



A NEWSLETTER FOR LIBRARY TRUSTEES WITHIN THE PIONEER LIBRARY SYSTEM

March 2009 Edition

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Understanding Public Library Law and Regulations

by Jennifer Morris, Executive Director, Pioneer Library System

We were fortunate to have Dick Panz, retired library system director, lead two trustee workshops last fall. Below are some of the key points of his workshops.

Types of public libraries in New York

There are four types of public libraries and each has its own distinct elements as outlined below. However, they do have significant elements in common. All are independent educational corporations, chartered by the NYS Board of Regents. All must comply with NYS Education Law, regulations established by the Commissioner of Education, other applicable state laws, regulations and rulings of the Comptroller and Attorney General. This includes, for example, the "minimum standards," which are Commissioner Regulations 90.2. In addition, each type of public library has the power to establish its own policies, establish salaries and benefits for employees, control all library funds, place funding propositions on a municipal or school ballot, and fill mid-term vacancies on the Board.

Association – established by an "association" of members. Membership is open to the public; trustees elected by the members. Appropriations may be from municipalities and/or tax levies as approved by voters. No Civil Service requirements, not eligible for state retirement system unless specified by statute.

Municipal – established by county, city, town or village, which appropriates funds for library services. The municipality appoints the trustees. Appropriations are deposited into a separate "library fund" that is under the control of the library trustees. Operates under Civil Service law and may offer state retirement benefits.

School district public – established through a vote by residents of the district who agree to tax themselves for library services. Trustees are elected; taxes are collected by the district and paid over to the library. School board has no authority over library governance. Operates under Civil Service law and may offer state retirement benefits.

Special legislative district – established in a two-step process: first is a special act of the state legislature which defines the boundaries and allows an election; second is the vote by residents to agree to tax themselves for library services. Trustees are elected; taxes are collected by the municipality specified and paid over to the library. Operates under Civil Service law and may offer state retirement benefits.

Relevant Sections of NYS Education Law

Powers of Trustees

Ed Law §216 – Charters

Library boards are independent entities, separate from any municipality or school district

Ed Law §226 – Powers of Trustees

- (4) Trustees have the power to fill unexpired terms for vacancies.
- (5) Gifts received by municipal and school district public libraries must be invested in the same manner as tax monies.
- (6a) Libraries have the right to purchase and dispose of property, and to borrow funds.
- (6b) Libraries that receive over \$10,000 in state aid must offer surplus materials to other non-profit entities before selling them.

Feature Topic: Library Law and Regulations

(7) Salaries and benefits are set by trustees, not the municipality or school district.

Library trustees may not be paid or receive compensation for service

(8) Library trustees may be removed from board by majority vote if derelict in their duties

Sec 259 (1) – Library taxes

- Libraries may place propositions on school district or municipal ballots
- All funding propositions placed on municipal or school district ballots must be approved in advance by library board
- Taxes authorized to support a library continue from year to year until a subsequent vote
- Library boards are required to approve (audit) bills (claims) prior to payment
- All tax money collected to support a public library must be placed in separate “library fund” within the school district or municipality or paid over to the library treasurer in a lump sum if so requested
- Only the library board can approve expenditures from the fund
- School districts have no control over budgets of SD Public Libraries
- School districts must pay over to a public library (all types) all taxes approved by voters in a lump sum - when collected
- Money remaining in a library fund at the end of a fiscal year cannot be “taken” back by a municipality or school district
- SD public libraries must let contracts for public work and purchases by competitive bidding in accordance with section 103 of general municipal law
- Treasurer for SD public library may not be a library board member
- School Districts cannot charge back costs of certain service to SD public library
- School Districts have no control over the level of funding propositions placed before voters by public libraries (all types)

Ed Law §259(4)

- Public libraries (all types) can establish petty cash fund that can be spent by employees but board must approve all expenditures from the fund

Ed Law §260(1)

- Establishes the basic authority of public library boards and specifies some parameters for board size

Ed Law §260(2)

- Establishes process for appointing and/or electing public library trustees
- Establishes residency requirement for city public library boards
- Enables school board members to be elected to library board

Ed Law §260(4)

- Members of town, village or city boards that have the authority to appoint library board members may not serve on the public library board

Ed Law §260(7)

- SD public library may schedule special meeting to elect library trustees and approve budget (Between April and July)
- School district must schedule the election as part of its annual meeting if the library board does not schedule the meeting

Ed Law §260(8)

- Specifies number of signatures on petitions to run for election to a SD public library board (25 or 2% of votes cast in last election- whichever is higher)

Ed Law §260(9)

- Allows school district public library to schedule a revote if its annual budget proposition is defeated

Ed Law §260(10)

- Enables school district public libraries to place bonding propositions before voters & establishes that school district must issue bonds if approved by voters

- Establishes that school districts retain ownership of library facilities if it issues bonds for the facility

Ed Law §260(11)

- Expenses associated with elections scheduled by school district public library board if separate from school district election can be charged back to the library

Ed Law §260(12)

- Requires all public libraries to adopt internet use policies

Ed Law §260-a Meetings of board of trustees

- Specifies that all public library board and committee meetings are subject to provisions of article 7 of public officers law (open meetings law)

Commissioner's Regulations

90.2 – Standards for Public Libraries

90.3 – Plans of Service for Public Library Systems

90.4 – Standards for Central Libraries

90.7 – Certification of public librarians

90.8 – Appointment of library personnel – education for directors

90.12 – State Aid for Library Construction

Other Relevant Laws:

CIVIL PRACTICE LAW – ART. 45 – Confidentiality of library records

CIVIL SERVICE LAW – Covers all public libraries (municipal, school district, special legislative district)

GENERAL MUNICIPAL LAW – ART. 3 §30 -Requires annual reports

GENERAL MUNICIPAL LAW – ARTICLE §10 & 11 – Governs investments by public libraries

GENERAL MUNICIPAL LAW – ARTICLE 4 §52 – Allows public libraries to purchase liability insurance

PUBLIC OFFICERS LAW – ARTICLE 2 §10 – Requires all public library trustees to take oath of office

PUBLIC OFFICERS LAW – ARTICLE 2 §18 – Provides for defense and indemnification of officers and employees of public libraries

Coming Soon:

A Workshop for Trustees & Staff: Successful Marketing for Libraries in Tough Economic Times

Presenters:

Ad Council of Rochester, Adrienne Frank Cavallaro, Director of Community Engagement & Development,

Todd Butler, President and CEO,

and Jennifer Morris, Pioneer Library System, Executive Director

The Ad Council of Rochester provides marketing communications services to non-profits, partnering with professional marketing specialists to assist cultural organizations in delivering their message. Todd Butler and Adrienne Frank Cavallaro will share their success stories in helping libraries in the Rochester and Finger Lakes area develop marketing skills.

March 31, 2009, Tuesday

at Pioneer Library System

6:30—8:30 p.m. (light dinner included)

visit <http://www.pls-net.org>

and click on the Calendar of Events



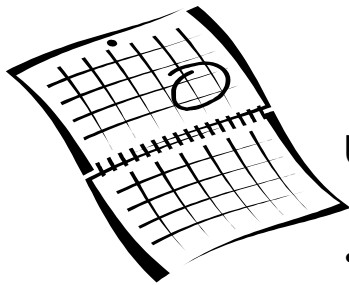
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Trustee Talk is a publication of the Pioneer Library System for Library Trustees in Ontario, Wayne, Wyoming and Livingston Counties.

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Upcoming Workshops & Events:

- March 31, 2009
Trustee Workshop at Pioneer Library System
(see inside for details)
- October 7, 2009
Pioneer Library System 20th Annual Dinner

<http://www.pls-net.org>

Click on Calendar of Events for details
and to register online