the authority of the trustees to so make and regulate expenditures for maintenance, and their right to select, employ, fix salaries and discharge employees, shall be absolute under this act, any acts of

the legislature of the state of New York to the contrary notwithstanding. The Queens Borough Public Library shall be subject to article six of the public officers law.

S 3. This act shall take effect immediately.