



Galway Public Library
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Serving the Greater Galway Community.

Galway Public Library By-Laws

Preamble: The Board of Trustees, hereafter designated as “the Board” of the Galway Public Library, a school district public library created by a vote of the people in the Galway Central School District and certified by the Board of Education, hereby enacts the following By-Laws:

Purpose: The purpose of the Galway Public Library is to assemble, preserve, and provide printed and other materials to help meet the day-to-day educational, informational, cultural, and recreational interests and needs of the community. The Board shall make all by-laws and policies necessary, proper, and not inconsistent with any local, state, or federal law, to forward this purpose.

Article I – Board of Trustees Membership

The Board shall consist of no fewer than five (5) nor more than eleven (11) member trustees elected by the voters of the Galway Central School District. The current number of elected trustees on the Board is seven (7). Trustees shall serve without compensation. Unexpired terms of office shall be filled by the Board until the next Annual Election, at which time the vacancy will be filled by public election.

The term of office of trustees shall be five (5) years, to begin on July 1 in the year of election.

If a trustee shall fail to attend three consecutive meetings without an excuse accepted as satisfactory by the Board, the trustee shall be deemed to have resigned, and the unexpired term shall be filled as prescribed above.

Newly appointed trustees shall be provided with appropriate orientation by the Board President and the Library Director and shall be given a copy of the Galway Public Library By-Laws and a review of the *Handbook for Library Trustees of New York State* which outlines the basic information about trustee responsibilities.

Article II – Officers

1. The officers of the Board shall be President, Vice-President, and Secretary. Each officer shall be elected for a one-year term. All officers may serve as long as deemed appropriate by the Board.

2. The Nominating Committee shall be appointed by the President in June. A slate of officers shall be presented at the first regular Board meeting in July and elected by a majority vote of the Board.
3. Duties of Officers:
 - a) The President shall preside at meetings of the Board, appoint committees, authorize calls for special meetings and generally perform the duties of a presiding officer.
 - b) The Vice-President shall perform the duties of the President, in case of the absence or disability of the President, and shall succeed to the office of President upon the resignation or death of the President. In case both the President and the Vice-President are absent from a meeting, any member may call the meeting to order, and the members present (there being a quorum) shall elect a Chairman pro tem.
 - c) The Secretary shall have charge of the records of the Board and shall keep the minutes of its meetings. A copy of the minutes shall be kept in the Library and shall be available for public study. A copy of all official Board records, including but not limited to By-Laws, minutes of Board meetings, policies, and plans, shall be kept in the Library and shall be available for public study in conformance with the Freedom of Information Law of the State of New York, Public Officers Law, sections 84-90.

Article III – Committees

The Board may consider and act on any matter before it, with or without recommendations from a committee. The President shall appoint committee chairpersons annually and may appoint ad hoc committees as desired. Each Board member shall be appointed by the President to serve on one of the first five standing committees listed below. Each committee shall be comprised of at least one Library Board member, and may include members of the Friends of The Galway Public Library and the Galway school district community. The chairperson shall be responsible for periodic meetings of the committee and shall have an opportunity to report at each regular meeting of the Board. The President (with voting power) and the library director (with no voting power) shall be members, ex-officio, of all committees except nominating committees.

1. The **Finance Committee** shall have general supervision of the policies and plans for the fiscal resources of the Library. It will be responsible for but not confined to:
 - a) Preparing an annual budget in cooperation with the Library Director and Treasurer for the Board's approval.
 - b) Evaluating and advising the Board on endowment, memorial and other gifts, savings and financial plans in a manner advantageous to the annual and future needs of the Library.
 - c) Requesting and considering recommendations made by the other committees.

- d) Seeking and receiving public funds on an on-going and regular basis and reporting to funding authorities on how public funds were spent and what services the Library offers the community.
- 2. The **Building and Grounds Committee** shall conduct periodic inspections of the furniture, equipment, building and grounds and shall make recommendations to the Board concerning changes, acquisitions, and replacement of furniture and equipment, repairs, alterations, replacement or addition of building equipment, insurance coverage of the building, and any other anticipated expenses to be included in the annual budget and such other matters as may be referred to it by the Board.
- 3. The **Publicity / Public Relations Committee** shall promote awareness in the community about library services and needs.
- 4. The **Personnel Committee** shall recommend and present to the Board final candidates for library staff. It shall evaluate the performance of the Director and make recommendations for salary and benefits for all staff and shall adjudicate, if necessary, any formal grievance brought to it by a staff member, reporting the matter to the Board at its next meeting.
- 5. The **Long Range Planning Committee** shall be responsible for evaluating the future Library needs of the community and presenting a plan to the Board which will provide for the growth and improvement of the Library and library service. It shall enlist the aid of the Library Director and other standing committees when necessary in planning a program for approval by the Board.
- 6. The **Nominating Committee** shall consist of three members of the Board who shall submit a proposed slate of officers to be presented to the Board at the July Board meeting. Membership on such committee shall not prohibit nomination for office.

Article IV – Meetings

- 1. A minimum of six (6) meetings a year shall be held, as determined by the Board, and shall be open to the public in conformance with Education Law 260-a, except when individual personnel issues are being discussed. Public notice of the time and place of a meeting, scheduled at least two weeks prior thereto, shall be given to the public and news media at least one week before such meeting. All Board and Committee meetings shall be conducted in conformance with the provisions of the Open Meetings Law of the State of New York, Public Officers Law, sections 100-111. (see Open Meetings Law Procedure- appendix A)
- 2. The fiscal year of the Library shall commence on the first day of July.
- 3. Special meetings shall be held at the call of the President or any three Trustees.
- 4. A majority of the whole Board shall constitute a quorum.

5. The order of business shall be held as follows:

- a) Roll call
- b) Review of minutes of previous meeting
- c) Financial report and approval of expenditures
- d) Report of Library Director
- e) Report of standing committees
- f) Report of special committees
- g) Nominations and elections, if any
- h) Correspondence and communications
- i) Unfinished business
- j) New business
- k) Adjournment

Article V – Library Director

1. The Board shall appoint a Library Director who shall be held responsible for the proper performance of duties as spelled out in the job descriptions provided by the Board.
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 Board meetings but shall not have the right to vote thereon.

Article VI - Treasurer

1. The Board shall appoint a Treasurer who shall be held responsible for the proper performance of duties as spelled out in the job descriptions provided by the Board.
2. The Treasurer shall be responsible for all monies appropriated by the Library and for funds with which the library is endowed. The Treasurer shall serve on the finance committee, maintain accurate and audited financial records; shall monitor, control, and receive funds; shall prepare, with the assistance of the Library Director, written monthly receipts and expenditures, and other financial reports. With the assistance of the finance committee and the Treasurer, the Library Director will prepare an annual budget. The treasurer will prepare a year-end financial report and shall present them to the Board of Trustees for approval.
3. The Treasurer's accounts shall be examined annually by an auditor. The auditor shall sign a statement of fact upon completion of the audit and upon satisfaction that the Treasurer's annual report is correct.
4. The Treasurer shall perform other such duties as are generally required of the office. The Treasurer shall be a bonded.

5. In the absence of the Treasurer, the Board shall appoint a Deputy Treasurer to perform the Treasurer's duties.

Article VII - Book Keeper

1. The Board shall appoint a Book Keeper who shall be held responsible for the proper performance of duties as spelled out in the job descriptions provided by the Board.
2. The Book Keeper shall pay bills, make deposits, and maintain the accounting books.

Article VIII – Provisions

The following provisions shall apply to the Galway Public Library.

1. **Abolition and Dissolution:** In the event of abolition and/or dissolution, all of the remaining assets and property of the Library shall be disposed in accordance with the provisions of Section 268 of the Education law; specifically, the property of the Library shall be used first to return to the Regents of the State of New York, for the benefit of other public, school, or free association libraries in the Galway locality, the equivalent of such sums as it may have received from the state or from other sources as gifts for public use.

In the event the property and the assets of the Library exceed the property returned to the Regents, such assets and property shall, after necessary expenses thereof, be distributed to such organizations as shall qualify under Section 501(c)(3) of the Internal Revenue Code or corresponding provisions of any subsequent federal tax laws. Distribution of assets will conform to New York State Education Commissioner's Law 220.

2. **Non-Inurement:** No part of the net earnings of the organization shall inure to the benefit of any member, trustee, employee, officer of the organization, or any private individual (except that reasonable compensation may be paid for services rendered to or for the organization).
3. **Restrictive Legislation:** No substantial part of the activities of the organization shall be carrying on propaganda or otherwise attempting to influence legislation, except as otherwise provided by Internal Revenue Code section 501(h), or participating in or intervening in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.
4. **Restrictive Purposes and Activities:** Notwithstanding any other provision of these articles, the organization is organized exclusively for one or more of the following purposes: religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or

animals, as specified in section 501(c)(3) of the Internal Revenue Code of 1954, and shall not carry on any activities not permitted to be carried on by an organization exempt from the federal income tax under section 501(c)(3) or corresponding provisions of any subsequent federal tax laws.

Article VII – Amendments

These By-Laws may be repealed, amended, or added to by a majority 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 or special meeting and notice thereof has been given in the notice of the meeting at which it is to be considered.

Appendix A – Open Meetings Law Compliance

The Board of Trustees of the Galway Public Library is committed to following the letter and intent of the NYS Public Officers Law, Article 7 known as the Open Meetings Law. The text of this law can be found at <http://www.dos.ny.gov/coog/openmeetlaw> and below.

Open Meetings Law Public Announcement Procedure:

1. Board members or committee members wishing to hold a meeting must contact the library director via email, phone or in person, with a confirmed meeting date, time, and agenda in no less than fourteen days in advance of the meeting day when contacting the director. Regularly reoccurring meetings should be scheduled at the annual meeting and/or as deemed necessary by the Board of Trustees and notice appropriately posted.
2. The director and/or the PR clerk will:
 - contact the local news media with the meeting date(s), time, and agenda topic,
 - will publish the same onto www.galwaypubliclibrary.org
 - post a flyer with the same in the library's outdoor public bulletin board
 - post a flyer with the same at the Galway Market.
3. Should a meeting date and time not be scheduled and confirmed with the director one week prior to the meeting minimum lead time, the meeting will be announced to the media and the community as in item #2 but will be titled as a "Special" or an "Emergency" meeting

NYS PUBLIC OFFICERS LAW, ARTICLE 7- OPEN MEETINGS LAW

Section 100. Legislative declaration.

Section 101. Short title.

Section 102. Definitions.
Section 103. Open meetings and executive sessions.
Section 104. Public notice.
Section 105. Conduct of executive sessions.
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§100. Legislative declaration.

It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonweal will prosper and enable the governmental process to operate for the benefit of those who created it.

§101. Short title. This article shall be known and may be cited as "Open Meetings Law".

§102. Definitions. As used in this article:

1. "Meeting" means the official convening of a public body for the purpose of conducting public business, including the use of videoconferencing for attendance and participation by the members of the public body.
2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body.
3. "Executive session" means that portion of a meeting not open to the general public.

§103. Open meetings and executive sessions.

- (a) Every meeting of a public body shall be open to the general public, except that an executive session of such body may be called and business transacted thereat in accordance with section one hundred five of this article.
 - (b) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in facilities that permit barrier-free physical access to the physically handicapped, as defined in subdivision five of section fifty of the public buildings law.
 - (c) A public body that uses videoconferencing to conduct its meetings shall provide an opportunity to attend, listen and observe at any site at which a member participates.
 - (d) Public bodies shall make or cause to be made all reasonable efforts to ensure that meetings are held in an appropriate facility which can adequately accommodate members of the public who wish to attend such meetings.
1. Any meeting of a public body that is open to the public shall be open to being photographed, broadcast, webcast, or otherwise recorded and/or transmitted by audio or video means. As used herein the term "broadcast" shall also include the transmission of
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signals by cable.

2. A public body may adopt rules, consistent with recommendations from the committee on open government, reasonably governing the location of equipment and personnel used to photograph, broadcast, webcast, or otherwise record a meeting so as to conduct its proceedings in an orderly manner. Such rules shall be conspicuously posted during meetings and written copies shall be provided upon request to those in attendance.

(e) Agency records available to the public pursuant to article six of this chapter, as well as any proposed resolution, law, rule, regulation, policy or any amendment thereto, that is scheduled to be the subject of discussion by a public body during an open meeting shall be made available, upon request therefor, to the extent practicable as determined by the agency or the department, prior to or at the meeting during which the records will be discussed. Copies of such records may be made available for a reasonable fee, determined in the same manner as provided therefor in article six of this chapter. If the agency in which a public body functions maintains a regularly and routinely updated website and utilizes a high speed internet connection, such records shall be posted on the website to the extent practicable as determined by the agency or the department, prior to the meeting. An agency may, but shall not be required to, expend additional moneys to implement the provisions of this subdivision.

§104. Public notice.

1. Public notice of the time and place of a meeting scheduled at least one week prior thereto shall be given to the news media and shall be conspicuously posted in one or more designated public locations at least seventy-two hours before such meeting.
2. Public notice of the time and place of every other meeting shall be given, to the extent practicable, to the news media and shall be conspicuously posted in one or more designated public locations at a reasonable time prior thereto.
3. The public notice provided for by this section shall not be construed to require publication as a legal notice.
4. If videoconferencing is used to conduct a meeting, the public notice for the meeting shall inform the public that videoconferencing will be used, identify the locations for the meeting, and state that the public has the right to attend the meeting at any of the locations.
5. When a public body has the ability to do so, notice of the time and place of a meeting given in accordance with subdivision one or two of this section, shall also be conspicuously posted on the public body's internet website.

§105. Conduct of executive sessions.

1. Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

- a. matters which will imperil the public safety if disclosed;
- b. any matter which may disclose the identity of a law enforcement agent or informer;
- c. information relating to current or future investigation or prosecution of a criminal offense which would imperil effective law enforcement if disclosed;
- d. discussions regarding proposed, pending or current litigation;
- e. collective negotiations pursuant to article fourteen of the civil service law;

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- f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
 - g. the preparation, grading or administration of examinations; and
 - h. the proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities held by such public body, but only when publicity would substantially affect the value thereof.
2. Attendance at an executive session shall be permitted to any member of the public body and any other persons authorized by the public body.

§106. Minutes.

1. Minutes shall be taken at all open meetings of a public body which shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon.
2. Minutes shall be taken at executive sessions of any action that is taken by formal vote which shall consist of a record or summary of the final determination of such action, and the date and vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the freedom of information law as added by article six of this chapter.
3. Minutes of meetings of all public bodies shall be available to the public in accordance with the provisions of the freedom of information law within two weeks from the date of such meeting except that minutes taken pursuant to subdivision two hereof shall be available to the public within one week from the date of the executive session.

§107. Enforcement.

1. Any aggrieved person shall have standing to enforce the provisions of this article against a public body by the commencement of a proceeding pursuant to article seventy-eight of the civil practice law and rules, and/or an action for declaratory judgment and injunctive relief. In any such action or proceeding, if a court determines that a public body failed to comply with this article, the court shall have the power, in its discretion, upon good cause shown, to declare that the public body violated this article and/or declare the action taken in relation to such violation void, in whole or in part, without prejudice to reconsideration in compliance with this article. If the court determines that a public body has violated this article, the court may require the members of the public body to participate in a training session concerning the obligations imposed by this article conducted by the staff of the committee on open government. An unintentional failure to fully comply with the notice provisions required by this article shall not alone be grounds for invalidating any action taken at a meeting of a public body. The provisions of this article shall not affect the validity of the authorization, acquisition, execution or disposition of a bond issue or notes.
2. In any proceeding brought pursuant to this section, costs and reasonable attorney fees may be awarded by the court, in its discretion, to the successful party. If a court determines that a vote was taken in material violation of this article, or that substantial deliberations relating thereto occurred in private prior to such vote, the court shall award costs and reasonable attorney's fees to the successful petitioner, unless there was a reasonable basis for a public body to believe that a closed session could properly have been held.
3. The statute of limitations in an article seventy-eight proceeding with respect to an

action taken at executive session shall commence to run from the date the minutes of such executive session have been made available to the public.

§108. Exemptions. Nothing contained in this article shall be construed as extending the provisions hereof to:

1. judicial or quasi-judicial proceedings, except proceedings of the public service commission and zoning boards of appeals;
2. a. deliberations of political committees, conferences and caucuses.
b. for purposes of this section, the deliberations of political committees, conferences and caucuses means a private meeting of members of the senate or assembly of the state of New York, or of the legislative body of a county, city, town or village, who are members or adherents of the same political party, without regard to
 - (i) the subject matter under discussion, including discussions of public business,
 - (ii) the majority or minority status of such political committees, conferences and caucuses or
 - (iii) whether such political committees, conferences and caucuses invite staff or guests to participate in their deliberations; and
3. any matter made confidential by federal or state law.

§109. Committee on open government. The committee on open government, created by paragraph

(a) of subdivision one of section eighty-nine of this chapter, shall issue advisory opinions from time to time as, in its discretion, may be required to inform public bodies and persons of the interpretations of the provisions of the open meetings law.

§110. Construction with other laws.

1. Any provision of a charter, administrative code, local law, ordinance, or rule or regulation affecting a public body which is more restrictive with respect to public access than this article shall be deemed superseded hereby to the extent that such provision is more restrictive than this article.
2. Any provision of general, special or local law or charter, administrative code, ordinance, or rule or regulation less restrictive with respect to public access than this article shall not be deemed superseded hereby.
3. Notwithstanding any provision of this article to the contrary, a public body may adopt provisions less restrictive with respect to public access than this article

§111. Severability. If any provision of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction such judgment shall not affect or impair the validity of the other provisions of the article.

I certify that our Board of Trustees adopted the above at a meeting held on 7/5/17.

This document reflects revisions made to the original policy adopted 7/13/1999 and revised 1/8/2002, 4/6/2004, 6/1/2004, 10/2/2006, 7/16/2007, and 11/5/13.



Arlene Rhodes, Board President

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