

## BOARD OF TRUSTEES BYLAWS

### Preamble

The Board of Trustees of The Smithtown Special Library District, created by Absolute Charter Number 23424 granted by the Regents of the University of the State of New York on September 13, 2002 according to the provisions of Section 255 of the New York State Education Law to provide non-partisan public library service free of political influence to the residents of the Township of Smithtown, excluding areas currently served by the Sachem Public Library and by the Emma S. Clark Memorial Library, hereby enact the following Bylaws:

### ARTICLE I - Board of Trustees

1. The Library shall be governed by a Board of Trustees, hereinafter referred to as the "Board", consisting of (7) members duly elected by the voting residents within The Smithtown Special Library District.
2. Tenure of Office
  - a. Term of Office. Pursuant to Section 3 of Chapter 193, Laws of 2001 the term of office of trustees shall be (3) years.
  - b. If a trustee does not complete his/her term a replacement may be chosen, by a majority vote of the remaining Trustees, to serve until the next regularly scheduled Trustee election. At that time a replacement will be elected to fill the remainder of the departed Trustee's term.
3. Candidates for the position of Library Trustee shall have their primary domicile within the Library District and shall be eligible to vote in Town of Smithtown elections. No salaried employee of The Smithtown Library shall be eligible for candidacy.
4. A Trustee must be present at a meeting to have his/her vote counted.
5. Trustees are required to attend all meetings of the Board (general and executive sessions). A Trustee who, after being duly notified, fails to attend three consecutive meetings of the Board may, according to the provisions of Section 226 of New York State Education Law, be declared to have vacated his/her seat. The Trustees, after review of a written explanation by the absentee Trustee, shall vote, at the next Regular Monthly Meeting of the Board, whether to excuse any or all of such absences and retain the Trustee or to declare the seat vacant. Such vacancies shall be filled according to Article 1, Section 2B.

**ARTICLE II – Officers**

**1. Number**

Pursuant to Section 3 of Chapter 193, Laws of 2001 the officers of the Board of Trustees shall be a President, Vice-President, Clerk, and Treasurer and such other officers as the Board deems necessary.

**2. Election**

Officers shall be elected at the annual organizational meeting held during the first week of January by a majority vote of the Board of Trustees, and serve for one year.

**3. The President shall:**

- a. Be the chief executive officer and official spokesman for the Board of Trustees;
- b. Preside, when present, at all meetings of the Board of Trustees;
- c. Designate a trustee to perform his/her duties should the Vice-President be unable to do so;
- d. Sign, with the Treasurer or any other proper officer of the Library thereunto authorized by the Board of Trustees, any contracts, agreements, or other instruments which the Board of Trustees has authorized to be executed, except in cases where the signing and execution thereof shall be expressly delegated by law or the Board of Trustees to some other officer or agent of the Library;
- e. Appoint the liaison(s) of each standing committee;
- f. Appoint the liaison(s) of each special committee.

**4. The Vice-President shall** preside at all regular and special meetings of the Board of Trustees in the absence of the President and perform all duties of the President in his/her absence.

**ARTICLE III - Duties of the Board of Trustees**

1. The Board shall hire a qualified Library Director who shall be the Chief Executive and Administrative Officer of The Smithtown Library acting on behalf of the Board and under its review and direction. He/she shall be responsible for those duties contained in Article VI, Sections 1 to 28 inclusive.
2. The Board, in consultation with the Library Director, shall consider, formulate and decide on all policies affecting the operation of the Library.

3. The Board shall assure the general efficiency and progress of the Library by maintaining good relations with local government; representing the interests of the Library in local community planning; and enlarging public and official understanding of the Library, its purposes, problems and progress.
4. The Board may appoint special ad hoc committees from among the residents of the Library District as defined in Article I, Section 1.
5. The President shall preside at all Regular Monthly Meetings of the Board, appoint the “liaisons” of all Board Committees and be an ex-officio member of said committees.
6. The Board of Trustees shall make the following appointments at the annual organizational meeting; those appointed shall serve at the pleasure of the Board:
7. The Clerk shall:
  - a. See that all notices are duly promulgated as required by law;
  - b. Be the custodian of Library records and of the seal of the Library and see that the seal is affixed to all documents, the execution of which on behalf of the Library under its seal is duly authorized;
  - c. Keep a register of the post office address of each member of the Board of Trustees, which shall be furnished to the Clerk by such member.
  - d. Serve the Board as Clerk of the Election.
  - e. Assume the duties of the Secretary to the Board in his/her absence.
  - f. By resolution of the Board of Trustees, the Clerk may be paid a stated salary or a fixed sum for his/her respective services. No such payment shall preclude the Clerk from being employed by the Library in any other capacity and receiving compensation therefore.
8. The Treasurer shall:
  - a. Be custodian of all Library funds;
  - b. Receive and give receipts for moneys due and payable to the Library from any source whatsoever, and deposit all such moneys in the name of the Library in such banks or other depositories as shall be selected in accordance with Library policy.
  - c. Make a financial report to the Board of Trustees at each meeting and at other times when requested by the President or the Board of Trustees;
  - d. Establish and invest in accounts of any type as need or opportunity arises in accordance with state law and Library policy pursuant to approval of the Board of Trustees.
  - e. By resolution of the Board of Trustees, the Treasurer may be paid a stated salary or a fixed sum for his/her respective services. No such payment shall preclude the Treasurer from being employed by the Library in any other capacity and receiving compensation therefore.

9. The Secretary shall:
  - a. Record the minutes of all meetings of the Board of Trustees
  - b. Sign with the President the approved minutes of all meetings of the Board of Trustees.
  - c. Accept for filing the petitions for Trustee candidates.
  - d. Assume the duties of the Clerk in his/her absence.
  - e. By resolution of the Board of Trustees, the secretary may be paid a stated salary or a fixed sum for his/her respective services. No such payment shall preclude the secretary from being employed by the Library in any other capacity and receiving compensation therefore.
10. The Board shall be authorized to contract with outside professional advisors or consultants, not included in Article 3, Section 11, on an annual retainer, hourly or per diem basis.
11. The Board hereby agrees that no trustee, including the President, may act or speak on behalf of the Library unless the entire Board specifically bestows that authority.
12. The Board shall be independent of political influence and shall avoid all actions and policies that are in fact or public perception deemed to be partisan in nature. Pursuant to its non-partisan policy statement, the Board shall appoint a member to serve as liaison to the Friends of the Smithtown Library, and to any other organization created to support the Library.

#### **ARTICLE IV - Meetings**

**1. Regular meetings**

Regular meetings shall be held each month, at dates and times to be established by the Board of Trustees at the annual organizational meeting and shall be open to the public as required by Section 103 of the Open Meetings Law of the State of New York.

**2. Special Meetings**

Special meetings of the Board of Trustees may be called at any time by or at the request of the President or upon the request of three (3) trustees. The person or persons authorized to call special meetings of the Board of Trustees may fix the location for holding any special meeting of the Board of Trustees at a public place. Notice of any special meeting shall be in accordance with Section 103 of the Open Meetings Law of the State of New York.

**3. Manner of Acting**

The act of the majority of the "whole number" of (7) Trustees at a meeting at which a quorum is present shall be deemed to be the act of the Board of Trustees.

**4. Electronic Meetings**

Members of the Board of Trustees, standing committees, and special committees are authorized to provide by telephone or through other electronic communications media information pertaining to the Library; provided that, such communications between or among individual trustees is not to constitute a collective decision regarding Library business.

**5. Quorum**

A majority of the designated number of the Board shall constitute a quorum.

**6. Order of Business**

The Order of Business for the Regular Monthly Meeting of the Board shall include, but not be limited to, the following items, which shall be covered in the sequence shown so far as circumstances will permit:

- a. Reading and Approval of Minutes
- b. Reports of Officers, Board, Standing Committees and Director's Report
- c. Reports of Special Committees
- d. Unfinished Business
- e. Public Comments
- f. New Business

**7. Annual Organizational Meeting**

An annual organizational meeting shall be held by the Board of Trustees at the beginning of the Library's administrative year, during the first week of January (day & time to be determined), and shall be open to the public as required by Section 103 of the Open Meetings Law of the State of New York. No general business will be discussed and no public comments will be heard at this meeting.

- a. Administer the oath of office to newly elected trustees
- b. Nomination and election of officers
- c. Appointment of Clerk
- d. Appointment of Treasurer
- e. Appointment of Secretary
- f. Appointment of Library Director as financial clerk
- g. Establishment of bank depositories and funds as necessary
- h. Affirmation of Procurement Policy
- i. Affirmation of Investment Policy
- j. Appointment of legal professional
- k. Appointment of accounting firm
- l. Selection of district newspapers to be utilized for public notices of meetings

**ARTICLE V - Committees**

**1. The following general rules shall apply to all Standing Committees:**

- a. Unless otherwise specified in these by-laws, the term of membership on any committee shall be one year.
- b. All committees report to the Board of Trustees. A copy of any committee report shall be furnished to the Board of Trustees prior to the meeting at which the report is to be presented. Committees may report as frequently as needed.
- c. No one Board Member may be a member of the majority of committees.
- d. In an appropriate case, a liaison of a committee may submit a written request to the Board of Trustees to be relieved of duties. The Board may, in its discretion, accept such request and thereupon it shall appoint a replacement on such committee for the stated period.
- e. The Library Director or his/her designee shall attend all committee meetings and may take part in deliberations but shall have no vote.

**2. Standing Committees.** The following will be standing committees:

**a. Budget and Finance Committee**

- i. Composition: a maximum of two Board members may serve as liaison
- ii. Responsibilities
  1. Acts as Library Board's liaison with the Director on fiscal matters.
  2. To acquire and disseminate budgetary information to the Board and to interact on a continuous basis with the Library Director on budgetary formulation, budgetary developments, and the utilization of available funds;
  3. Audit and monitor the financial condition of the Library to ensure that it is carrying out its purpose without extravagance or waste; and
  4. Ensure that financial records are complete and accurate, and required financial reports are filed with federal and state agencies.

**b. Buildings and Grounds Committee**

- i. Composition: a maximum of two Board members may serve as liaison
- ii. Responsibilities
  - 1. Acts as Library Board's liaison with the Director on Building and Grounds matters.
  - 2. Inspect all Library buildings on an "as-required basis", at least once every five (5) years, to ensure compliance with provisions of building codes, ADA requirements, safety regulations, and minimum state standards;
  - 3. Assess the need for major repairs, capital equipment, alterations and new construction; and
  - 4. Make certain that the Library continues to provide adequate equipment and connections for access to electronic and digital information.

**c. Communications Committee**

- i. Composition: a maximum of two Board members may serve as liaison
- ii. Responsibilities
  - 1. Acts as the Library Board's liaison with the Director on Communications matters.
  - 2. Assess the need for new methods of acquainting the general public with the programs and services of the Library; and
  - 3. Review plans for promoting library services, materials, and programs.

**d. Personnel Committee**

- i. Composition: a maximum of two Board members may serve as liaison
- ii. Responsibilities
  - 1. Acts as Library Board's liaison with the Director on Personnel matters.
  - 2. Review all personnel actions to ensure compliance with Suffolk County Department of Civil Service rules and regulations;
  - 3. To establish, with Board approval, a document on all personnel procedures;
  - 4. To review the written recommendations submitted by the Library Director and to forward its own written recommendation to the Board;
  - 5. Represent the Board of Trustees along with the Library Director during collective negotiations.

**e. Policy Committee**

- i. Composition: three Board Member liaisons, one librarian consultant, one union/personnel representative
- ii. Responsibilities
  - 1. Acts as Library Board's liaisons with the Director on Policy matters.
  - 2. Regularly reads, reviews and makes recommendations for additions to or changes to Library policies & bylaws.

**ARTICLE VI - Duties of the Library Director**

**A. Library Director**

Administrative

- 1. The Library Director shall be the Chief Administrative Officer of The Smithtown Library acting on behalf of the Board and under its review and direction.
- 2. The Library Director shall ensure compliance with all laws relating to public libraries.
- 3. The Library Director shall represent The Smithtown Library at all state, regional and national Library Symposiums, whenever possible.
- 4. The Library Director, in consultation with and subject to the approval of the Board, may hire a qualified Assistant Library Director(s).
- 5. The Assistant Library Director(s) shall be authorized to perform all the duties of the Library Director in his/her absence.
- 6. The Library Director shall designate a Librarian who shall be authorized to perform his/her duties, should the Assistant Library Director(s) be unable to do so.
- 7. The Library Director shall oversee the care and maintenance of the library buildings and grounds, vehicles and equipment.
- 8. The Library Director shall have the flexibility to adjust goals as necessary.

Board Relations

- 9. The Library Director shall carry out the policies of The Smithtown Library as adopted by the Board.
- 10. The Library Director shall attend all meetings of the Board and may take part in deliberations but shall have no vote.
- 11. The Library Director shall keep the Trustees informed as to the Library's current progress and future needs through regular monthly reports.
- 12. The Library Director shall submit to the Trustees Monthly Statistical Reports at the Meetings of the Board.
- 13. The agenda for the Regular Monthly Meeting of the Board shall be prepared by the Library Director and be distributed to the Trustees in a timely manner.



Personnel

14. The Library Director shall fill all new positions and vacancies according to the provisions of New York State Civil Service Law and the Rules and Regulations of the Suffolk County Department of Civil Service. All appointments are subject to the approval of the Board.

Budget and Finance

15. The Library Director shall coordinate the preparation of the Annual Budget in conjunction with the Treasurer and Budget and Finance Liaison for the ensuing year to be presented to the Trustees for approval not later than the August/September Meeting of the Board.
16. The Library Director shall have control of the funds set forth pursuant to the Library's Procurement Policy.
17. The Library Director will determine the most cost-effective manner for purchase and maintenance of library equipment and supplies.
18. The Library Director will ensure that all purchases are in accordance with the competitive bidding provisions of Section 100, et seq. of New York State General Municipal Law.
19. The Director shall actively pursue grants and alternative funding for the Library.

Professional Development

20. The Library Director shall keep current with knowledge, skills and trends relevant to public libraries and librarianship in general.
21. The Library Director shall maintain an active role in professional organizations.

Community Relations

22. The Library Director shall serve as the Board's liaison to the community.
23. The Library Director shall communicate effectively with the media and receive adequate media coverage.
24. The Library Director shall see that news releases, notices, library publications, both print and electronic, are continuously produced and updated.
25. The Library Director shall respond to public inquires and complaints.
26. The Library Director shall promote the Library to enhance the respect and support of the community. He/she shall be available for speaking engagements and perform this public relations function.
27. The Library Director shall make recommendations to the Trustees for action which will improve the Library's effectiveness and visibility in the community.

**B. Procedures for the Library Director Evaluation**

The Director's confidential evaluation shall be completed annually.

1. The Library Board will agree upon the evaluation tools.
2. Upon receipt of the Library Director's report of the past year's highlights, achievements and recommendations, the Board of Trustees shall evaluate the Library Director's performance and present the Library Director's evaluation at the August board meeting. The evaluation is to be written by the Board President or his/her designee and submitted in narrative format; every member of the Library Board will have the opportunity to review the Library Director's
3. Evaluation; the evaluation is to be signed by each board member and returned in a timely manner.
4. The Library Board and the Director shall orally discuss the Director's evaluation confidentially at the August Board meeting. The Library Director will sign the evaluations to acknowledge his/her reading of them prior to their placement in his/her personnel folder. The Library Director will be permitted to rebut in writing all or any parts of the evaluations submitted to him/her prior to the August meeting.

**ARTICLE VII - Fiscal Matters**

1. The fiscal year of The Smithtown Library shall be January 1 to December 31.
2. A motion to borrow money shall require the affirmative vote of at least 5 members of the 7-member Board.
3. The Treasurer appointed according to Article III, Section 7 shall be authorized to sign all payroll checks and all checks prepared for disbursements. All checks issued for an amount equal to five-thousand dollars (\$5,000.00) or more shall require a second signature by a member of the Board of Trustees of the Smithtown Special Library District who has been designated as a signatory for that account with the exception of routine gross payroll and deduction checks which require only one signature. The Board will receive disbursement and payroll warrants on a monthly basis for review and approval.

**ARTICLE VIII - Parliamentary Authority**

The rules contained in the current edition of *Robert's Rules of Order Newly Revised* shall govern the proceedings of the Board of Trustees in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

**ARTICLE IX – Amendments**

These bylaws may be repealed, amended, or added to by a 2/3 vote of the whole Board at a regular meeting. Such action may be taken, however, only after the substance of the proposed repeal, amendment, or addition has been presented in writing at a prior regular meeting and notice thereof has been given in the notice of the meeting at which it is to be considered. Bylaws should be reviewed for possible revision every three (3) years by a bylaws committee. Bylaws can be reviewed at any time if determined by simple majority of the Board.

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**Policy 100-10**  
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