

5443--A

Cal. No. 1320

2015-2016 Regular Sessions

I N S E N A T E

May 14, 2015

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Subdivisions 2 and 19 of section 2601 of the New York city
2 charter, as added by a vote of the people of the city of New York at the
3 general election held in November of 1988, are amended to read as
4 follows:
5 2. "Agency" means a city, county, borough or other office, position,
6 administration, department, division, bureau, board, commission, author-
7 ity, corporation, advisory committee or other agency of government, the
8 expenses of which are paid in whole or in part from the city treasury,
9 and shall include but not be limited to, the council, the offices of
10 each elected official, the board of education, community school boards,
11 community boards, the financial services corporation, the health and
12 hospitals corporation, the public development corporation, and the New
13 York city housing authority, but shall not include any court or any
14 corporation or institution maintaining or operating a [public library,]
15 museum, botanical garden, arboretum, tomb, memorial building, aquarium,
16 zoological garden or similar facility.
17 19. "Public servant" means all officials, officers and employees of
18 the city, including members of community boards [and], members of advi-
19 sory committees, EXECUTIVE DIRECTORS AND KEY LIBRARY EXECUTIVE PERSONNEL
20 OF THE QUEENS BOROUGH PUBLIC LIBRARY, except unpaid members of advisory
21 committees shall not be public servants.

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

LBD10997-03-5

1 S 2. Section 3 of chapter 164 of the laws of 1907 relating to the
2 incorporation of the Queens Borough Public Library, as amended by chap-
3 ter 45 of the laws of 2014, 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 AND AN EMPLOYEE REPRESENTING THE QUEENS BOROUGH PUBLIC LIBRARY
12 SYSTEM, shall at all times be members of the board ex-officio and such
13 ex-officio members may designate a representative to serve ex-officio in
14 his or her place. THE EMPLOYEE REPRESENTING THE QUEENS BOROUGH PUBLIC
15 LIBRARY SYSTEM WHO IS A MEMBER OF THE BOARD EX-OFFICIO SHALL BE
16 APPOINTED BY THE EXECUTIVE DIRECTOR OF THE EMPLOYEE REPRESENTATIVE
17 ORGANIZATION, OR HIS OR HER DESIGNEE. The trustees shall hereafter be
18 chosen and vacancies occurring in such office filled by an appointment
19 which shall alternate between the mayor of the city of New York and the
20 president of the Borough of Queens; provided, however, that any trustee
21 appointed to a new term or filling a vacancy on or after June 1, 2014
22 must be either a resident of Queens or own or operate a business in
23 Queens; and provided further that the appointing party shall notify the
24 other appointing party of who was appointed. The appointing party shall
25 be authorized to remove a trustee whom such party appointed for miscon-
26 duct, incapacity, neglect of duty, or where it appears to the satisfac-
27 tion of the appointing party that the trustee has failed or refuses to
28 carry into effect its educational purpose. The appointing party shall
29 not be required to obtain a recommendation from the board to remove a
30 trustee which such party appointed. A trustee subject to removal shall
31 have an opportunity to submit a response or appeal within seven business
32 days to any cause for removal to the appointing party and the appointing
33 party shall review the reason for removal and any response submitted to
34 the party prior to the removal of such person. When the board recommends
35 removal, the trustee subject to removal may appeal to both appointing
36 parties and either appointing party may remove the trustee where suffi-
37 cient cause is found. When one of the appointing parties recommends
38 removal of a trustee, such appointing party must provide the subject
39 trustee with notice and an opportunity to appeal, provided, however,
40 that the trustee subject to removal by an appointing body may submit a
41 written appeal to both appointing parties for review and both parties
42 must agree on removal for such removal to be effective. The corporation
43 shall have power from time to time to make such rules and regulations as
44 the trustees thereof shall judge proper for the accomplishment of the
45 objects of the corporation, for the election of officers, for prescrib-
46 ing their respective functions and the mode of discharging the same, for
47 imposing and collecting dues, fines and contributions, for regulating
48 the times and places of meetings, and generally for the management and
49 direction of the affairs and concerns of the said corporation. The trus-
50 tees shall have absolute control of the expenditure of all moneys appro-
51 priated by the city of New York for the maintenance of libraries
52 conducted, or to be conducted by the corporation in the borough of
53 Queens, and shall have the power to appoint and fix the salaries of such
54 officers and employees as they shall deem necessary, who, unless
55 employed under special contract, shall hold their offices during the
56 pleasure of the trustees, but no trustee shall receive compensation as

1 such, and the authority of the trustees to so make and regulate expendi-
2 tures for maintenance, and their right to select, employ, fix salaries
3 and discharge employees, shall be absolute under this act, any acts of
4 the legislature of the state of New York to the contrary notwithstand-
5 ing. The Queens Borough Public Library shall be subject to article six
6 of the public officers law.

7 S 3. This act shall take effect immediately.