

# Policy and Bylaws for the Williamson Public Library Board of Trustees



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## **BOARD OF TRUSTEES -- Powers**

The Board of Trustees derives its power and authority from Sections 226 and 260 of the State Education Law, which states that:

They shall have all the powers of trustees of other educational institutions of the university. (University of the State of New York).

Policy Adopted: 2/28/89

Board of Trustees  
Williamson Free Public Library

**BYLAWS OF THE BOARD OF TRUSTEES  
OF THE  
WILLIAMSON PUBLIC LIBRARY**

Article I

Library Name

This organization will be known as the Williamson Public Library as established by virtue of the provisions of the Absolute Charter Number 4718 granted by the Regents of the University of the State of New York on April 18, 1941 and exercising the powers and authority and assuming the responsibilities delegated to it under said Charter. Amended by document no. 26,258 of The State Education Department on April 14, 2015

Article II

Organization

The Board of Trustees shall not be less than five members nor more than fifteen, each member's appointment to be approved by the Williamson Town Board for a term of five years.

Article III

Officers

1. The officers of the Board shall be a President, Vice President, and Secretary, who shall be elected annually from their own number.
2. The President shall preside at all meetings and shall have the usual powers of a presiding officer.
3. The Vice-President shall act as President in the absence of the President and be responsible for information pertinent to that office.
4. The Secretary shall keep a true and permanent record of all meetings of the Board, shall issue notice of all regular and special meetings, and have custody of all its official books, records and documents, except those in current use by another officer.

## ARTICLE IV

Meetings

1. Regular meetings shall be held each month, at dates and times to be established by the Board at the beginning of the library year and shall be open to the public except when individual personnel issues are being discussed.
2. Special meetings shall be called by the President or by request of any two trustees but only business stated in the call can be transacted.
3. A quorum shall be a majority of the total number of trustees.
4. Any Board member unable to attend a meeting shall notify the Secretary, in order that a quorum is assured for each meeting.
5. Meetings shall be conducted in the following manner:
  - a. Reading and approval of the minutes of the previous meeting.
  - b. Approval of the Treasurer's written report and the approval of expenditures. Expenditures shall be approved by audit of the Board of Trustees by signature on the voucher of expenditures.
  - c. Report of the Library Director
  - d. Report of standing committees
  - e. Report of special committees
  - f. Correspondence and communications
  - g. Unfinished business
  - h. New business
  - i. Adjournment
6. Any trustee wishing to resign shall present a written resignation to the Secretary for action at the next regular meeting.
7. Vacancies on the Board shall be filled by submission of a candidate recommended by the majority of the Library Board to the Town Board for appointment.

## ARTICLE V

Committees

1. The President of the Board shall appoint all committee members.
2. All reports of committees, if requested, shall be presented in writing.
3. All committee actions are subject to approval by a majority of the Board.

## ARTICLE VI

### Library Director

1. The Board shall appoint a qualified library director who shall be the executive and administrative officer of the library.
2. It shall be the duty of the Director to attend all meetings of the Board, including budget meetings, or public meetings where action may be taken affecting the interests of the library. The Director shall have the right to speak on all matters under discussion at the Board meetings, but shall not have the right to vote thereon.

## Article VII

### Library Treasurer

1. The Board shall appoint annually a library treasurer who will provide oversight for all fiscal operations of the library.
2. The Treasurer shall provide for each monthly board meeting a written report to the Board of Trustees showing revenue and board approved expenditures in relation to the library budget along with a reconciliation of the library's banking and financial statements.

## ARTICLE VIII

### Amendments

These bylaws may be repealed, amended, or added to at a regular meeting of the Board, by a majority vote of the Trustees present, but only after the proposed change has been submitted in writing at a prior regular or special meeting.

Library Board of Trustees

Adopted as revised: March 15, 2001

Adopted as revised: January 21, 2016

Presented as revised: January 17, 2019

Adopted as Revised: August 15, 2019

### SELECTED LAWS AFFECTING LIBRARY BOARDS

Trustees' Powers: "They shall have all the powers of trustees of other educational institutions of the university." (Ed. Laws 260 and 226)

	PUBLIC LIBRARIES	ASSOCIATION LIBRARIES
Number on board	5-11, county libraries 5-15, other public libraries (Ed. Law 260)	5-25, (Ed. Law 226)
Appointed or elected	County-Board of Supervisors Town-Town Board Village-Village Board, School District-Voters (Ed. Law 260)	Association members
Ineligibility	No member of local government board appointing the trustee (Ed. Law 260) No local government board attorney, (State Compt. Opinion) No treasurer of library board (State Compt. Opinion)	Member of local government board contracting with the library (State Compt. Opinion)
Special eligibility	Village library-trustee may be resident of town, (Ed. Law 260; Pub. Off. Law 3)	DOES NOT APPLY
Vacancies	Filled by the Board of Trustees (Ed. Law 226)	SAME
Terms of Office	5 years, after initial term-determined by lot, (Ed. Law 260)	Terms fixed by or by Board of Trustees, (Ed. Law 226)

Selected Laws Affected Library Boards contd.

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	PUBLIC LIBRARIES	ASSOCIATION LIBRARIES
Board Meetings: Quorum	A majority of the total number of trustees, (Ed. Law 226)	SAME
Chairman Votes Open Meetings	At all times, (Ed. Dept. Opinion) Public entitled to attend, (Ed. Dept. Opinion)	SAME NOT APPLICABLE
Executive Session	Close meetings permissible for discussion, but not action (Compt. Opinion)	NOT APPLICABLE
Minutes	Guidelines for secretary	SAME
Trustee Membership Contributions by Library Authorized	To Library Trustees Foundation of New York State, (Ed. Law 260)	SAME
Appointment and Discharge Of Staff	Trustees have power, (Ed. Law 260 and 226) Confirmed by Attorney General(Atty. General Opinion)	SAME NOT APPLICABLE
Requirement to Hire Professional Librarian	If library serves 5,000 or more people (Comm. Reg. 105)	SAME
Power to Fix Salaries	Trustees have power, (Ed. Laws 260 and 226)  Confirmed by Attorney General & State Comptroller (Opinions)	SAME (Ed. Law 226) NOT APPLICABLE
Power to Approve Vacations Sick Leave	Trustees have power, (Atty. General Opinion), (Compt. Opinion) (Ed. Dept. Opinion)	IMPLIED APPLICATION
Power of Local Government to Retaliate if Opposed to Salaries or Other Benefits	May curtail financial support (Compt. Opinion)	COULD APPLY

### **DUTIES AND RESPONSIBILITIES OF THE LIBRARY TRUSTEE**

1. The individual trustees are appointed for five year terms by the Williamson Town Board. Recommendations are made to the Town Board by member trustees. The number shall not exceed fifteen nor be less than five. If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall deemed to have resigned, and the vacancy shall be filled. (Ed. Law 226)
2. Trustees each have responsibilities for the personnel, policy, public relations and financing of the library.
3. Trustees determine the objectives of the library, giving proper weight to educational, informational, cultural, inspirational and recreational programs and services for children, young adults and adults.
4. Trustees determine the basic rules of use and hours of service.
5. Trustees use the best recruiting process to find qualified librarians and staff and appropriately classify positions, according to civil service.
6. Trustees set the pay scales of the staff.
7. Trustees establish personnel rules governing working hours, sick leave and vacation benefits, retirement and social security and provisions.
8. Trustees should meet regularly and review library programs, receive reports and recommendations from the librarian.
9. To assist the librarian in interpreting the library program in the community by talks with groups and individual contacts and to maintain open communications with the local governing body.
10. To get best possible location for library services and to maintain an adequate and attractive physical plant with necessary equipment.
11. To follow population trends as the community grows and to review the adequacy of number, location and size of your library buildings.

12. To protect the library board's plant and equipment investments and its own liability with sound insurance programs.

5030(b)

13. To prepare well-organized budget requests, designed to finance the cost of staff services, materials, equipment and building costs essential to the library program and to seek favorable support for this request from tax support.
14. To keep posted on library developments in PLS, particularly as they affect member libraries.
15. In the cases of association libraries, to consider the desirability of converting to become public libraries; in the cases of village public libraries, to consider the desirability of becoming town public libraries; in the cases where both village and town contribute to the support of the library, to consider the desirability and equity of receiving all support via ballot.
16. To confine trustee activities to policy makers and to delegate full responsibility for administration and book selection to the library director within the framework of the board's policies.

Policy Adopted: 2/28/89

Board of Trustees  
Williamson Free Public Library



## Duties and Responsibilities of the Library Trustees 5030(b)

The library board adopts as part of its policy the following developed by the ALTA-PLA Common Concerns Committee:

### ETHICS STATEMENT FOR PUBLIC LIBRARY TRUSTEES

*Trustees must promote a high level of library service while observing ethical standards.*

*Trustees must avoid situations in which personal interests might be served or financial benefits gained at the expense of library users, colleagues, or the institution.*

*It is incumbent upon any trustee to disqualify herself or himself immediately whenever the appearance of a conflict of interest exists.*

*Trustees must distinguish clearly in their actions and statements between their personal philosophies and attitudes and those of the institution, acknowledging the formal position of the board even if they personally disagree.*

*A trustee must respect the confidential nature of library business while being aware of and in compliance with applicable laws governing freedom of information.*

*Trustees must be prepared to support to the fullest the efforts of librarians in resisting censorship of library materials by groups or individuals.*

*Trustees who accept appointment to a library board are expected to perform all of the functions of library trustees.*

Policy Adopted: 2/28/89

Board of Trustees  
Williamson Free Public Library

5030b

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Library Board of Trustees Adopted 2/28/89

Policy adopted 2/19/2009

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## **CONFLICT OF INTEREST POLICY OF THE WILLIAMSON PUBLIC LIBRARY**

### **Article 1**

#### **Purpose**

The purpose of this conflict of interest policy (this “Policy”) is to protect the Williamson Public Library’s (the “Library”) interest when it is contemplating entering into a transaction, agreement, or other arrangement that might benefit the private interest of an officer, Trustee, or Key Employee (as such term is defined herein) of the Library or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

### **Article 2**

#### **Definitions**

1. “Interested Person” means any Trustee, officer or key employee who has a financial interest (as such term is defined below).
2. “Financial Interest” means directly or indirectly through business, investment or family.
  - a. An ownership or investment interest in any entity with which the Library has a transaction or arrangement.
  - b. A compensation agreement with any entity or individual with which the Library has a transaction arrangement or
  - c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Library is negotiating a transaction or arrangement.
3. “Key Employee” means any person who is in a position to exercise substantial influence over the affairs of the Library. The term Key Employee expressly includes the Director, Children’s Specialist, YA Specialist and Purchasing Clerk.

4. “Related Party” means any (a) Trustee, officer, or Key Employee of the Library or any affiliate of the Library, (b) any Relative of any Trustee, officer, or Key Employee of the Library or any affiliate of the Library or (c) any entity in which any individual described in (a) or (b) above has a thirty-five percent (35%) or greater ownership or beneficial, interest or in the case of a partnership or professional corporation, a direct or indirect ownership interest in excess of five percent (5%).
5. “Related Party Transaction” means any transaction, agreement, or any other arrangement in which a Related Party (as such term is defined herein) has a financial interest and in which the Library or any affiliate of the Library is a participant.
6. “Relative” of an individual means his or her spouse, ancestors, brothers and sisters (whether whole or half-blood), children (whether natural or adopted), grandchildren, and great-grandchildren, and domestic partner.
7. “Affiliate” of the Library means any entity controlled by, in control of, or under common control with the Library.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A Financial Interest is not necessarily a conflict of interest. Under Article 3 Section 2 a person who has a Financial Interest may have a conflict of interest only if the Library’s Board of Trustees (the “Board”) or an authorized committee thereof decides that a conflict of interest exists.

### **Article 3** **Procedures**

#### **1. Duty to Disclose**

In connection with any actual or possible conflict of interest an Interested Person must disclose the existence of the Financial Interest and be given the opportunity to disclose all material facts to the Board and any authorized committee considering the proposed transaction or arrangement.

#### **2. Determining Whether a Conflict of Interest Exists**

After the disclosure of the Financial Interest and all material facts and after any discussion with the Interested Person, he/she shall leave the Board or Committee Meeting while the determination of conflict of interest is deliberated and voted upon. The remaining Board or Committee members shall decide if the conflict of interest exists.

#### **3. Procedures for Addressing the Conflict of Interest**

- a. An interested person may make a presentation at the Board or Committee Meeting, but after the presentation, he/she shall leave the meeting. During the deliberation of, and vote on, the transaction or arrangement involving the possible conflict of interest the interested person shall not attempt to improperly influence the deliberation of or vote on the matter giving rise to the potential conflict of interest.
- b. The chairperson of the Board or Committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the Board or Committee shall determine whether the Library can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board or Committee shall determine by a majority vote of the disinterested Trustees whether the transaction or arrangement is in the Library's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

#### **4. Violations of the Conflicts of Interest Policy**

- a. If the Board or committee has reasonable cause to believe a person has failed to disclose an actual or possible conflict of interest, it shall inform the person of the basis for such belief and afford the person an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the person's response, and making further investigation as warranted by the circumstances, the Board or committee determines the person has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

#### **Article 4** **Records of proceedings**

The minutes of the Board and all committees with Board-delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a

conflict of interest was present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.

- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings

## **Article 5** **Compensation**

- a. No member of the Board may receive direct compensation from the Library. A voting member of the Board who receives compensation from the Library for services, indirectly, is precluded from voting on matters pertaining to that member's compensation. For purposes of this article, reimbursement of reasonable expenses incurred in performance of duties as a Trustee is not compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Library for services is precluded from voting on matters pertaining to that member's compensation
- c. No voting member of the Board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly, or indirectly, from the Library, either individually or collectively is prohibited from providing information to any committee regarding compensation

## **Article 6** **Annual Statements**

### **1. Annual Statements**

Each Trustee, officer, and key employee shall annually sign a statement ("the annual statement") which affirms such person:

- a. Has received a copy of the policy,
- b. Has read and understands the policy
- c. Has agreed to comply with the policy,

- d. Understands the Library is charitable and in order to maintain its tax-exempt status it must engage primarily in activities which accomplish one or more of its tax-exempt purposes and
- e. Has set forth existing potential conflicts of interest.

A form of annual statement for use by the Library is attached as Appendix A

## **2. Statement Required**

Each potential Trustee of the Library shall be required to complete, sign, and submit the annual statement to the Secretary of the Board prior to any initial appointment of such Trustee to the Board.

### **Article 7** **Periodic Reviews**

To ensure the Library operates in a manner consistent with its charitable purposes and does not engage in activities that could jeopardize its tax-exempt status or are otherwise unlawful, periodic reviews shall be conducted. The periodic review shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arms-length bargaining
- b. Whether partnerships, joint ventures, or other arrangements conform to the Library's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement impermissible private benefit or in an excess benefit transaction.

### **Article 8** **Use of Outside Experts**

When conducting the periodic reviews as provided for in Article 7, the Library may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of its responsibility for insuring periodic reviews are conducted.

### **Article 9** **Related Party Transactions**

#### **1. In general**

The Library shall not enter into a related party transaction (as such term is defined in Article 2 Section 5 of this policy) unless such transaction is determined by the Board to be fair, reasonable, and in the Library's best interest at the time of such determination. Any Trustee, officer, or key employee who has an interest in a related party transaction shall disclose in good faith to the Board or an authorized committee thereof the material facts concerning such interest

## **2. Procedure**

Except as otherwise provided herein, the procedure for disclosing, addressing and documenting a related party transaction shall be in accordance with the procedures set forth in Article 3 Section 1, Article 3 Section 3, and Article 4 of this policy respectively

### **3. Extraordinary related party transactions.**

With respect to any related-party transaction in which a related party has a substantial financial interest, the Board, or an authorized committee thereof, shall:

- a. Prior to entering into the transaction, consider alternative transactions to the extent available;
- b. Approve the transaction by not less than a majority vote of the Board or committee members present at the meeting and
- c. Contemporaneously document in writing the basis for the Board's or authorized committee's approval including its consideration of any alternative transactions

## **Article 10**

### **Indemnification**

#### **Indemnification of Board Members, Officers, Employees, and Volunteers**

##### **General Indemnification**

To the fullest extent permitted by law, the Williamson Public Library shall indemnify and hold harmless its current and former board members, officers, employees, and volunteers (hereinafter referred to as "Indemnitees") from any and all claims, demands, suits, damages, liabilities, losses, and expenses, including attorneys' fees and costs, arising from or relating to any act or omission made in good faith in the course of their duties on behalf of the Library, except in cases of gross negligence, willful misconduct, or unlawful actions.

##### **No Indemnification for Personal Wrongdoing**

The Williamson Public Library shall not indemnify any Indemnitee for actions that are determined to be the result of personal wrongdoing, including but not limited to:

Fraud, dishonesty, or bad faith actions.

Violation of any criminal law.

Any act that involves a breach of fiduciary duty.

**Advance of Expenses**

The Williamson Public Library may, in its discretion, pay expenses (including attorneys' fees) in advance of the final disposition of any claim, suit, or proceeding, provided that the Indemnitee agrees to repay such advance if it is ultimately determined that they were not entitled to indemnification under this provision.

**Insurance**

The Williamson Public Library may, at its discretion, purchase and maintain insurance on behalf of any Indemnitee against any liability or expense incurred in connection with their role as a board member, officer, employee, or volunteer, even if the Williamson Public Library would not otherwise be required to indemnify them under this provision.

**Survival of Indemnification Rights**

The indemnification rights provided under this provision shall continue in effect even after the Indemnitee has ceased to hold the position or role that gave rise to the indemnification rights, and shall benefit the heirs, executors, and administrators of the Indemnitee.

**Limitation of Liability**

This indemnification provision is intended to provide indemnity to the fullest extent allowed by law, and it shall be construed in a manner that is consistent with applicable law and regulations. If any part of this provision is found to be invalid or unenforceable, such finding shall not affect the validity or enforceability of the remaining provisions.

Reviewed 12/20/2024 Board of Trustees Meeting

Adopted: 1/16/25 Board of Trustees Meeting



**Appendix A**

**CONFLICT OF INTEREST POLICY OF  
THE WILLIAMSON PUBLIC LIBRARY**

**Annual Statements by Trustees, Officers, and Key Employees**

The undersigned, a Trustee, potential Trustee, officer, and/ or key employee of the Williamson Public Library (the "Library"), affirms that:

- a. I have received a copy of the Library's Conflict of Interest Policy (the "Policy");
- b. I have read and understand the Policy;
- c. I agree to comply with the Policy;
- d. To the best of my knowledge, below is a list of every entity in which I am an officer, Trustee, member-owner, or employee, and which the Library has, or may have, a relationship:

NONE

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- e. To the best of my knowledge, below is a list of any transaction in which the library is a participant and in which I might have a conflicting interest:

NONE

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- f. I understand the Library is charitable and in order to maintain its tax-exempt status it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

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Signature

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Print Name

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Date

**This form must be directed to the secretary of the Library Board of Trustees, who must provide a copy to the Library's Board President for inclusion with the Board minutes**

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## **THE LIBRARY TRUSTEE AND LIBRARY PUBLIC RELATIONS**

Library Trustees must:

1. Design policies with regards to all aspects of public relations.
2. Design specific outlines for the disbursement of funds for public relations.
3. Insure that the library is relevant to the needs of the community.
4. Insure that the community is aware of the importance of having a good library, and understands how their library needs are being met.
5. "Talk" library with friends, social and occupational contacts, relatives, etc.
6. Retain excellent diplomatic and political relations with governing authorities.
7. Evaluate with the Library Director the existing public relations program.

Policy Adopted: 2/28/89

Board of Trustees  
Williamson Free Public Library

### **THE LIBRARY TRUSTEE AND ESTABLISHING POLICY**

Establishing the policies is the trustees' most important responsibility in the area of public relations.

These policies should include the following tenets:

1. Communication must be two-way: from the library to the community and from the community to the library.
2. Public relations must be a continuous process.
3. Public relations practices must be marked by complete honesty and integrity.
4. Communication should be characterized by clarity and simplicity.
5. The public relations program should be comprehensive.
6. Every institutional agent should be involved in the public relations program.

Policy Adopted: 2/28/89

Board of Trustees  
Williamson Free Public Library

## Summary of Board Roles – Town and Library

<b>Duty</b>	<b>Town Bd.</b>	<b>Lib. Bd.</b>
1. Recommend library trustees for appointment		X
2. Appoint library trustees	X	
3. Submit library budget		X
4. Approve library budget		X
5. Secure adequate funding for service program		X
6. Oversee appropriate use of funding		X
7. Select and hire manager or director		X
8. Adopt policies and rules governing library service		X
9. Plan and evaluate library service program		X
10. Promote library program in community		X
11. Hold and maintain library property	X	

The library board has the same powers and duties as specified for trustees of every corporation created by the New York Board of Regents, as defined by New York State Education Law.

***From a letter by Charles Dittmar, Town Attorney, to the library board of trustees, dated 9/26/76:***

“... Section 260 of the Education Law of the State of New York pertains to powers and duties of trustees serving libraries chartered under said Education Law. These powers are minimum and must be complied with in lieu of specific by-laws or, in cases where there are by-laws, they take precedent to such by-laws.”

**1. Recommend library trustees for appointment:**

The **Library Board** recommends candidates for appointment to the Town Board for approval.

**Handbook for Library Trustees of New York State (Millennium Ed.):** A (library) board should seek out and encourage qualified candidates who can complement board strengths or fill a gap where a board is lacking in experience or skill.

## **2. Appoint library trustees:**

The **Town Board** appoints library trustees.

**NYS Ed. Law Section 260:** “The trustees of public libraries authorized to be established ...in towns...shall be appointed by the town board.”

## **3. Submit library budget:**

The **Library Board** prepares a budget request for the voters of the Williamson Central School District for approval.

**Handbook for Library Trustees of New York State (Millennium Ed.):** “The board of trustees defines the library’s mission, and the director translates that mission into programs with specific costs that form the basis for a draft budget...Before a budget is presented to the electorate or a local government for approval, the entire board should review, discuss and approve it.”

## **4. Approve library budget:**

The **Williamson Central School District Voters** approves any library budget increases.

**NYS Ed. Law Section 259:** “Taxes, in addition to those otherwise authorized, may be voted for library purposes by any authority named in section two hundred fifty-five of this part and shall, unless otherwise directed by such vote, be considered as annual appropriations therefore until changed by further vote and shall be levied and collected yearly, or as directed, as are other general taxes.

...All moneys received from taxes or other public sources for library purposes shall be kept as a separate library fund by the treasurer of the municipality or district making the appropriation and shall be expended only under direction of the library trustees on properly authenticated vouchers...”

## **5. Secure adequate funding for service program:**

The **Library Board** is responsible for obtaining sufficient funds for library operations.

**Handbook for Library Trustees of New York State (Millennium Ed.):** “The library board has the final responsibility for obtaining sufficient funds to provide appropriate service to the local community.”

## **6. Oversee appropriate use of funding:**

The **Library Board** approves expenditures and establishes reserve funds.

**Section 226, NY Education Law, #5:** “Take and hold by gift, grant, devise or bequest in their own right or in trust for any purpose comprised in the objects of the corporation...”

**Section 226, NY Education Law #6:** “Buy, sell mortgage, let and otherwise use and dispose of its property as they shall deem for the best interests of the institution...”

**Handbook for Library Trustees of New York State (Millennium Ed.):** “Public library boards are legally responsible for the library’s finances and financial management...Under State law, the board of trustees has sole authority over the expenditure of funds appropriated for library purposes.”

**Public Library Law in New York State (Carter, 1999):** “State moneys received by a town ‘public library’ should be paid to the town supervisor and expended by him only under the direction of the library trustees and upon properly authenticated vouchers.” (1 *Op. Compt.* 573. #995, December 5, 1945)

**Public Library Law in New York State (Carter, 1999):** “Library trustees of free public libraries are entrusted with the power and duty to direct the expenditure of library moneys kept by municipal treasurers, to audit claims payable therefrom, and to authorize payment for such audited claims by such treasurers.” (2 *Op. Compt.* 237, #1301, May 9, 1946)

**Public Library Law in New York State (Carter, 1999):** “Unexpended balances in the library fund at the close of a village fiscal year must remain to the credit of such fund and do not revert to the general fund...With reference to an inquiry concerning the setting aside of moneys in the library fund for contingent or emergency purposes, we are of the opinion that such action is entirely within the discretion of the library trustees. They, not the village board, have control over the purposes for which library moneys may be expended.” (9 *Op. Compt.* 126, #6088, April 27, 1953)

**Public Library Law in New York State (Carter, 1999):** “ The board of trustees of a library, and not the legislative body of the municipality or district which supports it, has the authority to adopt a form for the certification, or other means of authentication, of claims and payrolls.” (*Op. Compt.* 66-67, 3/23/66)

**Public Library Law in New York State (Carter, 1999):** “Libraries may operate on previously approved budgets and obtain tax levies therefore until such a budget is changed by vote. Since the prior year’s budget was approved for the library and not the cash flow schedule subsequently submitted by the library, the library is entitled to the tax dollars necessary to fund its previously approved budget, not the previously submitted cash flow. Additionally, the library is not required to use its surplus to reduce the amount of tax levied.” (29 *Educ. Dept. Rpts.* 316, *Jud. Dec. No.* 12, 306, 3/23/90)

**Public Library Law in New York State (Carter, 1999):** “A town board may not place limitations and restrictions upon the expenditure by the town library board of trustees of funds appropriated for library purposes.” (*Op. Compt.* 72-6, 4/7/72)

**Public Library Law in New York State (Carter, 1999):** “Where a village budget appropriates money for a village public library by line items, the library board of trustees may disregard the line items and use the moneys as it sees fit in administering the affairs of the library.” (*Op. Compt.* 72-553, 7/3/72):

## **7. Select and hire a manager or director:**

The **Library Board** is responsible for filling the director’s position.

**NYS Ed. Law Section 226. Powers of trustees of institutions:** “The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may: 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...”

**Public Library Law in New York State (Carter, 1999):** “There is a definite power in the trustees to fix the salaries of their paid personnel and I find no law which provides otherwise. The salary fixing powers of town boards do not, in my opinion, apply to paid personnel of free public libraries.” (*Inf. Op. Att. –Gen. 55-23, January 28, 1955*)

**Public Library Law in New York State (Carter, 1999):** “The board of trustees of the town public library, rather than the town board or the librarian, have the authority to employ and dismiss library personnel.” (*Op. Compt. 74-614, June 7, 1974*)

**Handbook for Library Trustees of New York State (Millennium Ed.):** “The day to day management of the library, including the management of staff, is the library director’s responsibility. The director is the only employee hired by the board: the director is responsible for all others.”

#### **8. Adopt policies and rules governing library service:**

The **Library Board** is responsible for the structure of policies governing the daily operation of the library.

**NYS Ed. Law Section 226. Powers of trustees of institutions:** “The trustees of every corporation created by the regents, unless otherwise provided by law or by its charter, may: Make all by-laws and rules necessary and proper for the purposes of the institution and not inconsistent with law ...”

**Handbook for Library Trustees of New York State (Millennium Ed.):** “The library board is responsible for creating such policies, reviewing and revising them, and ultimately enforcing them with the assistance of the library staff...While trustees alone have the legal authority to make policy, experience shows that the process works best when the library director and other key staff are closely involved.”

#### **9. Plan and evaluate the library service program:**

The **Library Board** is responsible for overseeing the library program and measuring whether it fully supports the library’s mission.

**Handbook for Library Trustees of New York State (Millennium Ed.):** “The library board has the final responsibility to see that its library provides the best possible service to its community.”

#### **10. Promote the library program in the community:**

The **Library Board** is responsible to ensure that the community is informed of the services available at the library and encouraged to use the library.

**Handbook for Library Trustees of New York State (Millennium Ed.):** “As the citizen control over the public library, the board of trustees has a responsibility for telling the library’s story to the taxpayers who support it.”

## 11. Hold and maintain library property:

The **Library Board** has the power to own the property and building from which the library operates.

### ***From a letter from Charles Dittmar, Town Attorney, to the Library Board dated 9/26/72:***

“The corporate status of the library has been recognized by the Monroe County Surrogate. Charles F. Garfield, late of the City of Rochester, Monroe County, New York, owned property on East Main Street in the Town of Williamson which he willed to the said library association in accordance with the Last Will and Testament admitted to probate in the said County of Monroe, New York, in the early part of 1930.

The said library association took title to said property under said will and has received special status for real property tax purposes and under such status is exempt from the payment of land taxes on the premises taken under the will of the said Charles F. Garfield and which the association’s library building is now situate.”

Adopted by the Williamson Public Library Board of Trustees as an addendum to the policy manual on November 15, 2001.

Adopted by the Williamson Town Board of Trustees as an addendum to Board Motion Finance 2 on December 11, 2001

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## 12. Trustee Education Policy

The Trustee Education Policy complies with New York State Education Law Section 260-d<sup>1</sup> requiring members of the Williamson Public Library Board of Trustees, beginning January 1, 2023, to complete a minimum of two hours of trustee education annually from a provider approved by the commissioner that addresses the financial oversight, accountability, and fiduciary responsibilities and the general power and duties of library trustees.

Each member of the Williamson Public Library Board of Trustees must demonstrate compliance with this policy by filing evidence with the Board President annually.

Each year Williamson Public Library Trustees are required to complete two hours of continuing education during their term on the Library Board.

According to Section 260-D, each Trustee shall demonstrate compliance with the requirements by filing with the President of the Board of Trustees evidence of completion of Trustee Education from

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<sup>1</sup> SECTION 260-D Board of Trustees Continuing Education, Education (EDN) CHAPTER 16, TITLE 1, ARTICLE 5, PART 2, <https://www.nysenate.gov/legislation/laws/EDN/260-D>



an approved provider, which will be entered into Board minutes. Such evidence shall include one of the following:

1. certificates of completion issued by one or more approved providers; or
2. a signed self-assurance of completion (included at the end of this policy).
  - a. Such assurance shall identify the approved trustee education providers, a description of the format and content of the completed instruction activities, the date and time such member began and completed each instruction activity and an explanation of why a certificate of completion was not available from such approved providers.

Evidence of completion shall be submitted to the Board President by December 31 of each year.

Should a Trustee fail to submit evidence of completion by the above date, the Trustee will be suspended from duty until evidence of completion is filed. Should a Trustee in suspension fail to provide evidence of completion within 90 days, they will have assumed to have resigned from the board.

Compliance will be tracked through the Williamson Public Library Annual Report to the State.

### **Approved Providers**

At the state level, trustee education providers and activities (topics and formats) are approved by the New York State Library acting on behalf of the Commissioner of Education.

In addition to pre-approving public library systems as trustee education providers, the State Library has delegated authority to public library systems to approve additional trustee education providers and activities (topics and formats) for their member libraries<sup>2</sup>.

#### **Pre-approved providers:**

- New York State Library/Division of Library Development
- Public Library Systems
- WebJunction
- New York Library Association (including the Library Trustees Section and other Sections/Roundtables)
- Reference and Research Library Resources Councils
- Empire State Library Network (formerly New York 3Rs Association)
- PULISDO (Public Library System Directors Organization)
- ALA including United for Libraries and other Divisions

#### **Allowable Formats:**

Trustee education may be delivered online or in person. The format of this education may include any of the following:

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<sup>2</sup> Trustee Education Requirements, Frequently Asked Questions, <https://www.nysl.nysed.gov/libdev/trustees/education.htm>

- Lectures
- Workshops
- Webinars
- Online courses
- Educational programs held at in-person or virtual regional
- State or national library association conferences

### **Costs of Continuing Education**

Modest and reasonable costs incurred by a Trustee in complying with the trustee education requirements may be reimbursed by the Williamson Public Library in accordance with continuing education policies. All continuing education requesting reimbursement must be pre-approved by the Williamson Public Library Board of Trustees.

## Self-Assurance of Trustee Education Activity Completion

Beginning January 1, 2023, each library trustee, elected or appointed, of a board of trustees is required to complete a minimum of two hours of trustee education annually. (Education Law 260-d as added by Chapter 468 of the Laws of 2021)

Please use this self-assurance form if a certificate of completion is not available from the approved education activity provider. Please submit this form to the library board president for review and signature. Trustees should retain a copy of the signed form.

I give the following assurance that I attended the following trustee education activity:

Trustee Name:

Approved Provider:

Title of Activity:

Topic/Content:

Format (e.g. workshop, webinar, online course):

Date and Time of Activity:

Contact Hours:

Reason for the Absence of a Completion Certificate:

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Trustee Signature  
Date

*Adopted: January 19, 2023*